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An Act for the prevention of Corrupt Practices at Municipal Elections.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The following persons shall be deemed guilty of bribery, Certain persons to be deemed guilty of bribery.  
 5 and shall be punished accordingly :—

(1.) Every person who shall directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer or promise any money or valuable consideration, or shall give or procure, or agree to give or procure, or offer or promise, any office, place or employment, to or Giving money to voters, &c.  
 10 for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election, or upon a by-law for raising any money or creating a debt upon a municipality Procuring offices for voters.  
 15 or part of a municipality for any purpose whatever, or who shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any such election, or upon any such by-law :

(2.) Every person who shall directly or indirectly, by himself or by any other person in his behalf, make any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in any municipal council, or to procure the passing of any such by-law as aforesaid, Persons who influence voters.  
 20 or the vote of any voter at any municipal election, or for any such by-law :

(3.) Every person who shall by reason of any such gift, loan, offer, promise, procurement or agreement, procure or engage, promise or endeavour to procure the return of any person in Corruptly influencing voters.  
 30 any municipal election, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law :

(4.) Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person with the Advancing money for bribery, &c.  
 35 intent that such money, or any part thereof, shall be expended in bribery at any municipal election, or at any voting upon a by-law as aforesaid, or who shall knowingly pay, or cause to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such Advancing money for bribery, &c.  
 40 election, or at the voting upon any such by-law :

(5.) Every voter who shall, before or during any municipal election, or the voting of any such by-law, directly or indirectly, by himself or by any other person on his behalf, receive, agree or contract for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other Voters receiving money, &c.  
 45

person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at any such election, or upon any such by-law :

- Receiving money after the election, &c. (6.) Every person who shall, after any such election, or the voting upon any such by-law, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted, or refrained from voting, or having induced any other person to vote or to refrain from voting at any such election, or upon any such by-law : 5
- Hiring teams, &c. (7.) Every person who shall hire any horses, teams, carriages or other vehicles for the purpose of conveying electors to and from the polls, and every person who shall receive pay for the use of any horses, teams, carriages or other vehicles, for the purpose of conveying electors to and from any polls as aforesaid. 10 15
- Using violence or intimidation. 2. Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of, or threaten to make use of any force, violence or restraint, or inflict, or threaten the infliction, by himself or by or through any other person, of any injury, damage or loss, or in any manner practise intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall in any way prevent or otherwise interfere with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence, and be subject to the penalty hereinafter mentioned. 20 25
- Expenses of candidates. 3. The actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. 30
- Penalty on candidates. 4. Any candidate elected at any municipal election, who shall be found guilty by the judge, upon any trial, upon a writ of *quo warranto*, of any act of bribery, or with using undue influence as aforesaid, shall forfeit his seat, and shall be rendered ineligible as a candidate at any municipal election for two years thereafter. 35
- Penalty. 5. Any person who shall be adjudged guilty of any of the offences within the meaning of this Act, shall incur a penalty of twenty dollars, and shall be disqualified from voting for the next succeeding two years. 40
- Recovery of penalty. 6. The penalties imposed by this Act shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment shall be rendered, shall be ineligible, either as a candidate or municipal voter, until the amount which he has been condemned to pay shall be fully paid and satisfied. 45
- Judge to make return. 7. It shall be the duty of the judge who finds any candidate guilty of a contravention of this Act, or who condemns any person to pay any sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith 50

to the clerk of the municipality wherein the offence has been committed.

8. The clerk of every municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his municipality who shall have been adjudged guilty of any offence within the meaning of this Act, and of which he shall have been notified by the judge who tried the case.

Clerk to keep books, &c.

9. All proceedings against a candidate elected at any municipal election for any violation of the provisions of this Act, must be commenced within the time allowed by the Municipal Act of 1866, and shall be tried in the manner prescribed by section of said Act.

Proceedings against candidate to be commenced.

10. All other proceedings against any person for any violation of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon any by-law as aforesaid.

Time for commencing actions.

11. The clerk of every municipality shall furnish each returning officer with at least six copies of this Act prior to every election, or the voting upon any by-law, whose duty it shall be to post the same up in conspicuous places within the municipality or polling divisions.

Copy of Act to be posted prior to election.

BILL.

An Act for the prevention of Corrupt Practices at Municipal Elections.

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1st Reading, 29th January, 1872.

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Mr. BYKERT.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.



An Act for the prevention of Corrupt Practices at Municipal Elections.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The following persons shall be deemed guilty of bribery, and shall be punished accordingly :—

Certain persons to be deemed guilty of bribery.

(1.) Every person who shall directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer or promise any money or valuable consideration, or shall give or procure, or agree to give or procure, or offer or promise, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election, or upon a by-law for raising any money or creating a debt upon a municipality or part of a municipality for any purpose whatever, or who shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any such election, or upon any such by-law :

Giving money to voters, &c.

Procuring offices for voters.

(2.) Every person who shall directly or indirectly, by himself or by any other person in his behalf, make any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in any municipal council, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law :

Persons who influence voters.

(3.) Every person who shall by reason of any such gift, loan, offer, promise, procurement or agreement, procure or engage, promise or endeavour to procure the return of any person in any municipal election, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law :

Corruptly influencing voters.

(4.) Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any municipal election, or at any voting upon a by-law as aforesaid, or who shall knowingly pay, or cause to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election, or at the voting upon any such by-law :

Advancing money for bribery, &c.

(5.) Every voter who shall, before or during any municipal election, or the voting of any such by-law, directly or indirectly, by himself or by any other person on his behalf, receive, agree or contract for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other

Voters receiving money, &c.

person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at any such election, or upon any such by-law :

Receiving  
money after  
the election,  
&c.

(6.) Every person who shall, after any such election, or the voting upon any such by-law, directly or indirectly, by himself 5  
or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted, or refrained from voting, or having induced any other person to vote or to refrain from voting at any such election, or upon any such by-law : 10

Hiring teams.  
&c.

(7.) Every person who shall hire any horses, teams, carriages 10  
or other vehicles for the purpose of conveying electors to and from the polls, and every person who shall receive pay for the use of any horses, teams, carriages or other vehicles, for the purpose of conveying electors to and from any polls as afore- 15  
said.

Using  
violence or  
intimidation.

2. Every person who shall directly or indirectly, by himself  
or by any other person on his behalf, make use of, or threaten to make use of any force, violence or restraint, or inflict, or threaten the infliction, by himself or by or through any other 20  
person, of any injury, damage or loss, or in any manner practise intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall in any way prevent or otherwise 25  
interfere with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence, and be subject to the penalty hereinafter mentioned.

Expenses of  
candidates.

3. The actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be 30  
held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

Penalty on  
candidates.

4. Any candidate elected at any municipal election, who shall be found guilty by the judge, upon any trial, upon a writ of *quo warranto*, of any act of bribery, or with using undue 35  
influence as aforesaid, shall forfeit his seat, and shall be rendered ineligible as a candidate at any municipal election for two years thereafter.

Penalty.

5. Any person who shall be adjudged guilty of any of the offences within the meaning of this Act, shall incur a penalty 40  
of twenty dollars, and shall be disqualified from voting for the next succeeding two years.

Recovery of  
penalty.

6. The penalties imposed by this Act shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt in the Division Court having jurisdiction 45  
where the offence was committed ; and any person against whom judgment shall be rendered, shall be ineligible, either as a candidate or municipal voter, until the amount which he has been condemned to pay shall be fully paid and satisfied.

Judge to  
make return.

7. It shall be the duty of the judge who finds any candidate 50  
guilty of a contravention of this Act, or who condemns any person to pay any sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith

to the clerk of the municipality wherein the offence has been committed.

8. The clerk of every municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his municipality who shall have been adjudged guilty of any offence within the meaning of this Act, and of which he shall have been notified by the judge who tried the case.

Clerk to keep books, &c.

9. All proceedings against a candidate elected at any municipal election for any violation of the provisions of this Act, must be commenced within the time allowed by the Municipal Act of 1866, and shall be tried in the manner prescribed by section of said Act.

Proceedings against candidate to be commenced.

10. Any by-law the passage of which has been procured through or by means of any violation of the provisions of this Act, shall be liable to be quashed upon any application to be made in conformity with the provisions of the Municipal Institutions Act of one thousand eight hundred and sixty-six, as hereinafter provided.

Quashing by-laws.

11. Before any application for the quashing of a by-law upon the ground that any of the provisions of this Act have been contravened in procuring the passing of the same, and if it is made to appear to a judge of one of the Superior Courts, that probable grounds exist for a motion to quash said by-law, the said judge may make an order for an inquiry, to be held upon such notice to the parties affected, as the Judge may direct concerning the said grounds, before the judge of the county court of the municipality which passed said by-law, and require that upon such enquiry, all witnesses both against and in support of such by-law, be orally examined upon oath before said county court judge; and the said county court judge shall thereupon return the evidence so taken before him to the clerk of the Crown and Pleas at Toronto; and after the return of said evidence, and upon reading the same, any Judge of the said Superior Courts may, upon notice to such of the parties concerned, as he shall think proper, proceed to hear and determine the question; and if the grounds therefor shall appear to him to be satisfactorily established, it shall be competent to him to make an order for quashing said by-law, and may order the costs attending said proceedings to be paid by the parties or any of them who shall have supported said by-law; and if it shall appear that the application to quash said by-law ought to be dismissed, the said Judge may so order, and in his discretion award costs, to be paid by the persons applying to quash said by-law.

Procedure on application to quash by-laws

12. All other proceedings against any person for any violation of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon any by-law as aforesaid.

Time for commencing actions.

13. The clerk of every municipality shall furnish each returning officer with at least six copies of this Act prior to every election, or the voting upon any by-law, whose duty it shall be to post the same up in conspicuous places within the municipality or polling divisions.

Copy of Act to be posted prior to election.

1st Session, 2nd Parliament, 35 Victoria, 1872.

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BILL.

An Act for the prevention of Corrupt Practices at Municipal Elections.

*Reprinted as Amended.*

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First Reading, 29th January, 1872.

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Mr. RYKOFF

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TORONTO:

PRINTED BY HUNTER, ROSE & Co, KING ST.

An Act for the prevention of Corrupt Practices at  
Municipal Elections.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. The following persons shall be deemed guilty of bribery,  
and shall be punished accordingly :—

Certain persons to be deemed guilty of bribery.

(1.) Every person who shall directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer or promise any money or valuable consideration, or shall give or procure, or agree to give or procure, or offer or promise, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election, or upon a by-law for raising any money or creating a debt upon a municipality or part of a municipality for any purpose whatever, or who shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any such election, or upon any such by-law :

Giving money to voters, &c.

Procuring offices for voters.

(2.) Every person who shall directly or indirectly, by himself or by any other person in his behalf, make any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in any municipal council, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law :

Persons who influence voters.

(3.) Every person who shall by reason of any such gift, loan, offer, promise, procurement or agreement, procure or engage, promise or endeavour to procure the return of any person in any municipal election, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law :

Corruptly influencing voters.

(4.) Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any municipal election, or at any voting upon a by-law as aforesaid, or who shall knowingly pay, or cause to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election, or at the voting upon any such by-law :

Advancing money for bribery, &c.

(5.) Every voter who shall, before or during any municipal election, or the voting of any such by-law, directly or indirectly, by himself or by any other person on his behalf, receive, agree or contract for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other

Voters receiving money, &c.

person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at any such election, or upon any such by-law :

Receiving money after the election, &c.

(6.) Every person who shall, after any such election, or the voting upon any such by-law, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted, or refrained from voting, or having induced any other person to vote or to refrain from voting at any such election, or upon any such by-law :

Hiring teams, &c.

(7.) Every person who shall hire any horses, teams, carriages or other vehicles for the purpose of conveying electors to and from the polls, and every person who shall receive pay for the use of any horses, teams, carriages or other vehicles, for the purpose of conveying electors to and from any polls as aforesaid.

Using violence or intimidation.

2. Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of, or threaten to make use of any force, violence or restraint, or inflict, or threaten the infliction, by himself or by or through any other person, of any injury, damage or loss, or in any manner practise intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall in any way prevent or otherwise interfere with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence, and be subject to the penalty hereinafter mentioned.

Expenses of candidates.

3. The actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

Penalty on candidates.

4. Any candidate elected at any municipal election, who shall be found guilty by the judge, upon any trial upon a writ of *quo warranto*, of any act of bribery, or with using undue influence as aforesaid, shall forfeit his seat, and shall be rendered ineligible as a candidate at any municipal election for two years thereafter.

Evidence on quo warranto.

5. Where the writ of summons, in the nature of a *quo warranto*, is returnable before one of the Judges of the Superior Courts of Law, in case any question as to whether the candidate or any other voter has been guilty of any violation of sections one and two of this Act, affidavit evidence shall not be used to prove the offence, but it shall be proved by *v. va voce* evidence taken before the Judge of any County Court, upon a reference to him by the Judge of the Superior Court, for that purpose, in the presence of counsel for, or after notice to all parties interested ; and in case such reference be directed to the Judge of the County Court, he shall return the evidence to the clerk of the crown at Toronto, and every party shall be entitled to a copy thereof.

Evidence in other cases.

6. In all other cases the Judge of the Superior Court before whom the writ of summons is returnable, may order the evidence to be used on the hearing of the summons, to be taken

*viva voce* before the Judge of the County Court; and in any such case the previous section of this Act shall apply.

**7.** The vote of every person found guilty, upon any trial or enquiry as to the validity of the election or by-law of a violation of either of the first two sections of this Act, shall be void. Vote of persons found guilty to be void.

**8.** Any person who shall be adjudged guilty of any of the offences within the meaning of this Act, shall incur a penalty of twenty dollars, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years. Penalty.

**9.** The penalties imposed by this Act shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment shall be rendered, shall be ineligible, either as a candidate or municipal voter, until the amount which he has been condemned to pay shall be fully paid and satisfied. Recovery of penalty.

**10.** It shall be the duty of the judge who finds any candidate guilty of a contravention of this Act, or who condemns any person to pay any sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith to the clerk of the municipality wherein the offence has been committed. Judge to make return.

**11.** The clerk of every municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his municipality who shall have been adjudged guilty of any offence within the meaning of this Act, and of which he shall have been notified by the judge who tried the case. Clerk to keep books, &c.

**12.** All proceedings against a candidate elected at any municipal election for any violation of the provisions of this Act, must be commenced within the time allowed by the Municipal Act of 1866. Proceedings against candidate to be commenced.

**13.** Any by-law the passage of which has been procured through or by means of any violation of the provisions of this Act, shall be liable to be quashed upon any application to be made in conformity with the provisions of the Municipal Institutions Act of one thousand eight hundred and sixty-six, as hereinafter provided. Quashing by-laws.

**14.** Before any application for the quashing of a by-law upon the ground that any of the provisions of this Act have been contravened in procuring the passing of the same, and if it is made to appear to a judge of one of the Superior Courts of law, that probable grounds exist for a motion to quash said by-law, the said judge may make an order for an inquiry, to be held upon such notice to the parties affected, as the Judge may direct concerning the said grounds, before the judge of the county court of the municipality which passed said by-law, and require that upon such enquiry, all witnesses both against and in support of such by-law, be orally examined and cross examined upon oath before said county court judge; and the said county court judge shall thereupon return the evidence so taken before him to the clerk of the Crown and Pleas at Toronto; Procedure on application to quash by-laws

and after the return of said evidence, and upon reading the same, any Judge of the said Superior Courts may, upon notice to such of the parties concerned, as he shall think proper, proceed to hear and determine the question; and if the grounds therefor shall appear to him to be satisfactorily established, it shall be competent to him to make an order for quashing said by-law, and may order the costs attending said proceedings to be paid by the parties or any of them who shall have supported said by-law; and if it shall appear that the application to quash said by-law ought to be dismissed, the said Judge may so order, and in his discretion award costs, to be paid by the persons applying to quash said by-law.

Stay of proceedings on the by-law.

**15.** After an order has been made by a judge directing an inquiry, and after a copy of such order has been left with the Clerk of the Corporation of which the by law is in question, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the enquiry has been directed, but if the matter be not prosecuted to the satisfaction of the Judge he may remove the stay of proceedings.

Attendance of witnesses.

**16.** Any witness shall be bound to attend before the judge of the County Court upon being served with the order of such County Court Judge directing his attendance and upon payment of the necessary fees for such attendance, in the same manner as if he had been directed by a writ of subpœna so to attend, and he may be punished for contempt, and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with such subpœna.

Witnesses not excused from answering on grounds of self crimination or privilege.

**17.** No person shall be excused from answering any question put to him in any action, suit or other proceeding in any court or before any judge, touching or concerning any election, or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate himself, shall be used in any criminal proceeding against such person, other than an indictment for perjury, if the judge shall give to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer, to the satisfaction of the judge.

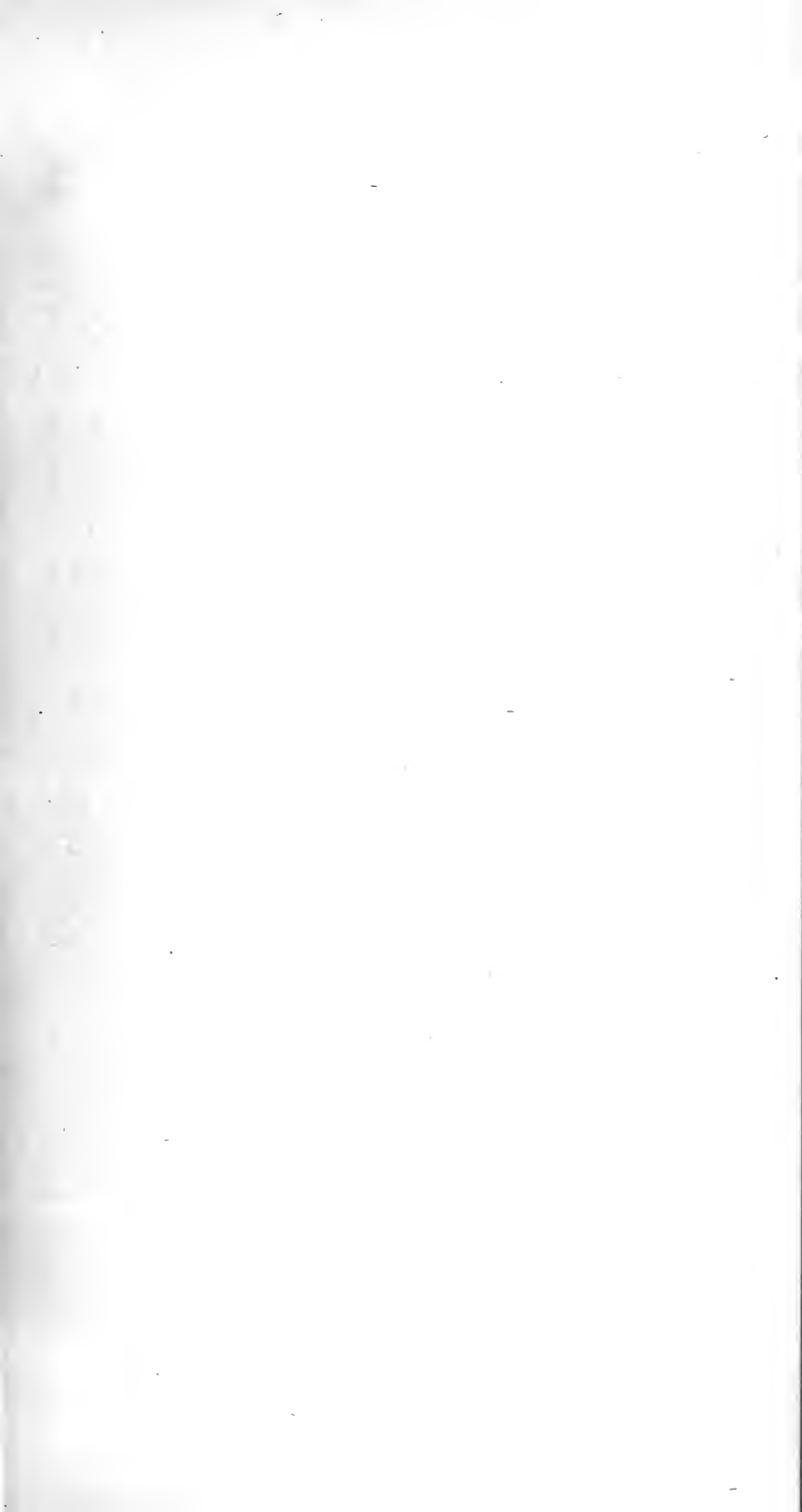
Time for commencing actions.

**18.** All other proceedings against any person for any violation of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon any by-law as aforesaid.

Copy of Act to be posted prior to election.

**19.** The clerk of every municipality shall furnish each returning officer with at least six copies of this Act prior to every election, or the voting upon any by-law, whose duty it shall be to post the same up in conspicuous places within the municipality or polling divisions.





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1st Session, 2nd Parliament, 35 Victoria, 1872.

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An Act for the prevention of Corrupt Practices at Municipal Elections.

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First Reading,	29th January,	1872.
Second	“	6th February, 1872.
Third	“	29th “ 1872.

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MR. FRYKERT.

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TORONTO:

PRINTED BY HENRY, BAISE & CO.

An Act to incorporate the Regular Baptist Missionary Convention of Ontario.

**W**HEREAS an association under the name of the Regular Baptist Missionary Convention of Ontario has existed for several years in this Province and in the former Province of Upper Canada, with the design and object of promoting the preaching of the gospel of Christ and disseminating the principles held by the denomination known as Regular Baptists throughout the said Province; and whereas the said association has by petition prayed to be incorporated and it is expedient to grant such petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

**I.** William J. Copp, Rev. T. L. Davidson, Benjamin Bell, Hon. William McMaster, Hon. Alexander Mackenzie, E. V. Bodwell, A. T. Wood, Henry Moyle, Rev. William Stewart, Rev. R. A. Fyfe, Rev. George Richardson, Rev. James Cooper, A. T. McCord, J. A. Boyd, J. G. Scott, Rev. A. H. Munro and Rev. Hoyes Lloyd and such other persons as are now or hereafter shall become members of the said association are hereby constituted a body politic and corporate under the name of "The Regular Baptist Missionary Convention of Ontario," and by the same name may from time to time, and at all times, acquire and hold as purchasers any interests in lands and tenements, and the same alienate, lease, mortgage and dispose of, and purchase others in their stead; Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation. And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein, acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities,

Incorporation.

Corporate name.

Power to acquire real property.

And sell.

municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements, or interests therein, or such thereof which may not, within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns. 5

- Objects of corporation.** 2. The corporation shall have for its object that mentioned in the preamble to this Act, and may engage and employ persons therefor, and shall also have power to donate or loan moneys or portions of the real estate of the corporation in promoting such object, and in aiding poor congregations to build churches or meeting houses or sustaining religious worship. 10
- Constitution.** 3. The constitution, regulations and by-laws by which the said association is now governed shall be the constitution, regulations and by-laws of the said corporation; but they or any of them may be added to, amended or repealed and others substituted therefor in the manner and subject to the conditions and provisions therein contained. 15
- Officers.** 4. The officers and the members of the executive board of the said association at the time of the passing of this Act, shall be the officers and members of the executive board of the said corporation until others are elected in their places. 20
- Property held in trust.** 5. All persons holding any real property in trust for the said association may convey the same to the said corporation and shall be thenceforth discharged from their trusteeship. 25
- Returns.** 6. The said corporation shall at all times, when required by the Lieutenant-Governor, make a full return of all property held by it with such details and other information as may be required.
- Trading in real estate prohibited.** 7. Nothing herein contained shall authorize the said corporation to engage in the business of trading in real estate. 30

## BILL.

An Act to incorporate the Regular Baptist  
Missionary Convention of Ontario.

(PRIVATE BILL.)

1st Reading, 29th January, 1872.

MR. SINCLAIR.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the Regular Baptist Missionary Convention of Ontario.

**W**HEREAS an association under the name of the Regular Baptist Missionary Convention of Ontario has existed for several years in this Province and in the former Province of Upper Canada, with the design and object of promoting the preaching of the gospel of Christ and disseminating the principles held by the denomination known as Regular Baptists throughout the said Province; and whereas the said association has by petition prayed to be incorporated and it is expedient to grant such petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. William J. Copp, Rev. T. L. Davidson, Benjamin Bell, Hon. William McMaster, Hon. Alexander Mackenzie, E. V. Bodwell, A. T. Wood, Henry Moyle, Rev. William Stewart, Rev. R. A. Fyfe, Rev. George Richardson, Rev. James Cooper, A. T. McCord, J. A. Boyd, J. G. Scott, Rev. A. H. Munro and Rev. Hoves Lloyd and such other persons as are now or hereafter shall become members of the said association are hereby constituted a body politic and corporate under the name of "The Regular Baptist Missionary Convention of Ontario," and by the same name may from time to time, and at all times, acquire and hold as purchasers any interests in lands and tenements, and the same alienate, lease, mortgage and dispose of, and purchase others in their stead; Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, or for the purposes of the said corporation. And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein, acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition may be invested in public securities,

Preamble.

Incorporation.

Corporate name.

Power to acquire real property,

And sell.

municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements, or interests therein, or such thereof which may not, within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

Objects of corporation. 2. The corporation shall have for its object that mentioned in the preamble to this Act, and may engage and employ persons therefor, and shall also have power to donate or loan moneys or portions of the real estate of the corporation in promoting such object, and in aiding poor congregations to build churches or meeting houses or sustaining religious worship.

Constitution. 3. The constitution, regulations and by-laws by which the said association is now governed shall be the constitution, regulations and by-laws of the said corporation; but they or any of them may be added to, amended or repealed and others substituted therefor in the manner and subject to the conditions and provisions therein contained.

Officers. 4. The officers and the members of the executive board of the said association at the time of the passing of this Act, shall be the officers and members of the executive board of the said corporation until others are elected in their places.

Property held in trust. 5. All persons holding any real property in trust for the said association may convey the same to the said corporation, and shall be thenceforth discharged from their trusteeship.

Returns. 6. The said corporation shall at all times, when required by the Lieutenant-Governor, make a full return of all property held by it with such details and other information as to income and expenditure as may be required.

65

An Act to incorporate the Regular Baptist  
Missionary Convention of Ontario.

First Reading,	29th	January,	1872.
Second	"	15th	February, 1872.
Third	"	16th	" 1872.

Mr. SINCLAIR.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario to admit William Henry Lockhart Gordon to practise as an Attorney and Solicitor therein.

WHEREAS William Henry Lockhart Gordon, of the City of Toronto, hath by his petition set forth that in the year one thousand eight hundred and sixty-eight he graduated with honours at the University of Cambridge, England; and  
5 that in the year one thousand eight hundred and sixty-nine he was duly admitted a member of the Honourable Society of the Inner Temple of the City of London, England; and that he was  
10 duly called to the bar of the Superior Courts in England in the year one thousand eight hundred and sixty-nine; and that he still remains a member of the bar on the rolls of the said courts; and that he came to reside in the Province of Ontario in the  
15 year one thousand eight hundred and seventy; and that he was duly called to the bar of Ontario in Hilary Term one thousand eight hundred and seventy-one; and that his name now remains upon the books of the Law Society of Ontario as a barrister  
20 thereof; and that from the time he was first admitted to practise as a barrister in England and Ontario he has been continually engaged in the practice of his profession both in England and Canada and is still so engaged; And whereas; the said  
25 William Henry Lockhart Gordon by his petition further sets forth that he was articled to a practising attorney and solicitor immediately after he was admitted a member of the Law Society of Ontario; and that he has done everything in his  
30 power to qualify himself to be admitted to practise as an attorney and solicitor but that owing to the profession of barrister and solicitor being distinct and separate in England, and owing to it being the custom in that country that no member of the bar shall practise as an attorney and solicitor or be articled to  
35 an attorney and solicitor, he was altogether prevented and precluded from becoming an attorney or solicitor or being articled to an attorney or solicitor before he came to reside in the Province of Ontario and was admitted a member of the Law Society of Ontario; And whereas, the said William Henry Lockhart  
40 Gordon is desirous of being admitted to practise as an attorney-at-law and solicitor in chancery; and has prayed that an Act may be passed to enable the Courts of Queen's Bench and Common Pleas and the Court of Chancery for Ontario to admit him to practise as an attorney and solicitor of the said courts respectively, notwithstanding that he has not been articled to a  
45 practising attorney and solicitor for the full period of three years;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

W. H. L. Gordon to be admitted as an attorney and solicitor of the Superior Courts on certain conditions.

1. That it shall and may be lawful for the Courts of Queen's Bench and Common Pleas and the Court of Chancery for Ontario respectively, on sufficient proof being given that the said William Henry Lockhart Gordon has duly been called to practise at the bar, and that he still remains a member of the bar on the rolls of the Superior Courts in England, and has had the degree of barrister-at-law conferred on him by the Law Society of Ontario, and that his name now remains on the books of the said society, and that he has duly and properly served under articles of clerkship to a practising attorney and solicitor from the time from which he first bound himself under articles to a practising attorney and solicitor up to the passing of this Act, to admit the said William Henry Lockhart Gordon as an attorney and solicitor of the said courts respectively, any law or usage to the contrary notwithstanding.

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15

No. 66.  
1st Session, 2nd Parliament, 35 Victoria, 1872.

BILL.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario to admit William Henry Lockhart Gordon to practise as an Attorney and Solicitor therein.

(PRIVATE BILL.)

1st Reading, 29th January, 1872.

MR. PRINCE.

TORONTO:

PRINTED BY HUNTER, ROSE & COMPANY.



An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario to admit William Henry Lockhart Gordon to practise as an Attorney and Solicitor therein.

**W**HEREAS William Henry Lockhart Gordon, of the City of Toronto, hath by his petition set forth that in the year one thousand eight hundred and sixty-eight he graduated with honours at the University of Cambridge, England; and that in the year one thousand eight hundred and sixty-nine he was duly admitted a member of the Honourable Society of the Inner Temple of the City of London, England; and that he was duly called to the bar of the Superior Courts in England in the year one thousand eight hundred and sixty-nine; and that he still remains a member of the bar on the rolls of the said courts; and that he came to reside in the Province of Ontario in the year one thousand eight hundred and seventy; and that he was duly called to the bar of Ontario in Hilary Term one thousand eight hundred and seventy-one; and that his name now remains upon the books of the Law Society of Ontario as a barrister thereof; and that from the time he was first admitted to practise as a barrister in England and Ontario he has been continually engaged in the practice of his profession both in England and Canada and is still so engaged; And whereas, the said William Henry Lockhart Gordon by his petition further sets forth that he was artieled to a practising attorney and solicitor immediately after he was admitted a member of the Law Society of Ontario; and that he has done everything in his power to qualify himself to be admitted to practise as an attorney and solicitor but that owing to the profession of barrister and solicitor being distinct and separate in England, and owing to it being the custom in that country that no member of the bar shall practise as an attorney and solicitor or be artieled to an attorney and solicitor, he was altogether prevented and precluded from becoming an attorney or solicitor or being artieled to an attorney or solicitor before he came to reside in the Province of Ontario and was admitted a member of the Law Society of Ontario; And whereas, the said William Henry Lockhart Gordon is desirous of being admitted to practise as an attorney-at-law and solicitor in chancery; and has prayed that an Act may be passed to enable the Courts of Queen's Bench and Common Pleas and the Court of Chancery for Ontario to admit him to practise as an attorney and solicitor of the said courts respectively, notwithstanding that he has not been artieled to a practising attorney and solicitor for the full period of three years;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

W. H. L. Gordon may be admitted as an attorney and solicitor of the Superior Courts on certain conditions.

1. That it shall and may be lawful for the Courts of Queen's Bench and Common Pleas and the Court of Chancery for Ontario respectively, on sufficient proof being given that the said William Henry Lockhart Gordon has duly been called to practise at the bar, and that he still remains a member of the bar on the rolls of the Superior Courts in England, and has had the degree of barrister-at-law conferred on him by the Law Society of Ontario, and that his name now remains on the books of the said society, and that he has duly and properly served under articles of clerkship to a practising attorney and solicitor from the time from which he first bound himself under articles to a practising attorney and solicitor up to the passing of this Act, to admit the said William Henry Lockhart Gordon as an attorney and solicitor of the said courts respectively, any law or usage to the contrary notwithstanding, upon payment of the proper fees in that behalf.

66

2nd Parliament, 1st Session, 35 Victoria, 1872.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario to admit William Henry Lockhart Gordon to practise as an Attorney and Solicitor therein.

First Reading,	29th January,	1872.
Second	"	15th February, 1872.
Third	"	16th " 1872.

Mr. PRINCE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act respecting the Conveyance of Real Estate by Married Women and to facilitate the Conveyance of Real Estate by Married Women.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section one of chapter eighty-five of the Consolidated Statutes for Upper Canada is hereby amended by adding thereto the following proviso:—
- “Provided always, that if a husband shall in consequence of being a lunatic, idiot or of unsound mind, and whether he shall be found such by inquisition or not, or shall from any other cause be incapable of executing a deed or if his residence shall not be known or he shall be in prison or shall be living apart from his wife by mutual consent or in consequence of his being transported beyond the seas or from any other cause whatsoever it shall be lawful for the Judge of the County Court of the county in which the married woman resides by an order to be made by him in a summary way, upon the application of the wife and upon such evidence as to him shall seem meet, to dispense with the concurrence of the husband in any case in which his concurrence is required by this Act or otherwise; and all acts, deeds or surrenders to be done, executed or made by the wife in pursuance of such order in regard to lands of any tenure or in regard to money subject to be invested in lands shall be done, executed or made by her in the same manner as if she were a feme sole, and when done, executed or made by her shall (but without prejudice to the rights of the husband as then existing independently of this Act) be as good and valid as they would have been if the husband had concurred and joined therein; Provided always that this proviso shall not extend to the case of a married woman where by law the Court of Chancery or any person or persons intrusted with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot or of unsound mind shall be the protector of a settlement in lieu of her husband,” and this proviso shall be read as if it had been added to the said first section and incorporated in the said Act.
2. Whenever a married woman hath heretofore executed or shall hereafter execute within the limits of a city a conveyance of or affecting her real estate in the presence of two justices of the peace for the county within which such city is situated or before one of such justices and an alderman of such city or before two aldermen of such city, and the examination of such married woman hath heretofore taken place or shall hereafter take place before such justices or aldermen and the certificate of acknowledgement required by law to be endorsed on

Cor. Stat. U.  
C. c. 85, a. 1  
amended.

Concurrence  
of husband in  
conveyances  
by married  
women unne-  
cessary in  
certain cases.

Proviso.

Execution of  
conveyances  
before Justices  
of the Peace  
and aldermen.

on such conveyance hath heretofore been or shall hereafter be signed by such justices or aldermen within the limits of such city, such conveyance shall be held and is hereby declared to be as valid and effectual for all the purposes contemplated by the said Act or any Act relating to the conveyance of real estate by married women now or heretofore in force in the Province of Ontario as if such conveyance had been executed in the presence of and such examination had been made and such certificate had been signed by the person or persons required by the said Acts at a place to which the jurisdiction of such person or persons extends.

Want of qualification of justices of the peace not to invalidate conveyance.

**3.** No conveyance by a married woman of or affecting her real estate heretofore executed or which shall hereafter be executed in the presence of, acknowledged before and certified by any justice or justices of the peace or *ex-officio* justice or justices of the peace who shall not have had or shall not have the necessary property qualifications required by law to entitle him to be or act as a justice of the peace or who shall not have taken the necessary oath of qualification shall be or be held or adjudged to be invalid by reason only of such want of qualification or of such oath of qualification not having been taken.

Effect of inconsistent dates in conveyance and certificate.

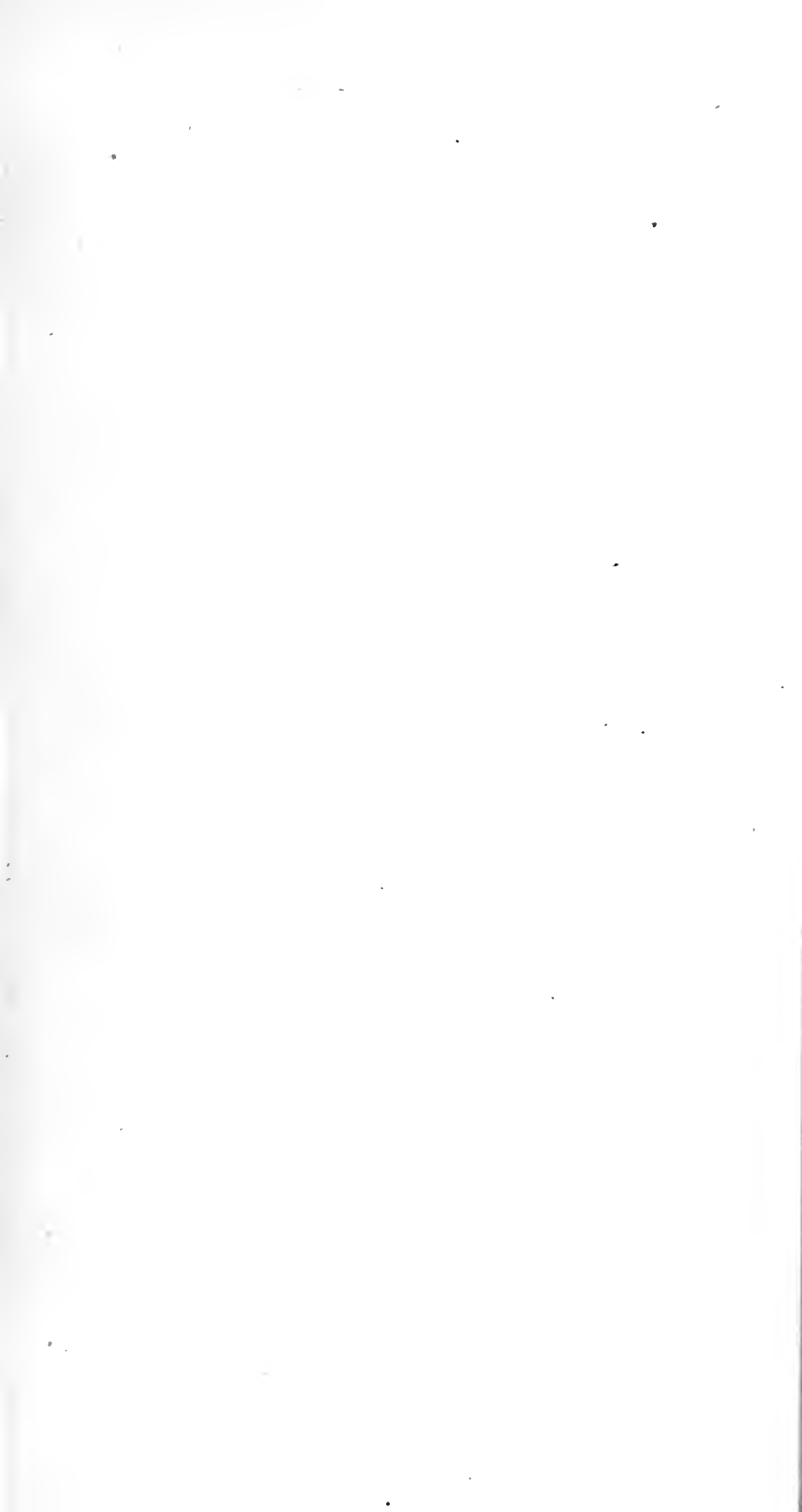
**4.** Whenever the date of any conveyance heretofore executed or which shall hereafter be executed by a married woman of or affecting her real estate shall differ from the date mentioned as the day of the execution thereof in the certificate required by the said Act or any other Act relating to the conveyance of real estate by married women now or heretofore in force in the Province of Ontario to be indorsed on such conveyance, and whenever there shall be several of such certificates wherein different days shall be mentioned as the day of execution of such conveyances by different married women such conveyance shall not be invalid or ineffectual by reason thereof, but the dates mentioned in the certificate or certificates indorsed on such conveyance shall be *prima facie* taken and deemed to be the days of the execution of such conveyance by the married woman or married women to whose execution such certificate or certificates shall respectively relate.

Execution of conveyances.

**5.** It hath not been heretofore nor shall it hereafter be necessary that a conveyance by a married woman of or affecting her real estate should or shall be executed by her in the presence of her husband or on the same day on which or at the same place where such conveyance shall have been or shall hereafter be executed by her husband.

Informalities in the execution of conveyances not to affect *bona fide* purchasers.

**6.** Every conveyance by a married woman of or affecting her real estate which hath been or which shall hereafter be executed in which her husband shall have joined, or shall join, and whereon there is or shall be indorsed a certificate in conformity with the provisions of the said Act, or of any other Act at the time in force respecting the conveyance of real estate by married women, shall be, and shall be held, taken and adjudged to be in favour of any subsequent *bona fide* purchaser for valuable consideration of the same real estate or any part thereof claiming title under such conveyance, valid and effectual notwithstanding that such conveyance may not have been, in fact, executed in manner required by law, and notwithstanding the want of or informality in the examination of such married woman, or the time or place of such examination, or in the time or place where such certificate shall have in fact been signed.



No. 67.

1st Session, 2nd Parliament, 35 Victoria, 1872

BILL.

An Act to amend the Act respecting the  
Conveyance of Real Estate by Married  
Women and to facilitate the Conveyance  
of Real Estate by Married Women.

First Reading 29th Jan., 1872.

Mr. PARDEE.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario, to admit James Fleming to practise as an Attorney and Solicitor therein.

- W**HEREAS James Fleming has by his petition, represented Preamble  
 that in Easter Term, in the year one thousand eight hundred and sixty-six, he was duly called to the bar of Ontario; and that since January, in the year one thousand eight hundred  
**5** and sixty-three, to the month of July, in the year one thousand eight hundred and sixty-six, he served as a clerk to a practising attorney; and that since the said last mentioned date he has been continuously engaged in the duties of his profession as a  
**10** barrister, and in the management of an attorney's office; and that for reasons in said petition set forth, no part of the said service has been under articles of clerkship; And whereas the said James Fleming is desirous to be admitted to practise as an attorney-at-law and solicitor in chancery without further service as a clerk;  
**15** Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1.** That it shall and may be lawful for Her Majesty's Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario respectively, on proof being given that the  
**20** said James Fleming has duly passed the examination required, previous to being called to the bar, and that he has been duly called the bar, and that his name now remains upon the books of the Law Society of this Province as a barrister thereof, to  
**25** admit the said James Fleming as an attorney and solicitor of the said courts respectively, any law or usage to the contrary notwithstanding.
- J. Fleming may be admitted an attorney and solicitor of the Superior Courts on certain conditions.

BILL.

An Act to authorize the Courts of Queen's Bench, Common Pleas, and Chancery in Ontario, to admit James Fleming to practise as an attorney and solicitor therein.

(*PRIVATE BILL.*)

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1st Reading, 30th Jan., 1872.

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MR. BETHUNE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.



An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario, to admit James Fleming to practise as an Attorney and Solicitor therein.

**W**HEREAS James Fleming has by his petition, represented Preamble that in Easter Term, in the year one thousand eight hundred and sixty-six, he was duly called to the bar of Ontario, and that since January, in the year one thousand eight hundred and sixty-three, to the month of July, in the year one thousand eight hundred and sixty-six, he served as a clerk to a practising attorney, and that since the said last mentioned date he has been continuously engaged in the duties of his profession as a barrister, and in the management of an attorney's office, and that for reasons in said petition set forth, no part of the said service has been under articles of clerkship; And whereas the said James Fleming is desirous to be admitted to practise as an attorney-at-law and solicitor in chancery without further service as a clerk:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** That it shall and may be lawful for Her Majesty's Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario respectively, on proof being given that the said James Fleming has duly passed the examination required, previous to being called to the bar, and that he has been duly called to the bar, and that his name now remains upon the books of the Law Society of this Province as a barrister thereof, to admit the said James Fleming as an attorney and solicitor of the said courts respectively, upon his passing the usual attorneys examination for admission, and paying the proper fees in that behalf, any law or usage to the contrary notwithstanding.

J. Fleming may be admitted an attorney and solicitor of the Superior Courts on certain conditions.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario, to admit James Fleming to practice as an Attorney and Solicitor therein.

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First Reading, 30th January, 1872.

Second " 14th February, 1872.

Third " 16th " 1872.

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Mr. BETHUNE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to enable the Council of the Corporation of the Township of Logan, in the County of Perth, to pass a By-law repealing certain By-laws of the said Township, and to make provision for payment of certain Debentures of the united Townships of Logan, Elma and Wallace.

**W**HEREAS the council of the corporation of the United Preamble.  
 townships of Logan, Elma and Wallace, on the thirtieth  
 day of August, in the year of our Lord one thousand eight  
 hundred and fifty-six, passed a By-law, numbered forty-seven, to  
 5 raise by way of loan for gravel road purposes, a sum of forty-four  
 thousand dollars, and issued debentures for the said amount  
 which are still out-standing; and such by-law provided for levying  
 yearly in such townships, a certain rate for payment of the in-  
 10 terest on such debentures, and for levying in the year of our Lord  
 one thousand eight hundred and seventy-five, a sum sufficient to  
 pay the principal; And whereas, each of the said townships is now  
 a separate municipality; and by agreement made between them,  
 the township of Logan assumed the payment of twenty-three  
 15 thousand five hundred dollars, part of the said debt and interest;  
 and the township of Elma assumed the payment of the remainder  
 thereof and interest; and the council of the township of Logan,  
 on the twelfth day of January, in the year of our Lord one thou-  
 sand eight hundred and sixty-seven, passed a by-law numbered  
 20 one hundred and five, providing for a sinking fund for the payment  
 of its share of said debt; and the council of the said corporation  
 have, by their petition, set forth that the amount now to the  
 credit of the said sinking fund, is more than sufficient to pay  
 the said sum of twenty-three thousand five hundred dollars; and  
 25 the receipts from investments of the said fund and other sources  
 payable yearly to the said sinking fund, is more than sufficient  
 to pay the interest on the said debt; and that the levying of  
 the rate under the said by-law, numbered forty-seven, in the  
 said township of Logan, and the payments into the sinking fund  
 30 under the said by-law numbered one hundred and five, are no  
 longer necessary and are grievous burdens upon the rate-payers  
 of the township; And the said petitioners pray for an Act en-  
 abling them to pass a by-law, giving such relief as they require  
 in the premises; and it is expedient so to grant;  
 35 Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

1. The council of the corporation of the said township of Township of  
 Logan may, and they are hereby authorized to pass a by-law Logan may  
 40 repealing the said by-law number forty-seven, of the united repeal by-law  
 townships of Logan, Elma and Wallace, in the said township No. 47 of  
United Town-  
ships.

of Logan, and repealing the said by-law number one hundred and five, of the said township of Logan.

Form of by-law.

2. The said by-law shall recite the amount to the credit of the said sinking fund at the time of the passing thereof, and shall set forth in detail the sources from which the same has been derived, with the amount of the fund invested by the council and the securities held therefor, distinguishing the principal of the fund from the interest received from investments, and from annual or other periodical payments from other sources; and it shall recite the amount of interest or other periodical sums payable to the said fund up to the said first day of August, in the year of our Lord one thousand eight hundred and seventy-six, with the times and sources of payment. 5 10

Fund for payment of principal and interest.

3. The principal of the fund so appearing at the time of passing the said by-law, shall form a fund for the payment of the principal of the said debt, and the amount on hand; from interest and other periodical payments, with all future like payments, shall form a fund for the payment of the interest on the said debt; and the council shall not appropriate to any other purpose any of the said moneys; and they shall keep in their books a separate account under such by-law, shewing the state of the fund correctly at all times, and a transcript thereof shall be included in the yearly account, to be transmitted to the Lieutenant-Governor, under the two hundred and forty-first section of chapter fifty-one of the Statutes of the late Province of Canada, passed in the Session held in the twenty-ninth and thirtieth years of Her Majesty's reign; and such by-law, with the provisions hereinbefore set forth, shall be valid notwithstanding the provisions of the last mentioned Act. 15 20 25

BILL.

To enable the Council of the Corporation of the Township of Logan, in the County of Perth, to pass a By-law repealing certain By-laws of the said Township, and to make provision for payment of certain debentures of the united Townships of Logan, Elma and Wallace.

PRIVATE BILL.

First Reading, 30th Jan., 1872.

MR. MONTFETH.

TORONTO:

PRINTED BY HUNTER, ROSE & CO., KING ST.

An Act to enable the Council of the Corporation of the Township of Logan, in the County of Perth, to pass a By-law repealing certain By-laws of the said Township, and to make provision for payment of certain Debentures of the united Townships of Logan, Elma and Wallace.

*(Reprinted as amended.)*

**W**HEREAS the council of the corporation of the United townships of Logan, Elma and Wallace, on the thirtieth day of August, in the year of our Lord one thousand eight hundred and fifty-six, passed a By-law, numbered forty-seven, to raise by way of loan for gravel road purposes, a sum of forty-four thousand dollars, and issued debentures for the said amount which are still out-standing, payable on the first day of August in the year of our Lord one thousand eight hundred and seventy-six; and such by-law provided for levying yearly in such townships, a certain rate for payment of the interest on such debentures, and for levying in the year of our Lord one thousand eight hundred and seventy-five, a sum sufficient to pay the principal; And whereas, each of the said townships is now a separate municipality; and by agreement made between them, the township of Logan assumed the payment of twenty-three thousand five hundred dollars, part of the said debt and interest; and the township of Elma assumed the payment of the remainder thereof and interest; and the Council of the township of Logan, on the twelfth day of January, in the year of our Lord one thousand eight hundred and sixty-seven, passed a by-law numbered one hundred and five, providing for a sinking fund for the payment of its share of said debt; and the Council of the said corporation have, by their petition, set forth that they have now invested as part of the funds of the said corporation, and applicable to the payment of the said debentures, the sum of twenty-four thousand and fifty dollars which is secured by the following debentures of other municipalities, that is to say:—

1. Debentures of the corporation of the Village of Mitchell dated ninth September, one thousand eight hundred and sixty seven, for two thousand and fifty dollars, bearing interest at six per cent.;

2. Debentures of the corporation of the Village of Mitchell, dated twenty-second August, one thousand eight hundred and sixty-eight, for six thousand dollars, bearing interest at seven per cent.;

3. Three debentures of the corporation of the Township of Fullarton, dated first May one thousand eight hundred and seventy-one, for one thousand dollars each, bearing interest at six per cent.;

4. Debenture of the corporation of the Township of Downie, dated nineteenth September, one thousand eight hundred and

Preamble.

seventy-one, for three thousand dollars, bearing interest at seven per cent. ;

5. Debenture of the corporation of the County of Perth, dated the second of November, one thousand eight hundred and seventy, for ten thousand dollars, bearing interest at eight per cent. ;

And whereas, the receipts from investments of the said sum and other sources are more than sufficient to pay the interest on the said debt and all other engagements of the said corporation ; and that the levying of the rate under the said by-law, numbered forty-seven, in the said township of Logan, and the payments into the sinking fund under the said by-law numbered one hundred and five, are no longer necessary and are grievous burdens upon the ratepayers of the township ; And the said petitioners pray for an Act enabling them to pass a by-law, giving such relief as they require in the premises ; and it is expedient so to grant ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. That the debentures in the preamble mentioned and held by the corporation of the Township of Logan are hereby set apart as a special fund for the payment of said debentures and issued by the said united Townships of Logan, Elma and Wallace, in order to meet the liability of the corporation of the Township of Logan in respect thereof ; and such firstly mentioned debenture shall be deposited to a special account in the Bank of Toronto, in the City of Toronto, to the joint credit of the treasurer of the Province of Ontario and the treasurer of the Township of Logan ; and any sums payable upon the said firstly mentioned debenture shall be applied to the payment of the interest and principal upon the said secondly mentioned debentures and not otherwise, and thereupon the council of the corporation of the said Township of Logan may, and they are hereby authorized to pass a by-law repealing the said by-law number forty-seven of the United Townships of Logan, Elma and Wallace so far as the said Township of Logan is concerned and repealing the said by-law number one hundred and five, of the said township of Logan ; Provided always, that the said corporation of the said Township of Logan shall remain and continue liable in respect of the said debentures until they are fully paid and satisfied.

Form of by  
law.

2. The said by-law shall recite the amount to the credit of the said sinking fund at the time of the passing thereof, and shall set forth in detail the sources from which the same has been derived, with the amount of the fund invested as hereinbefore stated and the securities held therefor, distinguishing the principal of the fund from the interest received from investments, and from annual or other periodical payments from other sources ; and it shall recite the amount of interest or other periodical sums payable to the said fund up to the said first day of August, in the year of our Lord one thousand eight hundred and seventy-six, with the times and sources of payment.

BILL.

An Act to enable the Council of the Corporation of the Township of Logan, in the County of Perth, to pass a By-law repealing certain By-laws of the said Township, and to make provision for payment of certain Debentures of the united Townships of Logan, Elma and Wallace.

(PRIVATE BILL.)

(Reprinted as amended.)

1st Reading, 30th Jan., 1872.

MR. MONTEITH.

TORONTO :

PRINTED BY HUNTER, ROSE & COMPANY.

An Act to enable the Council of the Corporation of the Township of Logan, in the County of Perth, to pass a By-law repealing certain By-laws of the said Township, and to make provision for payment of certain Debentures of the united Townships of Logan, Elma and Wallace.

**W**HEREAS the council of the corporation of the United <sup>Preamble.</sup> townships of Logan, Elma and Wallace, on the thirtieth day of August, in the year of our Lord one thousand eight hundred and fifty-six, passed a By-law, numbered forty-seven, to raise by way of loan for gravel road purposes, a sum of forty-four thousand dollars, and issued debentures for the said amount which are still out-standing, payable on the first day of August in the year of our Lord one thousand eight hundred and seventy-six; and such by-law provided for levying yearly in such townships, a certain rate for payment of the interest on such debentures, and for levying in the year of our Lord one thousand eight hundred and seventy-five, a sum sufficient to pay the principal; and whereas, each of the said townships is now a separate municipality; and by agreement made between them, the township of Logan assumed the payment of twenty-three thousand five hundred dollars, part of the said debt and interest; and the township of Elma assumed the payment of the remainder thereof and interest; and the Council of the township of Logan, on the twelfth day of January, in the year of our Lord one thousand eight hundred and sixty-seven, passed a by-law numbered one hundred and five, providing for a sinking fund for the payment of its share of said debt; and the Council of the said corporation have, by their petition, set forth that they have now invested as part of the funds of the said corporation, and applicable to the payment of the said debentures, the sum of twenty-four thousand and fifty dollars which is secured by the following debentures of other municipalities, that is to say:—

1. Debentures of the corporation of the Village of Mitchell, dated ninth September, one thousand eight hundred and sixty-seven, for two thousand and fifty dollars, bearing interest at six per cent.;

2. Debentures of the corporation of the Village of Mitchell, dated twenty-second August, one thousand eight hundred and sixty-eight, for six thousand dollars, bearing interest at seven per cent.;

3. Three debentures of the corporation of the Township of Fullarton, dated first May one thousand eight hundred and seventy-one, for one thousand dollars each, bearing interest at six per cent.;

4. Debenture of the corporation of the Township of Downie, dated nineteenth September, one thousand eight hundred and

seventy-one, for three thousand dollars, bearing interest at seven per cent. ;

5. Debenture of the corporation of the County of Perth, dated the second of November, one thousand eight hundred and seventy, for ten thousand dollars, bearing interest at eight per cent. ;

And whereas, the receipts from investments of the said sum and other sources are more than sufficient to pay the interest on the said debt and all other engagements of the said corporation; and that the levying of the rate under the said by-law, numbered forty-seven, in the said township of Logan, and the payments into the sinking fund under the said by-law numbered one hundred and five, are no longer necessary and are grievous burdens upon the ratepayers of the township; And the said petitioners pray for an Act enabling them to pass a by-law, giving such relief as they require in the premises; and it is expedient so to grant;

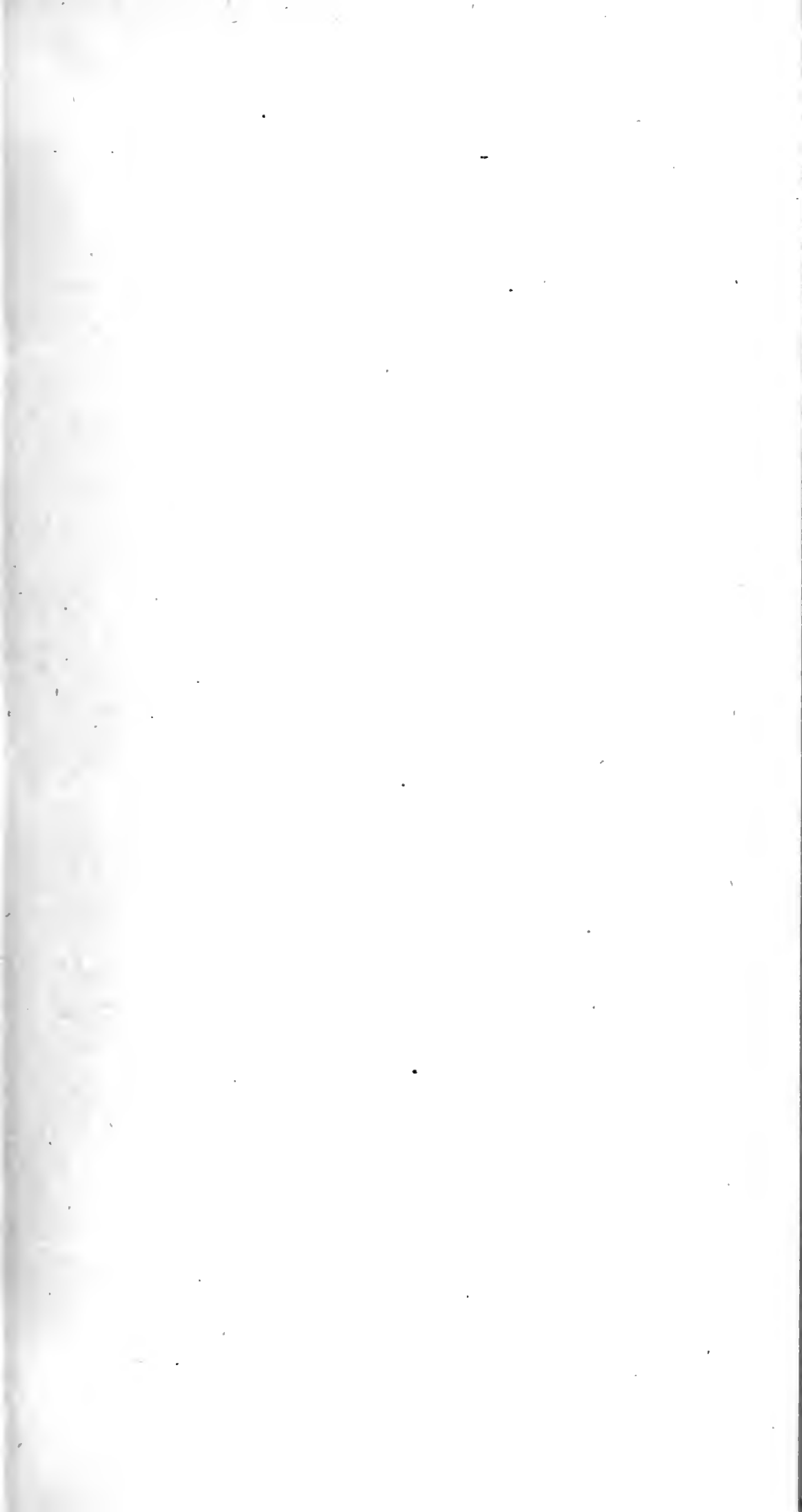
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the debentures in the preamble mentioned and held by the corporation of the Township of Logan are hereby set apart as a special fund for the payment of said debentures and issued by the said united Townships of Logan, Elma and Wallace, in order to meet the liability of the corporation of the Township of Logan in respect thereof; and such firstly mentioned debenture shall be deposited to a special account in the Bank of Toronto, in the City of Toronto, to the joint credit of the Treasurer of the Province of Ontario and the Treasurer of the Township of Logan; and any sums payable upon the said firstly mentioned debentures shall be applied to the payment of the interest and principal upon the said secondly mentioned debentures and not otherwise; and thereupon the council of the corporation of the said Township of Logan may, and they are hereby authorized to pass a by-law repealing the said by-law number forty-seven of the United Townships of Logan, Elma and Wallace so far as the said Township of Logan is concerned and repealing the said by-law number one hundred and five, of the said township of Logan; Provided always, that the said corporation of the said Township of Logan shall remain and continue liable in respect of the said debentures until they are fully paid and satisfied.

Form of by  
law.

2. The said by-law shall recite the amount to the credit of the said sinking fund at the time of the passing thereof, and shall set forth in detail the sources from which the same has been derived, with the amount of the fund invested as hereinbefore stated and the securities held therefor, distinguishing the principal of the fund from the interest received from investments, and from annual or other periodical payments from other sources; and it shall recite the amount of interest or other periodical sums payable to the said fund up to the said first day of August, in the year of our Lord one thousand eight hundred and seventy-six, with the times and sources of payment.





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1st Session, 2nd Parliament, 35 Victoria, 1872.

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An Act to enable the Council of the Corporation of the Township of Logan, in the County of Perth, to pass a By-law repealing certain By-laws of the said Township, and to make provision for payment of certain Debentures of the united Townships of Logan, Elma and Wallace.

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First Reading,	30th	January,	1872.
Second	“	19th	February, 1872.
Third	“	21st	“
			1872.

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Mr. MOSTLERN,

An Act to enable the Corporation of the Village of Orillia, in the County of Simcoe, to dispose of certain lands.

**W**HEREAS the lands hereinafter described were, on the nineteenth day of November, in the year of our Lord one thousand eight hundred and fifty-three, granted by the Crown to the municipal council of the Township of Orillia in the County of Simcoe their successors and assigns "In trust for the site of a Market;" And whereas in the year of our Lord one thousand eight hundred and sixty-six by by-law of the council of the municipality of the County of Simcoe, dated the twenty-second day of November, in that year, the village of Orillia, then forming part of the said Township of Orillia, was duly incorporated, and the said land so granted as aforesaid being within the limits assigned to the said village became the property of the said village in trust as aforesaid; And whereas the said municipality of the village of Orillia have, by their petition, represented that the said lands so granted by the Crown are in an unsuitable position for the site of a market, being far removed from most of the principal roads leading to the said village and from the business and populous part thereof, and therefore wholly unsuited for the purpose for which they were so granted by the Crown; and have prayed for an Act to enable them to sell the said lands as they deem most advisable for the best interests of the said village, and to apply the proceeds in the purchase of a more suitable site for a market, and if more than sufficient for that purpose in the erection of suitable market buildings, or for other municipal purposes, that the said lands consist of lots sixteen, seventeen, eighteen, nineteen and twenty on the north side of Tecumseth street, and of lots sixteen, seventeen, eighteen, nineteen and twenty on the south side of Brant street, in the said village, as shown on the Indian survey and forming a block of five acres known as the market block; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** That the trust and purpose whereon the said grant from the Crown of the said lands was made as aforesaid may be annulled.

**2.** That notwithstanding anything in the said grant contained the municipal council of the village of Orillia shall have the same power to sell, convey, dispose of and contract in regard to the said lands and every part thereof as any subject of Her Majesty has in regard to land possessed by him in fee simple absolute.

Execution of conveyances.

3. That every disposition of or contract in regard to the said lands, or any part thereof shall be under the seal of the said corporation and signed by the head and clerk thereof for the time being.

Application of the moneys.

4. That the proceeds of any and every disposition by the said corporation of the said lands under this Act shall be held and applied by it in the purchase of a more suitable site for a market; and if more than sufficient for that purpose in the erection of suitable market buildings or for other municipal purposes.

10.

## BILL.

An Act to enable the Corporation of the Village of Orillia in the County of Simcoe to dispose of certain lands.

(PRIVATE BILL)

1st Reading, 30th January, 1872.

Mr. ARDAGH.

An Act to enable the Corporation of the Village of Orillia, in the County of Simcoe, to dispose of certain lands.

**W**HEREAS the lands hereinafter described were, on the nineteenth day of November, in the year of our Lord one thousand eight hundred and fifty-three, granted by the Crown to the municipal council of the Township of Orillia in the County of Simcoe their successors and assigns "In trust for the site of a Market;" And whereas in the year of our Lord one thousand eight hundred and sixty-six by by-law of the council of the municipality of the County of Simcoe, dated the twenty-second day of November, in that year, the village of Orillia, then forming part of the said Township of Orillia, was duly incorporated, and the said land so granted as aforesaid being within the limits assigned to the said village became the property of the said village in trust as aforesaid; And whereas the said municipality of the village of Orillia have, by their petition, represented that the said lands so granted by the Crown are in an unsuitable position for the site of a market, being far removed from most of the principal roads leading to the said village and from the business and populous part thereof, and therefore wholly unsuited for the purpose for which they were so granted by the Crown; and have prayed for an Act to enable them to sell the said lands as they deem most advisable for the best interests of the said village, and to apply the proceeds in the purchase of a more suitable site for a market, and if more than sufficient for that purpose, in the erection of suitable market buildings, or for other municipal purposes; that the said lands consist of lots sixteen, seventeen, eighteen, nineteen and twenty on the north side of Tecumseth street, and of lots sixteen, seventeen, eighteen, nineteen and twenty on the south side of Brant street, in the said village, as shown on the Indian survey, and forming a block of five acres known as the market block;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That notwithstanding anything in the said grant contained the municipal council of the village of Orillia shall have the same power to sell, convey, and absolutely dispose of the said lands and every part thereof as any subject of Her Majesty has in regard to land possessed by him in fee simple absolute, free from the said recited trust.

Power to sell  
the lands.

2. Every disposition of or contract in regard to the said lands, or any part thereof shall be under the seal of the said corporation and signed by the head and clerk thereof for the time being.

Execution of  
conveyances.

Application of  
the moneys.

*Proviso.*

3. The proceeds of any and every disposition by the said corporation of the said lands under this Act shall be held and applied by it in the purchase of a more suitable site for a market; and if more than sufficient for that purpose, in the erection of suitable market buildings or for other municipal purposes: Provided however that before any portion of the proceeds of the sale of the said lands shall be expended, in the purchase of a new market site, the said municipal council shall submit the location thereof to a vote of the ratepayers of the village entitled to vote for municipal councillors; and the said council shall appoint the time, place, and returning officer, for the taking of the said vote, and shall cause a notice thereof to be inserted in any newspaper or newspapers published in the municipality, for at least two weeks previous to the day appointed for taking such vote, in addition to any other means of making known the time and object of said voting, as the said council shall think proper to adopt.

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An Act to enable the Corporation of the Village of Orillia, in the County of Simcoe, to dispose of certain lands.

First Reading,	30th January,	1872.
Second	“ 15th February,	1872.
Third	“ 16th	“ 1872.

Mr. ARDACH.

TORONTO:

PRINTED BY HUNTER, ROSE & CO., KING ST.

An Act to Incorporate the Canada Petroleum Railway Company.

**W**HEREAS a petition has been presented praying that a Preamble. company may be incorporated to construct a railway from a point at or near the village of Petrolia, in the township of Enniskillen, to connect with the Canada Southern Railway Company in the said township, with power to extend their said railway to the town of Sarnia and also to some point on Lake Erie in the County of Kent or the County of Elgin; and it is expedient to grant the prayer of the petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Alister McKenzie Clark, J. M. Williams, Colin Munro, Brooks Wright Gossage, Nicol Kingsmill, together with such persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby declared to be a body corporate under the name of "The Canada Petroleum Railway Company." Incorporation.

2. The said company hereby incorporated shall have power to construct a line of railway from a point at or near the village of Petrolia, in the township of Enniskillen, to connect with the Canada Southern Railway Company in the said township, with power to extend the same to the town of Sarnia, and also to a point at or near the village of Oil Springs and thence to some point on Lake Erie in the County of Kent or the County of Elgin. Line of railway.

3. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c., "working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only 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 clauses of the said Railway Act so incorporated with this Act. Certain clauses of the Railway Act to apply. Interpretation of the words "this Act."





8. The annual general meeting of the shareholders for the Annual meet-  
 election of directors and other general purposes shall be held ing.  
 at the city of Toronto or elsewhere within this province as may  
 be appointed by by-law, on the first Wednesday in the month of  
 5 July in each year and two weeks' previous notice will be given\*  
 by publication as provided in the last preceding clause.

9. No person shall be elected a director of the said company Qualification  
 unless he shall be the holder and owner of at least twenty shares of directors.  
 in the stock of the said company and shall have paid up all  
 10 calls made thereon.

10. No calls to be made at any time upon the said capital Calls.  
 stock shall exceed ten per centum on the subscribed capital.

11. All deeds and conveyances for lands required by the Form of con-  
 said company may be in the form given in Schedule "A" veyance.  
 15 annexed; and all registrars are required to register the same on  
 the production of a duplicate thereof with an affidavit of due  
 execution, and for so doing the company shall pay to the said  
 registrar the fee of fifty cents and no more.

12. And in addition to the powers conferred by the clause Municipalities  
 20 respecting "municipalities" in the Railway Act it shall be law- may aid by  
 ful for the corporation of any municipality or municipalities bonus, etc.  
 through any part of which or near which the railway or works  
 of the said company shall pass or be situated or which may be  
 benefitted thereby to aid and assist the said company by loaning  
 25 or guaranteeing or giving money by way of bonus or other  
 means to the company and by purchasing and granting to the  
 said company the land for the right of way, station grounds,  
 gravel pits and workshops and otherwise in such manner and to  
 such extent as such municipal corporation or corporations or any  
 30 any of them may think expedient and to issue its municipal bonds  
 to or in aid of the said company or for all or any of the herein-  
 before mentioned purposes: Provided always that any by-law to be Proviso.  
 passed for any of the above purposes in order to be valid shall  
 be made in conformity with the laws of this Province respecting  
 35 municipal institutions.

13. In case a majority of the persons rated on the last assess- If a portion of  
 ment roll as freeholders in any portion of a municipality except the municipali-  
 a county municipality do petition the council of such municipali- ty desire to  
 40 pality defining the metes and bounds of the section of the muni- aid, council to  
 cipality within which the property of the petitioners is situated pass a by-law,  
 and expressing the desire of the said petitioners to aid in the  
 construction of the said railway by granting a bonus or dona-  
 tion to the said company for this purpose and stating the amount  
 which they so desire to give and grant and to be assessed there-  
 45 for the council of such municipality shall pass a by-law:—

(1.) For raising the amount so petitioned for by the free- for issuing  
 holders in such portion of the municipality by the issue of de- debentures.  
 bentures of the municipality, payable within twenty years or  
 earlier and for the payment to the said company of the amount  
 50 of the said bonus or donation at the time and on the terms spe-  
 cified in the said petition :

(2.) For assessing and levying upon all the ratable property for assessing  
 lying within the section defined by the said petition an annual and levying an  
 annual special  
 rate.

By-law to be approved by electors.

special rate sufficient to include a sinking fund for the repayment of debentures with the interest thereon which municipal councils are hereby authorized to execute and issue in such cases respectively; Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty seven and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chaptered fifty-one, by a majority of qualified electors in the portion of a municipality petitioning as aforesaid who shall vote upon such by-law. 5

Appointment of trustees.

14. Whenever any municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway the debentures therefor shall within six weeks after the passing of the by-law authorizing the same be delivered to three trustees, namely, the Warden of the County of Lambton, one to be appointed by the company and one to be 15

Proviso.

named by the Lieutenant-Governor in Council: Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee the said company shall be at liberty to name one in the place of the one 20 to have been named by said Lieutenant-Governor in Council:

Vacancy in the office of trustee.

Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said company; and in case any trustee die or resign his trust or go to live out of Ontario or otherwise become incapable to act his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of said company: 25 the act of any two such trustees shall be as valid and binding as if the three had agreed. 30

Act of two trustees to be binding.

Terms of the trust.

15. The said trustees shall receive the said bonds, debentures or other securities, and any coupons or interest warrants attached thereto in trust, and shall place the same in the custody of one of the chartered banks of Canada, to be designated by them, and shall not withdraw, cancel, control or 35 in any wise dispose of the said bonds, debentures, securities, coupons or interest warrants, or any of them respectively, unless, and except upon and under the circumstances and conditions following, that is to say:—

Terms of the trust.

Firstly,—When and as any of the moneys payable under the 40 said bonds, debentures, securities, coupons or interest warrants respectively, become due, it shall be lawful for the said trustees, from time to time, to withdraw from the custody of the said bank such of the said debentures, coupons or interest warrants respectively, as according to the tenor and effect thereof may 45 be requisite for duly presenting and obtaining payment thereof, and shall forthwith, after such presentation, and in so far as the said bonds, debentures, securities, coupons or interest warrants may not have been paid, return the same into the custody of the bank aforesaid, and shall from time to time, and as and 50 when any such moneys are received, deposit the same in the bank aforesaid, to the credit of a special account, to be termed the "Canada Petroleum Railway Company Municipal Account," which account shall further clearly state and show the particular bonds, debentures or securities in respect of which the 55 said moneys have been received, and in such account the moneys received in respect of the bonds, debentures or securities for each municipal corporation shall be kept separate and

distinct from those received from any other of the said municipal corporations :

Secondly,—It shall be lawful for each of the municipal corporations who may pass by-laws to aid the said railway company to require from the provisional or other directors on behalf of the said railway company, and before the bonds, debentures or other securities for such aid are delivered to the said trustees, an agreement setting forth and specifying the stipulations and conditions under which the bonds, debentures or other securities granted by such municipal corporation, and all moneys payable in respect thereof, or of the interest thereon, shall, from time to time, become applicable for the purposes of the said railway ; and when, and as the said bonds, debentures or securities, or any of them, or any moneys received on account thereof, or of the interest thereon, according to the terms of the said agreement, become deliverable or payable to the said railway company, the same shall from time to time, be delivered or paid, as the case may be, by the said trustees upon certificate of the chief engineer of the said railway company in form set out in schedule B to this Act, or to the like effect :

Thirdly,—In the event of the said railway company not completing the said railway to the extent mentioned, or by the time required under the terms of its agreement with any municipal corporation, it shall be the duty of the said trustees to return to such municipal corporation the bonds, debentures or securities received from it, and any moneys received in the meantime in respect thereof, or of the interest thereon, or each of the said bonds, debentures, securities or moneys as shall not have been delivered or paid to the said railway company under the terms of the said agreement ; and any bonds, debentures or securities so returned shall be forthwith cancelled.

**16.** The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds in accordance with the provisions of the Railway Act, made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking ; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, and then existing and at any time thereafter acquired ; and each holder of the said bonds shall be deemed to be a mortgagee and an incumberancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid ; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting<sup>s</sup> of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders ; Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

**17.** Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other

purposes, for constructing, maintaining and using the said railway, it shall be necessary to purchase more land than is required for such stations, or gravel pits, or other purposes the said company may purchase, hold, use or enjoy such land, and also the right of way thereto, if the same be separated from 5 their railway, in such manner, and for such purposes connected with the constructing, maintenance or use of the said railway as they may deem expedient, and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient. 10

Company may enter into certain agreements with other companies

18. It shall be lawful for the said company to enter into any agreement with any other railway company in the Dominion of Canada for leasing the said railway, or any part thereof, or the use thereof, at any time or times, or for any period to such other company; or for leasing or hiring from such other com- 15 pany any railway or part thereof; or for the leasing or hiring any locomotives, tenders or moveable property; and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or moveable property of either, or of 20 both, or any part thereof; or touching any service to be rendered by the one company to the other, and the compensation therefor; or such other railway company as well as any other corporation may agree upon any terms, as they may mutu- 25 ally consent to, for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals; but in so far only as the power hereby conferred may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the 30 limits of the Province of Ontario to the other and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is em- 35 powered to exercise all the rights and privileges in the charter conferred.

Municipalities may exempt property of Company from taxation, or make compensation, etc.

19. It shall be further lawful for the corporation of any municipality through any part of which the railway of the said company passes, or is situate by by-law, specially passed for 40 that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation; or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or com- 45 position for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation; and for such term of years as such municipal corporation may deem expedient.

Preliminary expenditure how to be paid from the funds of the Company.

20. All reasonable and preliminary expenditure incurred in obtaining this Act, and in the formation or establishing of the 50 said corporation, shall be paid from the funds of the company by a vote of the provisional board of directors.



BILL.

An Act to incorporate the Canada Petroleum Railway Company.

(*PRIVATE BILL*)

First Reading 30th January, 1872.

MR. WILLIAMS, *Hamilton*.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to Incorporate the Pacific Junction Railway Company of Canada.

**W**HEREAS the construction of a railway from the Sault Ste. Marie, in the District of Algoma, to connect with the railway system of Ontario, in the Counties of Victoria, Simcoe, Peterborough, or Ontario or the district of Muskoka, with power of extension from any point on such line to the River Ottawa would be of general benefit to the Province of Ontario; And whereas a petition has been presented for the Incorporation of a Company for that purpose, and it is expedient to grant the prayer of such Petition. Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Honourable William McMaster, Henry S. Howland, J. M. Williams, M.P.P., Thomas Deacon, M.P.P., the Honourable Frank Smith, Noah Barnhart, William H. Howland, F. W. Cumberland, M.P., William F. McMaster, John Turner, John Moat, John McLeod, M. P. P., Humphrey Lloyd Hime, William McGivern, and J. D. Edgar, together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be, and are hereby constituted, a body corporate and politic by and under the name of "The Pacific Junction Railway Company of Canada."

Incorporation.

Corporate name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth, and sixth clauses thereof, and also the several clauses thereof and amendments with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines, and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said Company, and to the railway to be constructed by them, except only 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 clauses of the said Railway Act so incorporated with this Act.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

3. The said Company shall have full power and authority to lay out, construct, and complete, a double or single iron or steel railway, of such width of gauge as the Company may think fit, from the Sault Ste. Marie, in the District of Algoma, to connect with the railway system of Ontario in the Counties of Victoria, Simcoe, Peterborough, or Ontario or the District of Muskoka,

Location of line of railway

with power of extension from any point on the said line to the River Ottawa, and with full authority to pass over any of the country between the points aforesaid, and to carry the said railway through the Crown Lands lying between the points aforesaid.

5

- Acquisition of lands.** 4. Notwithstanding anything contained in the Railway Act of the Consolidated Statutes of Canada, the said Company may acquire land and water lot property at the Sault Ste. Marie not exceeding fifty acres, and may acquire under the provisions in that behalf of the said Railway Act, and hold such width of land on the sides of the railway and its branches at any point as may be needed for the erection of snow-drift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow. 10
- Provisional directors.** 5. The persons named in the first section of this Act, with power to add to their number, shall be, and are hereby constituted Provisional Directors of the said Company; of whom nine shall be a quorum; and shall hold office as such until the first election of Directors under this Act; and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to receive payment on account of stock subscribed; and make calls upon subscribers in respect of their stock; and to sue for and recover the same; and to cause plans and surveys to be made; and to acquire any plans and surveys now existing; and to deposit, in any chartered bank of Canada, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the Company any grant, loan, bonus, or gift made to it, in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the Railway, and with all such other powers as under the Railway Act are vested in ordinary Directors. 15 20 25 30
- Capital stock.** 6. The Capital Stock of the said Company shall be one million five hundred thousand dollars (with power to increase the same in manner provided by the Railway Act), to be divided into shares of one hundred dollars each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said Railway and other purposes of this Act. 35 40
- Application of money raised on the stock.**
- Ten per cent. to be paid on stock.** 7. No subscription for stock in the capital of the Company shall be binding on the Company unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. 45
- Aid to railway.** 8. The said Company may receive either from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment, and maintenance of the said railway, any grants of land, bonuses, loans, or gifts of money, or securities for money. 50



- 9.** The said Company shall have full power to sell, mortgage, pledge, or lease any lands belonging to it, not necessary for the purposes of the said Railway, or received as a grant in aid of the Railway. Power of Company to sell lands.
- 5 10.** When and so soon as shares to the amount of two hundred thousand dollars in the Capital Stock of the Company have been subscribed, and ten per centum thereon has been paid, the Provisional Directors shall call a general meeting of the subscribers to the said Capital Stock at the City of Toronto for the purpose of electing Directors of the said Company, giving at least four weeks' notice by public advertisement of the time, place and purpose of said meeting. Election of Directors.
- 15 11.** At such general meeting the subscribers for the Capital Stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be Directors of the said Company [of whom five shall be a quorum], and may also pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. Powers of subscribers at annual meeting.
- 20 12.** No person shall be qualified to be elected as such Director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the Company, and unless he has paid up all calls thereon. Qualification of directors.
- 25 13.** Thereafter the General Annual Meeting of the Shareholders of the said Company shall be held at such place in the City of Toronto, and on such days and at such hours as may be directed by the By-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette*, and in one or more newspapers published at Toronto. Annual meeting.
- 30 14.** Special General Meetings of the Shareholders of the said Company may be held at such places in the City of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the By-laws of the Company. Special general meetings.
- 35 15.** The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures, which shall be, and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or any, either, or all of them as may be expressed by the said bonds or debentures, and such bonds or debentures shall be in such form and for such amount and payable at such times and places as the Directors from time to time may appoint and direct. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto; provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway under contract to be constructed under and by virtue of this charter. Issue of bonds or debentures.
- 40 16.** In the event at any time of the interest upon any of the said bonds or debentures remaining unpaid and owing, then at the next ensuing General Annual Meeting of the said Company all holders of such bonds or debentures shall have the same rights, privileges, and qualifications for Directors and for voting Rights of bondholders, when interest is unpaid, at meetings.

as are attached to shareholders, provided that the bonds or debentures and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Bonds, &c., to be payable to bearer.

**17.** All such bonds and debentures and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of bonds so made payable to bearer may sue thereon in his own name. 5

Rights of aliens.

**18.** All shareholders in the said Company, whether British subjects or aliens, or residents of Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office as Directors in the said Company. 10

Powers of Company as to negotiable instruments.

**19.** The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such note or bill made, accepted, or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and under the authority of a quorum of the Directors shall be binding on the said Company; and any such promissory note or bills of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President or Secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein enacted; provided however, that nothing in this section shall be construed 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 or bills of a bank. 15 20 25 30

Calls upon shareholders.

**20.** The Directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital, and that thirty days' notice of each call shall be given in such manner as the Directors shall think fit. 35

Running arrangements with other railways.

**21.** The said Company shall have power to make running arrangements with any railway lines in the Province of Ontario, situate on the line hereby authorized to be constructed, or crossing or connecting with the same, or to amalgamate with any such railway Company upon terms to be approved by the majority of the shareholders at a special meeting to be held for that purpose. 40 45

Agreements for leasing the railway.

**22.** It shall be lawful for the said Company to enter into any agreement with any other railway company whose line is situate on the line hereby authorized, or whose line can connect therewith, for leasing the said Pacific Junction Railway of Canada, or any part thereof, or the use thereof, at any time or times, or for leasing or hiring from such other company any railway, or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders, plant, rolling stock or other property of 50

either or of both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and every such agreement shall be valid and binding, and shall be enforced by Courts of Law according to the terms and tenor thereof, and any company or individual accepting and executing such lease shall be, and is hereby, empowered to exercise all the rights and privileges in this charter conferred.

23. Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the Schedule hereunder written, or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

Conveyances  
to railway.  
Registration  
thereof.

#### SCHEDULE.

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration of \_\_\_\_\_ dollars paid to me (*or as the case may be*) by the Pacific Junction Railway Company of Canada, the receipt whereof is hereby acknowledged, do grant, and I the said \_\_\_\_\_ do grant and release, (*or*) do bar my dower in (*as the case may be*) all that certain parcel, (*or*) those certain parcels (*as the case may be*), of land, situate (*describe the land*), the same having been selected by the said company for the purposes of this railway to hold with the appurtenances thereof unto the said The Pacific Junction Railway Company of Canada, their successors and assigns.

As witness my hand and seal, (*or our hands and seals*), this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred \_\_\_\_\_ and \_\_\_\_\_

Signed, sealed and delivered }  
in the presence of \_\_\_\_\_ }

No. 72.

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1st Session, 2nd Parliament, 35th Victoria, 1872.

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BILL

An Act to incorporate the Pacific Junction  
Railway Company of Canada.

(*PRIVATE BILL.*)

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First Reading, 30th Jan., 1872.

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MR. WILLIAMS (Hamilton).

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TORONTO :

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to Incorporate the Pacific Junction Railway Company of Canada.

**W**HEREAS the construction of a railway from the Sault Ste. Marie, in the District of Algoma, to connect with the railway system of Ontario, in the Counties of Victoria, Simcoe, Peterborough, or Ontario or the district of Muskoka, with power of extension from any point on such line to the River Ottawa would be of general benefit to the Province of Ontario; And whereas a petition has been presented for the Incorporation of a Company for that purpose, and it is expedient to grant the prayer of such Petition. Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Honourable William McMaster, Henry S. Howland, J. M. Williams, M.P.P., Thomas Deacon, M.P.P., the Honourable Frank Smith, Noah Barnhart, William H. Howland, F. W. Cumberland, M.P., William F. McMaster, John Turner, John Moat, John McLeod, M. P. P., Humphrey Lloyd Hime, William McGivern, and J. D. Edgar, and Geo. A. Kirkpatrick, M.P., John Carruthers, A. T. H. Williams, M.P.P., A. Hugel, J. D. Armour, the Honourable Billa Flint, the Honourable James Skead, Edward McGillvary, Thomas Kelso, and William Alexander, together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be, and are hereby constituted, a body corporate and politic by and under the name of "The Pacific Junction Railway Company of Canada."

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth, and sixth clauses thereof, and also the several clauses thereof and amendments with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines, and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said Company, and to the railway to be constructed by them, except only 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 clauses of the said Railway Act so incorporated with this Act.

3. The said Company shall have full power and authority to lay out, construct, and complete, a double or single iron or steel

Preamble.

Incorporation.

Corporate name.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

Location of line of railway

railway, of such width of gauge as the Company may think fit, from the Sault Ste. Marie, in the District of Algoma, to connect with the railway system of Ontario in the Counties of Victoria, Simcoe, Peterborough, or Ontario or the District of Muskoka, with power of extension from any point on the said line to the 5 River Ottawa, and with full authority to pass over any of the country between the points aforesaid, and to carry the said railway through the Crown Lands lying between the points aforesaid.

Acquisition of lands.

4. Notwithstanding anything contained in the Railway Act 10 of the Consolidated Statutes of Canada, the said Company may acquire land and water lot property at the Sault Ste. Marie not exceeding fifty acres, and may acquire under the provisions in that behalf of the said Railway Act, and hold such width of land on the sides of the railway and its branches at any point 15 as may be needed for the erection of snow-drift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such lands, as also the powers of the said company, to take possession thereof, shall in case of difference, be 20 ascertained and exercised in the manner provided by the clause of the said Railway Act respecting lands and their valuation.

Provisional directors.

5. The persons named in the first section of this Act, with power to add to their number, shall be, and are hereby constituted Provisional Directors of the said Company; of whom nine shall 25 be a quorum; and shall hold office as such until the first election of Directors under this Act; and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to receive payment on account of stock subscribed; and make calls upon subscribers in respect 30 of their stock; and to sue for and recover the same; and to cause plans and surveys to be made; and to acquire any plans and surveys now existing; and to deposit, in any chartered bank of Canada, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the 35 undertaking; and to receive for the Company any grant, loan, bonus, or gift made to it, in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the Railway, and with all such other powers as under the Railway Act are vested in 40 ordinary Directors.

Their powers.

Capital stock.

6. The Capital Stock of the said Company shall be three million dollars (with power to increase the same in manner provided by the Railway Act), to be divided into shares of one hundred dollars each, and the money so raised shall 45 be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipping, 50 completing and maintaining of the said Railway and other purposes of this Act.

Application of money raised on the stock.

Ten per cent. to be paid on stock.

7. No subscription for stock in the capital of the Company shall be binding on the Company unless ten per centum of the amount subscribed has been actually paid thereon within one 55 month after subscription.

8. The said Company may receive either from any Government **As to railway.**  
or from any persons or bodies corporate, municipal or politic,  
who may have power to make or grant the same, in aid of the  
construction, equipment, and maintenance of the said railway,  
bonuses, loans, or gifts of money, or securities for money.
9. When and so soon as shares to the amount of three hun- **Election of**  
dred thousand dollars in the Capital Stock of the Company **Directors.**  
have been subscribed, and ten per centum thereon has been paid,  
the Provisional Directors shall call a general meeting of the  
10 subscribers to the said Capital Stock at the City of Toronto for  
the purpose of electing Directors of the said Company, giving at  
least four weeks' notice by public advertisement, as provided  
by the twelfth section, of the time, place and purpose of said  
meeting.
- 15 **10.** At such general meeting the subscribers for the Capital **Powers of sub-**  
Stock assembled who shall have so paid up ten per centum **scribers at an-**  
thereof, with such proxies as may be present, shall choose nine **ual meeting.**  
persons to be Directors of the said Company [of whom five shall  
be a quorum], and may also pass such rules, regulations, and  
20 by-laws as may be deemed expedient, provided they be not  
inconsistent with this Act, and the General Railway Act of  
Canada.
11. No person shall be qualified to be elected as such Director **Qualification**  
by the shareholders unless he be a shareholder holding at least **of directors.**  
25 twenty shares of stock in the Company, and unless he has paid  
up all calls thereon.
12. Hereafter the General Annual Meeting of the Share- **Annual meet-**  
holders of the said Company shall be held at such place in the **ing.**  
City of Toronto, and on such days and at such hours as may be  
30 directed by the By-laws of the said Company, and public notice  
thereof shall be given at least fourteen days previously in the  
*Ontario Gazette*, and in one or more newspapers published at  
Toronto.
13. Special General Meetings of the Shareholders of the **Special gen-**  
35 said Company may be held at such places in the City of Toronto, **eral meetings.**  
and at such times, and in such manner, and for such purposes  
as may be provided by the By-laws of the Company.
14. The Directors of the said Company are hereby authorized **Issue of bonds**  
to issue bonds under the seal of the said Company, signed by **or debentures.**  
40 its president or other presiding officer, and countersigned by  
its secretary; and such bonds may be made payable in such  
money or moneys at such times, in such manner, and at such  
place or places in this Province or elsewhere, and bearing such  
rate of interest as the Directors shall think proper; and the  
45 Directors shall have power to issue and sell, or pledge all or  
any of the said bonds, at such price and upon such terms and con-  
ditions as they may think fit, for the purpose of raising money  
for prosecuting the said undertaking; Provided that the amount  
of such bonds shall not exceed fifteen thousand dollars per mile,  
50 to be issued in proportion to the length of railway constructed,  
or under contract to be constructed; Provided that no such  
bonds shall be issued until at least five hundred thousand dol-  
lars shall have been subscribed to the capital stock, and ten per  
cent. paid thereon.

Bonds to be first preferential claim on company.

15. The bonds hereby authorized to be issued, shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the said company, and the undertaking, tolls, and income and real personal property thereof; now or at any time hereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata*, with all the other bond-holders. 5

Rights of bondholders when principal or interest are in arrear.

16. If the said company shall make default in paying the principal or interest of any of the bonds hereby authorized, at the time when the same shall, by the terms of the bond, become due and payable then at next ensuing general annual meeting of the said company, and all subsequent meetings, all holders of bonds so being and remaining in default, shall on respect thereof, have and possess the same rights and privileges and qualifications for directors, as would be attached to them as shareholders, if they had held fully paid up shares of the said company to a corresponding amount: Provided nevertheless, that the right given by this section shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights, shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the said company, and for that purpose the company shall be bound on demand to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof, in the same manner as a transfer of shares; Provided also, that the exercise of the rights given by this section, shall not take away, limit, or restrain any other, of the rights or remedies to which the holders of the said bonds shall be entitled. 10 15 20 25 30

Proviso.

Proviso.

Form and registration of securities.

17. All the bonds, debentures, mortgages, and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall in that case be transferable by delivery, and any holder of any such bonds, debentures, mortgages, or coupons so made payable to bearer, may sue at law thereon in his own name, unless and until registry thereof, in manner provided in the preceding section, and while so registered, they shall be transferable by written transfer, registered in the same manner as in the case of shares, but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the company shall be bound to register on the demand of the registered holder, for the time being. 35 40 45

Rights of aliens.

18. All shareholders in the said Company, whether British subjects or aliens, or residents of Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office as Directors in the said Company. 45

Powers of Company as to negotiable instruments.

19. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such note or bill made, accepted, or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and under the authority of a quorum of the Directors shall be binding on the said Company; and any such promissory note or bills of exchange so made shall be presumed to have been made 50 55



with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President or Secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein enacted; provided however, that nothing in this section shall be construed 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 or bills of a bank.

20. The Directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital, and that thirty days' notice of each call shall be given in accordance with the by-law of the company and this Act.

21. The said Company shall have power to make running arrangements with any railway lines in the Province of Ontario, situate on the line hereby authorized to be constructed, or crossing or connecting with the same, upon terms to be approved by two-thirds of the shareholders at a special general meeting to be held for that purpose in accordance with this Act.

22. It shall be lawful for the said Company to enter into any agreement with any other railway company whose line is situate on the line hereby authorized, or whose line can connect therewith, for leasing the said Pacific Junction Railway of Canada, or any part thereof, or the use thereof, at any time or times, or for leasing or hiring from such other company any railway, or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders, plant, rolling stock or other property of either or of both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy at a special general meeting to be called in accordance with this Act for that purpose, and every such agreement shall be valid and binding, and shall be enforced by Courts of Law according to the terms and tenor thereof, and any company or individual accepting and executing such lease shall be, and is hereby, empowered to exercise all the rights and privileges in this charter conferred.

23. Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the Schedule hereunder written, or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

24. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railways, or for open-

ing a street to any station from an existing highway, the said company may purchase, hold, use, or enjoy such lands, and also the right of way thereto if the same be separated from their railways, and may sell and convey the same, or parts thereof, from time to time, as they may deem expedient; and may also make use of, for the purposes of the said railways, the water of any stream or water-course over or near which the said railway passes doing however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course; and the compensation to be paid to the owners for such lands, or the use of such water, as also the powers of the said company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the clause of the Railway Act of the Consolidated Statutes of Canada, respecting "lands and their valuation."

Use of streams

Commencement and completion of railway.

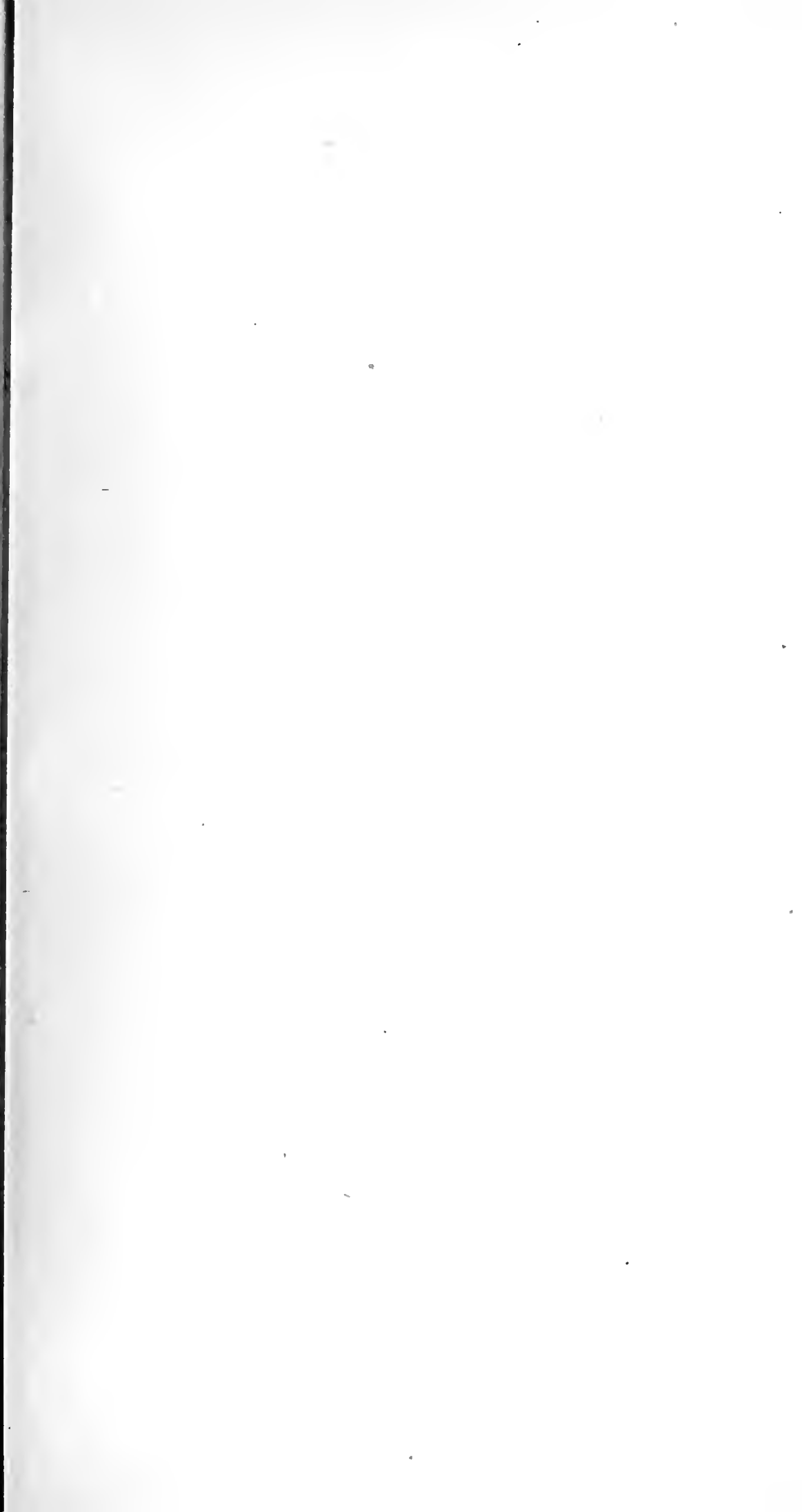
25. The Railway shall be commenced within two years, and completed within five years after the passing of this Act, and in default thereof, the powers hereby conferred, shall absolutely cease with respect to so much of the railway as then remains incomplete.

#### SCHEDULE.

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration of \_\_\_\_\_ dollars paid to me (*or as the case may be*) by the Pacific Junction Railway Company of Canada, the receipt whereof is hereby acknowledged, do grant, and I the said \_\_\_\_\_ do grant and release, (*or*) do bar my dower in (*as the case may be*) all that certain parcel, (*or*) those certain parcels (*as the case may be*), of land, situate (*describe the land*), the same having been selected by the said company for the purposes of this railway to hold with the appurtenances thereof unto the said The Pacific Junction Railway Company of Canada, their successors and assigns.

As witness my hand and seal, (*or* our hands and seals), this  
day of \_\_\_\_\_ one thousand eight hundred  
and \_\_\_\_\_

Signed, sealed and delivered }  
in the presence of }



1st Session, 2nd Parliament, 35 Victoria, 1872.

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BILL.

An Act to incorporate the Pacific Junction  
Railway Company of Canada.

PRIVATE BILL.

(*Reprinted as Amended.*)

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First Reading, 30th January, 1872.

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Mr. WILLIAMS (*Hamilton.*)

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TORONTO :

PRINTED BY HUNTER, ROSE & Co

An Act to Incorporate the Pacific Junction Railway Company of Canada.

**W**HEREAS the construction of a railway from the Sault Ste. Marie, in the District of Algoma, to connect with the railway system of Ontario, in the Counties of Victoria, Simcoe, Peterborough, or Ontario or the district of Muskoka, with power of extension from any point on such line to the River Ottawa would be of general benefit to the Province of Ontario; And whereas a petition has been presented for the Incorporation of a Company for that purpose, and it is expedient to grant the prayer of such Petition:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The Honourable William McMaster, Henry S. Howland, J. M. Williams, M.P.P., Thomas Deacon, M.P.P., the Honourable Frank Smith, Noah Barnhart, William H. Howland, F. W. Cumberland, M.P., William F. McMaster, John Turner, John Moat, John McLeod, M. P. P., Humphrey Lloyd Hime, William McGivern, J. D. Edgar, Geo. A. Kirkpatrick, M.P., John Carruthers, A. T. H. Williams, M.P.P., A. Hugel, J. D. Armour, the Honourable Billa Flint, the Honourable James Skead, Edward McGillivray, Thomas Kelso and William Alexander, together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be, and are hereby constituted, a body corporate and politic by and under the name of "The Pacific Junction Railway Company of Canada."

Incorporation.

Corporate name.

**2.** The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth, and sixth clauses thereof, and also the several clauses thereof and amendments with respect to "interpretation," "incorporation," "powers," "plans and surveys," "land and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said Company, and to the railway to be constructed by them, except only 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 clauses of the said Railway Act so incorporated with this Act.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

**3.** The said Company shall have full power and authority to lay out, construct, and complete, a double or single iron or steel

Location of line of railway

railway, of such width of gauge as the Company may think fit, from the Sault Ste. Marie, in the District of Algoma, to connect with the railway system of Ontario in the Counties of Victoria, Simcoe, Peterborough, or Ontario or the District of Muskoka, with power of extension from any point on the said line to the River Ottawa, and with full authority to pass over any of the country between the points aforesaid, and to carry the said railway through the Crown Lands lying between the points aforesaid.

Acquisition of lands.

4. Notwithstanding anything contained in the Railway Act of the Consolidated Statutes of Canada, the said Company may acquire land and water lot property at the Sault Ste. Marie not exceeding fifty acres, and may acquire under the provisions in that behalf of the said Railway Act, and hold, such width of land on the sides of the railway and its branches at any point as may be needed for the erection of snow-drift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such lands, as also the powers of the said company, to take possession thereof, shall in case of difference, be ascertained and exercised in the manner provided by the clause of the said Railway Act respecting lands and their valuation.

Provisional directors.

5. The persons named in the first section of this Act, with power to add to their number, shall be, and are hereby constituted Provisional Directors of the said Company, of whom nine shall be a quorum, and shall hold office as such until the first election of Directors under this Act; and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to receive payment on account of stock subscribed; and make calls upon subscribers in respect of their stock; and to sue for and recover the same; and to cause plans and surveys to be made; and to acquire any plans and surveys now existing; and to deposit, in any chartered bank of Canada, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the Company any grant, loan, bonus, or gift made to it, in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the Railway, and with all such other powers as under the Railway Act are vested in ordinary Directors.

Their powers.

Capital stock.

6. The Capital Stock of the said Company shall be three million dollars (with power to increase the same in manner provided by the Railway Act), to be divided into shares of one hundred dollars each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act; and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said Railway and other purposes of this Act.

Application of money raised on the stock.

Ten per cent. to be paid on stock.

7. No subscription for stock in the capital of the Company shall be binding on the Company unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

**8.** The said Company may receive either from any Government Aid to railway or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment, and maintenance of the said railway, bonuses, loans, or gifts of money, or securities for money.

**9.** When and so soon as shares to the amount of three hundred thousand dollars in the Capital Stock of the Company have been subscribed, and ten per centum thereon has been paid, the Provisional Directors shall call a general meeting of the subscribers to the said Capital Stock at the City of Toronto for the purpose of electing Directors of the said Company, giving at least four weeks' notice by public advertisement, as provided by the twelfth section, of the time, place and purpose of said meeting. Election of Directors.

**10.** At such general meeting the subscribers for the Capital Stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be Directors of the said Company [of whom five shall be a quorum], and may also pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and the General Railway Act of Canada. Powers of subscribers at annual meeting.

**11.** No person shall be qualified to be elected as such Director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the Company, and unless he has paid up all calls thereon. Qualification of directors.

**12.** Thereafter the General Annual Meeting of the Shareholders of the said Company shall be held at such place in the City of Toronto, and on such days and at such hours as may be directed by the By-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette*, and in one or more newspapers published at Toronto. Annual meeting.

**13.** Special General Meetings of the Shareholders of the said Company may be held at such places in the City of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the By-laws of the Company. Special general meetings.

**14.** The Directors of the said Company are hereby authorized to issue bonds under the seal of the said Company, signed by its president or other presiding officer, and countersigned by its secretary; and such bonds may be made payable in such money or moneys at such times, in such manner, and at such place or places in this Province or elsewhere, and bearing such rate of interest as the Directors shall think proper; and the Directors shall have power to issue and sell, or pledge all or any of the said bonds, at such price and upon such terms and conditions as they may think fit, for the purpose of raising money for prosecuting the said undertaking; Provided that the amount of such bonds shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed; Provided that no such bonds shall be issued until at least five hundred thousand dollars shall have been subscribed to the capital stock, and ten per centum paid thereon. Issue of bonds or debentures.

Bonds to be first preferential claim on company.

**15.** The bonds hereby authorized to be issued, shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the said company, and the undertaking, tolls, and income and real and personal property thereof, now or at any time hereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata*, with all the other bond-holders.

Rights of bondholders when principal or interest are in arrear.

**16.** If the said company shall make default in paying the principal or interest of any of the bonds hereby authorized, at the time when the same shall, by the terms of the bond become due and payable, then at the next ensuing general annual meeting of the said company, and all subsequent meetings, all holders of bonds so being and remaining in default, shall in respect thereof, have and possess the same rights and privileges and qualifications for directors, as would be attached to them as shareholders, if they had held fully paid up shares of the said company to a corresponding amount: Provided nevertheless, that the right given by this section shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights, shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the said company; and for that purpose the company shall be bound on demand to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof, in the same manner as a transfer of shares; Provided also, that the exercise of the rights given by this section, shall not take away, limit, or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

Proviso.

Proviso.

Form and registration of securities.

**17.** All the bonds, debentures, mortgages, and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall in that case be transferable by delivery; and any holder of any such bonds, debentures, mortgages, or coupons so made payable to bearer, may sue at law thereon in his own name, unless and until registry thereof, in manner provided in the preceding section; and while so registered, they shall be transferable by written transfer, registered in the same manner as in the case of shares, but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the company shall be bound to register on the demand of the registered holder for the time being.

Rights of aliens.

**18.** All shareholders in the said Company, whether British subjects or aliens, or residents of Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office as Directors in the said Company.

Powers of Company as to negotiable instruments.

**19.** The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such note or bill made, accepted, or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and under the authority of a quorum of the Directors shall be binding on the said Company; and any such promissory note or bill of exchange so made shall be presumed to have been made



with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President or Secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein enacted; provided however, that nothing in this section shall be construed 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 or bills of a bank.

**20.** The Directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital, and that thirty days' notice of each call shall be given in accordance with the by-law of the company and this Act. Calls upon shareholders.

**21.** The said Company shall have power to make running arrangements with any railway lines in the Province of Ontario, situate on the line hereby authorized to be constructed, or crossing or connecting with the same, upon terms to be approved by two-thirds of the shareholders at a special general meeting to be held for that purpose in accordance with this Act. Running arrangements with other railways.

**22.** It shall be lawful for the said Company to enter into any agreement with any other railway company whose line is situate on the line hereby authorized, or whose line can connect therewith, for leasing the said Pacific Junction Railway of Canada, or any part thereof, or the use thereof, at any time or times, or for leasing or hiring from such other company any railway, or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders, plant, rolling stock or other property of either or of both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy at a special general meeting to be called in accordance with this Act for that purpose, and every such agreement shall be valid and binding, and shall be enforced by Courts of Law according to the terms and tenor thereof, and any company or individual accepting and executing such lease shall be, and is hereby, empowered to exercise all the rights and privileges in this charter conferred. Agreements for leasing the railway.

**23.** Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the Schedule hereunder written, or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof. Conveyances to railway. Registration thereof.

**24.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railways, or for open- Acquisition of lands.

ing a street to any station from an existing highway, the said company may purchase, hold, use, or enjoy such lands, and also the right of way thereto if the same be separated from their railways, and may sell and convey the same, or parts thereof, from time to time, as they may deem expedient; and may also make use of, for the purposes of the said railways, the water of any stream or water-course over or near which the said railway passes, doing however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course; and the compensation to be paid to the owners for such lands, or the use of such water, as also the powers of the said company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the clause of the Railway Act of the Consolidated Statutes of Canada, respecting "lands and their valuation."

Use of streams

Commencement and completion of railway.

**25.** The Railway shall be commenced within two years, and completed within five years after the passing of this Act, and in default thereof, the powers hereby conferred, shall absolutely cease with respect to so much of the railway as then remains incomplete.

#### SCHEDULE.

Know all men by these presents that I (or we) (*insert also the name of wife or any other person whomay be a party*) in consideration of                    dollars paid to me (*or as the case may be*) by the Pacific Junction Railway Company of Canada, the receipt whereof is hereby acknowledged, do grant, and I the said                    do grant and release, (*or*) do bar my dower in (*as the case may be*) all that certain parcel, (*or*) those certain parcels (*as the case may be*), of land, situate (*describe the land*), the same having been selected by the said company for the purposes of this railway to hold with the appurtenances thereof unto the said The Pacific Junction Railway Company of Canada, their successors and assigns.

As witness my hand and seal, (*or our hands and seals*), this  
    day of                    one thousand eight hundred  
 and

Signed, sealed and delivered }  
    in the presence of                    }

[L.S.]



An Act to incorporate the Pacific Junction  
Railway Company of Canada.

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First Reading,	30th January,	1872.
Second	“	16th February, 1872.
Third	“	23rd “ 1872.

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Mr. WILLIAMS, (*Hamilton*).

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TORONTO.

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Georgian Bay Lumber Company.

**W**HEREAS Letters Patent were granted by His Excellency Preamble.  
 the Governor General, under the great seal of the  
 Dominion of Canada, and under and by virtue of the authority  
 of the Act of the Dominion of Canada, passed in the session of  
 5 parliament held in the thirty-second and thirty-third year  
 of Her Majesty's reign, and chaptered thirteen, intituled  
 the "Canada Joint Stock Companies Letters Patent Act,  
 1869," incorporating the Georgian Bay Lumber Company;  
 And whereas the said company have by their petition in  
 10 effect represented that the said company has been carrying  
 on the business of lumbering under the authority as conferred  
 by the said charter at Port Severn, Waubausheene and Stur-  
 geon Bay, all in the County of Simcoe, in the Province of  
 Ontario, and that its capital stock is too limited to enable the  
 15 said company to carry on the said business to the same advan-  
 tage as if such capital stock were increased, and in order there-  
 to it would be advantageous to the said company to increase the  
 capital stock thereof; And further, that doubts having arisen  
 as to the validity of the said charter, that the said company are  
 20 desirous of having the same confirmed; And that the said com-  
 pany desire to have increased power for purchasing, acquiring,  
 holding, alienating, and conveying all such saw mills and pre-  
 mises, lands, leases, licenses, timber, berths or limits, mill sites,  
 water powers and such other real estate as may be deemed ne-  
 25 cessary and advisable for carrying on the business of lumber-  
 ing in all its branches, and for other powers and purposes; 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 Assembly of the Province of Ontario enacts  
 30 as follows:—

**1.** That the shareholders of the Georgian Bay Lumber Com- Incorporation.  
 pany incorporated by Letters Patent under the great seal of the  
 Dominion of Canada, under and by virtue of "The Canada Joint  
 Stock Companies Letters Patent Act, 1869," together with such  
 35 other persons as shall be and become stockholders in the said  
 company, shall continue to be a body politic and corporate by  
 the name of "The Georgian Bay Lumber Company," with all Corporate  
 and every the incident and privileges to such corporation be- name.  
 longing; Provided always that nothing herein contained shall Proviso.  
 40 be construed to make the said company a new corporation or in  
 any way whatever to affect any right or liability of the said  
 company, or any action, suit or proceeding pending at the time  
 of the passing of this Act.

**2.** The said Letters Patent incorporating the said company, Letters Patent  
 45 and a true copy of which are hereunto annexed in schedule **A.** confirmed.

to this Act appended are and the same are hereby confirmed, except where the same are inconsistent with the provisions of this Act.

- Power to increase capital.** 3. It shall, and may be lawful for the directors of the said company, or a majority of them to add to their present capital stock the sum of five hundred thousand dollars, divided into shares of one hundred dollars each, such additional stock to be subscribed and apportioned in such manner and upon such terms as the directors may determine. 5
- Privileges of new shareholders.** 4. The holders of such additional shares shall be entitled to the like privileges in respect to the same as or may be possessed by holders of original shares in the stock of the company. 10
- Power as to lands, timber, &c.** 5. It shall be lawful for the said company for the purpose of carrying on such business and more fully carrying out the objects of The Letters Patent incorporating the same, and of this Act from time to time, and as often as it may be deemed advisable to hold lands, timber, berths, and limits or licenses, and other such property as required by it for such purpose, and may sell, lease, or otherwise dispose of and convey the same or any part thereof when no longer required. 15 20
- Sale or mortgage of lands.** 6. The company shall have power to sell, mortgage or lease any lands belonging to it not necessary for the purpose of the said business which it is empowered to carry on.
- Power to construct mills, buildings, &c.** 7. The company may construct and maintain such buildings, mills, machinery, dwellings and other houses, barns and sheds, wharves and piers, rail or tramways, dams, sluices and other works as may be required or may be deemed advantageous for the carrying on the business of the said company. 25
- Company may hold vessels, &c.** 8. It shall be lawful for the said company to construct, purchase, charter and navigate steam vessels and other water craft on any lake, river, or stream within the Province of Ontario, for the purpose of carrying, towing, or conveying saw logs, timber, lumber, laths, shingles, or other manufactured stuff in connection with the mills belonging to the said company. 30
- Power to pass by-laws, and to change chief place of business.** 9. The directors of the company shall have full power in all things to administer the affairs of the company and to pass the by-laws authorized by Letters Patent, and also to pass a by-law or by-laws, and from time to time to repeal, amend, and re-enact the same for the purpose of changing the chief place of business of the said company. 35 40
- Proviso to issue bond or debenture, and to make them a charge.** 10. The directors of the said company are hereby authorized and empowered from time to time to borrow for the purpose of the company any sum or sums of money, and for that purpose to issue bonds or debentures on such terms as they may think proper, and may pledge all the property or income of the said company, or either the property or moneys of the said company or any part thereof, for the repayment of the money so raised or borrowed, and the payment of the interest thereon as may be expressed in the said bonds or debentures, which shall form a charge accordingly, and such bonds or debentures shall be in such form and for such amount, and payable at such times and places as the directors from time to time may appoint and di- 45 50



reign, and within one month after the last publication in the *Canada Gazette*, of the notice hereinafter mentioned and recited one Anson Greene Phelps Dodge, of Keswick, in the Township of North Gwillimbury, in the County of York, in the Province of Ontario, and of the City of New York, in the State of New York, in the United States of America, lumberer; the Honourable John Beverley Robinson, of the City of Toronto, barrister-at-law; William James Macaulay, of the Village of Orillia, in the County of Simcoe, lumberer; D'Alton McCarthy, the younger, of the Town of Barrie, in the County of Simcoe, barrister-at-law; Alexander Ritchie Christie, of Port Severn, in the Township of Tay, in the County of Simcoe, lumberer; William Kerr, of the City of Toronto, in the County of York, lumberer; and Daniel Sprague, of the Village of Orillia, aforesaid, book-keeper, have prayed that a charter of incorporation embodying and setting forth two several provisions which otherwise under the said Act might be embodied in any by-law of the said company when incorporated, may be granted constituting them and such other person or persons as is or are or might become shareholder or shareholders in a company for the purposes hereinafter mentioned and specified, a body corporate and politic;

And whereas, in accordance with the provisions of the said Act, notice was published in the *Canada Gazette*, for at least one month immediately preceding the presentation of the said petition, in which said notice it was stated and set forth that an application would be made by the said Anson Greene Phelps Dodge, the said John Beverley Robinson, the said William James Macaulay, the said D'Alton McCarthy, the younger, the said Alexander Ritchie Christie, the said William Kerr, and the said Daniel Sprague, by petition to His Excellency the Governor General in Council; after the expiration of one month from the first publication of the said notice in the *Canada Gazette*, that Letters Patent under the great seal of the Dominion of Canada might be issued in pursuance of the said Act, granting a charter to them, constituting them the above-named parties and others who might become shareholders in the company thereby to be created a body corporate and politic under, by, or in the name of "The Georgian Bay Lumber Company," for the purposes of purchasing, acquiring, and getting out saw logs or other timber, and of transporting the same from place to place and manufacturing such logs or timber into lumber, and of buying and selling lumber, and for acquiring, holding, alienating and conveying mills, properties, mill sites, water powers, and mills already erected and constructed, and timber lands, timber berths or limits, and growing timber, and for erecting and constructing from time to time mills and other buildings necessary thereto, and for acquiring, holding, chartering, alienating, conveying, and building ships, steam-tugs, schooners, barges, or other vessels requisite for the transportation of said saw logs or lumber required in the said business, and generally for carrying on the business of lumbering in all its branches, and for establishing a line of steam boats, or sailing ships, or vessels from and between Port Severn aforesaid, and the Cities of Chicago, in the State of Michigan, and Cleveland, in the State of Ohio, two of the United States of America, respectively for the purpose of carrying lumber or other freight between said port.

That the operations of the said company were to be carried on in the said Village of Orillia, as its chief place of business, and at the Village of Wabausheene, in the said Township of Tay, and at the City of Cleveland aforesaid;



That the capital stock of the said company was five hundred thousand dollars in five thousand shares of one hundred dollars each ;

That the said Anson Greene Phelps Dodge, the said John Beverley Robinson, and the said William James Macaulay, three of the parties therein above-named were to be the first directors of the said company.

And that the names in full and addresses and callings of each of the applicants for the Letters Patent for the chartering of the proposed company were therein above in the said notice fully set forth.

And whereas, the said applicants in their said petition after alleging and setting forth the allegations in the said notice contained and as hereinbefore set forth, further allege and set forth :—

That the proposed corporate name of the said company is not to the best of the knowledge and belief of the said petitioners that of any other company doing business in this our Dominion.

That the petitioners have respectively taken the amount of stock in the said company as follows, that is to say :—The said Anson Greene Phelps Dodge, two thousand shares of one hundred dollars each, being an amount of two hundred thousand dollars ; The said William James Macaulay, two hundred and fifty shares of one hundred dollars each, being an amount of twenty-five thousand dollars ; The said John Beverley Robinson, five shares of one hundred dollars each, being an amount of five hundred dollars ; The said D'Alton McCarthy, the younger, ten shares of one hundred dollars each, being an amount of one thousand dollars ; The said Alexander Ritchie Christie, ten shares of one hundred dollars each, being an amount of one thousand dollars ; The said William Kerr, ten shares of one hundred dollars each, being an amount of one thousand dollars ; And the said Daniel Sprague, ten shares of one hundred dollars each, being an amount of one thousand dollars.

That the total number of shares so then taken by the said petitioners as aforesaid, amounted to two thousand two hundred and ninety-five, making an aggregate amount of two hundred and twenty-nine thousand five hundred dollars.

That the said petitioners had each and all of them paid in on their stock ten per cent of the aggregate amount, making in the whole a sum of twenty-two thousand nine hundred and fifty dollars so paid in, which sum had been paid in in cash to the credit of the said Anson Greene Phelps Dodge, and the said William James Macaulay, trustees for the said company at the chief banking house of the Bank of Quebec, at the City of Toronto, and is now lying at such credit ; That the said amount of twenty-two thousand nine hundred and fifty dollars so paid in by the said petitioners as aforesaid, is considerably more than five per cent of the total capital of the said company ; That the said petitioners desire that there should be embodied in the Letters Patent to be granted to them the following provisions, that is to say :—

1. That the board of directors shall consist of three, with power from time to time to increase the number of directors by by-law to be submitted to and approved of by a majority in value of the shareholders of the said company.

2. That no by-law to be passed by the directors of the said company, nor the repeal, amendment or re-enactment of any by-law except for the purpose of regulating the working of the said

company, and the security to be required by them to the company and their remuneration shall have any force or effect until confirmed at the annual meeting of the company, or at a special meeting called for the purpose of taking the same into consideration and confirming or annulling the same.

And whereas the said petitioners have established to the satisfaction of Our Minister of Justice and Attorney-General of Canada, the sufficiency of their said notice and petition respectively, and the truth and sufficiency of the several facts therein respectively set forth, and fuather, that they, the said petitioners and more especially the said Anson Greene Phelps, the said John Beverley Robinson, and the said William James Macaulay, the provisional directors of the said company are persons of sufficient reputed means to warrant the application made by and through the said petition :—

Now know ye, that by and with the advice of Our Privy Council of Canada, and under the authority of the hereinbefore in part recited statute and of any other power and authority whatsoever in us, vested in this behalf, we do by these Our Royal Letters Patent constitute the said Anson Greene Phelps Dodge, John Beverley Robinson, William James Macaulay, D'Alton McCarthy, the younger, Alexander Ritchie Christie, William Kerr, and Daniel Sprague, and all and every such other person and persons as now is or are or shall at any time hereafter become a shareholder or shareholders in the said company under the provision of the said hereinbefore in part recited Act, and the by-laws made under the authority thereof and their successors a body corporate and politic with perpetual succession and a common seal by the name of "The Georgian Bay Lumber Company," capable forthwith of exercising all the functions of an incorporated company as if incorporated by a special Act of Parliament and by their corporate name of suing and being sued : pleading and being impleaded in all courts whether of law or equity ; with the power to the said company of purchasing, acquiring and getting out saw logs or other timber, and of transporting the same from place to place, and manufacturing such logs or timber into lumber, and of buying and selling lumber, and for acquiring, holding, alienating, and conveying mills, properties, mill sites, water powers, and mills already erected and constructed, and timber lands, timber berths or limits, and growing timber, and for erecting and constructing from time to time mills and other buildings necessary thereto, and for acquiring, holding, chartering, alienating, conveying, and building ships, steam tugs, schooners, barges or other vessels requisite for the transportation of said saw logs, or lumber, or required in the said business, and generally for carrying on the business of lumbering in all its branches, and for establishing a line of steam boats or sailing ships, or vessels, from and between Port Severn aforesaid, and the Cities of Chicago, in the State of Michigan, and Cleveland in the State of Ohio, two of the United States of America, respectively, for the purpose of carrying lumber or other freight between said ports ; Provided always that the board of directors of the said company hereby incorporated shall consist of three members with power to increase from time to time their numbers by by-law to be submitted to and approved of by a majority in value of the shareholders of the said company ; And further, that no by-law to be passed by the directors of the said company nor the repeal, amendment or re-enactment of any by-law, except for the purpose of regulating

the working of the said company, and the security to be required by them to the company and their remuneration shall have any force or effect until confirmed at the annual meeting of the company, or at a special meeting called for the purpose of taking the same into consideration and confirming or annulling the same.

In testimony whereof We have caused these our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed; Witness our right trusty and well beloved The Right Honourable John, Baron Lisgar, of Lisgar and Bailieborough, in the County of Cavan, Ireland, in the Peerage of the United Kingdom of Great Britain and Ireland, and a Baronet one of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most distinguished Order of Saint Michael and Saint George, Governor General of Canada, and Governor and Commander-in-chief of the Island of Prince Edward.

At our Government House in our City of Ottawa, this thirteenth day of February, in the year of our Lord, one thousand eight hundred and seventy-one, and in the thirty-fourth year of our reign.

By command

J. C. AIKENS,  
*Secretary of State.*

BILL.

An Act respecting the Georgian Bay Lumber Company.

*PRIVATE BILL*

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First Reading, 30th January, 1872.

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Mr. ARDAGH.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to Incorporate the Georgian Bay Lumber Company of Ontario.

WHEREAS Anson Greene Phelps Dodge, of Keswick, in <sup>Preamble.</sup> the County of York, the Honourable John Beverley Robinson, of the City of Toronto, D'Alton McCarthy the younger, of the Town of Barrie, in the County of Simcoe, Alexander Ritchie Christie and William Kerr, both of the City of Toronto, Harvey M Mixer, of the said Town of Barrie, and Daniel Sprague and Hargreaves, both of the Village of Orillia, in the said County, of Simcoe, have applied for an Act of Incorporation to facilitate the objects with which they are associated and to empower the said proposed company to purchase the mill properties known as the Severn Mills, the Waubausheene Mills, and the Sturgeon Bay Mills connected with the works, timbered lands, licences and limits, and the lumbering plant, and all other the real and personal property belonging to or connected with or which have been used in connection with or appurtenant to the said mill property for the purpose of carrying on the business of getting out timber and saw logs, and manufacturing the same into lumber, and generally for the carrying on the business of lumbering in all its branches; and whereas it is represented that the said business could be better and more economically carried on by a company to be composed of the applicants and other persons, and have prayed that an Act may be passed authorizing the formation of the said company for such purposes, and they may be incorporated under the title of "The Georgian Bay Lumber Company of Ontario," for the purposes of acquiring the said mill properties and works, and the lands, licenses or timber berths or limits belonging to or connected with the same, and all the personal property aforesaid, for the purpose of manufacturing timber, saw-logs and other products of the wood, and also for the purpose of cutting, taking out, making and carrying timber and saw-logs for the purpose of such manufacture, and for the buying and selling of lumber and timber, and for acquiring, holding, alienating and conveying such lands, lumber licenses, mill properties, mill sites, water powers and such other real estate as may be deemed advisable for the carrying on of said business, and for the construction of all works, rail or tramways, mill engines, dams, sluices, scows, schooners, vessels and steamboats and other works necessary for carrying on of such business at Port Severn, Waubausheene, and Sturgeon Bay, all in the County of Simcoe, in the Province of Ontario, and at other places in said Province; 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 Assembly of the Province of Ontario, enacts as follows:—

1. Anson Greene Phelps Dodge, the Honourable John Beverley Robinson, D'Alton McCarthy the younger, Alexander Ritchie Christie, William Kerr, Harvey M. Mixer, Daniel Sprague, Certain persons incorporated.

- together with all such persons and corporations as shall become shareholders in the said company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of "The Georgian Bay Lumber Company of Ontario."
- 5**
- 2** The said corporation is hereby constituted for the purpose of purchasing and acquiring the said saw mills and premises known as the Severn Mills, the Waubaushene Mills, and the Sturgeon Bay or Laramie Mills, and which are situate in the Village of Port Severn, and at Waubaushene, and on Sturgeon Bay in the County of Simcoe, respectively, together with all such lands, leases, licenses, timber berths or limits, and all mills, works, timber, lumber, dams, sluices, and all other property real or personal, and all other rights and privileges which belonged to, or were used and enjoyed with the said saw mills upon such terms and conditions as the same may be acquired or purchased for and may hold, use and enjoy all such property, privileges and rights for the purpose of carrying on the business of lumbering in all its branches under the provisions of this Act.
- 3.** The said company may, for the purpose of carrying on its purpose and more fully carrying out the objects of this Act from time to time, and as often as it may be deemed advisable to acquire and hold lands, timber berths, limits or licenses, and other such property as required by it for such purpose, and may sell, lease, or otherwise dispose of and convey the same or any part thereof when no longer required.
- 4.** The company shall have power to sell, mortgage or lease any lands belonging to it not necessary for the purpose of the said business.
- 5.** The company may construct and maintain such buildings, mills, machinery, dwellings and other houses, barns and sheds, wharves and piers, rail or tramways, dams, sluices and other works as may be required or may be deemed advantageous for the carrying on the business of the said company.
- 6.** The company shall have power to construct, purchase, charter and navigate steam vessels and other water craft on any lake, river, or stream within the Province of Ontario, for the purpose of carrying, towing, or conveying saw logs, timber, lumber, laths, shingles, or other manufactured stuff in connection with the said mills, or any mill or mills hereafter to be erected or acquired by the said company.
- 7.** The capital stock of the said company shall be one million dollars, in shares of one hundred dollars each, which stock shall be subscribed by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and all the rest and residue of the said money shall be applied towards acquiring the said saw mills and premises, lands, timber berths and limits hereinbefore mentioned or referred, and all such other real or personal property as may be required in carrying on the business of the said company.

Name.

Objects of company.

Power as to lands, timber berths etc.

Company may sell land, etc.

Power to construct mills, tramways, wharves, etc.

Company may hold steam vessels, etc.

Capital stock and shares.

Application of capital.

8. The directors of the company, if they see fit at any time after the whole capital stock shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount not exceeding one and a half million of dollars, which they may consider requisite in order to the due carrying out of the objects of the company;

Increase of capital stock.

(2.) Such by-law shall declare the number and shares of the new stock, and may prescribe the manner in which the same shall be allotted, and, in default of its so doing, the whole of such allotment shall be held to rest absolutely in the directors.

9. The directors of the company, if they see fit at any time, may make a by-law for decreasing the capital stock of the company to any amount which they may consider sufficient, in order to the due carrying out of the undertaking of the company, and

Decreasing capital stock.

(2.) Such by-law shall declare the number and value of the shares of the stock as so decreased, and the allotment thereof, or the rule or rules by which the same shall be made.

10. But no by-law or by-laws for increasing or decreasing the capital stock of the company shall have any force or effect whatever until after it shall be sanctioned by a vote of not less than two-thirds in value of the shareholders at a general meeting of the company duly called for considering the same.

Affirming by-laws for increasing or decreasing capital stock.

11. The persons named in the first section of this Act are hereby constituted the board of provisional directors of the said company, a majority of whom shall be a quorum, and the said provisional board of directors shall hold office as such until the first election of directors under this Act, and shall have power to open stock books and procure subscription of stock for the undertaking, and to receive payment of the amount of stock subscribed, and make calls upon such subscribers in respect of their stock, and generally to do all matters and things necessary for the full organization and working of the company.

Provisional directors.

12. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the amount has been actually paid thereon within fifteen days after subscription to the company into one of the chartered banks of this Province, to the credit of the company, and not to be withdrawn, except for the purposes of the company.

Ten per cent to be paid on stock.

13. When, and so soon as the shares to the amount of two hundred thousand dollars on the capital stock of the company have been subscribed for, and ten per centum thereon has been paid, the provisional board of directors shall call a general meeting of the shareholders of the company, at the Town of Barrie, for the election of directors of the company, giving at least ten days' notice of the time, place, and purpose of the meeting previously thereto, in some newspaper published at, or near as may be, to the place of such meeting; and at the said meeting the shareholders to whom shares have been allotted in the books of the company shall elect persons qualified, as hereinafter provided, to be directors of the company, which persons shall constitute the board of directors of the company, and shall hold office until the day of , in the year one thousand eight hundred and seventy-three.

First general meeting for election of directors.

Who may vote at same.

Term of office of directors.

- Annual general meeting.** **14.** On the said day of , and on the day of , in each year thereafter, there shall be held at the principal office of the said company, at the Town of Barrie, or at such other place as may from time to time be appointed by by-law of the said company within the Province of Ontario, at which meeting the shareholders shall elect such number of directors, not less than three nor more than five, as may be determined on by by-law of the said company, in the manner, and qualified as hereinafter provided, and due notice of such annual general meeting and election shall be given by written notice being forwarded to the address of each shareholder at least ten days before the day of such meeting. 5
- Directors to be elected by ballot.** **15.** All the elections of directors shall be by ballot; each shareholder being entitled to as many votes as he, she, or they have shares in the company; and the persons so elected, if qualified, as hereinafter provided, shall form the board of directors of the company; but no person shall be so elected unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any calls thereon. 15
- Qualification of directors.** **16.** If at any time an election of directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company called for that purpose, and the retiring directors shall continue in office until their successors are appointed. 20
- Failure to elect directors.** **17.** Aliens, as well as British subjects, whether resident in Canada or elsewhere, may become shareholders in the company, and all such shareholders shall be entitled to vote on their shares, and be eligible to office as directors of the company, being duly qualified as herein provided. 25
- How remedied** **18.** No shareholder shall be qualified to vote at any meeting in respect of any share in which at least ten per centum shall not have been paid, together with all costs due at the time of the meeting. 30
- Aliens may be shareholders and vote.** **19.** At all meetings of the board of directors a majority of the number of the board shall form a quorum, for the transaction of business, and the board may employ one or more of their number as paid director or directors. 35
- Who may vote at meetings.** **20.** The said board of directors shall elect and appoint a president and a vice-president, and the necessary officers, and may remove the latter at pleasure, and fill up vacancies from time to time; but the said president and vice-president shall be elected annually, immediately after the election of directors, except that in filling up a vacancy the election may be made at any time. 40
- Election of president and officers and filling vacancies.** **21.** The directors of the company shall have full power in all things to administer the affairs of the company; and may make or cause to be made for the company any description of contract which the company may by law enter into, and may from time to time make by-laws not contrary to law, nor to this Act, to regulate the allotment of stock; the making of calls thereon, the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; 45
- Powers and duties of directors.** 50



- the disposal of forfeited stock and of the proceeds thereof, the transfer of stock; the declaration and payment of dividends, the number of directors; the amount of their stock qualification; the appointment, functions, duties, and removal of all agents, officers and servants of the company; the security to be given by them to the company, and their remuneration; the place where the annual meetings of the company shall be held within the Province of Ontario; the calling of meetings, regular and special, of the board of directors and of the company; the requirements as to proxies and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and generally all such by-laws as shall appear to them proper and necessary, touching the well ordering, and conduct in all other particulars of the affairs of the company; and may from time to time repeal, amend, and re-enact the same, but no such by-law, nor any repeal, amendment or re-enactment thereof, except for the purpose of regulating the working of the said company, the appointments, functions, duties and removal of agents, officers, and servants of the company, the security to be given by them to the company, and their remuneration, shall have any force or effect until confirmed at the annual general, or a special meeting called for the purpose of taking the same into consideration, and confirming or annulling the same, and in default of confirmation thereat shall be of no force or effect: Provided always, that one-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written requisition, and notice as they may issue to that effect.
- 22.** A copy of any by-law of the company, under their seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in Ontario.
- 23.** The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions as by this Act or by-law of the company are or shall be prescribed.
- 24.** The stock of the company shall be allotted when, and as the directors by by-law or otherwise may ordain.
- 25.** The directors of the said company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments as this Act or the by-law of the company may require or allow.
- 26.** The said company may enforce payment of all calls, and interest thereon, by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the company under this Act; and a certificate under seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that

Confirmation  
of by-laws.

Proviso for  
calling special  
general meet-  
ings.

Evidence of  
by-laws.

Stock personal  
estate.

Allotment of  
stock.

Calling in in-  
stalments.

Enforcement  
of payment of  
call by action.

such call or calls has or have been made, and that so much is due by him, and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

Forfeiture of shares.

**27.** If after such demand or notice, as by by-laws of the said company may be prescribed, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the directors in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any share whenever such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by by-law or otherwise they shall ordain. 5 10

Shareholders in arrears not to vote.

**28.** No shareholder, being in arrear in respect of any call shall be entitled to vote at any meeting of the said company.

Company not liable in respect of trusts.

**29.** The said company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any share; and the receipt of the shareholders in whose name the same may stand in the books of the said company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the said company, and the company shall not be bound to see to the application of the money paid on such receipt. 15 20

Contracts by the company.

**30.** Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted, or endorsed, and every promissory note and cheque made, drawn and endorsed, on behalf of the said company by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a majority of the quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note, or cheque, nor shall the said president or vice-president or the secretary or treasurer be thereby subjected, individually, to any liability whatever to any third party therefor, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company; Provided that nothing in this Act shall be constructed 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, or to engage in the business of banking or insurance. 25 30 35 40 45

Liability of shareholders.

**31.** Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied, in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such shareholders. 50

Liability of shareholders limited.

**32.** The shareholders of the said company shall not as such, be held responsible for any act, default, or liability whatsoever 55

of the company, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the said company beyond the amount of their respective shares in the capital stock thereof.

5 **33.** The shareholders of the company shall be jointly and severally, individually liable for all debts due and owing to any of the labourers, servants and employees, thereof, for services performed for such company; but no shareholder in any such company, shall be personally liable in the foregoing, or in any  
 10 other of the cases in which personal liability is imposed by this Act, for the payment of any debt contracted by any such company, which is not to be paid within one year from the time the debt is contracted; nor unless a suit for the collection of such debt be brought against the company within one year after the  
 15 debt became due; and no suit shall be brought against any shareholder in any such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in  
 20 whole or in part.

**34.** The directors of the said company are hereby authorized and empowered from time to time to borrow money for the purposes of the company, any sum or sums of money, and for that purpose to issue bonds or debentures on such terms as they may  
 25 think proper, and may pledge all the property or income of the said company, or either the property or income of said company, or any part thereof, for the re-payment of the money so raised or borrowed, and the payment of the interest thereon, as may be expressed in said bonds or debentures, which shall form  
 30 a charge accordingly, and such bonds or debentures shall be in such forms, and for such amount, and payable at such times and places as the directors from time to time may appoint and direct, the said bonds or debentures shall be signed by the president or vice-president, and shall have the corporation seal of the com-  
 35 pany affixed thereto: Provided always, that the consent of two-thirds, in value of the stockholders of the company, shall be first had and obtained at a special meeting, to be called and held for that purpose: Provided, also, that the said company shall not be authorized at any time to borrow a sum exceeding  
 40 one-half the amount of the capital stock then paid up.

Liability of shareholders.

Power to borrow money.

Proviso.

Proviso.

BILL.

An Act to incorporate the Georgian Bay  
Lumber Company of Ontario.

(PRIVATE BILL.)

(Reprinted as Amended.)

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1st Reading, 30th January, 1872.

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MR. ARDAGH.

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TORONTO:

PRINTED BY HUNTER, ROSE & COMPANY.

An Act to Incorporate the Georgian Bay Lumber Company of Ontario.

**W**HEREAS Anson Greene Phelps Dodge, of Keswick, in the County of York, the Honourable John Beverley Robinson, of the City of Toronto, D'Alton McCarthy the younger, of the Town of Barrie, in the County of Simcoe, Alexander Ritchie Christie and William Kerr, both of the City of Toronto, Harvey M. Mixer, of the said Town of Barrie, and Daniel Sprague and Edward Hargreaves, both of the Village of Orillia, in the said County, of Simcoe, have applied for an Act of Incorporation to facilitate the objects with which they are associated and to empower the said proposed company to purchase the mill properties known as the Severn Mills, the Waubausheene Mills, and the Sturgeon Bay Mills for the purpose of carrying on the business of getting out timber and saw logs, and manufacturing the same into lumber, and generally for the carrying on the business of lumbering in all its branches; and whereas it is represented that the said business could be better and more economically carried on by a company to be composed of the applicants and other persons, and have prayed that an Act may be passed authorizing the formation of the said company for such purposes, and they may be incorporated under the title of "The Georgian Bay Lumber Company of Ontario," for the purposes of acquiring the said mill properties and works, for the purpose of manufacturing timber, saw-logs and other products of the wood, and also for the purpose of cutting, taking out, making and carrying timber and saw-logs for the purpose of such manufacture, and for the buying and selling of lumber and timber, properties, mill sites and water powers as may be deemed advisable for the carrying on of said business, and for the construction of all works, rail or tramways, mill engines, dams, sluices, scows, schooners, vessels and steamboats and other works necessary for carrying on of such business at Port Severn, Waubausheene, and Sturgeon Bay, all in the County of Simcoe, in the Province of Ontario, and at other places in said Province; 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 Assembly of the Province of Ontario, enacts as follows:—

**1.** Anson Greene Phelps Dodge, the Honourable John Beverley Robinson, D'Alton McCarthy the younger, Alexander Ritchie Christie, William Kerr, Harvey M. Mixer, Daniel Sprague, together with all such persons and corporations as shall become shareholders in the said company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of "The Georgian Bay Lumber Company of Ontario." Certain persons incorporated.

**2.** The said corporation is hereby constituted for the purpose of purchasing and acquiring the said saw mills and premises Objects of company.

known as the Severn Mills, the Waubaushene Mills, and the Sturgeon Bay or Laramie Mills, and which are situate in the Village of Port Severn, and at Waubaushene, and on Sturgeon Bay in the County of Simcoe, respectively, together with all such personal property which belonged to, or were used and enjoyed with the said saw mills.

**Power to construct mills, tramways, wharves, etc.** **3.** The company may construct and maintain such buildings, mills, machinery, dwellings and other houses, barns and sheds, wharves and piers, rail or tramways, dams, sluices and other works as may be required or may be deemed advantageous for the carrying on the business of the said company.

**Company may hold steam vessels, etc.** **4.** The company shall have power to construct, purchase, charter and navigate steam vessels and other water craft on any lake, river, or stream within the Province of Ontario, for the purpose of carrying, towing, or conveying saw logs, timber, lumber, laths, shingles, or other manufactured stuff in connection with the said mills, or any mill or mills hereafter to be erected or acquired by the said company.

**Capital stock and shares.** **5.** The capital stock of the said company shall be one million dollars, in shares of one hundred dollars each, which stock shall be subscribed by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and all the rest and residue of the said money shall be applied towards acquiring the said saw mills, water powers, mill sites and personal property, and such other personal property as may be required in carrying on the business of the company.

**Application of capital.**

**Increase of capital stock.** **6.** The directors of the company, if they see fit at any time after the whole capital stock shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount not exceeding one and a half million of dollars, which they may consider requisite in order to the due carrying out of the objects of the company;

(1.) Such by-law shall declare the number and shares of the new stock, and may prescribe the manner in which the same shall be allotted, and, in default of its so doing, the whole of such allotment shall be held to rest absolutely in the directors.

**Decreasing capital stock.** **7.** The directors of the company, if they see fit at any time, may make a by-law for decreasing the capital stock of the company to any amount which they may consider sufficient, in order to the due carrying out of the undertaking of the company, and advisable;

(1.) Such by-law shall declare the number and value of the shares of the stock as so decreased, and the allotment thereof, or the rule or rules by which the same shall be made.

**Affirming by-laws for increasing or decreasing capital stock.** **8.** But no by-law or by-laws for increasing or decreasing the capital stock of the company shall have any force or effect whatever until after it shall be sanctioned by a vote of not less than two-thirds in value of the shareholders at a general meeting of the company duly called for considering the same.

**9.** The persons named in the first section of this Act are hereby constituted the board of provisional directors of the said company, a majority of whom shall be a quorum, and the said provisional board of directors shall hold office as such until the first election of directors under this Act, and shall have power to open stock books and procure subscription of stock for the undertaking, and to receive payment of the amount of stock subscribed, and make calls upon such subscribers in respect of their stock, and generally to do all matters and things necessary for the full organization and working of the company.

Provisional  
directors,

**10.** No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the amount has been actually paid thereon within fifteen days after subscription to the company into one of the chartered banks of this Province, to the credit of the company, and not to be withdrawn, except for the purposes of the company.

Ten per cent  
to be paid on  
stock.

**11.** When, and so soon as the shares to the amount of two hundred thousand dollars on the capital stock of the company have been subscribed for, and ten per centum thereon has been paid, the provisional board of directors shall call a general meeting of the shareholders of the company, at the Town of Barrie, for the election of directors of the company, giving at least ten days' notice of the time, place, and purpose of the meeting previously thereto, in some newspaper published at, or near as may be, to the place of such meeting; and at the said meeting the shareholders to whom shares have been allotted in the books of the company shall elect persons qualified, as hereinafter provided, to be directors of the company, which persons shall constitute the board of directors of the company, and shall hold office until the first Monday in April next.

First general  
meeting for  
election of  
directors.

Who may vote  
at same.

Term of office  
of directors.

**12.** On the said first Monday of April in each year thereafter, there shall be held at the principal office of the said company, at the Town of Barrie, or at such other place as may from time to time be appointed by by-law of the said company within the Province of Ontario, at which meeting the shareholders shall elect such number of directors, not less than three nor more than five, as may be determined on by by-law of the said company, in the manner, and qualified as hereinafter provided, and due notice of such annual general meeting and election shall be given by written notice being forwarded to the address of each shareholder at least ten days before the day of such meeting.

Annual gen-  
eral meeting.

**13.** All the elections of directors shall be by ballot, each shareholder being entitled to as many votes as he, she, or they have shares in the company; and the persons so elected, if qualified, as hereinafter provided, shall form the board of directors of the company; but no person shall be so elected unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any calls thereon.

Directors to be  
elected by bal-  
lot.

Qualification  
of directors.

**14.** If at any time an election of directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company called for that purpose, and the retiring directors shall continue in office until their successors are appointed.

Failure to elect  
directors.

How remedied

Aliens may be shareholders and vote.

**15.** Aliens, as well as British subjects, whether resident in Canada or elsewhere, may become shareholders in the company, and all such shareholders shall be entitled to vote on their shares, and be eligible to office as directors of the company, being duly qualified as herein provided.

Who may vote at meetings.

**16.** No shareholder shall be qualified to vote at any meeting in respect of any share in which at least ten per centum shall not have been paid, together with all calls due at the time of the meeting.

Quorum of directors.

**17.** At all meetings of the board of directors a majority of the number of the board shall form a quorum, for the transaction of business, and the board may employ one or more of their number as paid director or directors.

Election of president and officers and filling vacancies.

**18.** The said board of directors shall elect and appoint a president and a vice-president, and the necessary officers, and may remove the latter at pleasure, and fill up vacancies from time to time; but the said president and vice-president shall be elected annually, immediately after the election of directors, except that in filling up a vacancy the election may be made at any time.

Powers and duties of directors.

**19.** The directors of the company shall have full power in all things to administer the affairs of the company; and may make or cause to be made for the company any description of contract which the company may by law enter into, and may from time to time make by-laws not contrary to law, nor to this Act, to regulate the allotment of stock; the making of calls thereon, the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and of the proceeds thereof, the transfer of stock; the declaration and payment of dividends, the number of directors; the amount of their stock qualification; the appointment, functions, duties, and removal of all agents, officers and servants of the company; the security to be given by them to the company, and their remuneration; the place where the annual meetings of the company shall be held within the Province of Ontario; the calling of meetings, regular and special, of the board of directors and of the company; the requirements as to proxies and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and generally all such by-laws as shall appear to them proper and necessary, touching the ordering, and conduct in all other particulars of the affairs of the company; and may from time to time repeal, amend, and re-enact the same, but no such by-law, nor any repeal, amendment or re-enactment thereof, except for the purpose of regulating the working of the said company, the appointments, functions, duties and removal of agents, officers, and servants of the company, the security to be given by them to the company, and their remuneration, shall have any force or effect until confirmed at the annual general, or a special meeting called for the purpose of taking the same into consideration, and confirming or annulling the same, and in default of confirmation thereat shall be of no force or effect: Provided always, that one-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof for the transac-

Confirmation of by-laws.

Proviso for calling special general meetings.



tion of any business specified in such written requisition, and notice as they may issue to that effect.

**20.** A copy of any by-law of the company, under their seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in Ontario. Evidence of by-laws.

**21.** The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions as by this Act or by-law of the company are or shall be prescribed. Stock personal estate.

**22.** The stock of the company shall be allotted when, and as the directors by by-law or otherwise may ordain. Allotment of stock.

**23.** The directors of the said company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments as this Act or the by-laws of the company may require or allow. Calling in instalments.

**24.** The said company may enforce payment of all calls, and interest thereon, by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the company under this Act; and a certificate under seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him, and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect. Enforcement of payment of call by action.

**25.** If after such demand or notice, as by by-laws of the said company may be prescribed, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the directors in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any share whenever such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by by-law or otherwise they shall ordain. Forfeiture of shares.

**26.** No shareholder, being in arrear in respect of any call shall be entitled to vote at any meeting of the said company. Shareholders in arrears not to vote.

**27.** The said company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any share; and the receipt of the shareholders in whose name the same may stand in the books of the said company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the said company, and the company shall not be bound to see to the application of the money paid on such receipt. Company not liable in respect of trusts.

Contracts by  
the company.

**28.** Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted, or endorsed, and every promissory note and cheque made, drawn and endorsed, on behalf of the said company by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a majority of the quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note, or cheque, nor shall the said president or vice-president or the secretary or treasurer be thereby subjected, individually, to any liability whatever to any third party therefor, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company; Provided that nothing in this Act shall be constructed 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, or to engage in the business of banking or insurance.

Liability of  
shareholders.

**29.** Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied, in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such shareholders.

Liability of  
shareholders  
limited.

**30.** The shareholders of the said company shall not as such, be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the said company beyond the amount of their respective shares in the capital stock thereof.

Liability of  
shareholders.

**31.** The shareholders of the company shall be jointly and severally, individually liable for all debts due and owing to any of the labourers, servants and employees, thereof, for services performed for such company; but no shareholder in any such company, shall be personally liable in the foregoing, or in any other of the cases in which personal liability is imposed by this Act, for the payment of any debt contracted by any such company, which is not to be paid within one year from the time the debt is contracted; nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in any such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in whole or in part.

Power to bor-  
row money.

**32.** The directors of the said company are hereby authorized and empowered from time to time to borrow for the purposes of the company, any sum or sums of money, and for that purpose to issue bonds or debentures on such terms as they may

think proper, and may pledge all the property or income of the said company, or either the property or income of said company, or any part thereof, for the re-payment of the money so raised or borrowed, and the payment of the interest thereon, as may be expressed in said bonds or debentures, which shall form a charge accordingly, and such bonds or debentures shall be in such forms, and for such amount, and payable at such times and places as the directors from time to time may appoint and direct, the said bonds or debentures shall be signed by the president or vice-president, and shall have the corporation seal of the company affixed thereto: Provided always, that the consent of Proviso. two-thirds, in value of the stockholders of the company, shall be first had and obtained at a special meeting, to be called and held for that purpose: Provided, also, that the said company Proviso. shall not be authorized at any time to borrow a sum exceeding one-half the amount of the capital stock then paid up.

An Act to Incorporate the Georgian Bay  
Lumber Company of Ontario.

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First Reading,	30th January,	1872.
Second	“	21st February, 1872.
Third	“	1st March, 1872.

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Mr. ARDACH.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

## An Act to incorporate the Kingston Board of Trade.

**W**HEREAS George M. Kinghorn, W. B. Simpson, Henry C. Voigt, Henry Cunningham, R. M. Ford, James Shannon and others, hereinafter named, residents in the City of Kingston have by their petition to the Legislature represented that they have associated themselves together for many years past for the purpose of promoting such measures as they have deemed important towards developing the general trade and commerce of this Dominion and the City of Kingston in particular; and have further represented that the said Association would be more efficient in its operations should an Act of incorporation conferring certain powers on them and their successors be granted; And whereas it is expedient that the prayer of the said petition should be granted;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

- 1.** The said G. M. Kinghorn, Archibald Livingston, Henry Charles Voigt, John Carruthers, John Fraser, James Grant Macdonald, Roderick M. Rose, Henry Cunningham, William B. Simpson, Edwin Chown, George S. Fenwick, W. R. McRae, R. M. Ford, James Maenee, D. D. Calvin, Alexander Ross, R. M. Moore, Chas. F. Gildersleeve, George Robertson, William Ford jun., James Fisher, John McKay jun., George Robertson jun., G. W. Andrews, Michael Doran, W. P. Lacey, Isaac Simpson, James Greenfield, William Irwing, J. Penfold, James Richardson, P. R. Henderson, William Stewart, L. N. Putnam, Ira Breck, J. C. Clark, George Chaffey, John McMillan, William Harty, John Muckleson, John McKelvey, Weir Anderson, Edwin Rose, George M. Wilkinson, and James Shannon, and such other persons residents in the City of Kingston or in the County of Frontenac 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 Kingston Board of Trade," for the purposes mentioned in the preamble; and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may make, alter and change at their will and pleasure; and they and their successors by their corporate name shall have power to purchase, take, receive, hold, and enjoy any estate whatsoever, real or personal, and alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof from time to

Preamble.

Incorporation.

Name.

Power to hold property.

- time and as occasion may require, and other estate real or personal to acquire instead thereof: Provided always, that the clear annual value of the real estate held by the said corporation at one time shall not exceed five thousand dollars; And provided also, that the said corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred on them by this Act or may be necessary for carrying the same into effect according to its true intent and meaning. 5
- Proviso.**
- Proviso.**
- Application of the funds of the corporation.** 2. The funds and property of the said corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful trade and commerce of this Dominion generally, and of the City of Kingston in particular, or as may be necessary to obtain the objects for which the said corporation is constituted according to the true intent and meaning of this Act. 10 15
- Place of meeting.** 3. The usual place of meeting of the said corporation shall be held to be the legal domicile thereof; and service at such place of any notice or process of any kind addressed to the said corporation shall be held to be sufficient service of such notice or process on the corporation. 20
- Service of process on corporation.**
- "The Council of the Board of Trade."** 4. For the management of the affairs and business of the said corporation there shall be a council to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a president, vice-president, secretary, and seven 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. 25
- Provisional council,** 5. The said George M. Kinghorn shall be president, the said Archibald Livingston shall be vice-president, the said James Shannon, secretary-treasurer, and the said H. C. Voigt, John Carruthers, Edwin Chown, Henry Cunningham, W. R. McRae, William B. Simpson, R. M. Ford, the other members of the council, until the first election, to be had under the provisions of this Act; and the council hereby appointed shall, until the said election, have all the powers assigned to the council by this Act. 30 35
- their powers.**
- Annual meetings.** 6. The members of the said corporation shall meet annually in the city buildings in the City of Kingston, or in such other place as may be decided by by-law of the corporation (of which due notice shall be given by the secretary), on the second Tuesday in the month of January; and they, or a majority of them, shall then and there chose by separate ballot, or in such other way as shall be fixed by the by-laws of the corporation, from among the members of the corporation, one president, one vice-president, one secretary-treasurer, and seven other members of the council, who with the said president, vice-president and secretary-treasurer, shall form the council of the said corporation; and shall hold their offices until others be elected at the next annual meeting 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 second Tuesday of January in any year, the corporation shall not thereby be dissolved, but such election may be had at any general meeting of 40 45 50 55
- Election of officers.**
- Proviso.**

the corporation, and the members of the council then in office shall remain so until the election shall be had.

7. If any member of the said council shall die, resign his office or be absent for six months continuously from the said City of Kingston or County of Frontenac, it shall be lawful for the said corporation, if they shall see fit, 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, unless re-elected.

Vacancies in council, how filled.

8. 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 seven 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; and all general meetings of the corporation shall be held at the place then appointed by by-laws thereof for the annual meeting aforesaid.

Quorum at general meetings.

9. It shall be lawful for the said corporation or the majority of them present at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said corporation, providing for the admission and expulsion or the retirement of members, and for the management of its council, officers and affairs, and all other by-laws in accordance with the requirements of this Act, or the laws of Canada, as such majority shall deem advisable; and such by-laws shall be binding on all members of the said corporation, its officers and servants, and all other persons whomsoever lawfully under its control: Provided that no by-laws shall be made or enacted by the said corporation without notice, in writing, thereof having been given by one member and seconded by another member at a previous meeting, and duly entered in the books of the said corporation as a minute of the said corporation.

Bylaws.

Proviso.

10. Each and every person then resident in the City of Kingston or in the County of Frontenac, and being or having been a merchant, trader, mechanic, manager of a bank, or accountant shall be eligible to become a member of the said corporation; and at any general meeting of the said corporation it shall be lawful for any member of the said corporation to propose any such person as aforesaid as a candidate for becoming a member of the said corporation, and if such proposition shall be carried by a majority of the members of the said corporation then present, he shall thenceforth be a member of the corporation, and shall have all the rights and be subject to all the obligations which the other members possess, or are subject to; Provided always, that any person not being a merchant or trader, mechanic, manager of a bank, or accountant shall be eligible to become a member of the said corporation in manner aforesaid, in case such person shall be recommended by the Council of the Board of Trade at any such meeting.

Who may be members of the corporation.

Proviso.

11. It shall be lawful for the president, or a majority of the said council, by a circular letter signed by the secretary of the said corporation, to each member and mailed one day previous to the said meeting, to call a general meeting of the said corporation for any of the purposes of this Act.

General meetings, how called.

Meetings of  
the Council.

**12.** 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 the by-laws of the corporation, be assigned to them; and such meetings of the council shall be convened by the secretary, at the instance of the president, or upon the request of any two members of the council; and the said council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the corporation, except only the power of enacting or altering any by-law or admitting any member, which shall be done in the manner provided for by this Act and no other; and any five or more members of the council, lawfully met, and of whom the president or vice-president shall be one, or in case of their absence, any five or more members lawfully met shall be a quorum, and any majority of such quorum may do all things within the powers of the council; and at all meetings of the said council, and at all general meetings of the corporation, the president, or in his absence the vice-president, or, if both be absent, any member of the council then present who may be chosen for the occasion shall preside, and shall in all cases of equality of votes upon any division have a casting vote.

Powers of the  
council.

Quorum.

Who to pre-  
side at meet-  
ings.

Council to draw  
out by-laws,  
etc.

**13.** It shall be the duty of the said council, as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations as shall seem to the council best adapted to promote the welfare of the said corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the said corporation called for that purpose in the manner hereinbefore provided.

Meetings of  
council to be  
open to mem-  
bers of the  
corporation.

Minutes.

Appointment  
of board of  
examiners.

Inspection of  
flour and meal.

**14.** The meetings of the members of the council shall be open to all members of the said corporation who may attend at the same, but who shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the said council or the said corporation, shall be entered in books to be kept for that purpose by the secretary of the said corporation; and the entry thereof shall be signed by the president of the said council, or such other person who at the time shall preside over any such meeting; and all such books shall be open at all reasonable hours to any member of the said corporation, free from any charge.

**15.** From and after the passing of this Act, it shall be lawful for the council of the said corporation to appoint five persons to constitute a Board of Examiners for the City of Kingston or County of Frontenac, for the year commencing on the first day of September then next, and ending on the thirty-first day of August following, to examine applicants for the office of Inspector of Flour and Meal, or any other articles subject to inspection; and for the said council to do all such other acts, matters and things connected with the inspection of flour and meal, or any other article; and have a full power and be subject to the same conditions as those conferred upon and required of the Councils of the Boards of Trade by virtue of the Act, chaptered forty-seven of the Consolidated Statutes of Canada, and the said examiners and inspectors shall also be subject to all the conditions, requirements, oaths, matters and things (touching their offices) set forth in the said Act.



**16.** Any person who may by law, in other cases, make a 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 by this Act, shall be guilty of wilful perjury.

**17.** Nothing in this Act shall affect any rights of Her Majesty, her heirs or successors, or any party or persons whomsoever, such rights only excepted as are herein expressly mentioned and affected.

BILL.

An Act to incorporate the Kingston Board  
of Trade.

(*PRIVATE BILL.*)

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1st Reading 30th January, 1872.

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MR, ROBINSON.

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TORONTO :

PRINTED BY HUNTER, ROSE & CO.

## An Act to incorporate the Kingston Board of Trade.

**W**HEREAS George M. Kinghorn, W. B. Simpson, Henry C. Voigt, Henry Cunningham, R. M. Ford, James Shannon and others, hereinafter named, residents in the City of Kingston, have by their petition to the Legislature represented that they have associated themselves together for many years past for the purpose of promoting such measures as they have deemed important towards developing the general trade and commerce of the City of Kingston; and have further represented that the said Association would be more efficient in its operations should an Act of incorporation conferring certain powers on them and their successors be granted; And whereas it is expedient that the prayer of the said petition should be granted;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The said G. M. Kinghorn, Archibald Livingston, Henry Charles Voigt, John Carruthers, John Fraser, James G. Macdonald, Roderick M. Rose, Henry Cunningham, William B. Simpson, Edwin Chown, George S. Fenwick, W. R. McRae, R. M. Ford, James Macnee, D. D. Calvin, Alexander Ross, R. M. Moore, Chas. F. Gildersleeve, George Robertson, William Ford jun., James Fisher, John McKay jun., George Robertson jun., G. W. Andrews, Michael Doran, W. P. Lacey, Isaac Simpson, James Greenfield, William Irwing, J. Peasfold, James Richardson, P. R. Henderson, William Stewart, L. N. Putnam, Ira Breck, J. C. Clark, George Chaffey, John McMillan, William Harty, John Muckleson, John McKelvey, Weir Anderson, Edwin Rose, George M. Wilkinson, and James Shannon, and such other persons residents in the City of Kingston or in the County of Frontenac 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 Kingston Board of Trade," for the purposes mentioned in the preamble; and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may make, alter and change at their will and pleasure; and they and their successors by their corporate name shall have power to purchase, take, receive, hold, and enjoy any estate whatsoever, real or personal, and alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof from time to

Incorporation.

Name.

Power to hold property.

- time and as occasion may require, and other estate real or personal to acquire instead thereof: Provided always, that the clear annual value of the real estate held by the said corporation at one time shall not exceed five thousand dollars, and shall not be acquired or held for any other purpose than actual use and occupation of the said corporation; And provided also, that the said corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred on them by this Act or may be necessary for carrying the same in effect according to its true intent and meaning.
- Proviso.**
- Proviso.**
- Application of of the funds of the corporation.**
2. The funds and property of the said corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful trade and commerce and of the City of Kingston, and adjacent district, or as may be necessary to obtain the objects for which the said corporation is constituted according to the true intent and meaning of this Act.
- Place of meeting.**
3. The usual place of meeting of the said corporation shall be held to be in the city of Kingston; and service at such place of any notice or process of any kind addressed to the said corporation shall be held to be sufficient service of such notice or process on the corporation.
- Service of process on corporation.**
- "The Council of the Board of Trade."**
4. For the management of the affairs and business of the said corporation there shall be a council to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a president, vice-president, secretary, and seven 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
- Provisional council,**
5. The said George M. Kinghorn shall be president, the said Archibald Livingston shall be vice-president, the said James Shamon, secretary-treasurer, and the said H. C. Voigt, John Carruthers, Edwin Chown, Henry Cunningham, W. R. McRae, William B. Simpson, R. M. Ford, the other members of the council, until the first election, to be had under the provisions of this Act; and the council hereby appointed shall, until the said election, have all the powers assigned to the council by this Act.
- their powers.**
- Annual meetings.**
6. The members of the said corporation shall meet annually in the city buildings in the City of Kingston, or in such other place as may be decided by by-law of the corporation (of which due notice shall be given by the secretary), on the second Tuesday in the month of January; and they, or a majority of them, shall then and there choose by separate ballot, or in such other way as shall be fixed by the by-laws of the corporation, from among the members of the corporation, one president, one vice-president, one secretary-treasurer, and seven other members of the council, who with the said president, vice-president and secretary-treasurer, shall form the council of the said corporation; and shall hold their offices until others be elected at the next annual meeting 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 second Tuesday of January in any year, the corporation shall not thereby be dissolved, but such election may be had at any general meeting of
- Election of officers.**
- Proviso.**

the corporation, and the members of the council then in office shall remain so until the election shall be had.

7. If any member of the said council shall die, resign his office or be absent for six months continuously from the said City of Kingston or County of Frontenac, it shall be lawful for the said corporation, if they shall see fit, 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, unless re-elected.

Vacancies in council, how filled.

8. 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 seven 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; and all general meetings of the corporation shall be held at the place then appointed by by-laws thereof for the annual meeting aforesaid.

Quorum at general meetings.

9. It shall be lawful for the said corporation or the majority of them present at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said corporation, providing for the admission and expulsion or the retirement of members, and for the management of its council, officers and affairs, and all other by-laws in accordance with the requirements of this Act, or the laws of Canada, as such majority shall deem advisable; and such by-laws shall be binding on all members of the said corporation, its officers and servants, and all other persons whomsoever lawfully under its control; Provided that no by-laws shall be made or enacted by the said corporation without notice, in writing, thereof having been given by one member and seconded by another member at a previous meeting, and duly entered in the books of the said corporation as a minute of the said corporation.

By-laws.

Proviso.

10. Each and every person then resident in the City of Kingston or in the County of Frontenac, and being or having been a merchant, trader, mechanic, manager of a bank, or accountant shall be eligible to become a member of the said corporation; and at any general meeting of the said corporation it shall be lawful for any member of the said corporation to propose any such person as aforesaid as a candidate for becoming a member of the said corporation, and if such proposition shall be carried by a majority of the members of the said corporation then present, he shall thenceforth be a member of the corporation, and shall have all the rights and be subject to all the obligations which the other members possess, or are subject to; Provided always, that any person not being a merchant or trader, mechanic, manager of a bank, or accountant shall be eligible to become a member of the said corporation in manner aforesaid, in case such person shall be recommended by the Council of the Board of Trade at any such meeting.

Who may be members of the corporation.

Proviso.

11. It shall be lawful for the president, or a majority of the said council, by a circular letter signed by the secretary of the said corporation, to each member and mailed one day previous to the said meeting, to call a general meeting of the said corporation for any of the purposes of this Act.

General meetings, how called.

Meetings of the Council.

12. 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 the by-laws of the corporation, be assigned to them; and such meetings of the council shall be convened by the secretary, at the instance of the president, or upon the request of any two members of the council; and the said council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the corporation, except only the power of enacting or altering any by-law or admitting any member, which shall be done in the manner provided for by this Act and no other; and any five or more members of the council, lawfully met, and of whom the president or vice-president shall be one, or in case of their absence, any five or more members lawfully met shall be a quorum, and any majority of such quorum may do all things within the powers of the council; and at all meetings of the said council, and at all general meetings of the corporation, the president, or in his absence the vice-president, or, if both be absent, any member of the council then present who may be chosen for the occasion, shall preside, and shall in all cases of equality of votes upon any division have a casting vote.

Powers of the council

Quorum.

Who to preside at meetings.

Council to draw out by-laws, etc.

13. It shall be the duty of the said council, as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations as shall seem to the council best adapted to promote the welfare of the said corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the said corporation called for that purpose in the manner hereinbefore provided.

Meetings of council to be open to members of the corporation.

14. The meetings of the members of the council shall be open to all members of the said corporation who may attend at the same, but who shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the said council or the said corporation, shall be entered in books to be kept for that purpose by the secretary of the said corporation; and the entry thereof shall be signed by the president of the said council, or such other person who at the time shall preside over any such meeting; and all such books shall be open at all reasonable hours to any member of the said corporation, free from any charge.

Minutes.

An Act to incorporate the Kingston Board of Trade.

First Reading,	30th January, 1872.
Second	“ 19th February, 1872.
Third	“ 23rd “ 1872.

Mr. ROBINSON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Parry Sound Lumber Company.

**W**HEREAS by the petition of Anson Greene Phelps Dodge, Preamble.  
of Keswick, in the County of York, John Clauson Miller,  
of the City of Toronto, Dalton McCarthy, the younger, of the  
town of Barrie, in the County of Simcoe, Esquire, William J.  
5 Hunt, John Thurmen Gilchrist and David Crawford White, all  
of the City of New York, in the State of New York, lum-  
berers, it appearing that the said petitioners have purchased the  
saw mills known as the Parry Sound Mills together with a tract  
or several pieces or parcels of land and large and extensive  
10 timber berths in the neighbourhood of Parry Sound, and own  
valuable works, licenses, leases and other valuable rights and  
privileges and franchises; And whereas the said petitioners pur-  
chased the said property with the intention of selling and dis-  
posing of the same to a company to be formed and created  
15 under and by virtue of this Act, and to be formed of the said  
petitioners and other persons for the purpose of carrying on  
the lumbering business in all its branches at the said mills; And  
whereas the said petitioners have prayed that an Act may be  
passed authorizing the formation of the said company for such  
20 purposes, and that they may be incorporated under the title of  
“The Parry Sound Lumber Company” for the purpose of  
manufacturing timber, saw-logs and other products of the wood,  
and also for the purpose of cutting, taking out, making and carry-  
ing timber and saw-logs for the purpose of such manufacture, and  
25 for the buying and selling of lumber and timber, and for acquir-  
ing, holding, alienating and conveying such lands, lumber  
licenses, mill properties, mills sites, water powers and such other  
real estate as may be deemed advisable for the carrying on of  
said business, and for the construction of all works, rail or  
30 tramways, mill engines, dams, sluices, scows, schooners, vessels  
and steamboats and other works necessary for carrying on of  
such business at Parry Sound, in the Province of Ontario, and  
at other places in said Province; And whereas it is expedient to  
grant the prayer of the said petition: Therefore Her Majesty,  
35 by and with the advice and consent of the Legislative Assembly  
of the Province of Ontario, enacts as follows:—

1. Anson Greene Phelps Dodge, John Clauson Miller, Dal- Certain persons  
ton McCarthy, the younger, William J. Hunt, John Thurmen incorporated.  
Gilchrist and David Crawford White together with all such per-  
40 sons and corporations as shall become shareholders in the said  
company hereby incorporated shall be and are hereby constitut-  
ed a body corporate and politic by and under the name of “The Name.  
Parry Sound Lumber Company.”

2. The said corporation is hereby constituted for the purpose Objects of  
of purchasing and acquiring the said saw mill and premises company.

known as the Parry Sound Mills, and which are situate in the village of Parry Sound, together with all such lands, leases, licenses, timber berths or limits, and all mills, works, timber, lumber, dams, sluices, and all other property real or personal, and all other rights and privileges which belonged to, or were used and enjoyed with the said saw mills upon such terms and conditions as the same may be acquired or purchased for and may hold, use and enjoy all such property, privileges and rights for the purpose of carrying on the business of lumbering in all its branches under the provisions of this Act. 5 10

Power as to lands, timber berths etc.

3. The said company may for the purpose of carrying on its purpose and more fully carrying out the objects of this Act, from time to time, and as often as it may be deemed advisable to acquire and hold lands, timber berths, limits or licenses and other such property required by it for such purpose, and may sell, lease or otherwise dispose of, and convey the same or any part thereof when no longer required. 15

Company may sell land, etc.

4. The company shall have power to sell, mortgage or lease any lands belonging to it not necessary for the purposes of the said business. 20

Power to construct mills tramways, wharves, etc.

5. The company may construct or maintain such buildings, mills, machinery, dwelling and other houses, barns and sheds, wharves and piers, rail or tramways, dams, sluices and other works as may be required, or may be deemed advantageous for the carrying on of the business of the said company. 25

Company may hold steam vessels, etc.

6. The company shall have power to construct, purchase, charter, and navigate steam vessels and other water craft, on any lake, river, or stream within the Province of Ontario, for the purpose of carrying, towing, or conveying saw logs, timber, lumber, laths, shingles, or other manufactured stuff, in connection with the said mills, or any mill or mills hereafter to be erected or acquired by the said company. 30

Capital stock and shares.

7. The capital stock of the said company shall be three hundred thousand dollars, in shares of one hundred dollars each, which stock shall be subscribed by the persons hereinbefore named, and such other persons and corporations as may become 35

Application of capital.

shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and all the rest and residue of the said money shall be applied towards acquiring the said saw mills and premises, lands, timber berths and limits hereinbefore mentioned or referred to, and all such other real or personal property as may be required in carrying on the business of the said company. 40

Provisional directors,

8. The persons named in the first section of this Act, and DeWitt Lynn, of the Village of Orillia, in the County of Simcoe, lumberer, are hereby constituted the board of provincial directors of the said company, a majority of whom shall be a quorum, and the said provincial board of directors shall hold office as such until the first election of directors under this Act, and shall have power to open stock books and procure subscription of stock for the undertaking, and to receive payment of the amount of stock subscribed, and make calls upon such subscribers in respect of their stock, and generally to do all matters and 45 50

their powers.



things necessary for the full organization and working of the company.

9. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the amount has been actually paid thereon within fifteen days after subscription to the company.

Ten per cent. to be paid on stock.

10. When, and so soon as the shares to the amount of two hundred thousand dollars on the capital stock of the company have been subscribed for, and ten per centum thereon has been paid, the provincial board of directors shall call a general meeting of the shareholders of the company, at the Town of Barrie, for the election of directors of the company, giving at least ten days' notice of the time, place, and purpose of the meeting previously thereto, in some newspaper published at, or near as may be, to the place of such meeting; and at the said meeting the shareholders to whom shares have been allotted in the books of the company shall elect persons qualified, as hereinafter provided, to be directors of the company, which persons shall constitute the board of directors of the company, and shall hold office until the day of , in the year one thousand eight hundred and seventy-three.

First general meeting for election of directors.

Who may vote at same.

Term of office of directors.

11. On the said day of , and on the day of , in each year thereafter, there shall be held at the principal office of the said company, at the Town of Barrie, or at such other place as may from time to time be appointed by by-law of the said company, at which meeting the shareholders shall elect such number of directors, not less than three, nor more than five, as may be determined on by by-law of the said company, in the manner, and qualified as, hereinafter provided, and due notice of such annual general meeting and election shall be given by written notice being forwarded to the address of each shareholder at least ten days before the day of such meeting.

Annual general meeting.

12. All the election of directors shall be by ballot; each shareholder being entitled to as many votes as he, she, or they, have shares in the company; and the persons so elected, if qualified, as hereinafter provided, shall form the board of directors of the company; but no person shall be so elected unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any calls thereon.

Directors to be elected by ballot.

Qualification of directors.

13. If at any time an election of directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company called for that purpose, and the retiring directors shall continue in office until their successors are appointed.

Failure to elect directors. How remedied.

14. Aliens, as well as British subjects, whether resident in Canada or elsewhere, may become shareholders in the company, and all such shareholders shall be entitled to vote on their shares, and be eligible to office as directors of the company, being duly qualified as herein provided.

Aliens may be shareholders and vote.

15. No shareholder shall be qualified to vote at any meeting in respect of any share in which at least ten per centum shall

Who may vote at meetings.

not have been paid, together with all costs due at the time of the meeting.

**Quorum of directors.** **16.** At all meetings of the board of directors a majority of the number of the board shall form a quorum, for the transaction of business, and the board may employ one or more of their number as paid director or directors. 5

**Election of president and officers and filling vacancies.** **17.** The said board of directors shall elect and appoint a president and a vice-president, and the necessary officers, and may remove the latter at pleasure, and fill up vacancies from time to time; but the said president and vice-president shall be elected annually, immediately after the election of directors, except that in filling up a vacancy the election may be made at any time. 10

**Powers and duties of directors.** **18.** The directors of the company shall have full power in all things to administer the affairs of the company; and may make or cause to be made for the company any description of contract which the company may by law enter into, and may from time to time make by-laws not contrary to law, nor to this Act, to regulate the allotment of stock; the making of calls thereon, the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and of the proceeds thereof, the transfer of stock; the declaration and payment of dividends, the number of the directors; the amount of their stock qualification; the appointment, functions, duties, and removal of all agents, officers and servants of the company; the security to be given by them to the company, and their remuneration; and that (if any) of the directors; the place where the annual meetings of the company shall be held; the calling of meetings, regular and special, of the board of directors and of the company; the requirements as to proxies and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and generally all such by-laws as shall appear to them proper and necessary, touching the well ordering, and conduct in all other particulars of the affairs of the company; and may from time to time repeal, amend, and re-enact the same, but no such by-law, nor any repeal, amendment or re-enactment thereof, except for the purpose of regulating the working of the said company, the appointment, functions, duties, and removal of agents, officers, and servants of the company, the security to be given by them to the company, and their remuneration, shall have any force or effect until confirmed at the annual general, or a special meeting called for the purpose of taking the same into consideration, and confirming or annulling the same, and in default of confirmation thereat shall be of no force or effect: Provided always, that one-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written requisition, and notice as they may issue to that effect. 15  
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**Confirmation of by-laws.**

**Proviso for calling special general meetings.**

**Evidence of by-laws.**

**19.** A copy of any by-law of the company, under their seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in Ontario.

**Stock personal estate.**

**20.** The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject

to all such conditions as by this Act or by-laws of the company are or shall be prescribed.

21. The stock of the company shall be allotted when, and as the directors by by-law or otherwise may ordain. Allotment of stock.

22. The directors of the said company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments as this Act or the by-law of the company may require or allow. Calling in instalments.

23. The said company may enforce payment of all calls, and interest thereon, by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the company under this Act; and a certificate under seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him, and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect. Enforcement of payment of call by action.

24. If after such demand or notice, as by by-laws of the said company may be prescribed, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the directors in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any share whenever such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by by-law or otherwise they shall ordain. Forfeiture of shares.

25. No shareholder, being in arrear in respect of any call, shall be entitled to vote at any meeting of the said company. Shareholders in arrears not to vote.

26. The said company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any share; and the receipt of the shareholders in whose name the same may stand in the books of the said company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the said company, and the company shall not be bound to see to the application of the money paid on such receipt. Company not liable in respect of trusts.

27. Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted, or endorsed, and every promissory note and cheque made, drawn and endorsed, on behalf of the said company by any agent, officer, or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall be binding upon the company, and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note, or cheque, or to prove that the same was made, drawn, accepted, or endorsed, Contracts by the company.

as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent, officer, or servant of the company, be thereby subjected, individually, to any liability whatever to any third party therefor: Provided that nothing in this Act shall be construed to authorize the said 5 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, or to engage in the business of banking or insurance.

Liability of shareholders.

**28.** Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of 10 the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied, in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such 15 shareholders.

Liability of shareholders limited.

**29.** The shareholders of the said company shall not as such, be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or 20 connected with the said company beyond the amount of their respective shares in the capital stock thereof.

Liability of trustees, executors, etc.

**30.** No person holding stock in the said company as an executor, administrator, tutor, curator, guardian, or trustee, shall be personally subject to liability as a shareholder, but the estates 25 and funds in the hands of such person shall be liable in like manner, and to the same extent as the testator, or intestate, or the minor ward, or interdicted person, or the persons interested in such trust-fund, would be if living and competent to act, and holding such stock in his own name; and no person holding such 30 stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be considered holding the same, and shall be liable as a shareholder accordingly.

Rights of trustees, etc., at meetings.

**31.** Every such executor, administrator, curator, guardian, 35 or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder, and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder. 40

Limited liability to be expressed on face of contract.

**32.** The directors of the said company shall be jointly and severally liable upon any and every written contract or undertaking of the company on the face whereof the word "limited" or the words "limited liability" are not distinctly written or printed after the name of the company, when first occurring in 45 such contract or undertaking.

Power to increase capital stock, sub-sec. 16, 17, and 18, of sec. 5, cap. 23, 27-28 Vict. incorporated.

**33.** The said company is hereby authorized to increase its capital stock under the provisions of the sixteenth, seventeenth, and eighteenth sub-sections of section five of the Act of the late Province of Canada, chaptered twenty-three, and passed in the 50 session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, intituled "An Act to authorize the granting of Charters of Incorporation to Manufacturing, Mining, and

other Companies" which are hereby incorporated with this Act in so far as they are not inconsistent with the same, except that the notice referred to in the eighteenth sub-section is to be published in the *Ontario Gazette* instead of the *Canada Gazette*.

- 5 **34.** The directors of the said company are hereby authorized and empowered from time to time to borrow money for the purposes of the company, any sum or sums of money, and for that purpose to issue bonds or debentures on such terms as they may think proper, and may pledge all the property or income of
- 10 the said company, or either the property or income of said company, or any part thereof, for the re-payment of the money so raised or borrowed, and the payment of the interest thereon, as a charge accordingly, and such bonds or debentures shall be in
- 15 such forms, and for such amount, and payable at such times and places as the directors from time to time may appoint and direct, the said bonds or debentures shall be signed by the president or vice-president, and shall have the corporation seal of the company affixed thereto; Provided always, that the consent of
- 20 three-fourths, in value of the stockholders of the company, shall be first had and obtained at a special meeting, to be called and held for that purpose; Provided, also, that the said company shall not be authorized at any time to borrow a sum exceeding the amount of the capital stock then paid up.

Power to borrow money.

Proviso.

Proviso.

BILL.

An Act to Incorporate the Parry Sound  
Lumber Company.

(*PRIVATE BILL.*)

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First Reading, 30th January, 1872.

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Mr. ARDAGH.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Parry Sound Lumber Company.

**W**HEREAS by the petition of Anson Greene Phelps Dodge, Preamble.  
of Keswick, in the County of York, John Clauson Miller,  
of the City of Toronto, Dalton McCarthy, the younger, of the  
town of Barrie, in the County of Simcoe, Esquire, William J.  
5 Hunt, John Thurmen Gilchrist and David Crawford White, all  
of the City of New York, in the State of New York, lum-  
berers, it appearing that the said petitioners have purchased the  
saw mills known as the Parry Sound Mills together with a tract  
or several pieces or parcels of land and large and extensive  
10 timber berths in the neighbourhood of Parry Sound, and own  
valuable works, licenses, leases and other valuable rights and  
privileges and franchises; And whereas the said petitioners pur-  
chased the said property with the intention of selling and dis-  
posing of the same to a company to be formed and created  
15 under and by virtue of this Act, and to be formed of the said  
petitioners and other persons for the purpose of carrying on  
the lumbering business in all its branches at the said mills; And,  
whereas the said petitioners have prayed that an Act may be  
passed authorizing the formation of the said company for such  
20 purposes, and that they may be incorporated under the title of  
"The Parry Sound Lumber Company" for the purpose of  
manufacturing timber, saw-logs and other products of the wood,  
and also for the purpose of cutting, taking out, making and carry-  
ing timber and saw-logs for the purpose of such manufacture, and  
25 for the buying and selling of lumber and timber, and for acquir-  
ing, holding, alienating and conveying such lands, lumber  
licenses, mill properties, mills sites, water powers and such other  
real estate as may be deemed advisable for the carrying on of  
said business, and for the construction of all works, rail or  
30 tramways, mill engines, dams, sluices, scows, schooners, vessels  
and steamboats and other works necessary for carrying on of  
such business at Parry Sound, in the Province of Ontario, and  
at other places in said Province; And whereas it is expedient to  
grant the prayer of the said petition: Therefore Her Majesty,  
35 by and with the advice and consent of the Legislative Assembly  
of the Province of Ontario, enacts as follows:—

1. Anson Greene Phelps Dodge, John Clauson Miller, Dal-  
ton McCarthy, the younger, William J. Hunt, John Thurmen  
Gilchrist and David Crawford White together with all such per-  
40 sons and corporations as shall become shareholders in the said  
company hereby incorporated shall be and are hereby constitu-  
ted a body corporate and politic by and under the name of "The  
Parry Sound Lumber Company." Certain persons  
incorporated.  
Name.

2. The said corporation is hereby constituted for the purpose  
45 of purchasing and acquiring the said saw mill and premises Objects of  
company.

known as the Parry Sound Mills, and which are situate in the village of Parry Sound, together with all such lands, leases, licenses, timber berths or limits, and all mills, works, timber, lumber, dams, sluices, and all other property real or personal, and all other rights and privileges which belonged to, or were used and enjoyed with the said saw mills upon such terms and conditions as the same may be acquired or purchased for and may hold, use and enjoy all such property, privileges and rights for the purpose of carrying on the business of lumbering in all its branches under the provisions of this Act. 10

Power as to lands; timber berths etc.

3. The said company may for the purpose of carrying on its purpose and more fully carrying out the objects of this Act, from time to time, and as often as it may be deemed advisable to acquire and hold lands, timber berths, limits or licenses and other such property required by it for such purpose, and may sell, lease or otherwise dispose of, and convey the same or any part thereof when no longer required: Provided always, that with the exception of lands required for the sites of mills and other works of the company, and the premises connected therewith, the area of land, timber berths and limits that may be lawfully acquired by the company, over and above the lands, limits and premises in the preamble mentioned, is hereby limited to two hundred square miles in superficies, and that all such lands, limits and premises shall only be acquired as incidental to and in furtherance of the said business of lumbering; and that such of the said lands which appear from time to time not to be required to be retained by the company for lumbering thereupon or taking timber therefrom, shall be sold within seven years from the time it shall so appear, that they are no longer required for lumbering purposes; and it shall be the duty of the said company to return to the Provincial Secretary yearly and every year, a list of all lands held otherwise than under licenses by the said company; and also shewing which thereof have been lumbered over or not, and which are no longer required to be held by the company for that purpose; said returns to be made within the first week of the month of January in each year, and to be verified on oath by some officer of the said company. 15 20 25 30 35

Proviso.

Company may sell land, etc.

4. The company shall have power to sell, mortgage or lease any lands belonging to it not necessary for the purposes of the said business. 40

Power to construct mills, tramways, wharves, etc.

5. The company may construct or maintain such buildings, mills, machinery, dwelling and other houses, barns and sheds, wharves and piers, rail or tramways, dams, sluices and other works as may be required, or may be deemed advantageous for the carrying on of the business of the said company. 45

Company may hold steam vessels, etc.

6. The company shall have power to construct, purchase, charter, and navigate steam vessels and other water craft, on any lake, river, or stream within the Province of Ontario, for the purpose of carrying, towing, or conveying saw logs, timber, lumber, laths, shingles, or other manufactured stuff, in connection with the said mills, or any mill or mills hereafter to be erected or acquired by the said company. 50

Capital stock and shares.

7. The capital stock of the said company shall be three hundred thousand dollars, in shares of one hundred dollars each, which stock shall be subscribed by the persons hereinbefore 55



named, and such other persons and corporations as may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and all the rest and residue of the said money shall be applied towards acquiring the said saw mills and premises, lands, timber berths and limits hereinbefore mentioned or referred to, and all such other real or personal property as may be required in carrying on the business of the said company.

10 **8.** The directors of the company if they see fit at any time after the whole capital stock shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount not exceeding six hundred thousand dollars, which they may consider requisite in order to the due carrying out of the objects of the company;

Increase of capital stock.

15 (2.) Such by-law shall declare the number and shares of the new stock, and may prescribe the manner in which the same shall be allotted, and in default of its so doing, the whole of such allotment shall be held to rest absolutely in the directors.

20 **9.** The directors of the company, if they see fit at any time, may make a by-law for decreasing the capital stock of the company to any amount which they may consider sufficient, in order to the due carrying out of the undertaking of the company, and advisable;

Decreasing capital stock.

25 (2.) Such by-law shall declare the number and value of the shares of the stock so decreased, and the allotment thereof, or the rule or rules by which the same shall be made.

**10.** But no by-law for increasing or decreasing the capital stock of the company, shall have any force or effect whatever until after it shall be sanctioned by a vote of not less than three-fourths in value of the shareholders, at a general meeting of the company duly called for considering the same.

Affirming by-laws for increasing or decreasing capital stock.

35 **11.** The persons named in the first section of this Act, and Harvey M. Mixer, of the city of Buffalo, in the State of New York, lumberer, are hereby constituted the board of provincial directors of the said company, a majority of whom shall be a quorum, and the said provincial board of directors shall hold office as such until the first election of directors under this Act, and shall have power to open stock books and procure subscription of stock for the undertaking, and to receive payment of the amount of stock subscribed, and make calls upon such subscribers in respect of their stock, and generally to do all matters and things necessary for the full organization and working of the company.

Provisional directors,

their powers.

45 **12.** No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the amount has been actually paid thereon within fifteen days after subscription to the company, into one of the chartered banks of this Province, to the credit of the company, and not to be withdrawn, except for the purposes of the company.

Ten per cent. to be paid on stock.

**13.** When, and so soon as the shares to the amount of two hundred thousand dollars on the capital stock of the company have been subscribed for, and ten per centum thereon has been paid, the provincial board of directors shall call a general

First general meeting for election of directors.

- meeting of the shareholders of the company, at the Town of Barrie, for the election of directors of the company, giving at least ten days' notice of the time, place, and purpose of the meeting previously thereto, in some newspaper published at, or near as may be, to the place of such meeting; and at the said meeting the shareholders to whom shares have been allotted in the books of the company shall elect persons qualified, as hereinafter provided, to be directors of the company, which persons shall constitute the board of directors of the company, and shall hold office until the day of , in the year one thousand eight hundred and seventy-three.
- Who may vote at same.** **Term of office of directors.** **Annal general meeting.** **14.** On the said day of , and on the day of , in each year thereafter, there shall be held at the principal office of the said company, at the Town of Barrie, or at such other place within the Province of Ontario, as may from time to time be appointed by by-law of the said company, at which meeting the shareholders shall elect such number of directors, not less than three, nor more than five, as may be determined on by by-law of the said company, in the manner, and qualified as, hereinafter provided, and due notice of such annual general meeting and election shall be given by written notice being forwarded to the address of each shareholder at least ten days before the day of such meeting. **5**
- Directors to be elected by ballot.** **15.** All the election of directors shall be by ballot; each shareholder being entitled to as many votes as he, she, or they, have shares in the company; and the persons so elected, if qualified, as hereinafter provided, shall form the board of directors of the company; but no person shall be so elected unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any calls thereon. **20**
- Qualification of directors.** **16.** If at any time an election of directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company called for that purpose, and the retiring directors shall continue in office until their successors are appointed. **25**
- Failure to elect directors. How remedied.** **17.** Aliens, as well as British subjects, whether resident in Canada or elsewhere, may become shareholders in the company, and all such shareholders shall be entitled to vote on their shares, and be eligible to office as directors of the company, being duly qualified as herein provided. **30**
- Aliens may be shareholders and vote.** **18.** No shareholder shall be qualified to vote at any meeting in respect of any share in which at least ten per centum shall not have been paid, together with all costs due at the time of the meeting. **35**
- Who may vote at meetings.** **19.** At all meetings of the board of directors a majority of the number of the board shall form a quorum, for the transaction of business, and the board may employ one or more of their number as paid director or directors. **40**
- Quorum of directors.** **20.** The said board of directors shall elect and appoint a president and a vice-president, and the necessary officers, and may remove the latter at pleasure, and fill up vacancies from time to time; but the said president and vice-president shall be elected annually, **45**
- Election of president and officers and filling vacancies.**

immediately after the election of directors, except that in filling up a vacancy the election may be made at any time.

- 21.** The directors of the company shall have full power in all things to administer the affairs of the company; and may Powers and duties of directors.
- 5 make or cause to be made for the company any description of contract which the company may by law enter into, and may from time to time make by-laws not contrary to law, nor to this Act, to regulate the allotment of stock; the making of calls thereon, the payment thereof; the issue and registra-
- 10 tion of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and of the proceeds thereof, the transfer of stock; the declaration and payment of dividends, the number of the directors; the amount of their stock qualification; the appointment, functions, duties, and removal of all agents,
- 15 officers and servants of the company; the security to be given by them to the company, and their remuneration; the place where the annual meetings of the company shall be held within the Province of Ontario; the calling of meetings, regular and special, of the board of directors and of the company; the re-
- 20 quirements as to proxies and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and generally all such by-laws as shall appear to them proper and necessary, touching the well ordering, and conduct
- 25 in all other particulars of the affairs of the company; and may from time to time repeal, amend, and re-enact the same, but no such by-law, nor any repeal, amendment or re-enactment thereof, except for the purpose of regulating the working of the said company, the appointment, functions, duties, and
- 30 removal of agents, officers and servants of the company, the security to be given by them to the company, and their remuneration, shall have any force or effect until confirmed at the annual general, or a special meeting called for the purpose of taking the same into consideration, and confirming or annulling
- 35 the same, and in default of confirmation thereat shall be of no force or effect: Provided always, that one-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written requisition, and notice as they
- 40 may issue to that effect. Confirmation of by-laws.
- Proviso for calling special general meetings.

**22.** A copy of any by-law of the company, under their seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in Ontario. Evidence of by-laws.

- 45 **23.** The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions as by this Act or by-laws of the company are or shall be prescribed. Stock personal estate.

50 **24.** The directors of the said company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments as this Act or the by-law of the company may require or allow. Calling in instalments.

55 **25.** The said company may enforce payment of all calls, and interest thereon, by action in any competent court, and in such Enforcement of payment of call by action.

action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the company under this Act; and a certificate under seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him, and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

**Forfeiture of shares.**

**26.** If after such demand or notice, as by by-laws of the said company may be prescribed, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the directors in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any share whenever such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by by-law or otherwise they shall ordain.

**Shareholders in arrears not to vote.**

**27.** No shareholder, being in arrear in respect of any call, shall be entitled to vote at any meeting of the said company.

**Company not liable in respect of trusts.**

**28.** The said company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any share; and the receipt of the shareholders in whose name the same may stand in the books of the said company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the said company, and the company shall not be bound to see to the application of the money paid on such receipt.

**Contracts by the company.**

**29.** Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted, or endorsed, and every promissory note and cheque made, drawn and endorsed, on behalf of the said company by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a majority of the quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note, or cheque; nor shall the said president or vice-president, or the secretary or treasurer be thereby subjected individually to any liability whatever to any third party therefor, unless the same be given in respect of amount due for wages or salaries to servants or employees of the company; Provided that nothing in this Act 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, or to engage in the business of banking or insurance.

**Liability of shareholders.**

**30.** Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of

the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied, in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such shareholders.

**31.** The shareholders of the said company shall not as such, be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the said company beyond the amount of their respective shares in the capital stock thereof.

**32.** The shareholders of the company shall be jointly and severally, individually liable for all debts due and owing to any of the labourers, servants and employees, thereof, for services performed for such company; but no shareholder in any such company, shall be personally liable in the foregoing, or in any other of the cases in which personal liability is imposed by this Act, for the payment of any debt contracted by any such company, which is not to be paid within one year from the time the debt is contracted; nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in any such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in whole or in part.

**33.** The directors of the said company are hereby authorized and empowered from time to time to borrow money for the purposes of the company, any sum or sums of money, and for that purpose to issue bonds or debentures on such terms as they may think proper, and may pledge all the property or income of the said company, or either the property or income of said company, or any part thereof, for the re-payment of the money so raised or borrowed, and the payment of the interest thereon, as may be expressed in said bonds or debentures, which shall form a charge accordingly, and such bonds or debentures shall be in such forms, and for such amount, and payable at such times and places as the directors from time to time may appoint and direct, the said bonds or debentures shall be signed by the president or vice-president, and shall have the corporation seal of the company affixed thereto; Provided always, that the consent of three-fourths, in value of the stockholders of the company, shall be first had and obtained at a special meeting, to be called and held for that purpose; Provided, also, that the said company shall not be authorized at any time to borrow a sum exceeding one-half the amount of the capital stock then paid up.

BILL.

An Act to Incorporate the Parry Sound  
Lumber Company.

*PRIVATE BILL.*

*Reprinted as Amended.*

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First Reading, 30th January, 1872.

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Mr. ARDAGH.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING St.

An Act to incorporate the Parry Sound Lumber Company.

**W**HEREAS by the petition of Anson Greene Phelps Dodge, of Keswick, in the County of York, John Clauson Miller, of the City of Toronto, Dalton McCarthy, the younger, of the town of Barrie, in the County of Simcoe, Esquire, William J. Hunt, John Thurmen Gilchrist and David Crawford White, all of the City of New York, in the State of New York, lumberers, it appearing that the said petitioners have purchased the saw mills known as the Parry Sound Mills and own valuable works; And whereas the said petitioners purchased the said property with the intention of selling and disposing of the same to a company to be formed and created under and by virtue of this Act, and to be formed of the said petitioners and other persons for the purpose of carrying on the lumbering business in all its branches at the said mills; And, whereas the said petitioners have prayed that an Act may be passed authorizing the formation of the said company for such purposes, and that they may be incorporated under the title of "The Parry Sound Lumber Company" for the purpose of manufacturing timber, saw-logs and other products of the wood, and also for the purpose of cutting, taking out, making and carrying timber and saw-logs for the purpose of such manufacture, and for the buying and selling of lumber and timber, and for acquiring holding, alienating and conveying such mill properties, mill sites, and water powers as may be deemed advisable for the carrying said business, and for the construction of all works, rail or tramways, mill engines, dams, sluices, scows, schooners, vessels and steamboats and other works necessary for carrying on of such business at Parry Sound, in the Province of Ontario, and at other places in said Province; 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 Assembly of the Province of Ontario, enacts as follows:—

1. Anson Greene Phelps Dodge, John Clauson Miller, Dalton McCarthy, the younger, William J. Hunt, John Thurmen Gilchrist and David Crawford White together with all such persons and corporations as shall become shareholders in the said company hereby incorporated shall be and are hereby constituted a body corporate and politic by and under the name of "The Parry Sound Lumber Company."

2. The said corporation is hereby constituted for the purpose of purchasing and acquiring the said saw mill and premises known as the Parry Sound Mills, and which are situate in the village of Parry Sound, together with all mills, works, timber, lumber, dams, sluices, and all other rights and privileges aforesaid upon such terms and conditions as the same may be acquired or purchased for, and may hold, use and enjoy all such property, for the purpose of carrying on the business aforesaid in all its branches under the provisions of this Act.

Power to construct mills, tramways, wharves, etc.

3. The company may construct or maintain such buildings, mills, machinery, dwelling and other houses, barns and sheds, wharves and piers, rail or tramways, dams, sluices and other works as may be required, or may be deemed advantageous for the carrying on of the business of the said company.

Company may hold steam vessels, etc.

4. The company shall have power to construct, purchase, charter, and navigate steam vessels and other water craft, on any lake, river, or stream within the Province of Ontario, for the purpose of carrying, towing, or conveying saw logs, timber, lumber, laths, shingles, or other manufactured stuff, in connection with the said mills, or any mill or mills hereafter to be erected or acquired by the said company.

Capital stock and shares.

5. The capital stock of the said company shall be three hundred thousand dollars, in shares of one hundred dollars each, which stock shall be subscribed by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and all the rest and residue of the said money shall be applied towards acquiring the said saw mills and premises, and personal property and all such other personal property as may be required in carrying on the business of the said company.

Increase of capital stock.

6. The directors of the company if they see fit at any time after the whole capital stock shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount not exceeding six hundred thousand dollars, which they may consider requisite in order to the due carrying out of the objects of the company;

(1.) Such by-law shall declare the number and shares of the new stock, and may prescribe the manner in which the same shall be allotted, and in default of its so doing, the whole of such allotment shall be held to rest absolutely in the directors.

Decreasing capital stock:

7. The directors of the company, if they see fit at any time, may make a by-law for decreasing the capital stock of the company to any amount which they may consider sufficient, in order to the due carrying out of the undertaking of the company, and advisable;

1.) Such by-law shall declare the number and value of the shares of the stock so decreased, and the allotment thereof, or the rule or rules by which the same shall be made.

Affirming by-laws for increasing or decreasing capital stock.

8. But no by-law for increasing or decreasing the capital stock of the company, shall have any force or effect whatever until after it shall be sanctioned by a vote of not less than three-fourths in value of the shareholders, at a general meeting of the company duly called for considering the same.

Provisional directors,

9. The persons named in the first section of this Act, and Harvey M. Mixer, of the city of Buffalo, in the State of New York, lumberer, are hereby constituted the board of provisional directors of the said company, a majority of whom shall be a quorum; and the said provisional board of directors shall hold office as such until the first election of directors under this Act, and shall have power to open stock books and procure subscrip-

their powers.



tion of stock for the undertaking, and to receive payment of the amount of stock subscribed, and make calls upon such subscribers in respect of their stock, and generally to do all matters and things necessary for the full organization and working of the company.

**10.** No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the amount has been actually paid thereon within fifteen days after subscription to the company, into one of the chartered banks of this Province, to the credit of the company, and not to be withdrawn, except for the purposes of the company.

Ten per cent. to be paid on stock.

**11.** When, and so soon as the shares to the amount of two hundred thousand dollars on the capital stock of the company have been subscribed for, and ten per centum thereon has been paid, the provincial board of directors shall call a general meeting of the shareholders of the company, at the Town of Barrie, for the election of directors of the company, giving at least ten days' notice of the time, place, and purpose of the meeting previously thereto, in some newspaper published at, or near as may be, to the place of such meeting; and at the said meeting the shareholders to whom shares have been allotted in the books of the company shall elect persons qualified, as hereinafter provided, to be directors of the company, which persons shall constitute the board of directors of the company, and shall hold office until the first Monday in April next.

First general meeting for election of directors.

Who may vote at same.

Term of office of directors.

**12.** On the said first Monday of April, and in each year thereafter, there shall be held at the principal office of the said company, at the Town of Barrie, or at such other place within the Province of Ontario, as may from time to time be appointed by by-law of the said company, at which meeting the shareholders shall elect such number of directors, not less than three, nor more than five, as may be determined on by by-law of the said company, in the manner, and qualified as, hereinafter provided; and due notice of such annual general meeting and election shall be given by written notice being forwarded to the address of each shareholder at least ten days before the day of such meeting.

Annual general meeting.

**13.** All the election of directors shall be by ballot; each shareholder being entitled to as many votes as he, she, or they, have shares in the company; and the persons so elected, if qualified, as hereinafter provided, shall form the board of directors of the company; but no person shall be so elected unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any calls thereon.

Directors to be elected by ballot.

Qualification of directors.

**14.** If at any time an election of directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company called for that purpose, and the retiring directors shall continue in office until their successors are appointed.

Failure to elect directors. How remedied.

**15.** Aliens, as well as British subjects, whether resident in Canada or elsewhere, may become shareholders in the company, and all such shareholders shall be entitled to vote on their shares, and be eligible to office as directors of the company, being duly qualified as herein provided.

Aliens may be shareholders and vote.

Who may vote  
at meetings.

**16.** No shareholder shall be qualified to vote at any meeting in respect of any share on which at least ten per centum shall not have been paid, together with all calls due at the time of the meeting.

Quorum of directors.

**17.** At all meetings of the board of directors a majority of the number of the board shall form a quorum for the transaction of business; and the board may employ one or more of their number as paid director or directors.

Election of president and officers and filling vacancies.

**18.** The said board of directors shall elect and appoint a president and a vice-president, and the necessary officers, and may remove the latter at pleasure, and fill up vacancies from time to time; but the said president and vice-president shall be elected annually, immediately after the election of directors, except that in filling up a vacancy the election may be made at any time.

Powers and duties of directors.

**19.** The directors of the company shall have full power in all things to administer the affairs of the company; and may make or cause to be made for the company any description of contract which the company may by law enter into, and may from time to time make by-laws not contrary to law, nor to this Act, to regulate the allotment of stock; the making of calls thereon, the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and of the proceeds thereof, the transfer of stock; the declaration and payment of dividends, the number of the directors; the amount of their stock qualification; the appointment, functions, duties, and removal of all agents, officers and servants of the company; the security to be given by them to the company, and their remuneration; the place where the annual meetings of the company shall be held within the Province of Ontario; the calling of meetings, regular and special, of the board of directors and of the company; the requirements as to proxies and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and generally all such by-laws as shall appear to them proper and necessary, touching the well ordering, and conduct in all other particulars of the affairs of the company; and may from time to time repeal, amend, and re-enact the same; but no such by-law, nor any repeal, amendment or re-enactment thereof, except for the purpose of regulating the working of the said company, the appointment, functions, duties, and removal of agents, officers, and servants of the company, the security to be given by them to the company, and their remuneration, shall have any force or effect until confirmed at the annual general, or a special meeting called for the purpose of taking the same into consideration, and confirming or annulling the same, and in default of confirmation thereat shall be of no force or effect: Provided always, that one-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

Confirmation of by-laws.

Proviso for calling special general meetings.

Evidence of by-laws.

**20.** A copy of any by-law of the company, under their seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in Ontario.

**21.** The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions as by this Act or by-laws of the company are or shall be prescribed. Stock personal estate.

**22.** The directors of the said company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments as this Act or the by-laws of the company may require or allow. Calling in instalments.

**23.** The said company may enforce payment of all calls, and interest thereon, by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the company under this Act; and a certificate under seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him, and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect. Enforcement of payment of call by action.

**24.** If after such demand or notice, as by by-laws of the said company may be prescribed, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the directors in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any share whenever such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by by-law or otherwise they shall ordain. Forfeiture of shares.

**25.** No shareholder, being in arrear in respect of any call, shall be entitled to vote at any meeting of the said company. Shareholders in arrears not to vote.

**26.** The said company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any share; and the receipt of the shareholders in whose name the same may stand in the books of the said company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the said company, and the company shall not be bound to see to the application of the money paid on such receipt. Company not liable in respect of trusts.

**27.** Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted, or endorsed, and every promissory note and cheque made, drawn and endorsed, on behalf of the said company by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a majority of the quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agree- Contracts by the company.

ment, engagement, bargain, bill of exchange, promissory note, or cheque; nor shall the said president or vice-president, or the secretary or treasurer be thereby subjected individually to any liability whatever to any third party therefor, unless the same be given in respect of amount due for wages or salaries to servants or employees of the company; Provided that nothing in this Act 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, or to engage in the business of banking or insurance.

Liability of  
shareholders.

28. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied, in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such shareholders.

Liability of  
shareholders  
limited.

29. The shareholders of the said company shall not as such, be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the said company beyond the amount of their respective shares in the capital stock thereof.

Liability of  
Shareholders.

30. The shareholders of the company shall be jointly and severally, individually liable for all debts due and owing to any of the labourers, servants and employees, thereof, for services performed for such company; but no shareholder in any such company shall be personally liable in the foregoing, or in any other of the cases in which personal liability is imposed by this Act, for the payment of any debt contracted by any such company, which is not to be paid within one year from the time the debt is contracted; nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in any such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in whole or in part.

Power to bor-  
row money.

31. The directors of the said company are hereby authorized and empowered from time to time to borrow for the purposes of the company, any sum or sums of money, and for that purpose to issue bonds or debentures on such terms as they may think proper, and may pledge all the property or income of the said company, or either the property or income of said company, or any part thereof, for the re-payment of the money so raised or borrowed, and the payment of the interest thereon, as may be expressed in said bonds or debentures, which shall form a charge accordingly; and such bonds or debentures shall be in such forms, and for such amount, and payable at such times and

places as the directors from time to time may appoint and direct; the said bonds or debentures shall be signed by the president or vice-president, and shall have the corporation seal of the company affixed thereto; Provided always, that the consent of three-fourths in value of the stockholders of the company, shall be first had and obtained at a special meeting, to be called and held for that purpose; Provided, also, that the said company shall not be authorized at any time to borrow a sum exceeding one-half the amount of the capital stock then paid up.

An Act to incorporate the Parry Sound  
Lumber Company.

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First Reading, 30th January, 1872.  
Second " 19th February, 1872.  
Third " 1st March, 1872.

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Mr. ARDACH.

An Act to authorize "The Corporation of the Town of Dundas," to pass a By-law exempting Messrs. Young, Law & Co. from payment of Municipal Taxes for a certain period, and on certain property and machinery therein mentioned.

**WHEREAS** "The Corporation of the Town of Dundas" Preamble.  
 hath, by petition, prayed that it may be empowered to pass a by-law exempting Messrs. Young, Law & Co. from payment of municipal taxes for the period of twenty-one years, on any addition which they may build to their present cotton factory in Dundas, and any machinery used therein, 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 Assembly of the Province of Ontario, enacts as follows: --

- 10 **1.** That "The Corporation of the Town of Dundas" is hereby empowered to pass a by-law, at any regular sittings of the council to be held hereafter, exempting Messrs. Young, Law & Co., or any future owners or proprietors for the time being, or their lessees or tenants, from payment of municipal Certain property of Messrs. Young, Law & Co., may be exempted from taxation.
- 15 taxes for the period of twenty-one years from the passing of this Act, on any addition which they may hereafter build to their present cotton factory in Dundas, and on the machinery to be used and employed by them or any of them in the same; but
- 20 nothing in this Act shall exempt from taxation any building at present erected, or machinery employed therein, and which may be used in connection with the said addition to be built to the said cotton factory.

BILL.

An Act to authorize the Corporation of the Town of Dundas to pass a by-law exempting Messrs Young, Law & Co. from payment of municipal taxes for a certain period and on certain property and machinery therein mentioned.

(*PRIVATE BILL.*)

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First reading, 30th January, 1872.

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Mr. CHRISTIE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.



An Act to authorize "The Corporation of the Town of Dundas," to pass a By-law exempting Messrs. Young, Law & Co. from payment of Municipal Taxes for a certain period, and on certain property and machinery therein mentioned.

**WHEREAS** "The Corporation of the Town of Dundas" Preamble.  
 hath, by petition, prayed that it may be empowered to pass a by-law exempting Messrs. Young, Law & Co. from payment of municipal taxes for the period of twenty-one years, on any addition which they may build to their present cotton factory in Dundas, and any machinery used therein; 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 Assembly of the Province of Ontario, enacts as follows :—

1. That "The Municipal Council of the Town of Dundas" is hereby empowered to pass a by-law, at any regular sittings of the said council to be held hereafter, exempting Messrs. Young, Law & Co., or any future owners or proprietors for the time being of the said cotton factory, or their lessees or tenants, from payment of municipal taxes for the period of twenty-one years from the passing of this Act, on any addition which they may hereafter build to their said cotton factory in Dundas, and on the machinery to be used and employed by them or any of them in such addition; but nothing in this Act shall exempt from taxation any building at present erected, or machinery employed therein, and which may be used in connection with the said addition to be built to the said cotton factory.

Certain property of Messrs. Young, Law & Co., may be exempted from taxation.

An Act to authorize "The Corporation of the Town of Dundas," to pass a By-law exempting Messrs. Young, Law & Co. from payment of Municipal Taxes for a certain period, and on certain property and machinery therein mentioned.

First Reading,	30th January,	1872.
Second	" 15th February,	1872.
Third	" 16th "	1872.

Mr. CHRISTIE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to close "Rosina Street," in the Town of Dundas, in the County of Wentworth, and to vest the same in the Corporation of the Town of Dundas.

**W**HEREAS the Corporation of the Town of Dundas have, Preamble.  
by their petition, prayed that a highway in the said Town of Dundas, known as "Rosina Street," may be closed, and the same vested in the said "The Corporation of the Town of Dundas," and their successors in office or assigns, 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 Assembly of the Province of Ontario, enacts as follows:—

10 **1.** The highway called "Rosina Street," in the said Town of Dundas, running easterly from Main Street until it intersects West Street, is hereby declared to be closed, and the soil and freehold thereof forever vested in "The Corporation of the Town of Dundas," their successors in office and assigns. Part of Rosina street closed.

15 **2.** The said Corporation of the Town of Dundas, or their successors in office, may sell and convey the said street and the lands comprising the same, or any part thereof, in fee simple. Corporation may sell Rosina street.

**3.** Provided that this Act shall not have any force or effect unless, and until, the person or persons owning lands on said  
20 "Rosina Street" have been fully compensated for the damages they may sustain in consequence of the closing up of said "Rosina Street," such damages to be ascertained, awarded and paid over to such person or persons by arbitration, as provided for in the Municipal Institutions Acts in reference to  
25 arbitrations for lands taken by Municipal Corporations. Indemnity to owners of property on Rosina street.

BILL.

An Act to close "Rosina Street," in the Town of Dundas, in the County of Wentworth, and to vest the same in the Corporation of the Town of Dundas.

(*PRIVATE BILL*)

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First Reading, 30th January, 1872.

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Mr. CHRISTIE.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO., KING ST.

An Act to close "Rosina Street," in the Town of Dundas, in the County of Wentworth, and to vest the same in the Corporation of the Town of Dundas.

**W**HEREAS the Corporation of the Town of Dundas have, Preamble.  
by their petition, prayed that a highway in the said Town of Dundas, known as "Rosina Street," may be closed, and the same vested in the said "The Corporation of the Town of Dundas," and their successors in office or assigns, 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 Assembly of the Province of Ontario, enacts as follows:—

1. The highway called "Rosina Street," in the said Town Part of Rosina street closed. of Dundas, running easterly from Main Street until it intersects West Street, is hereby declared to be closed, and the soil and freehold thereof forever vested in "The Corporation of the Town of Dundas," their successors in office and assigns.

2. The said Corporation of the Town of Dundas, or their Corporation may sell Rosina street. successors in office, may sell and convey the portion of the said street so closed, or any part thereof, in fee simple.

An Act to close "Rosina Street," in the Town of Dundas, in the County of Wentworth, and to vest the same in the Corporation of the Town of Dundas

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First Reading,	30th	January,	1872.
Second	"	14th	February, 1872.
Third	"	16th	" 1872.

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Mr. CHRISTIE.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to legalize a certain By-Law passed by the Corporation of the Town of Galt; and to enable the said Corporation and the Grand Trunk Railway Company of Canada to obtain certain powers to construct a railway from the Village of Doon to the said Town of Galt, and to enable the said company to extend their railway from Berlin to the Village of Waterloo; and to legalize and give power to carry out an agreement entered into between the said corporation and the said company.

**W**HEREAS an agreement was entered into between the Preamble.  
Grand Trunk Railway Company of Canada and the municipal corporation of the Town of Galt as set forth in the schedule to this Act, headed "B," which contains a copy of such agreement; And whereas the said corporation passed a by-law number two hundred and eleven, a copy whereof is set forth in the schedule to this Act, headed A, which by-law, before the final passing thereof, received the assent of the electors of the municipality as required by the statute in that behalf, and doubts are entertained as to the validity of such by-law; And whereas also the said company and the corporation of the said Town of Galt have petitioned that the said agreement may be confirmed and legalized and power granted to carry out the same and to extend the said line of railway from the Village of Doon, in the County of Waterloo, to within the limits of the said Town of Galt; and also that the said by-law and the debentures to be issued and powers thereunder may be legalized and confirmed; And whereas also the said company and the municipality of the Village of Waterloo, in the County of Waterloo, are desirous that the railway of the said company should be extended from the Town of Berlin to the said village, and have petitioned that power be given for that purpose and that the corporation of said village may have power to grant aid for such extension:  
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The said by-law and the powers therein contained as to raising and application of moneys or otherwise and the debentures to be issued thereunder are hereby confirmed and made valid, and the moneys to be raised thereunder may be applied by the said corporation to make the provision referred to in the preamble of such by-law. By-law No. 211 of the town of Galt confirmed.

**2.** The said agreement, and the stipulations, provisions and agreements therein contained or referred to, is and are hereby confirmed and made valid; and the said corporation of the Town of Galt shall have all necessary powers to enable it to carry out Agreement between Town of Galt and G. T. R. Co. confirmed.

and perform so much thereof and of the matters therein referred to by it to be carried out and performed or which constitute conditions precedent to performance by the said company, whether as to building, acquiring right of way on either of the two surveys in such agreement referred to, providing station buildings, or otherwise; and to the exercise of and the carrying out the powers hereby conferred on the said corporation, the following sections of "the Railway Act" shall, as far as applicable and consistent with this Act, apply in favour of the said corporation to the extent following, that is, the third, fifth and sixth sections thereof, and those headed respectively "interpretation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," and "fences;" also sections numbered respectively eighty-four, eighty-five and ninety.

**Power to corporation of Galt to sell or** **3.** After performance by the said corporation of the matters in the said agreement referred to by it to be performed as the condition precedent of the covenant therein of the said company, or after partial performance thereof, the said corporation may sell for a nominal or other consideration, or from time to time lease for any number of years to the said company, the property the said corporation is hereby authorized to acquire and construct, or any part thereof, and on such terms and conditions it think fit; and the company on any such acquisition by it, during its right to hold, may, in respect of its acquisition, exercise all and every the rights, franchises and privileges conferred by the Acts incorporating or relating to the company as fully as if the subject matter of the acquisition had formed part of the system of the company, and may especially do and perform all things requisite to enable the company to perform their covenant referred to in the said agreement, as to working a branch line of railway from the said village to the said town. 15 20 25 30

**G. T. R. Co. to have power to extend railway from Berlin to village of Waterloo.** **4.** The said company shall have full power to extend and construct and work a branch line of railway from their present terminus at the said Town of Berlin to within the limits of the said Village of Waterloo. 35

**Certain clauses of Railway Act incorporated with this Act.** **5.** For the purposes of such extensions and constructions the several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "municipalities," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway" and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the branch railway to be constructed by them. 40 45

**may aid company by issuing bonds or otherwise.** **6.** It shall be lawful for the municipal corporation of the said Village of Waterloo and the corporation of any other municipality through any part of which, or near to which, either of the said branch lines of railway shall pass or which may be benefited thereby, to aid and assist the said company and corporation respectively by purchasing and granting to them or either of them the land for the right of way or station grounds and otherwise in such manner and to such extent as such corporation may think fit; and to issue its municipal bonds to or in aid 50 55



of the said company or corporation; provided that no such aid or assistance (otherwise than under the said by-law by this Act confirmed) be given except after passing of by-laws for the purpose in conformity with the provisions of the Act respecting 5 municipal institutions for the creation of debts; but the powers given by the Railway Act shall not be prejudiced or affected hereby.

7. The conveyances of lands required for the purposes of the said extensions and constructions may be made to the said 10 company in the form or to the effect set out in Schedule "C" of this Act; and no registrar shall be entitled to more than seventy-five cents for registry thereof, including all entries and certificates thereof and certificates endorsed on the duplicates thereof. <sup>Form of conveyances.</sup> <sup>Registration fees.</sup>

### SCHEDULE "A."

#### BY-LAW No. 211.

A BY-LAW TO RAISE BY WAY OF LOAN THE SUM OF TWENTY-FIVE THOUSAND DOLLARS FOR THE PURPOSES THEREINAFTER MENTIONED.

Whereas the branch line of the Grand Trunk Railway from Berlin hath for a number of years past terminated at the village of Doon, and it has been considered of vital importance to the present and future prosperity of Galt that some exertion be made to have the said branch extended into the Town of Galt, and very material aid having been promised to the municipality by C. J. Brydges, Managing Director of the Grand Trunk therefore to enable the municipal council of the Town of Galt to make provision for all necessary preliminary arrangements, the purchasing of the right of way, building bridges, culverts, and cattle guards, drains and fencing, and whatever is necessary to make and prepare the said road ready for the ties it will be necessary for the said municipal council to raise the sum of twenty-five thousand dollars in the manner hereinafter mentioned; And whereas, it will require the sum of two thousand two hundred and fifty dollars to be raised annually by special rate for the payment of the said loan and interest thereon as also hereinafter mentioned; And whereas, the amount of the whole ratable property of the said municipality irrespective of any future increase of the same and irrespective of any interest in or from the said road and also irrespective of any income to be derived from the temporary investment of the sinking fund hereinafter mentioned or any part thereof according to the last revised assessment roll of the said municipality, being for the year one thousand eight hundred and seventy, was nine hundred and eighteen thousand four hundred and thirty-seven dollars; And whereas the amount of the existing debt of the said municipality is as follows:—Principal, the sum of sixty-seven thousand and fifty-three dollars, and interest the sum of four thousand one hundred and seventy-three dollars, making in the aggregate the sum of seventy-one thousand two hundred and twenty-six dollars, of which interest there is none in arrear; And whereas for paying the interest and creating an equal yearly sinking fund for paying the said sum of twenty-five thousand dollars and interest as hereinafter mentioned it will require an equal annual special rate of one quarter of a cent on the dollar in addition to all other rates to be levied in each year;

Be it therefore enacted by the municipal council of the Town of Galt duly convened and acting under authority of the

Canada Municipal Corporation Acts and it is hereby enacted by authority of the same :—

Sec. 1. That it shall be lawful for the mayor to raise by way of loan from any person or persons, body or bodies corporate, who may be willing to advance the sum upon the credit of the debentures hereinafter mentioned, a sum of money not exceeding in the whole the sum of twenty-five thousand dollars and to cause the same to be paid into the hands of the treasurer for the purpose and with the object above recited.

Sec. 2. That it shall be lawful for the said mayor to cause any number of debentures to be made for such sums of money as may be required, not less than one thousand dollars each, and that the said debentures shall be sealed with the seal of the said municipal council and be signed by the said mayor.

Sec. 3. That the said debentures shall be made payable in twenty years from the day hereinafter mentioned for this by-law to take effect at the office of the treasurer of the said municipality and shall have attached to them coupons for the payment of interest.

Sec. 4. That the said debentures shall bear interest at and after the rate of six per cent. per annum from the date hereof, which interest shall be payable half-yearly on the                      day of                      in each and every year at the office of the treasurer.

Sec. 5. That for the purpose of forming a sinking fund for the payment of the said debentures and the interest at the rate aforesaid to become due thereon an equal special rate of one quarter of a cent in the dollar shall in addition to all other rates be raised, levied and collected in each year upon all the ratable property in the said municipality during the continuance of said debentures or any of them.

Sec. 6. That this by-law shall take effect and come into operation upon the                      day of                      , one thousand eight hundred and seventy-one.

That the votes of the qualified electors of the town will be taken hereon on the fourth day of July, A.D. 1871, commencing at the hour of ten o'clock in the forenoon in the various wards of the said municipality at the places therein and hereinafter mentioned, viz:—

Ward No One—Mr. Date's old office.

Ward No. Two—town hall.

Ward No. Three—Mr. Ker's storehouse.

Ward No. Four—Mr. R. Blain's office.

Ward No. Five—A. Malcolm's cabinet warehouse.

And that the following persons shall be returning officers in said wards for the purpose of taking the votes ;—

Ward No. One—Henry McCrum.

Ward No. Two—Alex. Addison.

Ward No. Three—James Dalgleish.

Ward No. Four—David Blyth.

Ward No. Five—Andrew Malcolm.

In testimony whereof the municipal corporation of the Town of Galt have caused the seal of the said corporation to be affixed thereto and these presents to be signed by the mayor and countersigned by the clerk of the said municipality.

## SCHEDULE "B."

This agreement, made the thirtieth day of November one thousand eight hundred and seventy-one, between the Grand Trunk Railway Company of Canada, of the one part, and the corporation of the Town of Galt, in the County of Waterloo, and Province of Ontario, of the other part.

Whereas the corporation of the Town of Galt are desirous of forming a connection with the Berlin branch of the said Grand Trunk Railway Company at the village of Doon, in the said County of Waterloo; And whereas on the fourth day of July last past a by-law was passed by the said corporation (the freeholders and householders by a majority having by their votes authorized the same) by the municipal council thereof intituled "A By-law to raise by way of loan the sum of twenty-five thousand dollars for the purposes therein mentioned;" And whereas an agreement was entered into between C. J. Brydges, Esquire, as Managing Director of the Grand Trunk Railway for such railway company, and Adam Ker, esquire, as Mayor of the said corporation of the Town of Galt, to the following effect, namely:—

That so soon as the said corporation of the Town of Galt or any number of individuals appointed on their behalf shall have obtained a charter authorizing the building and continuing of such railway connection from Doon to Galt and the right of way through the intervening lands shall have been acquired and fenced in, together with whatever bridges, culverts and cattle guards as are necessary shall have been built and made and the road-bed formed and the necessary station buildings provided at Galt, said Grand Trunk Railway Company promise and covenant that so soon as the said work shall have been performed and the said charter secured they will at their own cost furnish the necessary ties and rails and lay the track and work or run the said railway branch at their own cost and expenses and also that the said railway branch shall when completed be run by at least one passenger train each way per day between Galt and Toronto and a sufficient number of freight cars or trains supplied equal to the accommodation and business requirements of the said Town of Galt.

And it is hereby further agreed between the said contracting parties hereto that the Corporation of the Town of Galt may adopt either of the two surveys (designated as the "upper and lower levels") which have been made of the said branch line of road from Doon to Galt which they may find to be the best suited to their interests.

In witness whereof the said Grand Trunk Railway Company of Canada and the corporation of the said Town of Galt have hereunto caused to be affixed their respective seals, the day and year above written, opposite to which their duly authorized officers have subscribed their names.

(Sd.) C. J. BRYDGES,  
MANAGING DIRECTOR  
G. T. R. Co.

.....  
: SEAL. :  
.....

Signed, sealed and delivered }  
in presence of }  
(SD.) L. MUNRO.  
(SD.) ADAM KER,

MAYOR.



J. E. SABINE witness to the execution }  
hereof by Adam Ker, the Mayor of the }  
Town of Galt.

SCHEDULE "C."

Know all men by these presents that I, \_\_\_\_\_ of  
in pursuance of the Act respecting short forms of  
conveyances \_\_\_\_\_  
in consideration of \_\_\_\_\_ dollars to me paid, receipt  
whereof I acknowledge, hereby grant to \_\_\_\_\_  
that land (describe the same)  
to have and to hold to the said \_\_\_\_\_ their suces-  
sors and assigns for ever (or as the case may require according  
to the estate or interest granted).

And \_\_\_\_\_ wife of the said  
hereby bars her dower in the said lands (here add covenants or  
conditions agreed on).

In witness whereof the said \_\_\_\_\_ have  
(or has) sealed and delivered these presents this  
day of \_\_\_\_\_ A.D. 187

Signed, sealed and delivered in }  
presence of }

1st Session, 2nd Parliament, 35 Victoria, 1872.

BILL.

An Act to legalize a certain By-law passed  
by the corporation of the Town of Galt  
and to enable the said corporation and the  
Grand Trunk Railway Company of Ca-  
nada to obtain certain powers to construct  
a Railway from the Village of Doon to the  
said Town of Galt and to enable the said  
company to extend their Railway from  
Berlin to the Village of Waterloo and to  
legalize and give power to carry out an  
agreement entered into between the said  
corporation and the said company.

(PRIVATE BILL.)

1st Reading, 30th January, 1872.

MR. SPRINGER.

TORONTO:

PRINTED BY HUNTER, ROSE & COMPANY.

An Act to legalize a certain By-Law passed by the Corporation of the Town of Galt, and to enable the said Corporation to obtain certain powers to construct a Railway from the Village of Doon to the said Town of Galt, and to give power to the Corporation of the Village of Waterloo to construct a Railway from the Grand Trunk Railway in Berlin to said Village.

**W**HEREAS the corporation of the Town of Galt has entered into the agreement set forth in schedule B to this Act, with the Grand Trunk Railway Company of Canada; And whereas the said corporation also passed a by-law number two hundred and eleven, a copy whereof is set forth in the schedule A to this Act, which by law, before the final passing thereof, received the assent of the electors of the said municipality as required by the statute in that behalf, and doubts are entertained as to the validity of such by-law; And whereas also the said corporation of the Town of Galt have petitioned that power be granted them to authorize their entering into said agreement and to confirm the same, and also that the said by-law and the debentures to be issued and powers thereunder may be legalized and confirmed; And whereas the corporation of the Village of Waterloo, in the County of Waterloo, has also petitioned for power to authorize the said village municipality to grant aid to the said Railway Company, for the purpose of an extension of the said railway from the Town of Berlin to the said village.

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The said by-law and the powers therein contained as to raising and application of moneys or otherwise, and the debentures to be issued thereunder, are hereby confirmed and made valid; and the moneys to be raised thereunder may be applied by the said corporation to make the provision referred to in the preamble of such by-law.

By-law No. 211 of the town of Galt confirmed.

**2.** The said corporation of the Town of Galt is hereby authorized to carry out and perform so much of the said agreement in the schedule B, and of the matters therein referred to, which are to be carried out and performed by or on the part of the said municipal corporation, or which constitute conditions precedent to be performed by the said corporation, whether as to building, acquiring right of way on either of the two surveys in such agreement referred to, providing station buildings, or otherwise; and to the exercise of and the carrying out the powers hereby conferred on the said corporation, the

Town of Galt empowered to construct railway referred to in agreement with Grand Trunk Co.

following sections of "the Railway Act" shall, as far as applicable and consistent with this Act, apply in favour of the said corporation to the extent following, that is, the third, fifth and sixth sections thereof, and those headed respectively "interpretation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," and "fences;" also sections numbered respectively eighty-four, eighty-five and ninety. 5

Power to tow to sell or lease. 3. After performance by the said corporation of the matters in the said agreement referred to by it to be performed as conditions precedent, or after partial performance thereof, 10 the said corporation may sell for a nominal or other consideration, or from time to time lease for any number of years to the said railway company, the property the said corporation is hereby authorized to acquire and construct, or any part thereof, 15 and on such terms and conditions it may think fit.

Village of Waterloo authorized to construct railway from Berlin to Waterloo. 4. The corporation of the village of Waterloo is hereby authorized to construct the said line of railway from the Grand Trunk Railway in the town of Berlin to the village of Waterloo; and in the execution of the powers aforesaid may exercise all the powers contained in the Railway Act in the third, fifth and 20 sixth sections thereof, and those headed respectively "powers," "plans and surveys," "lands and their valuation," "highways and bridges," and "fences;" also sections numbered respectively eighty-four, eighty-five and ninety.

Village of Waterloo may raise \$25,000. 5. For the purpose of constructing the proposed line of rail- 25 way from the Grand Trunk Railway within the town of Berlin to the village of Waterloo, it shall be lawful for the village of Waterloo to raise upon the debentures of the said corporation of the village of Waterloo (which it is hereby authorized to issue), not more than twenty-five thousand dollars, and to ex- 30 pend the same in the construction and completion of the said railway; Provided that no such money shall be raised or debentures issued except upon a by-law or by-laws duly passed for that purpose by the said corporation of the village of Waterloo in conformity with the provisions of the Act respecting Muni- 35 cipal Institutions.

Power to municipalities to aid. 6. It shall be lawful for the corporation of the said village of Waterloo and the corporation of any other municipality through any part of which, or near to which, the said proposed line of railway shall pass from Berlin to Waterloo, or which 40 may be benefited thereby, to aid and assist the said corporation of the village of Waterloo, proposing to construct said line from the Grand Trunk Railway in the town of Berlin to the village of Waterloo aforesaid.

Village of Waterloo may sell or lease. 7. The said corporation of the village of Waterloo may sell 45 for a nominal or other consideration, or from time to time lease for any number of years to the Grand Trunk Railway of Canada, the property the said corporation is hereby authorized to acquire and construct, or any part thereof, upon such terms and conditions as it may think fit. 50

Conveyances. 8. The conveyances of lands required for the purposes of the said extensions and constructions may be made to the said municipal corporations of the town of Galt, and of the said village of Waterloo, respectively (*as the case may be*) in the form or to

the effect set out in schedule C of this Act; and no registrar shall be entitled to more than seventy-five cents for registry thereof, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

- 5 **9.** This Act shall be construed not to confer any powers upon the Grand Trunk Railway Company of Canada to enter into the agreement in schedule B, or any other power, but solely to apply to the said municipal corporations of the town of Galt and of the village of Waterloo respectively.

This Act confined to authority to said town and village.

## SCHEDULE "A."

### BY-LAW No. 211.

A BY-LAW TO RAISE BY WAY OF LOAN THE SUM OF TWENTY-FIVE THOUSAND DOLLARS FOR THE PURPOSES THEREINAFTER MENTIONED.

Whereas the branch line of the Grand Trunk Railway from Berlin hath for a number of years past terminated at the village of Doon, and it has been considered of vital importance to the present and future prosperity of Galt that some exertion be made to have the said branch extended into the Town of Galt, and very material aid having been promised to the municipality by C. J. Brydges, Managing Director of the Grand Trunk therefore to enable the municipal council of the Town of Galt to make provision for all necessary preliminary arrangements, the purchasing of the right of way, building bridges, culverts, and cattle guards, drains and fencing, and whatever is necessary to make and prepare the said road ready for the ties it will be necessary for the said municipal council to raise the sum of twenty-five thousand dollars in the manner hereinafter mentioned; And whereas, it will require the sum of two thousand two hundred and fifty dollars to be raised annually by special rate for the payment of the said loan and interest thereon as also hereinafter mentioned; And whereas, the amount of the whole ratable property of the said municipality irrespective of any future increase of the same and irrespective of any interest in or from the said road and also irrespective of any income to be derived from the temporary investment of the sinking fund hereinafter mentioned or any part thereof according to the last revised assessment roll of the said municipality, being for the year one thousand eight hundred and seventy, was nine hundred and eighteen thousand four hundred and thirty-seven dollars; And whereas the amount of the existing debt of the said municipality is as follows:—Principal, the sum of sixty-seven thousand and fifty-three dollars, and interest the sum of four thousand one hundred and seventy-three dollars, making in the aggregate the sum of seventy-one thousand two hundred and twenty-six dollars, of which interest there is none in arrear; And whereas for paying the interest and creating an equal yearly sinking fund for paying the said sum of twenty-five thousand dollars and interest as hereinafter mentioned it will require an equal annual special rate of one quarter of a cent on the dollar in addition to all other rates to be levied in each year;

Be it therefore enacted by the municipal council of the Town of Galt duly convened and acting under authority of the





## SCHEDULE "B."

This agreement, made the thirtieth day of November one thousand eight hundred and seventy-one, between the Grand Trunk Railway Company of Canada, of the one part, and the corporation of the Town of Galt, in the County of Waterloo, and Province of Ontario, of the other part.

Whereas the corporation of the Town of Galt are desirous of forming a connection with the Berlin branch of the said Grand Trunk Railway Company at the village of Doon, in the said County of Waterloo; And whereas on the fourth day of July last past a by-law was passed by the said corporation (the freeholders and householders by a majority having by their votes authorized the same) by the municipal council thereof intituled "A By-law to raise by way of loan the sum of twenty-five thousand dollars for the purposes therein mentioned;" And whereas an agreement was entered into between C. J. Brydges, Esquire, as Managing Director of the Grand Trunk Railway for such railway company, and Adam Ker, esquire, as Mayor of the said corporation of the Town of Galt, to the following effect, namely:—

That so soon as the said corporation of the Town of Galt or any number of individuals appointed on their behalf shall have obtained a charter authorizing the building and continuing of such railway connection from Doon to Galt and the right of way through the intervening lands shall have been acquired and fenced in, together with whatever bridges, culverts and cattle guards as are necessary shall have been built and made and the road-bed formed and the necessary station buildings provided at Galt, said Grand Trunk Railway Company promise and covenant that so soon as the said work shall have been performed and the said charter secured they will at their own cost furnish the necessary ties and rails and lay the track and work or run the said railway branch at their own cost and expenses and also that the said railway branch shall when completed be run by at least one passenger train each way per day between Galt and Toronto and a sufficient number of freight cars or trains supplied equal to the accommodation and business requirements of the said Town of Galt.

And it is hereby further agreed between the said contracting parties hereto that the Corporation of the Town of Galt may adopt either of the two surveys (designated as the "upper and lower levels") which have been made of the said branch line of road from Doon to Galt which they may find to be the best suited to their interests.

In witness whereof the said Grand Trunk Railway Company of Canada and the corporation of the said Town of Galt have hereunto caused to be affixed their respective seals, the day and year above written, opposite to which their duly authorized officers have subscribed their names.

(Sd.) C. J. BRYDGES,  
MANAGING DIRECTOR  
G. T. R. Co.

.....  
SEAL.  
.....

## SCHEDULE "C."

Know all men by these presents that I, \_\_\_\_\_ of  
 in pursuance of the Act respecting short forms of  
 conveyances \_\_\_\_\_  
 in consideration of \_\_\_\_\_ dollars to me paid, receipt  
 whereof I acknowledge, hereby grant to  
 that land (Describe the same)  
 to have and to hold to the said \_\_\_\_\_ their succes-  
 sors and assigns for ever (or as the case may require according  
 to the estate or interest granted).

And \_\_\_\_\_ wife of the said \_\_\_\_\_  
 hereby bars her dower in the said lands (here add covenants or  
 conditions agreed on).

In witness whereof the said \_\_\_\_\_ have  
 (or has) sealed and delivered these presents this  
 day of \_\_\_\_\_ A.D. 187

Signed, sealed and delivered in }  
 presence of }

An Act to legalize a certain By-Law passed  
 by the Corporation of the Town of Galt;  
 and to enable the said Corporation to  
 obtain certain powers to construct a Rail-  
 way from the Village of Doon to the said  
 Town of Galt, and to give power to the  
 Corporation of the Village of Waterloo to  
 construct a Railway from the Grand  
 Trunk Railway in Berlin to said Village.

## (PRIVATE BILL.)

First Reading, 30th January, 1872.  
 Second " 21st February, 1872.  
 Third " 23rd " 1872.

M. SPRINGER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act intituled "An Act respecting the property of Religious Institutions in Upper Canada."

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That section three of chapter sixty-nine, of the Consolidated Statutes for Upper Canada be and the same is hereby amended by inserting in the eighth line of the said section, after the words "meeting house or chapel" the following words "or residence for the minister," so that the amended Act would read as follows, viz:—
- 5 C. S. U. C. cap. 69, s. 3, amended.
- 10 • (3) When a debt has been or may be hereafter contracted for the building, repairing, extending or improving of a church, meeting house or chapel on land held by trustees for the benefit of any religious society in Upper Canada, or for the purchase of the land on which the same has been or is intended to be
- 15 erected, the trustees, or a majority of them, may from time to time secure the debt or any part thereof, by a mortgage upon the said land, church, meeting house or chapel, or the residence of the minister, or may borrow money to pay the debt or part thereof, and may secure the re-payment of the loan and interest
- 20 by a like mortgage upon such terms as may be agreed upon.

**BILL**

An Act to amend the Act intituled "An Act respecting the property of Religious Institutions in Upper Canada."

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First Reading, 30th January, 1872.

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Mr. CLARKE, *Norfolk.*

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TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act intituled "An Act respecting the property of Religious Institutions in Upper Canada."

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That section three of chapter sixty-nine, of the Consolidated Statutes for Upper Canada be and the same is hereby amended by inserting in the eighth line of the said section after the words "meeting house or chapel," the following words, "or residence for the minister," so that the amended Act would read as follows, viz:—

c. s. u. c.  
cap. 69, s. 3,  
amended.

(3) When a debt has been or may be hereafter contracted for the building, repairing, extending or improving of a church, meeting house or chapel or the residence of a minister respectively on land held by trustees for the benefit of any religious society in Upper Canada, or for the purchase of the land on which the same has been or is intended to be erected, the trustees, or a majority of them, may from time to time secure the debt or any part thereof, by a mortgage upon the said land, church, meeting house or chapel, or the residence of the minister, or may borrow money to pay the debt or part thereof, and may secure the re-payment of the loan and interest by a like mortgage upon such terms as may be agreed upon; Provided that no such mortgage shall be created by the said trustees upon the land on which any church, meeting house, chapel or residence of a minister respectively is or may be erected, except in case of a debt incurred or to be incurred for the erection of such church, meeting house, chapel or residence of the minister respectively.

An Act to amend the Act intituled "An Act respecting the property of Religious Institutions in Upper Canada."

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First Reading,	30th January,	1872.
Second	"	14th February, 1872.
Third	"	27th " 1872.

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Mr. CLARKE (Norfolk).

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TORONTO :

PRINTED BY HUNTER, ROSE & Co.

No. 80.]

**BILL.**

[1872.

An Act to amend the law respecting Public Schools.

**H**ER Majesty, by and with the advice of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The second section of the Act of the Parliament of Ontario passed in the thirty-fourth year of the reign of Her Majesty, chaptered thirty-three, and intituled an "Act to improve the Common and Grammar Schools of the Province of Ontario" is hereby repealed, and the following section substituted in lieu thereof:—

10 (2) Every High School corporation shall provide adequate accommodation for all children of school age in their school division and municipality, and each Public School corporation shall provide such school accommodation as the majority of the trustees shall from time to time deem adequate for all the children of school age in their school section or municipality.

High School and Public School accommodation.

3. The twentieth section of the said Act is hereby repealed, and the following section shall be substituted in lieu thereof:—

(20) The trustees of any public school section or municipality, shall after a resolution to provide a residence for a teacher has been passed by the votes of a majority of the rate-payers present at the annual meeting have the same authority to provide such residence as they now have to provide a school site in their section or municipality.

Residences for teachers.

BILL

An Act to amend the law respecting  
Public Schools.

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First Reading, 30th January, 1872.

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MR. BETHUNE.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.



An Act to amend the law respecting the issue of the Prerogative Writ of Mandamus.

**W**HEREAS in many cases very great injustice is done by the delay in the issue of the Prerogative Writ of Mandamus : And whereas, it is necessary to devise a more speedy and summary method for the issue of the same : Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In all cases in which the Court has jurisdiction to issue the Writ of Peremptory Mandamus, it shall be the duty of the judge, provided he be of opinion that the case is a proper one for the issue of the same, either in term time or in vacation, to make an order for the issue of the said writ under this Act from the Court; and the said writ, when issued, shall have the same force and effect as if it had been issued by rule of the Court. Judge may issue writ of peremptory mandamus.
2. The application for the said writ shall be made upon affidavit to a judge, who shall have authority to issue a summons calling upon any person who may, in his judgment, be affected by the writ if issued, to show cause why the same should not be issued. Application for writ.
3. Such summons may be served upon the person or party named therein, either personally or by substitution, as may be directed by the judge, in the same manner as a writ of summons. Service and direction of writ.
4. The application may be made or resisted by the parties, either in person or by counsel. Manner of applying.
5. Affidavits may be filed in answer to the application, and in reply, according to the present practice on chamber applications. Filing affidavits
6. Every deponent whose affidavit is so filed shall be liable to cross-examination and re-examination upon the same, in presence of counsel for all parties, either before the judge or before any officer of the said Court to be named by the judge, and the evidence shall be reduced to writing, returned into Court, and used on the hearing of the application. Cross-examination of deponents.
7. Upon hearing counsel for parties who appear, and after service of the said summons upon all proper persons as hereinbefore provided, the judge shall, if in his opinion it is a proper case for the issue of the said writ, order the issue of the same, and shall by his order direct what is to be done and performed by the person or party to whom the writ is directed, and the writ shall conform to the order; but if in his opinion the

Issue of writ.

application should be refused, the said summons shall be discharged.

Enforcing writ by attachment.

8. The judge shall have the same power in vacation to enforce obedience to the said writ by attachment, to be issued from the Court, as the Court has in term time to enforce obedience to a writ issued from the Court upon a rule thereof. 5

Costs.

9. The costs of every application under this Act, and incidental thereto, shall be in the discretion of the judge, who shall dispose of the application, and he shall make such order as to the same as to him shall seem just; and a writ of *fiery facias* may be issued from the Court to compel payment of the said costs without making the judge's order a rule of Court. 10

Execution.

Rules of Court.

10. The judges of the Superior Courts of law, or any four of them, shall, so soon as practicable after the passing of this Act, make rules for the more effectually carrying out of the same and shall in the said rules settle the forms to be used in applications under this Act. 15

Forms.

Clerks of the Crown not to grant writ.

11. No part of the jurisdiction hereby conferred upon the Clerks shall be exercised by the Clerks of the Crown, and nothing in this Act contained shall prevent any person from applying to the Court for the said writ according to the present practice. 20

Appeal.

12. Any order made by a judge under this Act shall be subject to appeal to the Court, and the judgment of the Court upon such shall be subject to a further appeal to the Court of Error and Appeal. 25

Entitling affidavits.

13. The affidavits upon which the application is made shall be entitled either in the Queen's Bench or in the Common Pleas, and all subsequent proceedings shall be entitled in the Court in which the affidavits on which the application is made were entitled, and the word "Court" in this Act shall in each such case mean either the Court of Queen's Bench or the Court of Common Pleas, as the case may be. 30

Interpretation of the word "Court."

14. The word "judge" in this Act shall mean a judge of either of the Superior Courts of law. 35

Interpretation of the word "Judge."

An Act to amend the law respecting the issue of the Prerogative Writ of Mandamus.

**W**HEREAS in many cases very great injustice is done by the delay in the issue of the Prerogative Writ of Mandamus; and whereas it is necessary to devise a more speedy and summary method for the issue of the same: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** In all cases in which the Court has jurisdiction to issue the Writ of Peremptory Mandamus, it shall be the duty of the judge, provided he be of opinion that the case is a proper one for the issue of the same, either in term time or in vacation, to make an order for the issue of the said writ under this Act from the Court in the first instance and without a writ *nisi*, and the said writ, when issued, shall have the same force and effect as if it had been issued by rule of the Court. Judge may issue writ of peremptory mandamus.

**2.** The application for the said writ shall be made upon affidavit to a judge, who shall have authority to issue a summons calling upon any person who may, in his judgment, be affected by the writ if issued, to show cause why the same should not be issued. Application for writ.

**3.** Such summons may be served upon the person or party named therein, either personally or by substitution, as may be directed by the judge, in the same manner as a writ of summons. Service and direction of writ.

**4.** The application may be made upon hearing by the parties, either in person or by counsel. Manner of applying.

**5.** Affidavits may be filed in answer to the application, and in reply, according to the present practice on chamber applications. Filing affidavits

**6.** Every deponent whose affidavit is so filed shall be liable to cross-examination and re-examination upon the same, in presence of counsel for, or after notice to all parties, either before the judge or before any officer of the said Court to be named by the judge, and the evidence shall be reduced to writing, returned into Court, and used on the hearing of the application. Cross-examination of deponents.

**7.** Upon hearing the parties who appear, or their counsel, and after service of the said summons upon all proper persons as hereinbefore provided, the judge shall, if in his opinion it is a proper case for the issue of the said writ, order the issue of the same, and shall by his order direct what is to be done and performed by the person or party to whom the writ is directed, and the writ shall conform to the order; but if in his opinion the application should be refused, the said summons shall be discharged. Issue of writ.

- Enforcing writ by attachment.** **8.** The judge shall have the same power in vacation to enforce obedience to the said writ by attachment, to be issued from the Court, as the Court has in term time to enforce obedience to a writ issued from the Court upon a rule thereof.
- Costs.** **9.** The costs of every application under this Act, and incidental thereto, shall be in the discretion of the judge, who shall dispose of the application, and he shall make such order as to the same as to him shall seem just; and a writ of *fiery facias* may be issued from the Court to compel payment of the said costs without making the judge's order a rule of Court.
- Execution.**
- Rules of Court.** **10.** The judges of the Superior Courts of law, or any four of them, shall, so soon as practicable after the passing of this Act, make rules for the more effectually carrying out of the same, and shall in the said rules settle the forms to be used in applications under this Act.
- Forms.**
- Clerks of the Crown not to grant writ.** **11.** No part of the jurisdiction hereby conferred upon the judges shall be exercised by the Clerk of the Crown sitting in Chambers; and nothing in this Act contained shall prevent any person from applying to the Court for the said writ according to the present practice.
- Appeal.** **12.** Any order made by a judge under this Act shall be subject to appeal to the Court; and the judgment of the Court upon such shall be subject to a further appeal to the Court of Error and Appeal.
- Entitling affidavits.** **13.** The affidavits upon which the application is made shall be entitled either in the Queen's Bench or in the Common Pleas, and all subsequent proceedings shall be entitled in the Court in which the affidavits on which the application is made were entitled; and the word "Court" in this Act shall in each such case mean either the Court of Queen's Bench or the Court of Common Pleas, as the case may be.
- Interpretation of the word "Court."**
- Interpretation of the word "Judge."** **14.** The word "judge" in this Act shall mean a judge of either of the Superior Courts of law.

An Act to amend the law respecting the issue of the Prerogative Writ of Mandamus.

First Reading, 30th January, 1872.  
 Second " 7th February, 1872.  
 Third " 27th " 1872.

Mr. BETHUNE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the London, Huron and Bruce Railway Company.

**W**HEREAS the London, Huron and Bruce Railway Com- Preamble.  
 5 pany have, by their petition, prayed for an extension  
 of the time fixed by the Act incorporating said company for  
 the commencement and completion of the said railway; and it is  
 expedient to grant the prayer of the said petition; Therefore  
 Her Majesty, by and with the advice and consent of the Legis-  
 lative Assembly of the Province of Ontario, enacts as follows:

1. That the thirty-seventh section of the Act passed in 34 V., c. 42, s.  
 the thirty-fourth year of the reign of Her Majesty Queen 37, amended.  
 10 Victoria, and chaptered forty-two, be, and the same is hereby  
 repealed and the following substituted in lieu thereof: "The Time for com-  
 said railway shall be commenced within two years and com- men-  
 15 pleted within six years after the passing of this Act or else ce-  
 the charter shall be forfeited," and the said Act shall be ment  
 construed as though this substitution were in the said Act ori- and completion  
 ginally. of railway.

No. 82.

2nd Parliament, 1st Session, 35 Victoria, 1872.

BILL.

An Act respecting the London, Huron and  
Bruce Railway Company.

(PRIVATE BILL.)

1st Reading, 30th January, 1872.

Hon. Mr. CARLING.

**BILL.**

**An Act respecting the London, Huron and Bruce Railway Company.**

**W**HEREAS the London, Huron and Bruce Railway Com-<sup>Preamble.</sup>  
pany have, by their petition, prayed for an extension  
of the time fixed by the Act incorporating said company for  
the commencement and completion of the said railway; and it is  
expedient to grant the prayer of the said petition; Therefore  
Her Majesty, by and with the advice and consent of the Legis-  
lative Assembly of the Province of Ontario, enacts as follows:

**1.** That the thirty-seventh section of the Act passed in <sup>34 V., c. 42, s.</sup>  
the thirty-fourth year of the reign of Her Majesty Queen <sup>37, amended.</sup>  
Victoria, and chaptered forty-two, be, and the same is hereby  
repealed and the following substituted in lieu thereof: "The <sup>Time for com-</sup>  
said railway shall be commenced within two years and com- <sup>ment</sup>  
pleted within six years after the passing of this Act or else <sup>and completion</sup>  
the charter shall be forfeited," and the said Act shall be <sup>of railway.</sup>  
construed as though this substitution were in the said Act ori-  
ginally.

1st Session, 2nd Parliament, 35 Victoria, 1872.

An Act respecting the London, Huron and  
Bruce Railway Company.

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First Reading,	30th January,	1872.
Second	“	16th February, 1872.
Third	“	19th “ 1872.

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Hon. Mr. CARLING.

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TORONTO :

PRINTED BY HUNTER, ROSE & COMPANY,



An Act respecting "The City Gas Company" of the City of London.

WHEREAS "The City Gas Company" of the City of <sup>Preamble.</sup> London, have by their petition represented that they are now and for some years past, have been incorporated under the provisions of chapter sixty-five of the Consolidated Statutes of the late Province of Canada, intituled "An Act respecting incorporated joint stock companies for supplying cities, towns and villages with gas and water," under the corporate name of "The City Gas Company," and that the said company were so incorporated for the purpose of supplying the said City of London and the inhabitants thereof with gas; and that the said company have entered into an arrangement with the Government of Ontario for the supply of Gas to the Lunatic Asylum recently erected in the Township of London, and beyond the limits of the said city; and that they desire to furnish gas to the inhabitants of the said Township of London and the Township of Westminster, beyond the limits of the said City of London: and that it is doubtful whether under the provisions of the Act above referred to, and their charter, the said company are authorized to extend the supply of their gas beyond the limits of the said city; And the said company have prayed that Legislative provision may be made to enable the said company to extend the supply of their gas to the said Lunatic Asylum, and also to the premises of such person or persons, or body corporate, resident or situated in the vicinity of the said City of London, in the Township of London or Westminster as may desire to consume the same: 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 Assembly of the Province of Ontario, enacts as follows:

1. By and with the consent of the Municipal Corporation having control over the roads and streets, or territory, on or over which it is, or may be proposed to convey the said gas, it shall and may be lawful for the said company to lay down and extend their mains and pipes so as to conduct their gas to the said Lunatic Asylum, and to the premises of such person or persons or body corporate, beyond the limits of the said City of London, and within the Townships of London and Westminster, as may desire to consume the said gas, subject to the provisions of the above recited Act, which shall be as applicable thereto in every respect, as if the said mains and pipes so extended beyond the limits of the said city of London were within the limits of the said city. <sup>Power to extend works.</sup>

2. That the powers hereby conferred on the said company, shall not invalidate or interfere with the charter or powers of the said company as respects the said City of London. <sup>Powers as to City of London preserved.</sup>

Powers under  
con. stat. Can.  
c. 115, applied.

3. That the said company shall have all the powers and privileges conferred by said above recited Act, with respect to the extension of their powers hereby granted in as full and ample a manner as though the said company had been empowered to extend their works into the said Townships of London and Westminster, at the time of their incorporation, and all the provisions of said Act shall apply to such extension. 5

1st Session, 2nd Parliament, 35 Victoria, 1872.

BILL.

An Act respecting "The City Gas Company"  
of the City of London.

*PRIVATE BILL.*

First Reading, 30th January, 1872.

HON. MR. CARLING.

TORONTO :

PRINTED BY HUNTER, ROSE & Co., TORONTO.

An Act respecting The City Gas Company of the City of London.

**W**HEREAS "The City Gas Company" of the City of <sup>Preamble.</sup> London, have by their petition represented that they are now and for some years past, have been incorporated under the provisions of chapter sixty-five of the Consolidated Statutes of the late Province of Canada, intituled "An Act respecting incorporated joint stock companies for supplying cities, towns and villages with gas and water," under the corporate name of "The City Gas Company;" and that the said company were so incorporated for the purpose of supplying the said City of London and the inhabitants thereof with gas; and that the said company have entered into an arrangement with the Government of Ontario for the supply of Gas to the Lunatic Asylum recently erected in the Township of London, and beyond the limits of the said city; and that they desire to furnish gas to the inhabitants of the said Township of London and the Township of Westminster, beyond the limits of the said City of London; and that it is doubtful whether under the provisions of the Act above referred to, and their charter, the said company are authorized to extend the supply of their gas beyond the limits of the said city; and the said company have prayed that Legislative provision may be made to enable the said company to extend the supply of their gas to the said Lunatic Asylum, and also to the premises of such person or persons, or body corporate, resident or situated in the vicinity of the said City of London, in the Township of London or Westminster as may desire to consume the same: 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 Assembly of the Province of Ontario, enacts as follows:

**1.** By and with the consent of the Municipal Corporation <sup>Power to extend works.</sup> having control over the roads, streets, highways or property, on or over which it is, or may be proposed to convey the said gas, it shall and may be lawful for the said company to lay down and extend their mains and pipes so as to conduct their gas to the said Lunatic Asylum, and to the premises of such person or persons or body corporate, beyond the limits of the said City of London, and within the Townships of London and Westminster, as may desire to consume the said gas, subject to the provisions of the above recited Act, which shall be as applicable thereto in every respect, as if the said mains and pipes so extended beyond the limits of the said city of London were within the limits of the said city.

**2.** That the powers hereby conferred on the said company, <sup>Powers as to City of London preserved.</sup> shall not invalidate or interfere with the charter or powers of the said company as respects the said City of London.

Powers under  
Con. Stat. Can.  
c. 115, applied.

3. That the said company shall have all the powers and privileges conferred by said above recited Act, with respect to the extension of their powers hereby granted in as full and ample a manner as though the said company had been empowered to extend their works into the said Townships of London and Westminster, at the time of their incorporation, and all the provisions of said Act shall apply to such extension.

83

An Act respecting The City Gas Company  
of the City of London.

First Reading,	30th January,	1872.
Second	“	16th February, 1872.
Third	“	19th “ 1872.

Hon. Mr. CARLING.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to make further provision touching the Election of Members to the Legislative Assembly.

**W**HEREAS it is expedient to make further provision touching the election of members to the Legislative Assembly; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of  
5 Ontario, enacts as follows:—

1. If any person returned as elected to the Legislative Assembly for one or more constituencies at a general election, wishes to resign his seat, or any one of his seats, before the first meeting of the Assembly thereafter, he may address, or  
10 cause to be addressed, to any two members elect of the Legislative Assembly, a declaration of his intention to resign the seat, made in writing under his hand and seal before two witnesses, and such two members, upon receiving such declaration, shall forthwith address their warrant, under their hands and  
15 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 the seat, and shall cease to be a  
20 member of the house in respect to the seat so vacated.

Resignation of seats by members after a general election.

2. But no member elect shall so tender his resignation for a seat, in respect of which his election is lawfully contested, nor until after the expiration of twenty-one days from the time the return of his election is made to the Clerk of the Crown in  
25 Chancery.

When election is contested.

3. The election to be held under such writ shall not in any manner affect the right of any person entitled to contest the previous election and claim the seat; and the judge trying such previous election shall determine whether the member, who has  
30 so resigned, or any other person, was duly returned or elected thereat, which determination, if adverse to the return of such member, and in favour of any other candidate, shall avoid the election held under the first section, and the candidate declared duly elected at the previous election shall be entitled to take  
25 his seat as if no such subsequent election had been held.

New election not to affect the right to contest previous election.

4. Forthwith after the receipt by the Speaker or (in case there is no Speaker) by the Clerk of the House, of a certificate of the Judge determining any election petition and certifying that the election was void, the Speaker or Clerk, as the case may  
40 be, shall address his warrant under his hand and seal to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a member for the constituency the election in

Issue of writ for new election.

which has been certified to be void, and such writ shall issue accordingly.

Proceedings to be reported to Legislative Assembly.

5. The proceedings taken under this Act by the Speaker or Clerk shall be reported by the Speaker to the Legislative Assembly at the earliest practicable time and shall be forthwith entered on the journals of the Legislative Assembly. 5

Persons declared not elected not to sit or vote.

6. In case any person returned as elected is by the certificate of the judge, appointed to try an election petition in respect of the election determined not to have been duly returned or elected, such person shall not thereafter sit or vote in the Legislative Assembly. 10

Persons declared elected by judge may sit and vote.

7. In case any person other than the person returned as elected, is by the certificate of the judge appointed to try an election petition, determined to have been duly returned or elected such person shall thereupon be entitled to sit and vote in the Legislative Assembly. 15

Speaker to communicate to Clerk who is entitled to take the oath, etc.

8. The Speaker shall forthwith after the receipt of any certificate from the judge determining any election petition communicate the same to the Clerk for his guidance as to the persons entitled to take the oath and sign the roll as members. 20

Writ not to issue under this Act during session.

9. No writ shall issue under any of the provisions of this Act during a session of the Legislative Assembly.

BILL.

An Act to make further provision touching the Election of Members to the Legislative Assembly.

1st Reading, 30th Jan., 1872.

Hcn. Mr. BLAKE.

An Act to make further provision touching the Election of Members to the Legislative Assembly.

WHEREAS it is expedient to make further provision touching the election of members to the Legislative Assembly; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. If any person returned as elected to the Legislative Assembly for one or more constituencies at a general election, wishes to resign his seat, or any one of his seats, before the first meeting of the Assembly thereafter, he may address, or cause to be addressed, to any two members elect of the Legislative Assembly, a declaration of his intention to resign the seat, made in writing under his hand and seal before two witnesses, 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 the seat, and shall cease to be a member of the house in respect to the seat so vacated.

Resignation of seats by members before meeting of the House.

2. But no member elect shall so tender his resignation for a seat, in respect of which his election is lawfully contested, nor until after the expiration of twenty-one days from the time the return of his election is made to the Clerk of the Crown in Chancery.

When resignation may be had.

3. The election to be held under such writ shall not in any manner affect the right of any person entitled to contest the previous election and claim the seat; and the judge trying such previous election shall determine whether the member, who has so resigned, or any other person, was duly returned or elected thereat, which determination, if adverse to the return of such member, and in favour of any other candidate, shall avoid the election held under the first 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.

New election not to affect the right to contest previous election.

4. Forthwith after the receipt by the Speaker, or (in case there is no Speaker) by the Clerk of the House, of a certificate of the Judge determining any election petition and certifying that the election was void, the Speaker or Clerk, as the case may be, shall address his warrant under his hand and seal to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a member for the constituency the election in

Issue of writ for new election.

which has been certified to be void, and such writ shall issue accordingly.

Proceedings to be reported to Legislative Assembly.

5. The proceedings taken under this Act by the Speaker or Clerk shall be reported by the Speaker to the Legislative Assembly at the earliest practicable time, and shall be forthwith entered on the journals of the Legislative Assembly.

Persons declared not elected not to sit or vote.

6. In case any person returned as elected is by the certificate of the judge, appointed to try an election petition in respect of the election determined not to have been duly returned or elected, such person shall not thereafter sit or vote in the Legislative Assembly.

Persons declared elected by judge may sit and vote.

7. In case any person other than the person returned as elected, is by the certificate of the judge appointed to try an election petition, determined to have been duly returned or elected such person shall thereupon be entitled to sit and vote in the Legislative Assembly.

Speaker to communicate to Clerk who is entitled to take the oath, etc.

8. The Speaker shall forthwith after the receipt of any certificate from the judge determining any election petition communicate the same to the Clerk for his guidance as to the persons entitled to take the oath and sign the roll as members.

Writ not to issue during session.

9. No writ shall issue under any of the provisions of this Act during a session of the Legislative Assembly.

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BILL.

An Act to make further provision touching the Election of Members to the Legislative Assembly.

First Reading,	30th January,	1872.
Second	" 7th February,	1872.
Third	" 13th "	1872.

Hon Mr. BLAKE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.



An Act to provide for the institution of suits against the Crown by Petition of Right, and respecting procedure in Crown Suits.

**W**HEREAS it is expedient to make provision for proceeding by petition of right in this Province and to assimilate the proceedings on such petitions and in proceedings in behalf of the Crown, as nearly as may be to the course of practice and procedure now in force in actions and suits between subject and subject; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

**1.** A petition of right may, if the suppliant thinks fit, be intitled in any one of the superior courts of common law or equity at Toronto, in which the subject matter of such petition or any material part thereof would have been cognizable if the same had been a matter in dispute between subject and subject, and shall state in the margin the venue for the trial of such petition; and such petition shall be addressed to Her Majesty in the form or to the effect in the schedule (No. 1) to this Act annexed, and shall state the christian and surname and usual place of abode of the suppliant and of his solicitor or attorney, if any, by whom the same shall be presented, and shall set forth with convenient certainty the facts entitling the suppliant to relief, and shall be signed by such suppliant, his counsel or attorney.

**2.** The said petition shall be left with the Provincial Secretary in order that the same may be submitted to the Lieutenant-Governor for his consideration, and in order that the Lieutenant-Governor, if he shall think fit, may grant his fiat that right be done; and no fee or sum of money shall be payable by the suppliant on so leaving such petition or upon his receiving back the same.

**3.** Upon the Lieutenant-Governor's fiat being obtained to such petition, a copy of such petition and fiat shall be left at the office of the Attorney-General, with an endorsement thereon in the form or to the effect in the schedule (No. 2) to this Act annexed, praying for a plea or answer on behalf of Her Majesty within twenty-eight days.

**4.** The time for answering, pleading or demurring to such petition, on behalf of Her Majesty, shall be the said period of twenty-eight days after the same, with such prayer of a plea or answer as aforesaid shall have been left at the office of the said Attorney-General, or such further time as shall be allowed by the court or a judge; Provided always that it shall be law-

Preamble.

Form of petition of right.

Petition to be submitted to Lieut.-Governor for his fiat.

Proceedings after fiat is obtained.

Time for pleading or demurring.

Change of  
court or venue.

ful for the court in which the petition was originally intituled, or a judge in chambers, on the application of the Attorney-General or of the suppliant to change the court in which such petition shall be prosecuted, or the venue for the trial of the same.

5

Provisions  
where the  
subject matter  
previously  
granted by  
the Crown.

5. In case any such petition of right shall be presented for the recovery of any real or personal property, or any right in or to the same, which shall have been granted away or disposed of by or on behalf of Her Majesty or her predecessors, a copy of such petition, allowance and fiat shall be served upon or left at the last or usual or last known place of abode of the person in the possession, occupation or enjoyment of such property or right, endorsed with a notice of the form set forth in the schedule (No. 3) to this Act annexed, requiring such person to appear thereto within eight days, and to plead or answer thereto in the court in which the same shall be prosecuted, within fourteen days after the same shall have been so served or left as aforesaid, and it shall not be necessary to issue any *scire facias* or other process to such person for the purpose of requiring him to appear and plead or answer to such petition, but he shall, within the time so limited, if it be intended by him to contest such petition, enter an appearance to the same in the form set forth in schedule (No. 4) to this Act annexed, or to the like effect, and shall plead, answer, or demur to the said petition within the time specified in such notice, or such further time as shall be allowed by the court or a judge.

Pleadings.

6. Such petition may be answered by way of answer or demurrer in the court of equity, or in a court of common law, by way of plea or demurrer or by both pleas and demurrer, by or in the name of Her Majesty's Attorney-General on behalf of Her Majesty, and by or on behalf of any other person who may, in pursuance hereof, be called upon to plead or answer thereto, in the same manner as if such petition when prosecuted in a court of equity were a bill filed therein, and as if such petition when prosecuted in a court of common law were a declaration in a personal action; and without the necessity for any inquisition finding the truth of such petition on the right of the suppliant; and such and the same matter as would be sufficient ground of answer or defence in point of law or fact to such petition on the behalf of Her Majesty, may be alleged on behalf of any such other person, as aforesaid, called on to plead or answer thereto.

Rules of superior courts to apply.

7. So far as the same may be applicable, and except in so far as may be inconsistent with this Act, the laws and statutes in force as to pleading, evidence, hearing and trial, security for costs, amendment, arbitration, special cases, the means of procuring and taking evidence, set off, appeal and proceedings in error, in suits of equity, and in personal actions between subject and subject, and the rules, orders, practice and course of procedure of the said courts of law and equity respectively for the time being in reference to such suits and personal actions, shall, unless the court in which the petition is prosecuted shall otherwise order, be applicable and apply and extend to such petition of right.

In default of plea, etc., applicant to

8. In case of a failure on the behalf of Her Majesty, or of any such other person as aforesaid called upon to answer or

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plead to such petition, to plead, answer, or demur in due time, <sup>take petition</sup> either to such petition, or at any subsequent stage of the proceedings thereon, the suppliant shall be at liberty to apply to the court or a judge for an order that the petition may be <sup>pro confesso.</sup> taken as confessed; and it shall be lawful for such court or judge, on being satisfied that there has been such failure to plead, answer, or demur in due time, to order that such petition may be taken as confessed, as against Her Majesty, or such other party so making default; and in case of default on the behalf of Her Majesty, and any other such person (if any) called upon, as aforesaid, to answer or plead thereto, a decree may be made by the court, or leave may be given by the court, on the application of the suppliant, to sign judgment in favour of the suppliant; Provided always that such decree or judgment may afterwards be set aside by such court or a judge, in their or his discretion, upon such terms as to them or him shall seem fit.

9. Upon every such petition of right, the decree or judgment of the court, whether given upon demurrer upon the pleadings, or upon a default to answer or plead in time, or after hearing or verdict, or otherwise, shall be that the suppliant is or is not entitled either to the whole, or to some portion of the relief sought by his petition, or such other relief as the court may think right, and such court may give a decree or judgment that the suppliant is entitled to such relief, and upon such terms and conditions (if any) as such court shall think just. <sup>The judgment or decree.</sup>

10. In all cases in which the judgment, commonly called a judgment of *amoveas manus*, was formerly in England pronounced or given upon a petition of right, a judgment that the suppliant is entitled to relief, as hereinbefore provided, shall be of such and the same effect as such judgment of *amoveas manus*. <sup>When judgment to be equivalent to *amoveas manus*</sup>

11. Upon any such petition of right, the Attorney-General, or other person appearing on behalf of Her Majesty, and every such other person as aforesaid, who shall appear, and plead, answer, or demur shall be entitled respectively to recover costs against the suppliant, in the same manner, and subject to the same restrictions and discretion, and under the same rules, regulations and provisions, so far as they are applicable, as are or may be usually adopted, or in force, touching the payment or receipt of costs in proceedings between subject and subject; and for the recovery of such costs, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon judgments in personal actions, or decrees, rules or orders, shall and may be prosecuted, sued out, and executed respectively by or on behalf of Her Majesty, and of such other person, as aforesaid, as shall appear and plead to such petition, and any costs recovered on behalf of Her Majesty, shall be paid to the Provincial Treasurer. <sup>Costs against suppliant.</sup>

12. Upon any such petition of right, the suppliant shall be entitled to costs against Her Majesty, and also against any other person appearing or pleading, or answering to any such petition of right, in like manner, and subject to the same rules, regulations and provisions, restrictions and discretion, so far as they are applicable, as are or may be usually adopted, or in <sup>Costs to suppliant.</sup>

force, touching the right to recover costs in proceedings between subject and subject; and for the recovery of any such costs from any such person, other than Her Majesty, appearing or pleading, or answering in pursuance hereof to any such petition of right, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon rules, orders, decrees or judgments in personal actions between subject and subject, shall and may be prosecuted, sued out, and executed on behalf of such suppliant. 5

If judgment be for relief, etc., judge to certify to Provincial Treasurer.

**13.** Whenever upon such petition of right, a judgment, order, or decree shall be given or made that the suppliant is entitled to relief, and there shall be no re-hearing, appeal, or writ of error, and whenever upon a re-hearing, appeal, or proceedings in error, a judgment, order, or decree shall be affirmed, given or made, that the suppliant is entitled to relief, and whenever any rule or order shall be made, entitling the suppliant to costs, any one of the judges of the court, in which such petition shall have been prosecuted, shall and may, upon application in behalf of the suppliant, after the lapse of fourteen days from the making, giving or affirming of such judgment or decree, rule or order, certifying to the Provincial Treasurer the tenor and purport of the same, in the form in the Schedule (No. 5) to this Act annexed, or to the like effect; and such certificate may be sent to, or left at the office of the Provincial Treasurer. 10 15 20 25

Payment by Provincial Treasurer.

**14.** It shall be lawful for the Provincial Treasurer, and he is hereby required to pay the amount of any moneys and costs as to which a judgment or decree, rule or order, shall be given or made, that the suppliant in any such petition of right is entitled thereto, and of which judgment or decree, rule or order, the tenor and purport shall have been so certified to him as aforesaid, out of any moneys in his hands, for the time being, legally applicable thereto, or which may be thereafter voted by the Legislature for that purpose. 30

Judges of superior courts to make rules, etc.

**15.** It shall be lawful for the judges of the said courts of law and equity respectively, from time to time to make all such general rules and orders in their said respective courts of law and equity, for regulating the pleading and practice on such petitions of right; and for the effectual execution of this Act; and of the intention and object hereof; and for fixing the costs to be allowed for and in respect of the several matters herein contained, and the performance thereof; and for the government and conduct of the officers of their respective courts in and relating to the distribution and performance of the duties and business to be done or performed in execution of this Act as such judge may think fit, reasonable, necessary or proper; and to frame such writs and forms of proceedings as to them may seem expedient for the purpose aforesaid. 35 40 45

Interpretation

**16.** In the construction of this Act, the word "court" shall be understood to mean any one of the superior courts of common law or equity at Toronto, in which any such petition is presented; the word "relief" shall comprehend every species of relief claimed or prayed for in any such petition of right, whether a restitution of any incorporeal right, or a return of lands and chattels, or a payment of money or damages or otherwise; and the word "judge" shall be understood to mean a judge of any of the said courts respectively. 50 55

**17.** The procedure and forms which are or may, from time to time, be in force for the prosecution of rights, claims or demands, or for the recovery of the possession of any lands, deeds or personal property between subject and subject, may be used in the like cases for the prosecution of rights, claims or demands, which Her Majesty may have against any person or persons, body or bodies corporate, or for the recovery of the possession of any lands, deeds or personal property whereto Her Majesty claims to be entitled to.

Forms and procedure in Crown suits.

**18.** In any action, suit or proceeding commenced under the provisions of the next preceding section, the defendant shall be entitled to require Her Majesty's Attorney-General to declare, reply, or otherwise answer the last pleading of the defendant, and to proceed to trial in the same manner and within the same times as may be limited as between subject and subject, and may, in the event of default, by leave of the court or a judge, sign judgment of *non-pros.*

Defendant may compel Attorney-General to proceed.

**19.** In citing this Act in any instrument, document or proceeding, it shall be sufficient to use the expression, "The Petitions of Right and Crown Procedure Act, 1872."

Short title.

**20.** Nothing in this Act contained shall prevent any suppliant from proceeding as before the passing of this Act.

Suppliant may proceed as heretofore.

Schedule referred to in the foregoing Act.

No. 1.

*Petition.*

In the Queen's Bench (*or* Common Pleas *or* in Chancery).

To the Queen's most excellent Majesty.

County of York, {

To Wit: { The humble petition of *A.B.*, of \_\_\_\_\_,  
by his attorney, *E.F.*, of \_\_\_\_\_,  
showeth that (state the facts).

*Conclusion.*

Your suppliant therefore humbly prays that, &c.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ A. D.  
(Signed) \_\_\_\_\_ *A.B.*  
or *C.D.*, counsel for *A.B.*  
or *E.F.*, attorney for *A.B.*

No. 2.

The suppliant prays for a plea or answer on behalf of Her Majesty, within twenty-eight days after the date hereof or otherwise, that the petition may be taken as confessed.

## No. 3.

To *A.B.*

You are hereby required to appear to the within petition in Her Majesty's court of Queen's Bench (*or* Common Pleas *or* Court of Chancery) within eight days, and to plead or answer thereto within fourteen days after the date hereof.

Take notice that if you fail to appear or plead or answer in due time the said petition may, as against you, be ordered to be taken as confessed.

Dated, &amp;c.

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 No. 4.
In the Queen's Bench (*or* Common Pleas) Petition of Right.

<i>A.B.</i> suppliant	{	<i>C.D.</i> appears in person.
<i>vs.</i>		
The Queen.	{	<i>C.D.</i> attorney for <i>E.F.</i> ,

appears for him.

If the appearance be in person the address of the party appearing to be given.

Entered the                      day of                      , 187 .

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 No. 5.

To the honourable the Treasurer of Ontario.

Petition of right of *A.B.* in Her Majesty's Court of Queen's Bench (*or* Common Pleas *or* Court of Chancery) at Toronto.

I humbly certify that on the                      day of  
*A.D.*,                      it was by the said Court of Queen's Bench (Common Pleas *or* Court of Chancery) adjudged (*or* decreed *or* ordered) that the above named suppliant was entitled to, &c.

Judge's signature.



1st Session, 2nd Parliament, 35 Victoria, 1872.

BILL.

An Act to provide for the institution of suits against the Crown by Petition of Right, and respecting procedure in Crown Suits.

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1st Reading 30th January, 1872.

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The Honourable Mr. BLAKE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.



An Act to provide for the institution of suits against the Crown by Petition of Right, and respecting procedure in Crown Suits.

**W**HEREAS it is expedient to make provision for proceeding Preamble.  
by petition of right in this Province and to assimilate the proceedings on such petitions and in proceedings in behalf of the Crown, as nearly as may be to the course of practice and procedure now in force in actions and suits between subject and subject;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** A petition of right may, if the suppliant thinks fit, be intitled in any one of the superior courts of common law or equity at Toronto, in which the subject matter of such petition or any material part thereof would have been cognizable if the same had been a matter in dispute between subject and subject, and shall state in the margin the venue for the trial of such petition; and such petition shall be addressed to Her Majesty in the form or to the effect in the schedule (No. 1) to this Act annexed, and shall state the christian and surname and usual place of abode of the suppliant and of his solicitor or attorney, if any, by whom the same shall be presented, and shall set forth with convenient certainty the facts entitling the suppliant to relief, and shall be signed by such suppliant, his counsel or attorney. Form of petition of right.

**2.** The said petition shall be left with the Provincial Secretary in order that the same may be submitted to the Lieutenant-Governor for his consideration, and in order that the Lieutenant-Governor, if he shall think fit, may grant his fiat that right be done; and no fee or sum of money shall be payable by the suppliant on so leaving such petition or upon his receiving back the same. Petition to be submitted to Lieut.-Governor for his fiat.

**3.** Upon the Lieutenant-Governor's fiat being obtained to such petition, a copy of such petition and fiat shall be left at the office of the Attorney-General, with an endorsement thereon in the form or to the effect in the schedule (No. 2) to this Act annexed, praying for a plea or answer on behalf of Her Majesty within twenty-eight days. Proceedings after fiat is obtained.

**4.** The time for answering, pleading or demurring to such petition, on behalf of Her Majesty, shall be the said period of twenty-eight days after the same, with such prayer of a plea or answer as aforesaid shall have been left at the office of the said Attorney-General, or such further time as shall be allowed by the court or a judge; Provided always, that it shall be law- Time for pleading or demurring.

Change of  
court or venue.

ful for the court in which the petition was originally intituled, or a judge in chambers, on the application of the Attorney-General or of the suppliant to change the court in which such petition shall be prosecuted, or the venue for the trial of the same.

Provisions  
where the  
subject matter  
previously  
granted by  
the Crown.

5. In case any such petition of right shall be presented for the recovery of any real or personal property, or any right in or to the same, which shall have been granted away or disposed of by or on behalf of Her Majesty or her predecessors, a copy of such petition, allowance and fiat shall be served upon or left at the last or usual or last known place of abode of the person in the possession, occupation or enjoyment of such property or right, endorsed with a notice of the form set forth in the schedule (No. 3) to this Act annexed, requiring such person to appear thereto within eight days, and to plead or answer thereto in the court in which the same shall be prosecuted, within fourteen days after the same shall have been so served or left as aforesaid, and it shall not be necessary to issue any *scire facias* or other process to such person for the purpose of requiring him to appear and plead or answer to such petition, but he shall, within the time so limited, if it be intended by him to contest such petition, enter an appearance to the same in the form set forth in schedule (No. 4) to this Act annexed, or to the like effect, and shall plead, answer, or demur to the said petition within the time specified in such notice, or such further time as shall be allowed by the court or a judge.

Pleadings.

6. Such petition may be answered by way of answer or demurrer in the court of equity, or in a court of common law, by way of plea or demurrer or by both pleas and demurrer, by or in the name of Her Majesty's Attorney-General on behalf of Her Majesty, and by or on behalf of any other person who may, in pursuance hereof, be called upon to plead or answer thereto, in the same manner as if such petition when prosecuted in a court of equity were a bill filed therein, and as if such petition when prosecuted in a court of common law were a declaration in a personal action, and without the necessity for any inquisition finding the truth of such petition on the right of the suppliant; and such and the same matter as would be sufficient ground of answer or defence in point of law or fact to such petition on the behalf of Her Majesty, may be alleged on behalf of any such other person, as aforesaid, called on to plead or answer thereto.

Rules of superior  
courts to  
apply.

7. Any issue of fact or assessment of damages to be tried or had under this Act, and which would but for this section be tried or had by a judge with a jury, shall be tried or had by a judge without a jury.

Rules of plead-  
ing, &c.

8. So far as the same may be applicable, and except in so far as may be inconsistent with this Act, the laws and statutes in force as to pleading, evidence, hearing and trial, security for costs, amendment, arbitration, special cases, the means of procuring and taking evidence, set off, appeal and proceedings in error, in suits of equity, and in personal actions between subject and subject, and the rules, orders, practice and course of procedure of the said courts of law and equity respectively for the time being in reference to such suits and personal actions, shall, unless the court in which the petition is prosecuted shall

otherwise order, be applicable and apply and extend to such petition of right.

**9.** In case of a failure on the behalf of Her Majesty, or of any such other person as aforesaid called upon to answer or plead to such petition, to plead, answer, or demur in due time, either to such petition, or at any subsequent stage of the proceedings thereon, the suppliant shall be at liberty to apply to the court or a judge for an order that the petition may be taken as confessed; and it shall be lawful for such court or judge, on being satisfied that there has been such failure to plead, answer, or demur in due time, to order that such petition may be taken as confessed, as against Her Majesty, or such other party so making default; and in case of default on the behalf of Her Majesty, and any other such person (if any) called upon, as aforesaid, to answer or plead thereto, a decree may be made by the court, or leave may be given by the court, on the application of the suppliant, to sign judgment in favour of the suppliant; Provided always that such decree or judgment may afterwards be set aside by such court or a judge, in their or his discretion, upon such terms as to them or him shall seem fit.

In default of plea, etc., applicant to take petition *pro confesso*.

**10.** Upon every such petition of right, the decree or judgment of the court, whether given upon demurrer, upon the pleadings, or upon a default to answer or plead in time, or after hearing or verdict, or otherwise, shall be that the suppliant is or is not entitled either to the whole, or to some portion of the relief sought by his petition, or such other relief as the court may think right, and such court may give a decree or judgment that the suppliant is entitled to such relief, and upon such terms and conditions (if any) as such court shall think just.

The judgment or decree.

**11.** In all cases in which the judgment, commonly called a judgment of *amoveas manus*, was formerly in England pronounced or given upon a petition of right, a judgment that the suppliant is entitled to relief, as hereinbefore provided, shall be of such and the same effect as such judgment of *amoveas manus*.

When judgment to be equivalent to *amoveas manus*

**12.** Upon any such petition of right, the Attorney-General, or other person appearing on behalf of Her Majesty, and every such other person as aforesaid, who shall appear, and plead, answer, or demur shall be entitled respectively to recover costs against the suppliant, in the same manner, and subject to the same restrictions and discretion, and under the same rules, regulations and provisions, so far as they are applicable, as are or may be usually adopted, or in force, touching the payment or receipt of costs in proceedings between subject and subject; and for the recovery of such costs, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon judgments in personal actions, or decrees, rules or orders, shall and may be prosecuted, sued out, and executed respectively by or on behalf of Her Majesty, and of such other person, as aforesaid, as shall appear and plead to such petition, and any costs recovered on behalf of Her Majesty, shall be paid to the Provincial Treasurer.

Costs against suppliant.

**13.** Upon any such petition of right, the suppliant shall be entitled to costs against Her Majesty, and also against any

Costs to suppliant.

other person appearing or pleading, or answering to any such petition of right, in like manner, and subject to the same rules, regulations and provisions, restrictions and discretion, so far as they are applicable, as are or may be usually adopted, or in force, touching the right to recover costs in proceedings between subject and subject; and for the recovery of any such costs from any such person, other than Her Majesty, appearing or pleading, or answering in pursuance hereof to any such petition of right, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon rules, orders, decrees or judgments in personal actions between subject and subject, shall and may be prosecuted, sued out, and executed on behalf of such suppliant.

If judgment  
be for relief,  
etc., judge to  
certify to Pro-  
vincial  
Treasurer.

**14.** Whenever upon such petition of right, a judgment, order, or decree shall be given or made that the suppliant is entitled to relief, and there shall be no re-hearing, appeal, or writ of error, and whenever upon a re-hearing, appeal, or proceedings in error, a judgment, order, or decree shall be affirmed, given or made, that the suppliant is entitled to relief, and whenever any rule or order shall be made, entitling the suppliant to costs, any one of the judges of the court, in which such petition shall have been prosecuted, shall and may, upon application in behalf of the suppliant, after the lapse of fourteen days from the making, giving or affirming of such judgment or decree, rule or order, certifying to the Provincial Treasurer the tenor and purport of the same, in the form in the Schedule (No. 5) to this Act annexed, or to the like effect; and such certificate may be sent to, or left at the office of the Provincial Treasurer.

Payment by  
Provincial  
Treasurer.

**15.** It shall be lawful for the Provincial Treasurer, and he is hereby required to pay the amount of any moneys and costs as to which a judgment or decree, rule or order, shall be given or made, that the suppliant in any such petition of right is entitled thereto, and of which judgment or decree, rule or order, the tenor and purport shall have been so certified to him as aforesaid, out of any moneys in his hands, for the time being, legally applicable thereto, or which may be thereafter voted by the Legislature for that purpose.

Judges of su-  
perior courts  
to make rules,  
etc.

**16.** It shall be lawful for the judges of the said courts of law and equity respectively, from time to time to make all such general rules and orders in their said respective courts of law and equity, for regulating the pleading and practice on such petitions of right; and for the effectual execution of this Act; and of the intention and object hereof; and for fixing the costs to be allowed for and in respect of the several matters herein contained, and the performance thereof; and for the government and conduct of the officers of their respective courts in and relating to the distribution and performance of the duties and business to be done or performed in execution of this Act as such judge may think fit, reasonable, necessary or proper; and to frame such writs and forms of proceedings as to them may seem expedient for the purpose aforesaid.

Interpretation

**17.** In the construction of this Act, the word "court" shall be understood to mean any one of the superior courts of common law or equity at Toronto, in which any such petition is presented; the word "relief" shall comprehend every species of relief claimed or prayed for in any such petition of right,

whether a restitution of any incorporeal right, or a return of lands or chattels, or a payment of money or damages or otherwise; and the word "judge" shall be understood to mean a judge of any of the said courts respectively.

**18.** The procedure and forms which are or may, from time to time, be in force for the prosecution of rights, claims or demands, or for the recovery of the possession of any lands, deeds or personal property between subject and subject, may be used in the like cases for the prosecution of rights, claims or demands, which Her Majesty may have against any person or persons, body or bodies corporate, or for the recovery of the possession of any lands, deeds or personal property whereto Her Majesty claims to be entitled. Forms and procedure in Crown suits.

**19.** In any action, suit or proceeding commenced under the provisions of the next preceding section, the defendant shall be entitled to require Her Majesty's Attorney-General to declare, reply, or otherwise answer the last pleading of the defendant, and to proceed to trial in the same manner and within the same times as may be limited as between subject and subject, and may, in the event of default, by leave of the court or a judge, sign judgment of *non-pros.* Defendant may compel Attorney-General to proceed.

**20.** In citing this Act in any instrument, document or proceeding, it shall be sufficient to use the expression, "The Petitions of Right and Crown Procedure Act, 1872." Short title.

**21.** Nothing in this Act contained shall prevent any suppliant from proceeding as before the passing of this Act. Suppliant may proceed as heretofore.

Schedule referred to in the foregoing Act.

No. 1.

*Petition.*

In the Queen's Bench (*or* Common Pleas *or* in Chancery).

To the Queen's most excellent Majesty.

County of York, {

To Wit: { The humble petition of *A.B.*, of \_\_\_\_\_,  
by his attorney, *E.F.*, of \_\_\_\_\_,  
sheweth that (state the facts).

*Conclusion.*

Your suppliant therefore humbly prays that, &c.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ A. D.  
(Signed) \_\_\_\_\_ *A.B.*  
or *C.D.*, counsel for *A.B.*  
or *E.F.*, attorney for *A.B.*

No. 2.

The suppliant prays for a plea or answer on behalf of Her Majesty, within twenty-eight days after the date hereof or otherwise, that the petition may be taken as confessed.

No. 3.

To *A.B.*

You are hereby required to appear to the within petition in Her Majesty's court of Queen's Bench (*or* Common Pleas *or* Court of Chancery) within eight days, and to plead or answer thereto within fourteen days after the date hereof.

Take notice that if you fail to appear or plead or answer in due time the said petition may, as against you, be ordered to be taken as confessed.

Dated, &c.

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No. 4.

In the Queen's Bench (*or* Common Pleas) Petition of Right.

*A.B.* suppliant {  
*vs.* { *C.D.* appears in person.  
The Queen. { *C.D.* attorney for *E.F.*,  
appears for him.

If the appearance be in person the address of the party appearing to be given.

Entered the \_\_\_\_\_ day of \_\_\_\_\_, 187 .

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No. 5.

To the honourable the Treasurer of Ontario.

Petition of right of *A.B.* in Her Majesty's Court of Queen's Bench (*or* Common Pleas *or* Court of Chancery) at Toronto.

I humbly certify that on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., it was by the said Court of Queen's Bench (Common Pleas *or* Court of Chancery) adjudged (*or* decreed *or* ordered) that the above named suppliant was entitled to, &c.

Judge's signature.

An Act to provide for the institution of suits against the Crown by Petition of Right, and respecting procedure in Crown Suits.

---

First Reading,	30th January,	1872.
Second	" 9th February,	1872.
Third	" 16th	" 1872.

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The Hon. Mr. BLAKE.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to further provide for the Registration of Co-Partnerships, and of other business firms.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 5 **1.** Every person who at the time of the passing of this Act is, or who hereafter may be, engaged in business for trading, manufacturing, or mining purposes, and who is not associated in partnership with any other person or persons, but who uses as his business style some name or designation other than his own name, or who in such style uses his own name with the addition of “and company,” or some other word or phrase indicating a plurality of members in the firm, shall cause to be delivered to the Registrar of the County, City or Riding in which such person carries on or intends to carry on business, a declaration in writing, signed by such person.
- 15 **2.** Such declaration shall contain the name, surnames, addition, and residence of the person making the same, and the name, style or firm, under which he carries on or intends to carry on business, and shall also state that no other person is associated with him in partnership; and shall be filed in the case of persons who before the passing of this Act use a style requiring registration under the provisions thereof, within six months of the time of the passing of this Act; and in the case of persons first using such a style, after the passing of this Act, within six months of the time when such style is first used.
- 25 **3.** Every person required to register a declaration under the provisions of this Act, and failing to comply with the provisions thereof shall forfeit the sum of two hundred dollars, to be recovered before any court of competent jurisdiction by any person suing, as well in his own behalf as in behalf of Her Majesty; and half of such penalty shall belong to the Crown, for the use of the Province, and the other half to the party suing for the same, unless the suit be brought, as it may be, on behalf of the Crown only, in which case the whole of the penalty shall belong to Her Majesty, for the uses aforesaid.
- 35 **4.** It shall be the duty of each registrar to keep two alphabetical indices of all declarations of co-partnerships delivered to him in pursuance of the provisions of the Registration of Co-Partnerships Act of 1869; and of declarations delivered to him in pursuance of the provisions of this Act.
- 40 **5.** In one of such books, hereinafter called the “Firm Index Book,” the registrar shall enter in alphabetical order the style

A person designating his business name as a firm to file a declaration.

Form of declaration.

Filing declaration.

Penalty for not filing declaration.

Registrar to keep two indices.

Form of “Firm Index Book.”

of the respective firms, in respect to which declarations have been delivered to him, and shall place opposite such entry the names of the person or persons composing such firm, and the date of the receipt by him of the declaration, in the manner shown in the "Firm Index Book," a form of which is exhibited 5  
in the schedule hereto.

Form of "Individual Index Book."

6. In the second of such books, hereinafter called the "Individual Index Book," the registrar shall enter in alphabetical order the names of the respective members of each of such firms, and shall place opposite such entry the style of the firm of which 10  
such person is a member, and the date of the receipt of the declaration in the manner shown in the "Individual Index Book" in the schedule hereto.

Registrar to make entries.

7. Each registrar shall, immediately he is provided with books therefor, cause to be entered in such books, in due order, 15  
the names and firms mentioned in any declarations registered with him before the time that he is provided with such books, and all other arrears, and shall, after such entries have been made, from time to time, enter such declarations as the same are received. 20

Fees to registrar for entries before registry books received.

8. The registrar shall be entitled to be paid by the treasurer of the municipality, whose duty it is to furnish registry books for all entries made in respect of declarations filed before 25  
such registrar is provided with registry books, at the rate of one cent per entry. 25

Who to furnish registry books.

9. Said index books shall be furnished by the treasurer of said municipality (or in case of his default by the registrar) in the same manner as other registry books.

Declaration need not be registered in the co-partnership book.

10. After all declarations registered with any registrar have been duly entered in the Firm Index Book herein provided for, 30  
it shall not be necessary for such registrar to record declarations of co-partnership in the book provided for by section five of the said Act, but the said index books shall be thereafter substituted therefor.

Registrar's fees.

11. The registrar shall be entitled to charge for searches 35  
made in each of such books the following fees and no more: for searching in Firm Index, each firm ten cents; for searching in Individual Index, each name ten cents; for each certificate, when required, twenty-five cents.



SCHEDULE.—FIRM INDEX BOOK.

STYLE OF FIRM.	NAMES OF PERSONS COMPOSING THE FIRM.	DATE OF FILING DECLARATION.
Abbott, Black & Co.....	George Abbott, John Black, Edward Cook.....	10th February, 1871.
Bernard, Green & Jones.....	John Bernard, Edward Green, John Jones.....	12th February, 1871.
Cook, (Thos.) & Co.....	Thomas Cook, James Wilson.....	14th February, 1871.
Dadson, William.....	William Dadson, Thomas Jones, Robert Watson, William Wilberforce, James Johnson.....	14th February, 1871.
Dick & Co.....	Richard Dick.....	15th May, 1872.
Dow, (Wm.) & Sons.....	William Dow.....	19th May, 1872.

INDIVIDUAL INDEX BOOK.

NAME OF INDIVIDUAL.	STYLE OF FIRM OF WHICH A MEMBER.	DATE OF FILING DECLARATION.
Abbott, George.....	Abbott, Black & Co.....	10th February, 1871.
Black, John.....	Abbott, Black & Co.....	10th February, 1871.
Bernard, John.....	Bernard, Green & Jones.....	12th February, 1871.
Cook, Edward.....	Abbott, Black & Co.....	10th February, 1871.
Cook, Thomas.....	Thos. Cook & Co.....	14th February, 1871.
Dadson, William.....	William Dadson.....	14th February, 1871.
Dick, Richard.....	Dick & Co.....	15th May, 1872.
Dow, William.....	Wm. Dow & Sons.....	19th May, 1872.

BILL.

An Act to further provide for the Registration of Co-Partnerships, and of other business firms.

---

1st Reading, 30th January, 1872.

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Hon. Mr. CROOKS.

An Act to further provide for the Registration of Co-Partnerships, and of other business firms.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Every person who at the time of the passing of this Act is, or who hereafter may be, engaged in business for trading, manufacturing, or mining purposes, and who is not associated in partnership with any other person or persons, but who uses as his business style some name or designation other than his own name, or who in such style uses his own name with the addition of "and company," or some other word or phrase indicating a plurality of members in the firm, shall cause to be delivered to the Registrar of the County, City or Riding in which such person carries on or intends to carry on business, a declaration in writing, signed by such person.

A person designating his business name as a firm to file a declaration.

2. Such declaration shall contain the name, surname, addition, and residence of the person making the same, and the name, style or firm, under which he carries on or intends to carry on business, and shall also state that no other person is associated with him in partnership; and shall be filed in the case of persons who before the passing of this Act use a style requiring registration under the provisions thereof, within six months of the time of the passing of this Act; and in the case of persons first using such a style, after the passing of this Act, within six months of the time when such style is first used.

Form of declaration.

Filing declaration.

3. Every person required to register a declaration under the provisions of this Act, and failing to comply with the provisions thereof shall forfeit the sum of one hundred dollars, to be recovered before any court of competent jurisdiction by any person suing, as well in his own behalf as in behalf of Her Majesty; and half of such penalty shall belong to the Crown, for the use of the Province, and the other half to the party suing for the same, unless the suit be brought, as it may be, on behalf of the Crown only, in which case the whole of the penalty shall belong to Her Majesty, for the uses aforesaid.

Penalty for not filing declaration.

4. It shall be the duty of each registrar to keep two alphabetical indices of all declarations of co-partnerships delivered to him in pursuance of the provisions of the Registration of Co-Partnerships Act of 1869, and of declarations delivered to him in pursuance of the provisions of this Act.

Registrar to keep two indices.

5. In one of such books, hereinafter called the "Firm Index Book," the registrar shall enter in alphabetical order the style

Form of "Firm Index Book."

of the respective firms, in respect to which declarations have been delivered to him, and shall place opposite such entry the names of the person or persons composing such firm, and the date of the receipt by him of the declaration, in the manner shown in the "Firm Index Book," a form of which is exhibited in the schedule hereto.

Form of "Individual Index Book."

**6.** In the second of such books, hereinafter called the "Individual Index Book," the registrar shall enter in alphabetical order the names of the respective members of each of such firms, and shall place opposite such entry the style of the firm of which such person is a member, and the date of the receipt of the declaration in the manner shown in the "Individual Index Book" in the schedule hereto.

Registrar to make entries.

**7.** Each registrar shall, immediately he is provided with books therefor, cause to be entered in such books, in due order, the names and firms mentioned in any declarations registered with him before the time that he is provided with such books, and all other arrears, and shall, after such entries have been made, from time to time, enter such declarations as the same are received.

Fees to registrar for entries before registry books received.

**8.** The registrar shall be entitled to be paid by the treasurer of the municipality, whose duty it is to furnish registry books for all entries made in respect of declarations filed before such registrar is provided with registry books, at the rate of one cent per entry.

Who to furnish registry books.

**9.** Said index books shall be furnished by the treasurer of said municipality, (or in case of his default, by the registrar,) in the same manner as other registry books.

Declaration need not be registered in the co-partnership book.

**10.** After all declarations registered with any registrar have been duly entered in the Firm Index Book herein provided for, it shall not be necessary for such registrar to record declarations of co-partnership in the book provided for by section five of the said Act, but the said index books shall be thereafter substituted therefor.

Registrar's fees.

**11.** The registrar shall be entitled to charge for searches made in each of such books the following fees and no more: for searching in Firm Index, each firm ten cents; for searching in Individual Index, each name ten cents; for each certificate, when required, twenty-five cents.

Cheese manufacturing Co's excepted.

**12.** Neither this Act nor that relating to the registration of co-partnerships Act of 1869, shall be construed to apply to associations of individuals for the manufacture of cheese and contributing produce from their dairies for that purpose.

SCHEDULE.

FIRM INDEX BOOK.

86

STYLE OF FIRM.	NAMES OF PERSONS COMPOSING THE FIRM.	DATE OF FILING DECLARATION.
Abbott, Black & Co.....	George Abbott, John Black, Edward Cook	10th February, 1871.
Bernard, Green & Jones .....	John Bernard, Edward Green, John Jones	12th February, 1871.
Cook, (Thos.) & Co. ....	Thomas Cook, James Wilson	14th February, 1871.
Dadson, William.....	William Dadson, Thomas Jones, Robert Watson, William Wilberforce, James Johnson	14th February, 1871.
Dick & Co.....	Richard Dick	15th May, 1872.
Dow, (Wm.) & Sons .....	William Dow	19th May, 1872.

83

INDIVIDUAL INDEX BOOK.

NAME OF INDIVIDUAL.	STYLE OF FIRM OF WHICH A MEMBER.	DATE OF FILING DECLARATION.
Abbott, George.....	Abbott, Black & Co.	10th February, 1871.
Black, John .....	Abbott, Black & Co.	10th February, 1871.
Bernard, John .....	Bernard, Green & Jones	12th February, 1871.
Cook, Edward .....	Abbott, Black & Co.	10th February, 1871.
Cook, Thomas.....	Thos. Cook & Co.	14th February, 1871.
Dadson, William.....	William Dadson	14th February, 1871.
Dick, Richard.....	Dick & Co.	15th May, 1872.
Dow, William.....	Wm. Dow & Sons.	19th May, 1872.

An Act to further provide for the Registration of Co-Partnerships, and of other business firms.

---

First Reading, 30th January, 1872.  
Second " 9th February, 1872.  
Third " 16th " 1872.

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Hon. Att'y Gen. Crooks.

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TORONTO :

PRINTED BY HUNTER, ROSE & COMPANY.

An Act to allow matters to be proved under oath for the purposes of the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Any standing or select committee of the Legislative As-  
 5 ssembly, to which any private bill has been referred by the said  
 Assembly may require that facts, matters, and things relating to  
 said bill be verified or otherwise ascertained by the oral exami-  
 nation of witnesses, and may examine such witnesses upon oath,  
 and for that purpose may administer an oath to any such wit-  
 10 ness.
2. Where witnesses are not required to be orally examined  
 before such committee, any oath, affirmation, declaration or affi-  
 15 davit in writing, which is required to be made or taken by or ac-  
 cording to any rule or order of the said Legislative Assembly, or  
 by the direction of any such committee, and in respect to any  
 matter or thing pending or proceeding before such committee,  
 may be made, and taken before the Clerk of Routine and Re-  
 cords, the clerk of any such committee or any Commissioner for  
 taking affidavits in any of the Superior Courts.

Committees of  
 Legislative As-  
 ssembly may  
 examine on  
 oath.

Affidavits to be  
 used by com-  
 mittee, before  
 whom to be  
 made.

1st Session, 2nd Parliament, 35 Victoria, 1872.

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BILL.

An Act to allow matters to be proved under oath for the purposes of the Legislative Assembly.

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First reading, 30th January, 1872.

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Hon. Att'y. Gen. CROOKS.

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TORONTO:

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An Act to make provision for payment of Law Fees in territorial and judicial districts by means of stamps.

**W**HEREAS it is expedient to extend the provisions of the Preamble. Act entitled "An Act for the collection by means of stamps, of fees, of office dues, and duties payable to the Crown upon law proceedings and registrations," being chapter five of the Statutes of the late Province of Canada, passed in the sessions held in the twenty-seventh and twenty-eighth years of the reign of Her Majesty Queen Victoria, and of chapter nine of the statutes of Ontario passed in the thirty-third year of the said reign entitled "An Act respecting law fees and trust funds in judicial and territorial districts":

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** From and after the first day of July next the provisions of the said Acts now in force in this Province shall apply to every court established and to every officer of any such court appointed under Chapter one hundred and twenty-eight of the Consolidated Statutes for Upper Canada, and so much of said Acts or either as prevents the same applying to any such court or officer is hereby repealed.

**2.** The said provisions of the said Acts shall also, after the said first day of July next apply to every court established and to every officer of any such court appointed under the Act of the Province of Ontario, passed in the thirty-first year of the reign of Her said Majesty, chaptered thirty-five and intituled, "An Act to provide for the organization of the territorial district of Muskoka," or under the Act of the said Province passed in the thirty-third year of the reign Her said Majesty, chaptered twenty-four and intituled "An Act to provide for the organization of the territorial district of Parry Sound," or under the Act of the said Province passed in the thirty-fourth year of Her said Majesty, chaptered four, and intituled "An Act to provide for the organization of the territorial districts of Thunder Bay," or under any other Act to be passed for the organization of any portion of the territory of this Province.

BILL.

An Act to make provision for the payment  
of Law Fees in territorial and judicial  
districts by means of stamps.

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First Reading 30th Jan., 1872.

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Hon. Mr. CROOKS.

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TORONTO :

PRINTED BY HUNTER, ROSE & COMPANY.

An Act to allow matters to be proved under oath for the purposes of the Legislative Assembly.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Any standing or select committee of the Legislative Assembly may require that facts, matters, and things relating to the subject of enquiry be verified or otherwise ascertained by the oral examination of witnesses, and may examine such witnesses upon oath, and for that purpose may administer an oath to any such witness.

Committees of Legislative Assembly may examine on oath.

2. Where witnesses are not required to be orally examined before such committee, any oath, affirmation, declaration or affidavit in writing, which is required to be made or taken by or according to any rule or order of the said Legislative Assembly, or by the direction of any such committee, and in respect to any matter or thing pending or proceeding before such committee, may be made, and taken before the Clerk of the House, the clerk of any such committee, or any Commissioner for taking affidavits in any of the Superior Courts.

Affidavits to be used by committee, before whom to be made.

An Act to allow matters to be proved under oath for the purposes of the Legislative Assembly.

First Reading,	30th	January,	1872.
Second	“	7th	February, 1872.
Third	“	12th	“
			1872.

Hon. Att'y Gen. Crooks.

An Act to make provision for payment of Law Fees in territorial and judicial districts by means of stamps, and to amend the Act respecting Law Fees and Trust Funds.

**W**HEREAS it is expedient to extend the provisions of the Preamb Act entitled "An Act for the collection by means of stamps, of fees, of office dues, and duties payable to the Crown upon law proceedings and registrations," being chapter five of the Statutes of the late Province of Canada, passed in the sessions held in the twenty-seventh and twenty-eighth years of the reign of Her Majesty Queen Victoria, and of chapter nine of the statutes of Ontario passed in the thirty-third year of the said reign entitled "An Act respecting law fees and trust funds" into judicial and territorial districts:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** From and after the first day of July next the provisions of the said Acts now in force in this Province shall apply to every court established and to every officer of any such court appointed under Chapter one hundred and twenty-eight of the Consolidated Statutes for Upper Canada; and so much of said Acts or either as prevents the same applying to any such court or officer is hereby repealed. Acts respect-  
ing law fees  
extended to  
other courts.

**2.** The said provisions of the said Acts shall also, after the said first day of July next apply to every court established and to every officer of any such court appointed under the Act of the Province of Ontario, passed in the thirty-first year of the reign of Her said Majesty, chaptered thirty-five and intituled, "An Act to provide for the organization of the territorial district of Muskoka," or under the Act of the said Province passed in the thirty-third year of the reign of Her Majesty, chaptered twenty-four and intituled "An Act to provide for the organization of the territorial district of Parry Sound," or under the Act of the said Province passed in the thirty-fourth year of Her said Majesty, chaptered four, and intituled "An Act to provide for the organization of the territorial districts of Thunder Bay," or under any other Act to be passed for the organization of any portion of the territory of this Province. and to courts  
in Muskoka,  
Parry Sound,  
and Thunder  
Bay.

**3.** The third section of the Act respecting law fees and trust funds, in the thirty-third year of Her Majesty's reign, is hereby amended by striking out the words "fourteen thousand five hundred dollars" inserted by mistake, and substituting therefor the words "seven thousand two hundred and fifty dollars." 33 V., c. 9, s.  
3, amende

An Act to make provision for payment of Law Fees in territorial and judicial districts by means of stamps, and to amend the Act respecting Law Fees and Trust Fees.

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First Reading,	30th January,	1872.
Second	"	7th February, 1872.
Third	"	12th " 1872.

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Hon. Mr. CROOKS.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to amend an Act passed in the thirty-second year of the reign of Her Majesty, and chaptered twenty-two, respecting County Courts.

**W**HEREAS it is expedient to amend the Act passed in the thirty-second year of the reign of Her Majesty, and chaptered twenty-two;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. That section number three of the said recited Act is hereby repealed, and the following shall be section number three of the said Act :—

32 V., c. 22, s. 3 amended.

10 (3.) After the passing of this Act no Junior Judge shall be appointed in or for any county or union of counties in Ontario, except in any county or union of counties where the population shall exceed thousand.

Appointment of Junior Judges.

15 2. The Junior Judge of the County Court of any county or union of counties is hereby authorized to transact such business in Chambers, in the absence therefrom of the Senior Judge, as relates to matters over which the said Courts have jurisdiction, and as may, according to the course and practice thereof, be transacted by the Judges of the said Courts.

Junior Judges may sit in Chambers in absence of Senior Judge.

BILL.

An Act to amend an Act passed in the thirty-second year of the reign of Her Majesty, and chaptered twenty-two, respecting County Courts.

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First Reading, 31st January, 1872.

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Mr. COYNE.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co., KING ST.



An Act to amend an Act passed in the thirty-second year of the reign of Her Majesty, and chaptered twenty-two, respecting County Courts.

**W**HEREAS it is expedient to amend the Act passed in the thirty-second year of the reign of Her Majesty, and chaptered twenty-two; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That section number three of the said recited Act is hereby repealed, and the following shall be section number three of the said Act:— 32 V., c. 22, s. 3 amended.

(3.) After the passing of this Act no Junior Judge shall be appointed in or for any county or union of counties in Ontario, except in any county or union of counties where the population shall exceed forty thousand, as shall appear by the official census then last taken. Appointment of Junior Judges

2. The Junior Judge of the County Court of any county or union of counties is hereby authorized to transact such business in Chambers, in the absence therefrom of the Senior Judge, as relates to matters over which the said Courts have jurisdiction, and as may, according to the course and practice thereof, be transacted by the Judges of the said Courts. Junior Judges may sit in Chambers in absence of Senior Judge.

3. It shall be lawful for any Judge of a County Court, if requested so to do, and when the interests of justice seem to require it, to sit for a Judge of another County Court either at the sittings or in term, or to hear any case triable under the special or summary jurisdiction of such Judge, and the County Judge while so sitting, shall have all the powers and authority of the Judge of the County Court, within whose county or union of counties he shall be so sitting.

An Act to amend an Act passed in the thirty-second year of the reign of Her Majesty, and chaptered twenty-two, respecting County Courts.

---

First Reading, 31st January, 1872,  
Second " 17th February, 1872.  
Third " 27th " 1872.

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Mr. COYNE.

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TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Act of the Province of Ontario respecting Superior and County Courts, passed in the thirty-fourth year of Her Majesty's reign, and chaptered twelve, and to declare the true meaning of section sixteen of the said Act.

**W**HEREAS it is expedient that the Act passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, chaptered twelve, and intituled "An Act to amend the Act to regulate the procedure of the Superior Courts of Common Law and of the County Courts" should be amended in certain respects, as hereinafter contained; And whereas doubts have arisen as to the effect of section sixteen of the said Act, and it is expedient that such doubts should be removed: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section three of the said Act is hereby amended by inserting immediately after the word "commenced" in the third line of the said section the following words, "or the Clerk of the Crown and Pleas of the Court of Queen's Bench sitting at Chambers."

**2.** Section five of the said Act, chaptered twelve, is hereby amended by adding to the said section the words following, "or to any suit wherein the attorney for the defendant, or in case of two or more defendants, where the attorney for any one or more of them resides in a county or union of counties different from that in which the attorney for the plaintiff, or, if he prosecutes in person, in which the plaintiff resides."

**3.** Notwithstanding the provisions and enactments in the said section sixteen of the said Act, chaptered twelve, contained, the seventh section of the Act passed in the thirty-third year of Her Majesty's reign intituled "An Act to make further provisions for carrying out the Act intituled 'The Law Reform Act of 1868,' and to regulate proceedings on writs of error and certiorari" and chaptered seven, is in full force and virtue.

92 x 96  
will print

BILL.

An Act to amend the Act of the Province of Ontario respecting Superior and County Courts passed in the thirty-fourth year of Her Majesty's reign, and chaptered twelve, and to declare the true meaning of section sixteen of the said Act:

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First Reading, 20th January, 1872.

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Mr. McDONALD (*Leads.*)

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TORONTO:

PRINTED BY HUNTER, ROSE & CO., KING ST.

An Act to amend the Act of the Province of Ontario respecting Superior and County Courts, passed in the thirty-fourth year of Her Majesty's reign, and chaptered twelve, and to declare the true meaning of section sixteen of the said Act.

**W**HEREAS it is expedient that the Act passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, chaptered twelve, and intituled "An Act to amend the Act to regulate the procedure of the Superior Courts of Common Law and of the County Courts" should be amended in certain respects, as hereinafter contained; And whereas doubts have arisen as to the effect of section sixteen of the said Act, and it is expedient that such doubts should be removed: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section three of the said Act is hereby amended by inserting immediately after the word "commenced" in the third line of the said section the following words, "or to one of the judges of the Superior Courts of Law sitting at Chambers." 34 V., c. 12, s. 3, amended.

2. Section five of the said Act, chaptered twelve, is hereby amended by adding to the said section the words following, "or to any suit wherein the attorney for the defendant, or in case of two or more defendants, where the attorney for any one or more of them resides in a county or union of counties different from that in which the attorney for the plaintiff, or, if he prosecutes in person, in which the plaintiff resides." Sec. 5 amended.

3. Notwithstanding the provisions and enactments in the said section sixteen of the said Act, chaptered twelve, contained, the seventh section of the Act passed in the thirty third year of Her Majesty's reign intituled "An Act to make further provisions for carrying out the Act intituled 'The Law Reform Act of 1868,' and to regulate proceedings on writs of error and certiorari" and chaptered seven, is in full force and virtue. Sec. 16 not to affect 33 V., cap. 7, s. 7.

An Act to amend the Act of the Province of Ontario respecting Superior and County Courts, passed in the thirty-fourth year of Her Majesty's reign, and chapter-ed twelve, and to declare the true meaning of section sixteen of the said Act.

---

First Reading, 30th January, 1872.  
Second " 14th February, 1872.  
Third " 28th " 1872.

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Mr. McDONALD (Leeds).

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TORONTO:

An Act to amend the Act passed in the thirty-fourth year of Her Majesty's reign, intituled "An Act to improve the Common and Grammar Schools of the Province of Ontario."

WHEREAS by an Act passed in the thirty-fourth year of Preamble.

Her Majesty's reign chaptered thirty-three, intituled "An Act to improve the Common and Grammar Schools of the Province of Ontario," it is provided in the fortieth section thereof "that every county council shall determine the limits of each High School district for each Grammar School now existing within the county, and may form the whole or part of one or more townships, towns and villages within its jurisdiction into a High School district;" And whereas, no provision is

made in the said Act for the case where a town has withdrawn from and ceased to be within the jurisdiction of the council of the county within which the town is situated:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Section forty of the said Act is hereby amended so as to read 34 Vic., c. 33,  
s. 40 amended.  
as follows:

(4.) Every county council shall determine the limits of each Formation of  
High School  
districts.  
High School district for each Grammar School now existing  
within the county, and each such council may form one or more  
townships, towns and villages within its jurisdiction, or towns  
withdrawn from its jurisdiction for municipal purposes into a  
High School district; and the High School Board of such district shall possess all the powers within the said district for the  
Powers of  
High School  
Boards.  
support and management of their High School, and in respect to the county council and the councils of such towns as are withdrawn from the jurisdiction of the council of the county as are possessed under the Grammar School Acts, and this Act by High School Boards in respect to the support and management  
Appointment  
of members of  
Board and  
trustees.  
of the schools under their care: and such county council may appoint and determine the continuance and succession in office of six duly qualified persons as members of such High School Board, and the appointment of High School trustees shall, in each case, devolve in equitable proportions (as determined by  
Proviso.  
the Chief Superintendent) upon and be made by the municipal councils, which, by the thirty-sixth section of this Act are required to raise moneys for the support of the High Schools concerned; Provided however that existing Grammar School divisions already established shall be called High School districts until altered according to law, and all appointments of High School trustees made by municipal councils shall be confirmed until altered according to the provisions of this Act.

BILL.

An Act to amend the Act passed in the thirty-fourth year of Her Majesty's reign, intitled "An Act to improve the Common and Grammar Schools of the Province of Ontario."

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First Reading, 30th January, 1872.

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Mr. FAIRBAIN.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.



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No. 93.]

**BILL.**

[1872.

An Act to amend an Act intituled "An Act respecting the Establishment of Registry Offices in Ridings and to amend the Registration of Titles (Ontario) Act."

**W**HEREAS it is not expedient that the Lieutenant-Governor in Council should have the power of setting apart cities or junior counties or ridings for registry purposes: Therefore Her Majesty, by and with the advice and consent of  
5 the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. So much of the Act intituled "An Act respecting the establishment of Registry Offices in Ridings and to amend the Registration of Titles (Ontario) Act" as empowered the Lieutenant-Governor in Council from time to time by an Order in Council to cause to be issued a proclamation and thereby set apart and establish Registry Offices for cities or junior counties or ridings is hereby repealed.

Establishment  
of new divi-  
sions of Re-  
gistry offices  
abolished.

BILL.

An Act to amend an Act intituled An Act respecting the establishment of Registry Offices in Ridings and to amend the Registration of Titles (Ontario) Act.

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First Reading, 31st January, 1872.

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The Hon. Mr. BLAKE.

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TORONTO :

PRINTED BY HUNTER, ROSE & CO. KING ST.

An Act to amend an Act intituled "An Act respecting the Establishment of Registry Offices in Ridings and to amend the Registration of Titles (Ontario) Act."

**W**HEREAS it is not expedient that the Lieutenant-Governor in Council should have the power of setting apart cities or junior counties or ridings for registry purposes: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. So much of the Act intituled "An Act respecting the establishment of Registry Offices in Ridings and to amend the Registration of Titles (Ontario) Act" as empowers the Lieutenant-Governor in Council from time to time by an Order in Council to cause to be issued a proclamation and thereby set apart and establish Registry Offices for cities or junior counties or ridings, is hereby repealed. Establishment of new divisions of Registry offices abolished.

An Act to amend an Act intituled "An Act respecting the Establishment of Registry Offices in Ridings and to amend the Registration of Titles (Ontario) Act."

First Reading,	31st January, 1872.
Second	" 9th February, 1872.
Third	" 15th " 1872.

**Hon Mr. BLAKE.**

An Act to repeal so much of section two of an Act passed in the thirty-fourth year of Her Majesty's reign and chaptered forty-eight, as relates to a by-law of the County of Peterborough granting aid to the Grand Junction Railway Company.

**W**HEREAS during the last session of the Legislature of Ontario a petition for a private bill was presented for the purpose of enabling the municipalities along the line of the Grand Junction Railway Company to grant aid thereto and for other purposes ; And whereas, after the said bill had passed through the Private Bills Committee, through a second reading, and through a Committee of the Whole House, and had been set down for a third reading, it was, on the first day of February, one thousand eight hundred and seventy-one, referred back to the Private Bill Committee for reconsideration ; And whereas, upon the said reference back a provision was inserted in the said bill legalizing a so-called by-law entitled "A by-law to provide for the aiding and assisting in the construction of the Grand Junction Railway and the Peterborough and Haliburton Railway, and for the issuing of debentures therefor to the amount of one hundred thousand dollars, to be given, by way of bonus, to the said the Grand Junction Railway Company, and the said the Peterborough and Haliburton Railway Company, in the manner and proportions following, that is to say : seventy-five thousand dollars to the Grand Junction Railway Company, and twenty-five thousand dollars to the Peterborough and Haliburton Railway Company, and declaring the same to be legal, valid and binding as if the same had received the third reading of the county council of Peterborough ; And whereas, the said bill so amended was finally passed on the thirteenth day of February, one thousand eight hundred and seventy-one, and having received assent on the fifteenth day of the said month of February became, and is, an Act chaptered forty-eight, and entitled "An Act to enable the municipalities along the line of the Grand Junction Railway Company to grant aid thereto, and to legalize certain by-laws granting aid to the said company ;" And whereas, no notice was ever published or given to the County of Peterborough of the intention to apply for an Act to legalize the said so-called by-law, and no petition was ever presented for that purpose from the County of Peterborough, and the county council of Peterborough had not nor had the ratepayers thereof any opportunity of opposing the said legislation and the standing orders of the Legislative Assembly were not observed, and justice was not done in the premises ; And whereas, the said by-law was never legally introduced into or read a first or second time by the said council, and was never read a second time in the shape in which the same was attempted to be submitted to the ratepayers for their approval ; And whereas, many of the ratepayers of the said county opposed to the said so-called by-law, believing that the same was illegal and would never be read a third time, and passed by the said council, did

Preamble.

not poll their votes, and the said so-called by-law received the assent of a small majority of the ratepayers who voted thereon; And whereas, thereafter the said council on the proposal to read the said by-law a third time on the fourteenth day of December, one thousand eight hundred and seventy rejected the same; 5  
And whereas, thereafter the new council of the year one thousand eight hundred and seventy one, while the question whether the said so-called by-law should be passed or not was still agitated, on the twenty-sixth day of January, on a renewed proposal to read the said so-called by-law a third time, again rejected the 10  
same; And whereas, under the circumstances it was unjust to convert the said so-called by-law into a legal, valid and binding by-law by the said Act, and it is expedient to repeal the said Act in that particular;

Therefore Her Majesty, by and with the advice and consent 15  
of the Legislative Assembly of the Province of Ontario, enacts as follows:

34 Vic., c. 48, sec. 2 amended. 1. Section two of the said Act is hereby repealed, and the following substituted therefor:

By-law No. 245 of Seymour legalized. (2.) That the by-law numbered two hundred and forty-five, 20  
passed by the corporation of the Township of Seymour, and intituled "A by-law to provide for the aiding and assisting in the construction of the Grand Junction Railway, and for the issuing of debentures therefor to the amount of thirty-five thousand dollars to be given by way of bonus to the said Grand 25  
Junction Railway Company by the municipality of the Township of Seymour" be, and the same is hereby declared legal, valid and binding upon the said last named corporation, and all others whomsoever, and the said corporation shall proceed to issue debentures and act upon the said by-law in all respects 30  
in the same manner as if the said by-law had been proposed after the passing of this Act.

BILL.

An Act to repeal so much of section two of an Act passed in the thirty-fourth year of Her Majesty's reign, and chaptered forty-eight, as relates to a by-law of the County of Peterborough, granting aid to the Grand Junction Railway Company.

PRIVATE BILL.

First Reading, February 1st, 1872.

Mr. FAIRBANKS.

An Act respecting the Maganettawan Lumber Company.

**W**HEREAS Letters Patent were granted by His Excellency the Governor-General, under the Great Seal of the Dominion of Canada, and under and by virtue of the authority of the Act of the Dominion of Canada, passed in the Session of Parliament held in the thirty-second and thirty-third years of Her Majesty's reign, and chaptered thirteen, entitled the "Canada Joint Stock Companies' Letters Patent Act, 1869," incorporating The Maganettawan Lumber Company: And whereas the Maganettawan Lumber Company have, by their petition in effect, represented that the said company has been carrying on the business of lumbering, under the authority conferred by the said charter, at Byng Inlet, on Lake Huron, in the Province of Ontario, and that it has recently entered into an agreement with the firm of Messrs. Clarke, White & Company, who have also been carrying on business, as manufacturers of lumber, at Byng Inlet, and who own, or owned, large and valuable property there and at other places, consisting of valuable and extensive mills, works, licenses, and franchises, for the purchase thereof, at the price or sum of three hundred thousand dollars, a large proportion of which is to be paid in stock of the said company, and in order thereto, it is necessary to increase the capital stock of the said company, and further, that doubts having arisen as to the validity of the said charter, that the said company are desirous of having the same confirmed, and that the said company desire to have increased powers for purchasing, acquiring, holding, alienating, and conveying, all such saw-mills and premises, lands, leases, licenses, timber berths or limits, mill-sites, water-powers, and such other real estate as may be deemed necessary and advisable for carrying on the business of lumbering in all its branches, and for other powers and purposes: 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 Assembly of the Province of Ontario, enacts as follows:

- 35 **1.** That the shareholders of the Maganettawan Lumber Company, incorporated by letters patent, under the Great Seal of the Dominion of Canada, under and by virtue of the "Canada Joint Stock Companies' Letters Patent Act of 1869," together with such other persons as shall be and become stockholders in the said company, shall continue to be a body politic, and incorporate by the name of "The Maganettawan Lumber Company," with all and every the incidents and privileges to such corporation belonging: Provided always, that nothing herein contained shall be construed to make the said company a new corporation, or in any way whatever to affect any right or liability of the said company, or any action, suit, or proceeding pending at the time of the passing of this Act.

Incorporation, corporate name, and general powers.

Proviso.

Letters patent confirmed.

2. The said letters patent, incorporating the said company, and a true copy of which is hereunto annexed in schedule "A," to this Act appended are, and the same are hereby, confirmed, except where the same are inconsistent with the provisions of this Act,

5

Power to increase capital.

3. It shall and may be lawful for the directors of the said company, or a majority of them, to add to their present capital stock the sum of four hundred thousand dollars, divided into shares of one hundred dollars each, such additional stock to be subscribed and apportioned in such manner, and upon such terms as the directors may determine.

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New shareholders to have same privileges as original stockholders.

4. The holders of such additional shares shall be entitled to the like privileges, in respect to the same, as are or may be possessed by the holders of original shares in the stock of the company.

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Power to acquire, hold and alienate lands, timber, berths, or other property.

5. It shall be lawful for the said company, for the purpose of carrying on its business, and more fully carrying out the objects of the letters patent incorporating the same, and of this Act from time to time, and as often as it may be deemed advisable to acquire and hold lands, timber berths, limits, or licenses, and other such property required by it for such purpose, and may sell, lease, or otherwise dispose of, and convey the same, or any part thereof, when no longer required.

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Sale or mortgage of lands.

6. The company shall have power to sell, mortgage, or lease, any lands belonging to it not necessary for the purpose of the said business which it is empowered to carry on.

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Power to construct mills, or other buildings, make tramways, wharves, etc.

7. The company may construct and maintain such buildings, mills, machinery, dwellings, and other houses, barns, and sheds, wharves and piers, rail or tramways, dams, sluices, and other works, as may be required or may be deemed advantageous for the carrying on the business of the said company.

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Company may hold steam vessels.

8. It shall be lawful for the said company to construct, purchase, charter, and navigate steam vessels, and other watercraft, on any lake, river or stream within the province of Ontario, for the purpose of carrying, towing, or conveying saw-logs, timber, lumber, laths, shingles, or other manufactured stuff in connection with the mills belonging to the said company.

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Power to pass by-laws to change chief place of business.

9. The directors of the company shall have full power in all things to administer the affairs of the company, and to pass the by-laws authorized by the said letters patent, and also to pass a by-law or by-laws, and from time to time to repeal, annul, and rescind the same, for the purpose of changing the chief place of business of the said company.

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Power to issue bonds or debentures, and to make them a charge.

10. The directors of the said company are hereby authorized and empowered from time to time to borrow, for the purposes of the company, any sum or sums of money, and for that purpose to issue bonds or debentures, on such terms as they may think proper, and may pledge all the property or income of the said company, or either the property or income of the said company, or any part thereof, for the re-payment of the money so raised or borrowed, and the payment of the interest thereon, as may be expressed in said bonds or debentures which

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shall form a charge accordingly, and such bonds and debentures shall be in such form, and for such amounts, and payable at such times and places as the directors, from time to time, may appoint and direct, the said bonds or debentures shall be signed  
 5 by the president, and shall have the corporate seal of the company affixed thereto; Provided always, that the consent of two-thirds, in value, of the stockholders shall be first had and obtained, at a special meeting to be called and held for that purpose; Provided also, that the said company shall not be  
 10 authorized, at any time, to borrow a sum exceeding the amount of the capital stock then paid up.

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SCHEDULE.

(LISGAR.)

CANADA.

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, or whom the same may, in any wise, concern: GREETING.

WHEREAS, under and by virtue of a certain Act of Parliament of the Dominion of Canada, known as the "Canada Joint Stock Companies' Letters Patent Act, 1869," it is, amongst other things, in effect enacted that the Governor-General in Council may, by letters patent, under the Great Seal, grant a charter to any number of persons not less than five, who shall petition therefor, constituting such persons, and others who may become shareholders in the company thereby created, a body corporate, and politic for any purposes or objects to which the Legislative authority of the Parliament of Canada extends, except the construction and working of railways, the business of banking, and the issue of paper-money, or insurance, and also that the applicants for such letters patent must give at least one month's previous notice in the *Canada Gazette*, of their intention to apply for the same, stating therein certain facts in the said Act particularly specified, and further, that at any time, not more than one month after the last publication of such notice, the applicants may petition the Governor-General, through the Secretary of State of Canada, for the issue of such letters patent, that such petition must recite the facts set forth in the notice, and must further state the amount of stock taken by each applicant, and also the amount paid in upon the stock of each applicant, and the manner in which the same has been paid in, and is held for the company, and that the aggregate of the stock so taken must be at least the one-half of the total amount of the stock of the company, and that the aggregate so paid in thereon must be at least ten per cent thereof, or five per cent of the total capital, unless such total exceed five hundred thousand dollars, in which case the aggregate paid in upon the excess over five hundred thousand dollars must be at least two per cent thereof, and that such aggregate must have been paid into the credit of the company, or of trustees therefor, and must be standing at such credit in some chartered bank or banks, in Canada, excepting in a certain state of circumstances provided for by the said Act, and that the petition may ask for the embodying in the letters patent of any provision which,

otherwise under the said Act, might be embodied in any by-law of the company when incorporated :

And whereas, on the twenty-second day of December, now last past, and within one month after the last publication of the notice hereinafter mentioned, and referred to in the *Canada Gazette*, one Anson Greene Phelps Dodge, of Keswick, in the Township of North Gwillimbury, in the County of York, in the Province of Ontario, and of the City of New York, in the State of New York, in the United States of America, lumberer, George William Allan, of the City of Toronto, one of the senators of Canada, Angus Morrison, of the said City of Toronto, barrister-at-law, George Kempt, of the Town of Lindsay, in the County of Victoria, lumberer, Charles Henry Dill, of Byng Inlet, on the north shore of Lake Huron, lumberer, one Levi Miller, of the Village of Belle Ewart, in the County of Simcoe, lumberer, one William Dunne Kintzing, of Byng Inlet, aforesaid, lumberer, one Titus Benjamin Meigs, of Jersey City, in the State of New Jersey, in the said United States of America, lumberer, one Charles Hebard, of the town of Williamsport, in the State of Pennsylvania, in the said United States of America, lumberer, one Samuel Scofield, of the City of Philadelphia, in the said State of Pennsylvania, lumberer, and one Strachan Napier Robinson, of the City of Toronto, aforesaid, lumberer, presented their petition to our Governor-General, through our Secretary of State of Canada, in, and by which, said petition they alleged and set forth that they had caused a notice to be inserted in the *Canada Gazette*, under and in pursuance of the Act entitled the "Canada Joint Stock Companies' Letters Patent Act of 1869," on the twenty-ninth day of October, now last past, and in each of the successive issues of the said *Gazette* during the month following, setting out that they would make application to our said Governor-General in Council, after the expiration of one month from the first publication of the said notice in the said *Gazette*, that letters patent under the Great Seal of the Dominion of Canada, might be issued in pursuance of the said Act, granting a charter to them, constituting them and others who might become shareholders in the company which they thus sought to have incorporated a body corporate and politic, under, by, or in the name of "The Maganettawan Lumber Company," for the purposes of purchasing, acquiring, and getting out saw-logs, or other timber, and of transporting the same from place to place, and manufacturing such logs or timber into lumber, and of buying and selling lumber, and for acquiring, holding, alienating, and conveying mill properties, mill sites, water-powers, and mills already erected and constructed, and timber lands, timber berths or limits, and growing timber, and for erecting and constructing, from time to time, mills, and other buildings necessary thereto, and for acquiring, holding, chartering, alienating, conveying, and building ships, steamboats, steam tugs, schooners, barges, and other vessels requisite for the transportation of said saw-logs or lumber, required in the said business, and generally for carrying on the business of lumbering in all its branches, and for establishing a line of steam boats from and between Byng Inlet, aforesaid, and the Cities of Chicago, in the State of Michigan, and Cleveland, in the State of Ohio, two of the United States of America, respectively, for the purpose of carrying lumber or other freight between said ports ;

That their said notice did further set forth that the operations of said company were by them intended to be carried on at the said City of Toronto, as its chief place of business, and

at Byng Inlet, aforesaid, and at the City of Cleveland, aforesaid, and further, that the capital stock of the said company was to be three hundred thousand dollars, in three thousand shares of one hundred dollars each, and further, that four of the said petitioners, namely, the said Anson Greene Phelps Dodge, the said George William Allan, the said Angus Morrison, and the said George Kempt, were to be the first directors of the said company, and further, that the names of all the said petitioners in full, with the address and calling of each, were, in the said notice, fully set forth as above set forth, and the said petition further alleged and set forth, that the proposed corporate name of the said company was not at that time, to the best of the knowledge and belief of them, the said petitioners, that of any other company doing business in the Dominion of Canada, and the said petitioners in their said petition further alleged and set forth, that the said notice further stated that the said petitioners had, respectively, taken the amount of stock in the said company, as follows, that is to say :—

The said Anson Greene Phelps Dodge, one thousand five hundred and ten shares, of one hundred dollars each, being an amount of one hundred and fifty-one thousand dollars ;

The said George William Allan, ten shares of one hundred dollars each, being an amount of one thousand dollars ;

The said Angus Morrison, ten shares of one hundred dollars each, being an amount of one thousand dollars ;

The said George Kempt, ten shares of one hundred dollars each, being an amount of one thousand dollars ;

The said Charles Henry Dill, two hundred and twenty-five shares of one hundred dollars each, being an amount of twenty-two thousand and five hundred dollars ;

The said Levi Miller, two hundred and twenty-five shares of one hundred dollars each, being an amount of twenty-two thousand and five hundred dollars ;

The said William Dunne Kintzing, twenty shares of one hundred dollars each, being an amount of two thousand dollars ;

The said Titus Benjamin Meigs, fifty shares of one hundred dollars each, being an amount of five thousand dollars ;

The said Charles Hebard, twenty shares of one hundred dollars each, being an amount of two thousand dollars ;

The said Samuel Scofield, ten shares of one hundred dollars each, being an amount of one thousand dollars ; and the said Strachan Napier Robinson, ten shares of one hundred dollars each, being an amount of one thousand dollars ;

And that the total number of shares so taken by them, the said petitioners, as aforesaid, amounted to two thousand one hundred, making an aggregate amount of two hundred and ten thousand dollars ;

And that the said petitioners above named, had each and all of them paid in their said stock, ten per cent. of the aggregate amount thereof, respectively, making in the whole a sum of twenty-one thousand dollars so paid in, and that the said last mentioned sum of money had been paid to the credit of the said Anson Greene Phelps Dodge, and the said George William Allan trustees of the said company, at the chief banking house of the Bank of Toronto, at the City of Toronto, aforesaid, and that the same was, at the time of the presenting of the said petition, lying at such credit, and the said petitioners, in their said petition, further set forth that they, the said petitioners, desired that there should be embodied in the letters patent, which they so sought to be granted to them, the two several provisions hereinafter written, that is to say :—

1. That the board of directors should consist of four of the stockholders, with power to them, from time to time, to increase the number of directors of the company by by-law to be submitted to, and approved of, by a majority in value of the shareholders of the company;

2. That no by-law is to be passed by the directors of the said company, nor the repeal, amendment, or re-enactment of any by-law, except for the purpose of regulating the working of the said company, the appointment of agents, officers, and servants of the company, and the security to be required to be given by them to the company, and their remuneration, respectively, should have any force or effect until confirmed at the annual meeting of the company, or at a special meeting called for the purpose of taking the same into consideration, and confirming or annulling the same;

And the said petitioners in, and by the said petition, prayed that letters patent under the Great Seal of Canada, granting a charter, constituting them, the said petitioners, and others who might become shareholders in the said company so sought to be created a body corporate and politic, for the purposes therein set forth, and hereinabove recited under the name of "The Maganettawan Lumber Company," and that the special provisions in the said petition set forth, and hereinabove recited, should be embodied in such letters patent;

And whereas, the said petitioners have established, to the satisfaction of Our Minister of Justice, and Attorney-General of Canada, the sufficiency of their said notice and petition, respectively, and the truth and sufficiency of the facts therein respectively set forth, and further, that the said petitioners, and more especially, the said Anson Greene Phelps Dodge, the said George William Allan, the said Angus Morrison, and the said George Kempt, the provisional directors of the said company, are persons of sufficient reputed means to warrant the application made by, and through the said petition;

Now know ye, that by, and with the advice of Our Privy Council of Canada, and under the authority of the hereinbefore in part, recited statute, and of any other power and authority whatsoever in Us vested in this behalf, We do, by those, Our Royal Letters Patent, constitute the said Anson Greene Phelps Dodge, George William Allan, Angus Morrison, George Kempt, Charles Henry Dill, Levi Miller, William Dunne Kintzing, Titus Benjamin Meigs, Charles Hebard, Samuel Schofield, and Strachan Napier Robinson, and all and every such other person or persons as now is or are or shall, at any time hereafter, become a shareholder or shareholders in the said company under the provisions of the said hereinbefore, in part, recited Act, and the by-laws made under the authority thereof, and their successors, a body corporate and politic, with perpetual succession, and a common seal, by the name of "The Maganettawan Lumber Company," capable forthwith of exercising all the functions of an incorporated company as if incorporated by a special Act of Parliament, and by their corporate name of suing and being sued, pleading and being impleaded, in all courts, whether of law or equity, with power to the said company to purchase, acquire, and get out saw logs, or other timber, and to transport the same from place to place, and manufacture such logs or timber into lumber, and to buy and sell lumber, and to acquire, hold, alienate, and convey mill properties, mill sites, water powers, and mills already erected and constructed, and timber lands,

timber, berths, or limits, and growing timber, and to erect and construct, from time to time, mills and other buildings necessary thereto, and to acquire, hold, charter, alienate, convey, and build ships, steamboats, steam tugs, schooners, barges, or other vessels requisite for the transportation of said saw logs or lumber, or required in the said business, and generally for carrying on the business of lumbering in all its branches, and to establish a line of steamboats from and between Byng Inlet, aforesaid, and the Cities of Chicago, in the State of Michigan, and Cleveland, in the State of Ohio, two of the United States of America, respectively, for the purpose of carrying lumber or other freight between said ports;

Provided always, that the board of directors of the said company, hereby incorporated, shall consist of four members, with power to increase, from time to time, their number by by-law, to be submitted to, and approved of by a majority, in value, of the shareholders of the said company;

And further, that no by-law, which shall be passed by the directors of the said company, nor the repeal, amendment, nor re-enactment of any by-law, excepting such as may be passed for the purposes of regulating the working of the said company, the appointment from time to time of its agents, officers, and servants, and the fixing of the securities to be required to be by them given to the said company, and the rates of their remuneration shall have any force or effect whatever until the same shall have been confirmed at the annual meeting of the shareholders of the said company, or at a special meeting called for the purpose of taking the same into consideration, with the view of confirming or amending the same.

In testimony whereof, We have caused those, Our Letters, to be made Patent, and the Great Seal of Canada to be hereunto affixed:—

Witness our Right Trusty and Well Beloved, the Right Honorable John Baron Lisgar, of Lisgar and Baillieborough, in the County of Cavan, Ireland, in the Peerage of the United Kingdom of Great Britain and Ireland, and a Baronet, one of Our Most Honorable Privy Council, Knight Grand Cross of Our Most Honorable Order of the Bath, Knight Grand Cross of Our Most distinguished Order of Saint Michael, and Saint George, Governor-General of Canada, and Governor and Commander-in-Chief of the Island of Prince Edward.

At our Government House, in our City of Ottawa, this Thirteenth day of February, in the year of our Lord one thousand eight hundred and seventy-one, in the thirty-fourth year of our reign.

By Command,

J. C. AIKINS,

*Secretary of State.*

JOHN A. MACDONALD,

*Minister of Justice.*

BILL.

An Act respecting the Maganetawan Lumber Company.

*PRIVATE BILL.*

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First Reading, 1st February, 1872.

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Mr. ARDAGH.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to incorporate the Maganettewan Lumber  
Company of Ontario.

**W**HEREAS Anson Greene Phelps Dodge, of Keswick, in the Township of North Gwillimbury, in the County of York, Charles Henry Dill, and William Dunn Knitzing of Byng Inlet, on Lake Huron, Levi Miller, of the Village of Belle Ewart, in the County of Simcoe, lumberers, and D<sup>r</sup> Alton McCarthy, the younger, and Harvey M. Mixer, of the Township of Barrie, in the County of Simcoe, have represented that they having entered into an agreement for the purpose of purchasing the mill property and works at Byng Inlet aforesaid, and which was formerly known as the Anson, and lately as the Maganettewan Mills, together with the timber berths or limits, consisting or being composed of about six hundred square miles of land, under license from the Crown belonging thereto, and all other the property real and personal, belonging to or connected with the said mill property for the purpose of getting out timber and saw logs and manufacturing lumber at Byng Inlet aforesaid, and whereas Messieurs Clarke, White & Company, being possessed of a saw mill at Byng Inlet aforesaid, and owning large and valuable works, licenses, lands, timber limits or berths and the chattel property usually used in carrying on the business of lumbering, and having been engaged in carrying on said business and being desirous of amalgamating and consolidating the same with that purpose to be carried on by the applicants aforesaid, have entered into an agreement with them to sell to them, the said applicants, their said mill property so soon as a company is formed for the purpose of purchasing and holding the said properties and carrying on the business of lumbering at Byng Inlet aforesaid, in and by means of the said mills and properties; And whereas it is represented that it will tend greatly to the economical working of the said properties and much to the advantage of the said applicants, that a Company should be formed of the said applicants and other persons for the purpose of purchasing the said mills, and they have applied for an Act of incorporation to facilitate the object with which they are associated, and to empower the said proposed Company to purchase the said mill properties, and for the purpose of carrying on the lumber business in all its branches in the said mills; And whereas the said applicants have asked that an Act may be passed authorizing the formation of such Company for such purposes, and they may be incorporated under the title of "The Maganettewan Lumber Company of Ontario," for the purpose of manufacturing timber, saw-logs and other products of the wood, and also for the purpose of cutting, taking out, making and carrying timber and saw-logs for the purpose of such manufacture, and for the buying and selling of lumber and timber, and for acquiring, holding, alienating, and conveying such lands, lumber licenses, mill properties, mill sites, water

Preamble.

powers and such other real estate as may be deemed advisable for the carrying on of said business, and for the construction of all works, rail or tramways, mill engines, dams, sluices, scows, schooners, vessels and steamboats and other works necessary for carrying on of such business at Byng Inlet, in the Province of Ontario, and at other places in said Province; And whereas it is expedient to grant the prayer of the said petition: 5

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:— 10

Certain persons incorporated.

**1.** Anson Greene Phelps Dodge, Charles Henry Dill, Levi Miller, Alanson Summer Page, Wm. Dunn Knitzing, and Harvey M. Mixer, together with all such persons and corporations as shall become shareholders in the said company hereby incorporated shall be and are hereby constituted a body corporate and politic by and under the name of "The Maganettewan Lumber Company of Ontario. 15

Object of company.

**2.** The said corporation is hereby constituted for the purpose of purchasing and acquiring the said saw mill and premises known as the Anson or Maganettewan Mills and the Mills belonging to Messrs. Clarke, White & Co., and which are situate at Byng Inlet together with all such lands, leases, licenses, timber berths or limits, and all mills, works, timber, lumber, dams, sluices, and all other property real or personal, and all other rights and privileges which belonged to or were used and enjoyed with the said saw mills upon such terms and conditions as the same may be acquired or purchased for and may hold, use and enjoy all such property, privileges and rights for the purpose of carrying on the business of lumbering in all its branches under the provisions of this Act. 20 25 30

Power as to lands, timber berths, etc.

**3.** The said company may, for the purpose of carrying on its purpose and more fully carrying on the objects of this Act, from time to time, and as often as it may be deemed advisable to acquire and hold lands, timber berths, limits or licenses and other such property required by it for such purposes, and may sell, lease or otherwise dispose of, and convey the same or any part thereof when no longer required. 35

Company may sell lands, etc.

**4.** The company shall have power to sell, mortgage or lease any lands belonging to it not necessary for the purposes of the said business. 40

Power to construct mills, tramways, wharves, etc.

**5.** The company may construct or maintain such buildings, mills, machinery, dwelling and other houses, barns and sheds, wharves and piers, rail or tramways, dams, sluices and other works as may be required, or may be deemed advantageous for the carrying on of the business of the said company. 45

Company may hold steam vessels, etc.

**6.** The company shall have power to construct, purchase, charter, and navigate steam vessels and other water craft, on any lake, river, or stream within the Province of Ontario, for the purpose of carrying, towing, or conveying saw logs, timber, lumber, laths, shingles, or other manufactured stuff, in connection with the said mills, or any mill or mills hereafter to be erected or acquired by the said company. 50

Capital stock and shares.

**7.** The capital stock of the said company shall be seven hun-



dred thousand dollars, in shares of one hundred dollars each, which stock shall be subscribed by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the company ; and the money so raised shall be applied in the first place to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and all the rest and residue of the said money shall be applied towards acquiring the said saw mills and premises, lands, timber berths and limits hereinbefore mentioned or referred to, and all such other real or personal property as may be required in carrying on the business of the said company.

Application of capital.

8. The directors of the company if they see fit at any time after the whole capital stock shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount not exceeding one and a half million of dollars, which they may consider requisite in order to the due carrying out of the objects of the company ;

Increase of capital stock.

(2.) Such by-law shall declare the number and shares of the new stock, and may prescribe the manner in which the same shall be allotted, and in default of its so doing, the control of such allotment shall be held to vest absolutely in the directors.

9. The directors of the company, if they see fit at any time, may make a by-law for decreasing the capital stock of the company to any amount which they may consider sufficient, in order to the due carrying out of the undertaking of the company, and advisable ;

Decreasing capital stock.

(2.) Such by-law shall declare the number and value of the shares of the stock so decreased, and the allotment thereof, or the rule or rules by which the same shall be made.

10. But no by-law for increasing or decreasing the capital stock of the company, shall have any force or effect whatever until after it shall be sanctioned by a vote of not less than three-fourths in value of the shareholders, at a general meeting of the company duly called for considering the same.

Affirming by-laws for increasing or decreasing capital stock.

11. Anson G. P. Dodge, D'Alton McCarthy and Harvey M. Mixer, named in the first section of this Act, and are hereby constituted the board of provisional directors of the said company, a majority of whom shall be a quorum, and the said provisional board of directors shall hold office as such until the first election of directors under this Act, and shall have power to open stock books and procure subscription of stock for the undertaking, and to receive payment of the amount of stock subscribed, and to make calls upon such subscribers in respect of their stock, and generally to do all matters and things necessary for the full organization and working of the company.

Provisional directors.

their powers.

12. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the amount has been actually paid thereon within fifteen days after subscription to the company into one of the chartered banks of this Province, to the credit of the company, and not to be withdrawn, except for the purpose of the company.

Ten per cent. to be paid on stock.

13. When, and as soon as the shares to the amount of two hundred thousand dollars on the capital stock of the company have been subscribed for, and ten per centum thereon has been

First general meeting for election of directors.

- paid, the provisional board of directors shall call a general meeting of the shareholders of the company, at the Town of Barrie, for the election of directors of the company, giving at least ten days' notice of the time, place, and purpose of the meeting previously thereto, in some newspaper published at, or near as may be, to the place of such meeting; and at the said meeting the shareholders to whom shares have been allotted in the books of the company shall elect persons qualified, as hereinafter provided, to be directors of the company, which persons shall constitute the board of directors of the company, and shall hold office until the day of , in the year one thousand eight hundred and seventy-three.
- Who may vote at same.** **14.** On the said day of , and on the day of , in each year thereafter, there shall be held at the principle office of the said company, at the Town of Barrie, or at such other place as may from time to time be appointed by by-law of the said company within the Province of Ontario, at which meeting the shareholders shall elect such number of directors, not less than three, nor more than five, as may be determined on by by-law of the said company, in the manner, and qualified as hereinafter provided, and due notice of such annual general meeting and election shall be given by written notice being forwarded to the address of each shareholder at least ten days before the day of such meeting.
- Term of office of directors.** **15.** All the election of directors shall be by ballot; each shareholder being entitled to as many votes as he, she, or they, have shares in the company; and the persons so elected, if qualified, as hereinafter provided, shall form the board of directors of the company; but no person shall be so elected unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any calls thereon.
- Annual general meeting.** **16.** If at any time an election of directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company called for that purpose, and the retiring directors shall continue in office until their successors are appointed.
- Directors to be elected by ballot.** **17.** Aliens, as well as British subjects, whether resident in Canada or elsewhere, may become shareholders in the company, and all such shareholders shall be entitled to vote on their shares, and be eligible to office as directors of the company being duly qualified as herein provided.
- Qualification of directors.** **18.** No shareholder shall be qualified to vote at any meeting in respect of any share in which at least ten per centum shall not have been paid, together with all costs due at the time of the meeting.
- Failure to elect directors, How remedied.** **19.** At all meetings of the board of directors a majority of the number of the board shall form a quorum, for the transaction of business, and the board may employ one or more of their number as paid director or directors.
- Aliens may be shareholders and vote.** **20.** The said board of directors shall elect and appoint a president and a vice-president, and the necessary officers, and may remove the latter at pleasure, and fill up vacancies from
- Who may vote at meetings.**
- Quorum of directors.**
- Election of president and officers and filling vacancies.**

time to time; but the said president and vice-president shall be elected annually, immediately after the election of directors, except that in filling up a vacancy the election may be made at any time.

5 **21.** The directors of the company shall have full power in all things to administer the affairs of the company; and may make or cause to be made for the company any description of contract which the company may by law enter into, and may from time to time make by-laws not contrary to law, nor to  
 10 this Act, to regulate the allotment of stock; the making of calls thereon, the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and of the proceeds thereof, the transfer of stock; the declaration and payment of dividends, the number of the directors; the amount of their stock  
 15 qualification; the appointment, functions, duties, and removal of all agents, offices and servants of the company; the security to be given by them to the company, and their remuneration; the place where the annual meetings of the company shall be  
 20 held within the Province; the calling of meetings, regular and special, of the board of directors and of the company; the requirements as to proxies and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and generally  
 25 all such by-laws as shall appear to them proper and necessary, touching the well ordering, and conduct in all other particulars of the affairs of the company; and may from time to time repeal, amend, and re-enact the same, but no such by-law, nor any repeal, amendments or re-enactment thereof, except for the  
 30 purpose of regulating the working of the said company, the appointment, functions, duties, and removal of agents, officers, and servants of the company, the security to be given by them to the company, and their remuneration, shall have any force or effect until confirmed at the annual general, or a special  
 35 meeting called for the purpose of taking the same into consideration, and confirming or annulling the same, and in default of confirmation thereat shall be of no force or effect: Provided always, that one-fourth part in value of the shareholders of the company shall at all times have the right to call a special  
 40 meeting thereof for the transaction of any business specified in such written requisition, and notice as they may issue to that effect.

Power and duties of directors

Confirmation of by-laws.

Proviso for calling special general meetings.

45 **22.** A copy of any by-law of the company, under their seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in Ontario.

Evidence of by-laws.

50 **23.** The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions as by this Act or by-laws of the company are or shall be prescribed.

Stock personal estate.

**24.** The stock of the company shall be allotted when, and as the directors by by-law or otherwise may ordain.

Allotment of stock.

55 **25.** The directors of the said company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such

Calling in instalments.

payments or instalments as this Act or the by-law of the company may require or allow.

Enforcement  
of payment of  
call by action.

**26.** The said company may enforce payment of all calls, and interest thereon, by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the company under this Act; and a certificate under seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him, and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

Forfeiture of  
shares.

**27.** If after such demand or notice, as by by-laws of the said company may be prescribed, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the directors in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any share whenever such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by by-law or otherwise they shall ordain.

Shareholders  
in arrears not  
to vote.

**28.** No shareholder, being in arrear in respect of any call, shall be entitled to vote at any meeting of the said company.

Company not  
liable in re-  
spect of trusts.

**29.** The said company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any share; and the receipt of the shareholders in whose name the same may stand in the books of the said company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the said company, and the company shall not be bound to see to the application of the money paid on such receipt.

Contracts by  
the company.

**30.** Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted, or endorsed, and every promissory note and cheque made by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a majority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange shall be presumed to have been made by proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note, or cheque; nor shall the said president or vice-president, or the secretary or treasurer, be thereby subjected, individually, to any liability whatever to any third party therefor, unless the same be given in respect of amounts due for wages or salaries to servants or employes of the company: Provided that nothing in this Act 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, or to engage in the business of banking or insurance.

**31.** Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied, in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such shareholders.

**32.** The shareholders of the said company shall not be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the said company beyond the amount of their respective shares in the capital stock thereof.

**33.** The shareholders of the company shall be jointly and severally, individually liable for all debts due and owing to any of the labourers, servants and employees thereof, for services performed for such company; but no shareholder in any such company, shall be personally liable in the foregoing, or any other of the cases in which personal liability is imposed by this Act, for the payment of any debt contracted by any such company, which is not to be paid within one year from the time the debt is contracted; nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in any such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in whole or in part.

**34.** The directors of the said company are hereby authorized and empowered from time to time to borrow money for the purposes of the company, any sum or sums of money, and for that purpose to issue bonds or debentures on such terms as they may think proper, and may pledge all the property or income of the said company, or either the property or income of said company, or any part thereof, for the re-payment of the money so raised or borrowed, and the payment of the interest thereon, as may be expressed in said bonds or debentures, which shall form a charge accordingly, and such bonds or debentures shall be in such forms, and for such amount, and payable at such times and places as the directors from time to time may appoint and direct, the said bonds or debentures shall be signed by the president or vice-president, and shall have the corporation seal of the company affixed thereto: Provided always, that the consent of two-thirds, in value of the stockholders of the company, shall be first had and obtained at a special meeting, to be called and held for that purpose: Provided, also, that the said company shall not be authorized at any time to borrow a sum exceeding one-half the amount of the capital stock then paid up.

BILL.

An Act to incorporate the Maganettawan  
Lumber Company.

(*PRIVATE BILL.*)

(*Reprinted as Amended.*)

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First Reading, 30th January, 1872.

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Mr. ARDAGH.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to incorporate the Maganettewan Lumber Company of Ontario.

**W**HEREAS Anson Greene Phelps Dodge, of Keswick, in the Township of North Gwillimbury, in the County of York, Charles Henry Dill, and William Dunn Knitzing of Byng Inlet, on Lake Huron, Levi Miller, of the Village of Belle Ewart, in the County of Simcoe, lumberers, and D'Alton McCarthy, the younger, and Harvey M. Mixer, of the Township of Barrie, in the County of Simcoe, have represented that they having entered into an agreement for the purpose of purchasing the mill property and works at Byng Inlet aforesaid, and which was formerly known as the Anson, and lately as the Maganettewan Mills, for the purpose of getting out timber and saw logs and manufacturing lumber at Byng Inlet aforesaid, and whereas Messieurs Clarke, White & Company, being possessed of a saw mill at Byng Inlet aforesaid, and having been engaged in carrying on said business and being desirous of amalgamating and consolidating the same with that purpose to be carried on by the applicants aforesaid, have entered into an agreement with them to sell to them, the said applicants, their said mill property so soon as a company is formed for the purpose of purchasing and holding the said property and carrying on the business of lumbering at Byng Inlet aforesaid, in and by means of the said mills; And whereas it is represented that it will tend greatly to the economical working of the said properties and much to the advantage of the said applicants, that a Company should be formed of the said applicants and other persons for the purpose of purchasing the said mills, and they have applied for an Act of incorporation to facilitate the object with which they are associated, and to empower the said proposed Company to purchase the said mill property, and for the purpose of carrying on the lumber business in all its branches in the said mills; And whereas the said applicants have asked that an Act may be passed authorizing the formation of such Company for such purposes, and they may be incorporated under the title of "The Maganettewan Lumber Company of Ontario," for the purpose of manufacturing timber, saw-logs and other products of the wood, and also for the purpose of cutting, taking out, making and carrying timber and saw-logs for the purpose of such manufacture, and for the buying and selling of lumber and timber, and for acquiring, holding, alienating and conveying such mill properties, mill sites, and water powers as may be deemed advisable for the carrying on of said business, and for the construction of all works, rail or tramways, mill engines, dams, sluices, scows, schooners, vessels and steamboats and other works necessary for carrying on of such business at Byng Inlet, in the Province of Ontario, and at other

Preamble.

places in said Province; 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 Assembly of the Province of Ontario, enacts as follows:—

Certain persons incorporated.

**1.** Anson Greene Phelps Dodge, Charles Henry Dill, Levi Miller, Alanson Sumner Page, Wm. Dunn Knitzing, and Harvey M. Mixer, together with all such persons and corporations as shall become shareholders in the said company hereby incorporated shall be and are hereby constituted a body corporate and politic by and under the name of "The Maganettewan Lumber Company of Ontario.

Name.

Object of company.

**2.** The said corporation is hereby constituted for the purpose of purchasing and acquiring the said saw mill and premises known as the Anson or Maganettewan Mills and the Mills belonging to Messrs. Clarke, White & Company, and which are situate at Byng Inlet together with all personal property which belonged to, or were used and enjoyed with the said saw mills

Power to construct mills, tramways, wharves, etc.

**3.** The company may construct or maintain such buildings, mills, machinery, dwelling and other houses, barns and sheds, wharves and piers, rail or tramways, dams, sluices and other works as may be required, or may be deemed advantageous for the carrying on of the business of the said company.

Company may hold steam vessels, etc.

**4.** The company shall have power to construct, purchase, charter, and navigate steam vessels and other water craft, on any lake, river, or stream within the Province of Ontario, for the purpose of carrying, towing, or conveying saw logs, timber, lumber, laths, shingles, or other manufactured stuff, in connection with the said mills, or any mill or mills hereafter to be erected or acquired by the said company.

Capital stock and shares.

**5.** The capital stock of the said company shall be seven hundred thousand dollars, in shares of one hundred dollars each, which stock shall be subscribed by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and all the rest and residue of the said money shall be applied towards acquiring the said saw mills, water-powers, mill sites and personal property, and such other personal property as may be required in carrying on the business of the said company.

Application of capital.

Increase of capital stock

**6.** The directors of the company if they see fit at any time after the whole capital stock shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount not exceeding one and a half million of dollars, which they may consider requisite in order to the due carrying out of the objects of the company;

(1.) Such by-law shall declare the number and shares of the new stock, and may prescribe the manner in which the same shall be allotted, and in default of its so doing, the control of such allotment shall be held to vest absolutely in the directors.

Decreasing capital stock.

**7.** The directors of the company, if they see fit at any time,



may make a by-law for decreasing the capital stock of the company to any amount which they may consider sufficient, in order to the due carrying out of the undertaking of the company, and advisable;

(1.) Such by-law shall declare the number and value of the shares of the stock so decreased, and the allotment thereof, or the rule or rules by which the same shall be made.

8. But no by-law for increasing or decreasing the capital stock of the company, shall have any force or effect whatever until after it shall be sanctioned by a vote of not less than three-fourths in value of the shareholders, at a general meeting of the company duly called for considering the same.

Affirming by-laws for increasing or decreasing capital stock.

9. Anson G. P. Dodge, D'Alton McCarthy and Harvey M. Mixer, named in the first section of this Act, are hereby constituted the board of provisional directors of the said company, a majority of whom shall be a quorum; and the said provisional board of directors shall hold office as such until the first election of directors under this Act, and shall have power to open stock books and procure subscription of stock for the undertaking, and to receive payment of the amount of stock subscribed, and to make calls upon such subscribers in respect of their stock, and generally to do all matters and things necessary for the full organization and working of the company.

Provisional directors,

their powers.

10. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the amount has been actually paid thereon within fifteen days after subscription to the company into one of the chartered banks of this Province, to the credit of the company, and not to be withdrawn, except for the purpose of the company.

Ten per cent. to be paid on stock.

11. When, and as soon as the shares to the amount of two hundred thousand dollars on the capital stock of the company have been subscribed for, and ten per centum thereon has been paid, the provisional board of directors shall call a general meeting of the shareholders of the company, at the Town of Barrie, for the election of directors of the company, giving at least ten days' notice of the time, place, and purpose of the meeting previously thereto, in some newspaper published at, or near as may be, to the place of such meeting; and at the said meeting the shareholders to whom shares have been allotted in the books of the company shall elect persons qualified, as hereinafter provided, to be directors of the company, which persons shall constitute the board of directors of the company, and shall hold office until the first Monday in April next.

First general meeting for election of directors.

Who may vote at same.

Term of office of directors.

12. On the said first Monday of April in each year thereafter, there shall be held at the principal office of the said company, at the Town of Barrie, or at such other place as may from time to time be appointed by by-law of the said company within the Province of Ontario, at which meeting the shareholders shall elect such number of directors, not less than three, nor more than five, as may be determined on by by-law of the said company, in the manner, and qualified as hereinafter provided; and due notice of such annual general meeting and election shall be given by written notice being forwarded to the address of each shareholder at least ten days before the day of such meeting.

Annual general meeting.

- Directors to be elected by ballot.** 13. All the election of directors shall be by ballot, each shareholder being entitled to as many votes as he, she, or they, have shares in the company; and the persons so elected, if qualified, as hereinafter provided, shall form the board of directors of the company; but no person shall be so elected unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any calls thereon.
- Qualification of directors.** 14. If at any time an election of directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company called for that purpose, and the retiring directors shall continue in office until their successors are appointed.
- Failure to elect directors, How remedied.** 15. Aliens, as well as British subjects, whether resident in Canada or elsewhere, may become shareholders in the company, and all such shareholders shall be entitled to vote on their shares, and be eligible to office as directors of the company being duly qualified as herein provided.
- Aliens may be shareholders and vote.** 16. No shareholder shall be qualified to vote at any meeting in respect of any share in which at least ten per centum shall not have been paid, together with all calls due at the time of the meeting.
- Who may vote at meetings.** 17. At all meetings of the board of directors a majority of the number of the board shall form a quorum, for the transaction of business, and the board may employ one or more of their number as paid director or directors.
- Quorum of directors.** 18. The said board of directors shall elect and appoint a president and a vice-president, and the necessary officers, and may remove the latter at pleasure, and fill up vacancies from time to time; but the said president and vice-president shall be elected annually, immediately after the election of directors, except that in filling up a vacancy the election may be made at any time.
- Election of president and officers and filling vacancies.** 19. The directors of the company shall have full power in all things to administer the affairs of the company; and may make or cause to be made for the company any description of contract which the company may by law enter into, and may from time to time make by-laws not contrary to law, nor to this Act, to regulate the allotment of stock; the making of calls thereon, the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and of the proceeds thereof; the transfer of stock; the declaration and payment of dividends, the number of the directors; the amount of their stock qualification; the appointment, functions, duties, and removal of all agents, offices and servants of the company; the security to be given by them to the company, and their remuneration; the place where the annual meetings of the company shall be held within the Province; the calling of meetings, regular and special, of the board of directors and of the company; the requirements as to proxies and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and generally all such by-laws as shall appear to them proper and necessary,

touching the well ordering, and conduct in all other particulars of the affairs of the company; and may from time to time repeal, amend, and re-enact the same, but no such by-law, nor any repeal, amendments or re-enactment thereof, except for the purpose of regulating the working of the said company, the appointment, functions, duties, and removal of agents, officers, and servants of the company, the security to be given by them to the company, and their remuneration, shall have any force or effect until confirmed at the annual general, or a special meeting called for the purpose of taking the same into consideration, and confirming or annulling the same, and in default of confirmation thereat shall be of no force or effect: Provided always, that one-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written requisition, and notice as they may issue to that effect.

Confirmation  
of by-laws.

Proviso for  
calling special  
general meet-  
ings.

20. A copy of any by-law of the company, under their seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in Ontario.

Evidence of  
by-laws.

21. The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions as by this Act or by-laws of the company are or shall be prescribed.

Stock personal  
estate.

22. The stock of the company shall be allotted when, and as the directors by by-law or otherwise may ordain.

Allotment of  
stock.

23. The directors of the said company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments as this Act or the by-law of the company may require or allow.

Calling in in-  
stalments.

24. The said company may enforce payment of all calls, and interest thereon, by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the company under this Act; and a certificate under seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him, and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

Enforcement  
of payment of  
call by action.

25. If after such demand or notice, as by by-laws of the said company may be prescribed, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the directors in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any share whenever such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by by-law or otherwise they shall ordain.

Forfeiture of  
shares.

Shareholders  
in arrears not  
to vote.

**26.** No shareholder, being in arrear in respect of any call, shall be entitled to vote at any meeting of the said company.

Company not  
liable in re-  
spect of trusts.

**27.** The said company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any share; and the receipt of the shareholders in whose name the same may stand in the books of the said company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the said company, and the company shall not be bound to see to the application of the money paid on such receipt.

Contracts by  
the company.

**28.** Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted, or endorsed, and every promissory note and cheque made by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a majority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange shall be presumed to have been made by proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note, or cheque; nor shall the said president or vice-president, or the secretary or treasurer, be thereby subjected, individually, to any liability whatever to any third party therefor, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company: Provided that nothing in this Act 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, or to engage in the business of banking or insurance.

Liability of  
shareholders.

**29.** Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied, in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such shareholders.

Liability of  
shareholders  
limited.

**30.** The shareholders of the said company shall not as such, be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the said company beyond the amount of their respective shares in the capital stock thereof.

Liability of  
shareholders.

**31.** The shareholders of the company shall be jointly and severally, individually liable for all debts due and owing to any of the labourers, servants and employees thereof, for services performed for such company; but no shareholder in any such company, shall be personally liable in the foregoing, or any other of the cases in which personal liability is imposed by this Act, for the payment of any debt contracted by any such company, which is not to be paid within one year from the time the debt is contracted; nor unless a suit for the collection of such debt be brought against the company within one year after the

debt became due ; and no suit shall be brought against any shareholder in any such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in whole or in part.

**32.** The directors of the said company are hereby authorized <sup>Power to bor-</sup> and empowered from time to time to borrow for the purposes <sup>row money.</sup> of the company, any sum or sums of money, and for that purpose to issue bonds or debentures on such terms as they may think proper, and may pledge all the property or income of the said company, or either the property or income of said company, or any part thereof, for the re-payment of the money so raised or borrowed, and the payment of the interest thereon, as may be expressed in said bonds or debentures, which shall form a charge accordingly, and such bonds or debentures shall be in such forms, and for such amount, and payable at such times and places as the directors from time to time may appoint and direct, the said bonds or debentures shall be signed by the president or vice-president, and shall have the corporation seal of the company affixed thereto: <sup>Proviso.</sup> Provided always, that the consent of two-thirds, in value of the stockholders of the company, shall be first had and obtained at a special meeting, to be called and held for that purpose: <sup>Proviso.</sup> Provided, also, that the said company shall not be authorized at any time to borrow a sum exceeding one-half the amount of the capital stock then paid up.

An Act to incorporate the Maganettewan  
Lumber Company of Ontario.

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First Reading, 30th January, 1872.  
Second " " 21st February, 1872.  
Third " " 1st March, 1872.

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Mr. ARDAGH.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co.

## An Act respecting the Law Society of Ontario.

**W**HEREAS the Law Society of Ontario have by their petition prayed that authority may be given to the said Society to establish a more efficient system of reporting the decisions of the said courts; and to extend the advantages of legal education, and to make further provision for the payment of fees to the society by those engaged in the study or practice of the law; 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 Assembly of the Province of Ontario, enacts as follows:—

**1.** The Benchers of the Law Society in convocation are authorized to appoint from time to time, such persons, being members of the Law Society, of the degree of barrister at law, as they may think proper, to be editors and reporters of the decisions of the Superior Courts; who shall hold office at the pleasure of the said Benchers, and shall be amenable to them in convocation for the correct and faithful discharge of their respective duties, according to such regulations as the said Benchers shall from time to time make in respect thereof.

**2.** The said Benchers in convocation shall make regulations for the printing and publishing the said reports of the said decisions, and the distribution of the said reports and the price and mode of issuing thereof, and all such other regulations in respect thereto, as they may at any time consider necessary, and any profits arising from the said reports shall form part of the general funds of the Law Society.

**3.** The Benches in convocation shall from time to time determine the salaries to be allowed to the said editors and reporters and shall pay the same out of the general funds of the society.

**4.** The Benchers in convocation may make rules for the improvement of legal education, and may appoint readers and lecturers with salaries; and may impose fees and prescribe rules for the attendance of students and articled clerks at such readings or lectures; and for examinations thereon as conditional to call to the bar or admission as attorney; and may establish scholarships in connection therewith; and may for proficiency at examination, by rules to be established specially in that respect, diminish the number of years of studentship on the books of the society, or under articles of clerkship, but so as not to reduce the number of years for call to the bar or admission as attorney to less than three.

**5.** The Benchers in convocation may by regulation require that articled clerks shall pass a preliminary examination, and

Preamble.

Reporters to be appointed by the Benchers.

Benchers to make regulations regarding the reports.

Salaries of reporters.

Legal education.

Term of studentship may be reduced.

Preliminary examination for articled clerks.

the term of service under articles to entitle each artieled clerk to be admitted an attorney shall date only from the passing of such examination.

Appropriation of certain fees.

6. The fees payable by barristers, as term fees, and on call to the bar, and by attorneys on admission as attorneys, and by students and artieled clerks on admission as such, and on examinations and attendance on lectures and readings shall be paid into the general funds of the Law Society and shall be such as the Law Society shall by rule from time to time prescribe. 5

Repeal of inconsistent enactments.

7. The Act of the Consolidated Statutes for Upper Canada, chaptered thirty-six, and entitled "An Act respecting reporters in the Superior Courts," and the second and third subsections of section twenty-six, of the Consolidated Statutes for Upper Canada, chaptered thirty-five, and intituled "An Act respecting attorneys at law," and also the provisions of any Act inconsistent with any of the provisions of this Act, shall be and the same are hereby repealed. 15

Time of commencement of this Act.

8. This Act shall come into force on the first day of Easter term next.

1st Session, 2nd Parliament, 35 Victoria, 1872.

BILL.

An Act respecting the Law Society of Ontario.

First Reading, 1st February, 1872.

Hon. Att'y-Gen. CROOKS.



## An Act respecting the Law Society of Ontario.

**W**HEREAS the Law Society of Ontario have by their petition prayed that authority may be given to the said Society to establish a more efficient system of reporting the decisions of the said courts; and to extend the advantages of legal education, and to make further provision for the payment of fees to the society by those engaged in the study or practice of the law; and it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The Benchers of the Law Society in convocation are authorized to appoint from time to time, such persons, being members of the Law Society, of the degree of barrister at law, as they may think proper, to be editors and reporters of the decisions of the Superior Courts; who shall hold office at the pleasure of the said Benchers, and shall be amenable to them in convocation for the correct and faithful discharge of their respective duties, according to such regulations as the said Benchers shall from time to time make in respect thereof. Reporters to be appointed by the Benchers.

**2.** The said Benchers in convocation shall make regulations for the printing and publishing the said reports of the said decisions, and the distribution of the said reports and the price and mode of issuing thereof, and all such other regulations in respect thereto, as they may at any time consider necessary; and any profits arising from the said reports shall form part of the general funds of the Law Society. Benchers to make regulations regarding the reports.

**3.** The Benchers in convocation shall from time to time determine the salaries to be allowed to the said editors and reporters, and shall pay the same out of the general funds of the society. Salaries of reporters.

**4.** The Benchers in convocation may make rules for the improvement of legal education, and may appoint readers and lecturers with salaries; and may impose fees and prescribe rules for the attendance of students and articled clerks at such readings or lectures, and for examinations thereon, as conditional to call to the bar, or admission as attorney; and may establish scholarships in connection therewith; and may for proficiency at examination, by rules to be established specially in that respect, diminish the number of years of studentship on the books of the society, or under articles of clerkship, but so as not to reduce the number of years for call to the bar or admission as attorney to less than three. Legal education.  
Term of studentship may be reduced.

**5.** The Benchers in convocation may by regulation require that clerks hereafter articled shall pass a preliminary examination Preliminary examination

for articulated clerks.

tion; and the term of service under articles to entitle each articulated clerk to be admitted an attorney shall date only from the passing of such examination.

Appropriation of certain fees.

6. The fees payable by barristers, as term fees, and on call to the bar, and by attorneys on admission as attorneys, and by students and articulated clerks on admission as such, and on examinations and attendance on lectures and readings shall be paid into the general funds of the Law Society, and shall be such as the Law Society shall by rule from time to time prescribe.

Benchers to furnish members with details of revenue, &c.

7. The Benchers of the Law Society shall, during Hilary term in each year, furnish to each member of the Law Society entitled to vote at the election of benchers, a statement in detail of the revenue and expenditure of such Law Society, for the year ending the thirty-first day of December preceding each statement, the same to be first duly audited by auditors appointed by said benchers to audit and report upon the finances of the said Law Society.

Repeal of inconsistent enactments.

8. The Act of the Consolidated Statutes for Upper Canada, chaptered thirty-six, and intituled "An Act respecting reporters in the Superior Courts," and the second and third subsections of section twenty-six, of the Consolidated Statutes for Upper Canada, chaptered thirty-five, and intituled "An Act respecting attorneys at law," and also the provisions of any Act inconsistent with any of the provisions of this Act, shall be and the same are hereby repealed.

Benchers may compensate present reporters.

9. The Benchers of the Law Society in convocation, are authorized to make such compensation as they may in their discretion think fit, to any reporter, unless such reporter is appointed a reporter under this Act.

Time of commencement of this Act.

10. This Act shall come into force on the first day of Easter term next.

97

1st Session, 2nd Parliament, 35 Victoria, 1872.

An Act respecting the Law Society of Ontario.

First Reading,	1st February,	1872.
Second	" 20th	" 1872.
Third	" 28th	" 1872.

Hon. Att'y-Gen. CROOKS.

TORONTO:

An Act to Incorporate "The Goderich Mechanics' Benevolent Society."

**W**HEREAS an association known as "The Goderich Mechanics' Benevolent Society" exists at the town of Goderich, having for its object the establishment of a fund for the mutual assistance and benefit of its members, and of their families, in case of sickness, disability, or death: And whereas, the members of the said society have, by their petition prayed, that for the purpose of managing the necessary affairs of said society, the same may be invested with corporate powers, under the name of "The Goderich Mechanics' Benevolent Society," 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 Assembly of the Province of Ontario, enacts, as follows:

**1.** Elijah Moore, James Buchanan, Christopher Crabb, John Navin, James McN. Brackenbridge, John Cassady, Edwin Clifford, George Cattle, James Saunders, Hugh Gairdner, Samuel H. Detlor, William Hyslop, Thomas N. Dancy, Amos Martin, John Brophy, Godwin Campaigne, together with such other persons as are now members of said society, or may hereafter become members thereof, in virtue of this Act shall be, and they are hereby constituted a body politic, and corporate in fact and in name, under the name of "The Goderich Mechanics' Benevolent Society," for the purpose aforesaid; and by that name shall have power, from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept, and receive for themselves and their successors, all lands, tenements, and hereditaments, and all real and immoveable estate situate in the Province of Ontario, necessary for the actual use of said society, not exceeding in value at any one time the sum of twenty thousand dollars, and the said property to sell, alienate, and dispose of, and to acquire other instead thereof for the same purposes; and any majority whatsoever of said corporation, for the time being, shall have full power and authority to make and establish such rules, regulations, and by-laws, in no respect inconsistent with this Act or with the laws in force in the said Province of Ontario, as they may deem expedient and necessary for the interest and administration of the affairs of the said corporation, and for the admission of members thereof, and the same to amend and repeal, from time to time, in whole or in part and also such regulations and by-laws of the said society as may be in force at the time of the passing of this Act, such majority may also execute and administer, or cause to be executed or administered, all and every other, the business and matters appertaining to the said corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations and by-laws to be hereafter passed and established.

**Application of the revenues of the corporation.** 2. Provided always, that the rents, revenues, and profits arising out of all property belonging to the said corporation shall be appropriated and employed exclusively for the use of the said corporation, and for the erection and repair of the buildings necessary for the purposes of the said corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to. 5

**Present property of the society to belong to the new corporation.** 3. All the real and personal property at present belonging to the said society, or which hereafter may be acquired by the members thereof in their capacity as such members by purchase, donation, or otherwise, not exceeding, as regards real estate, the value aforesaid, and all debts, claims, and rights, which he or they may be possessed of in such capacity, shall be, and they are hereby transferred to the corporation constituted by this Act, and the said corporation shall be charged with all the liabilities and obligation of the said society; and the rules, regulations and by-laws now or hereafter to be established for the management of the said society shall be, and continue to be, the rules, regulations, and by-laws of the said corporation until altered or repealed in the manner prescribed by this Act. 10 15 20

**Appointment of officers.** 4. The members of the said corporation for the time being, or the majority of them, shall have power to appoint managers for the administration of the property of the said corporation, and such officers, managers, administrators, or servants of the said corporation as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said corporation as may be conferred upon them by the regulations and by-laws of the said corporation. 25 30

**Present officers retained.** 5. Until others shall be elected according to the by-laws of the said corporation, the present officers of the said society shall be those of the corporation.

**Suits by the corporation.** 6. All subscriptions, and all penalties due to the corporation under any by-law, may be recovered by suit in the name of the corporation; and any description of action may be prosecuted and maintained between the society and any person or corporation whatever in its corporate name. 35

**Returns to be made to Lieutenant Governor.** 7. The corporation shall at all times, when required so to do by the Lieutenant-Governor, or the Legislature, make a full return of all their property, real and personal, and of their receipts and expenditure for such period, and with such details, and other information as the Lieutenant-Governor, or the Legislature may require. 40 45

## BILL.

An Act to Incorporate "The Goderich Mechanics' Benevolent Society."

(PRIVATE BILL.)

First Reading, 1st February, 1872.

Mr. GIBBONS.

TORONTO:

An Act to revive and amend the Act incorporating the  
Norfolk Railway Company.

WHEREAS by an Act passed in the thirty-second year of Preamble.

Her Majesty's reign, chaptered fifty-eight, incorporating  
"The Norfolk Railway Company," it is provided that the pro-  
visions of the said Act should be null and void unless the con-  
struction of the railway thereby authorized to be built should be  
5 commenced within two years and completed within five years  
after the passing of the said Act; And whereas, the said com-  
pany, has represented by its petition that since the passing of  
the said Act, the Great Western Railway Company has con-  
10 structed and is now working a railway from its main line at  
Harrisburgh to Brantford, and thereby occupying a portion of  
the line of railway contemplated to be constructed under the  
said Act, and that under the said Act a thorough survey of the  
residue of the line intended to be constructed under the said Act,  
15 extending from Brantford through Simcoe to Port Dover on Lake  
Erie has been made at considerable expense, but no work on  
the ground in construction has been actually done; and that the  
said company have good grounds for believing that within a few  
months sufficient capital will be obtained by bonuses from muni-  
20 cipalities and other sources to construct the residue of the said  
line of railway from Brantford to Lake Erie, thereby forming  
a continuous line of railway from Southampton and Kincardine  
on Lake Huron to the shores of Lake Erie; and praying that  
the said Act may be revived and amended and the time for the  
25 commencement and completion of the said railway may be  
respectively extended for two years and five years from the  
day of the passing of this Act; and it is expedient to grant  
the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent  
30 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The Act passed by the Legislature of Ontario, in the 32 V., c. 58  
thirty-second year of the reign of Her Majesty, Queen Vic- revived.  
toria, and chaptered fifty-eight, intituled "An Act to in-  
35 corporate the Norfolk Railway Company," is hereby revived  
and declared to be in full force and effect, and the time therein Time for com-  
limited for the commencement and completion of the railway mencement  
thereby authorized to be constructed from Brantford to Lake and comple-  
Erie is hereby respectively extended for the period of two years tion of railway  
40 and five years from the passing of this Act. extended.

2. In case the majority of the persons rated on the last Provision as to  
assessment roll as freeholders, as may be qualified voters under by-laws.  
the Municipal Act, in any portion of a municipality, do petition  
the council of such municipality to pass a by-law as hereinafter  
45 set out, such petition to define the metes and bounds of the sec-

tion of the municipality within which the property of the petitioners is situated, or in the case of a county municipality the majority of the reeves and deputy reeves for those townships that may be asked to grant a bonus, do petition the council of such county municipality to pass a by-law as hereinafter set out, and in such petition do define the townships for which they are respectively the reeves and deputy reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said company for this purpose, and stating the amount which they so desire to grant and to be assessed therefor, the council of such municipality shall pass a by-law, provided the said by-law shall be approved of by the majority of the qualified voters in the portion of the municipality petitioning as aforesaid, in the manner required by the Municipal Act: 5 10 15

for issue debentures for bonuses.

(1). For raising the amount so petitioned for by such freeholders, or such reeves and deputy reeves, in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, and for the delivery to the said trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition; 20

to impose a rate for repayment.

(2). For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund, for the repayment of the debentures with interest thereon, said interest to be payable yearly or half-yearly; which debentures the municipal councils, and the wardens, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively. 25

Municipal and recited Acts to apply to bonuses and by-laws.

3. The provisions of the Municipal Acts, and of the said recited Act, passed in the thirty-second year of the reign of Her Majesty Queen Victoria, and chaptered fifty-eight, as to the bonuses granted by any municipality, and the by-laws for granting the same, shall apply to any bonus so granted, or by-law so passed by or for a portion of a municipality. 30 35

County Council may exchange County Debentures for those issued by Townships.

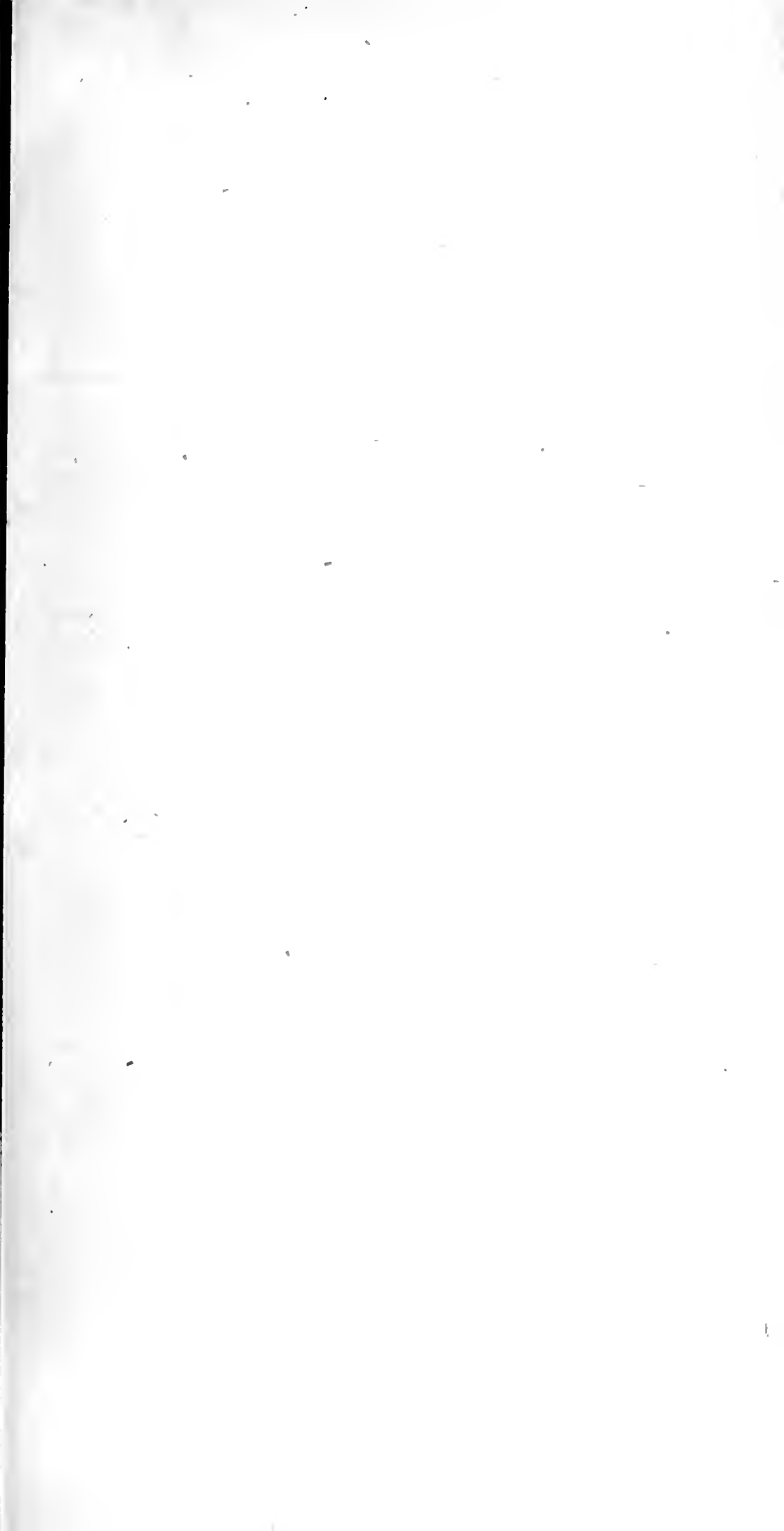
4. Any county in which are situated a township or townships that have granted or hereafter may grant a bonus or bonuses in aid of the said railway company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor to hand over to the trustees under said Railway Act the debentures of the county, on a resolution being passed to that effect by a majority of the county council. 40

Branch line to Port Rowan.

5. It shall be lawful for the said company under the powers and provisions of this Act, and of said Act passed in the thirty-second year of the reign of Her Majesty Queen Victoria, and chaptered fifty-eight, to construct a branch line of railway from any point on the line of railway contemplated by the last mentioned Act to or near Port Rowan on Lake Erie. 45

Amalgamation with other railways.

6. It shall be lawful for the said company to amalgamate their railway and works with any other railway upon such terms as may be agreed upon between the said company and any other railway company, and approved of by a vote of the majority of the shareholders of the said Norfolk Railway Company at any general or special meeting duly convened for that purpose. 50 55



BILL.

An Act to revive and amend the Act incorporating the Norfolk Railway Company.

*(PRIVATE BILL.)*

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First Reading, 1st February, 1872.

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HON. MR. WOOD.

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TORONTO:

PRINTED BY HENRY ROSE & CO. KING ST.



An Act to revive and amend the Act incorporating the  
Norfolk Railway Company.

**WHEREAS** by an Act passed in the thirty-second year of Preamble.

Her Majesty's reign, chaptered fifty-eight, incorporating "The Norfolk Railway Company," it is provided that the provisions of the said Act should be null and void unless the construction of the railway thereby authorized to be built should be commenced within two years and completed within five years after the passing of the said Act; And whereas, the said company has represented by its petition that since the passing of the said Act, the Great Western Railway Company has constructed and is now working a railway from its main line at Harrisburgh to Brantford, and thereby occupying a portion of the line of railway contemplated to be constructed under the said Act, and that under the said Act a thorough survey of the residue of the line intended to be constructed under the said Act, extending from Brantford through Simcoe to Port Dover on Lake Erie has been made at considerable expense, but no work on the ground in construction has been actually done; and that the said company have good grounds for believing that within a few months sufficient capital will be obtained by bonuses from municipalities and other sources to construct the residue of the said line of railway from Brantford to Lake Erie, thereby forming a continuous line of railway from Southampton and Kincardine on Lake Huron to the shores of Lake Erie; and praying that the said Act may be revived and amended and the time for the commencement and completion of the said railway may be respectively extended for two years and five years from the day of the passing of this 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 Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed by the Legislature of Ontario, in the 32 V., c. 58 thirty-second year of the reign of Her Majesty, Queen Victoria, and chaptered fifty-eight, intituled "An Act to incorporate the Norfolk Railway Company," is hereby revived. revived. and declared to be in full force and effect; and the time therein limited for the commencement and completion of the railway Time for commencement and completion of railway extended. thereby authorized to be constructed from Brantford to Lake Erie is hereby respectively extended for the period of two years and five years from the passing of this Act.

2. In case twenty-five persons, at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the Municipalities to submit by-laws for aid on being petitioned.

said Railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law, and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least twenty-five of the persons, who are qualified voters as aforesaid in any portion of the said township municipality, do petition the council of such municipality to pass a by-law, in such petition, defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said Railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such municipality; and in case aid is desired from any county municipality, or any portions of a county municipality, upon the petition of at least fifty persons, who are qualified voters as aforesaid within such county municipality, or portions of the county, as the case may be, or upon the petition of the majority of the Reeves and Deputy Reeves of such county municipality as reside in the said portion from which aid is desired; and in the case of a portion of a county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality forming the portion of the county municipality that may be asked to grant aid, and in either case, in such petition expressing the desire of the said petitioners to aid in the construction of the said Railway by granting a bonus to the said company, and stating the amount which they desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the vote of the qualified voters of the county, or of the portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion; and upon any such petition being presented to the Warden or other head of any county, or the Reeve, Mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality to be held within four weeks thereafter, for the purpose of introducing such by-law and submitting the same to the vote of the qualified voters, in the manner required by the Municipal Act.

for issue debentures for bonuses.

(1). For raising the amount so petitioned for by such freeholders, or such reeves and deputy reeves, in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, and for the delivery to the said trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition;

to impose a rate for repayment.

(2). For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund, for the repayment of the debentures with interest thereon, said interest to be payable yearly or half-yearly; which debentures the municipal councils, and the wardens, reeves and other officers thereof, are

hereby authorized to execute and issue in such cases respectively.

**3.** The provisions of the Municipal Acts, and of the said recited Act, passed in the thirty-second year of the reign of Her Majesty Queen Victoria, and chaptered fifty-eight, as to the bonuses granted by any municipality, and the by-laws for granting the same, shall apply to any bonus so granted, or by-law so passed by or for a portion of a municipality.

Municipal and recited Acts to apply to bonuses and by-laws.

**4.** Any county in which are situated a township or townships that have granted or hereafter may grant a bonus or bonuses in aid of the said railway company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor to hand over to the trustees under said Railway Act the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

County Council may exchange County Debentures for those issued by Townships.

**5.** It shall be lawful for the said company under the powers and provisions of this Act, and of said Act passed in the thirty-second year of the reign of Her Majesty Queen Victoria, and chaptered fifty-eight, to construct a branch line of railway from any point on the line of railway contemplated by the last mentioned Act to or near Port Rowan on Lake Erie.

Branch line to Port Rowan.

**6.** It shall be lawful for the said company to lease its railway and works to any other railway upon such terms as may be agreed upon between the said company and any other railway company, and approved of by a vote of the majority of the shareholders of the said Norfolk Railway Company at any general or special meeting duly convened for that purpose, according to the by-laws of the company.

Amalgamation with other railways.

An Act to revive and amend the Act incorporating the Norfolk Railway Company.

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First Reading	1st February, 1872.
Second	" " 21st 1872.
Third	" " 22nd 1872.

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Hon. Mr. WOOD.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to increase the Capital Stock of the Ontario Trust and Investment Company and other purposes.

**W**HEREAS The Ontario Trust and Investment Company have by their petition prayed that their Act of Incorporation may be amended and it is advisable to grant the prayer of the said petition;

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 The capital stock of the said company may be increased to one million dollars and such increase may be agreed upon by Increase of capital stock.  
 10 the shareholders at any annual general meetings or at any meetings specially called from time to time for that purpose by the usual notice for special meetings; and such increase may be agreed on by such proportions at a time as the shareholders shall determine, and shall be decided by a majority of the  
 15 shareholders present at such meetings either in person or by proxy.

2 Any new stock of the said company to be issued on any such increase of capital stock shall be allotted to the other Allotment of new stock.  
 20 shareholders of the said company *pro rata* at par or at such premium as shall be fixed by the directors; Provided always, that any of such increased stock which shall not be taken up by any shareholder within three months from the time when notice of the allotment has been mailed to his address by post from  
 25 Toronto may be opened for subscription to the public in such manner and on such terms as the directors shall determine.

3 The premium, if any, received on any such increased Application of premium.  
 stock shall be carried to the rest or reserved fund of the company.

4 The company may have offices in any places the directors Agencies of the company.  
 30 may direct and the directors are empowered to appoint agents and clerks to manage such offices.

5 Annual general meetings and special general meetings of General meetings.  
 shareholders of the company shall be called by public notice advertised for at least one month in one or more of the news-  
 35 papers published in Toronto and in the *Ontario Gazette*.

6 The directors may from time to time with the consent of Company may borrow money on debentures.  
 the shareholders present or represented in a general meeting borrow money on the debentures of the company at such rates  
 of interest and upon such terms as they may think proper; and  
 40 the directors may for that purpose make or cause to be made debentures under the common seal of the company for sums

not less than one hundred dollars which may be payable at any place and either to order or bearer and may have interest coupons; provided that no lenders shall be required or bound to inquire into the occasion of any such loan or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted; and the said company may receive money on deposit; and may borrow money provided that the aggregate amount of the company's liabilities shall not exceed the cash value of the assets of the company. 5

1st Session, 2nd Parliament, 35 Victoria, 1872.

BILL.

An Act to increase the Capital Stock of the Ontario Trust and Investment Company and other purposes.

*PRIVATE BILL*

1st Reading, 1st February, 1872.

MR. HODGINS.

TORONTO:

An Act to increase the Capital Stock of the Ontario Trust and Investment Company and other purposes.

**W**HEREAS The Ontario Trust and Investment Company have by their petition prayed that their Act of Incorporation may be amended and it is advisable to grant the prayer of the said petition ;

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The capital stock of the said company may be increased to five hundred thousand dollars and such increase may be  
10 agreed upon by the shareholders at any annual general meetings or at any meetings specially called from time to time for that purpose by the usual notice for special meetings; and such increase may be agreed on by such proportions at a time as the shareholders shall determine, and shall be decided by a majority  
15 of the shareholders present at such meetings either in person or by proxy.

Increase of capital stock.

2. No subscription of stock in the capital of the said company shall be legal and valid unless ten per centum shall have  
20 been actually and *bona fide* paid thereon, within five days after subscription into one or more of the chartered banks of this Province, to be designated by the said directors; and such ten per centum shall not be withdrawn therefrom except for the purposes of the company, and provided also further, that for every year thereafter, at least ten per centum be paid upon and  
25 in respect of all such stock so subscribed.

Ten per cent. to be paid in stock.

3. Any new stock of the said company to be issued on any such increase of capital stock shall be allotted to the other  
30 shareholders of the said company *pro rata* at par or at such premium as shall be fixed by the directors; Provided always, that any of such increased stock which shall not be taken up by any shareholder within three months from the time when notice of the allotment has been mailed to his address by post from Toronto may be opened for subscription to the public in such manner and on such terms as the directors shall determine.

Allotment of new stock.

35 4. The premium, if any, received on any such increased stock shall be carried to the rest or reserved fund of the company.  
pany.

Application of premium.

5. The company may have offices in any places the directors  
40 may direct and the directors are empowered to appoint agents and clerks to manage such offices.

Agencies of the company.

General meetings.

6. Annual general meetings and special general meetings of shareholders of the company shall be called by public notice advertised for at least one month in one or more of the newspapers published in Toronto and in the *Ontario Gazette*.

Powers of the Company.

7. The said company shall be and they are hereby authorized to take receive and hold all estates and property, real and personal which may be granted, committed, transferred or conveyed to them with their consent, upon any trust or trusts whatsoever, (not contrary to law,) at any time or times, by any person or persons, body or bodies corporate, or by any court of the Province of Ontario, and to administer, fulfil, and discharge the duties of such trusts for such remuneration as may be agreed on; and they are also authorized to act generally as agents or attorneys for the transaction of business, the management of estates, the collection of rent, interests, dividends, mortgage, bonds, bills, notes and securities for money, and also to act as agent for the purpose of issuing or countersigning the certificates of stock, bonds or other obligation of any corporation, association, municipality, and to receive and manage any sinking fund therefor, on such terms as may be agreed upon.

Company may assume certain trusts.

8. The said company are also authorized to accept and execute the offices of executor, administrator, trustee, receiver, assignee, (other than under any Act relating to insolvency,) guardian of any minor, or of committee of the estate of any lunatic, and in all cases when application shall be made to any court in the Province of Ontario for the appointment of any

May be appointed Trustee by the Court.

trustee, receiver, guardian, administrator, or committee of the estate of any lunatic, it shall be lawful for any such court to appoint the said company with their consent to hold such office or offices and the accounts of said company as such trustee, receiver, assignee, guardian, or committee shall be regularly settled and adjusted by the proper officers or tribunals, and all proper, legal, usual, and customary charges, costs and expenses, shall be allowed to the said company for the care and management of the estate so committed to them; in case of such

Court may appoint an inspector or to report.

appointment by any court, the said company shall not be required to give any security, but such court if it deems necessary may from time to time appoint a suitable person to investigate the affairs and management of said company, who shall report thereon to such court, and regarding the security afforded to those by or for whom its engagements are held, and the expense of such investigations shall be defrayed by the said company, or the court may, if deemed necessary, examine the officers or directors of the said company under oath or affirmation as to

Lieut.-Governor may appoint an inspector to report.

the security aforesaid; It shall also be competent for his Excellency the Lieutenant-Governor, from time to time, when he shall deem it expedient, to appoint an inspector to examine the affairs of the said company and report to him on the security afforded to those by and for whom its engagements are held as aforesaid, and the expense of such investigation shall be borne by the said company.

Liability of Company and stockholders.

9. The liability of the said company to the persons interested in the estate held by the said company as trustee, assignee, executor, administrator, receiver, guardian, or committee as aforesaid, shall be the same as if the said estates had been held by any private person in such capacities respectively, and their



powers shall be the same, and the whole of the capital stock of the said company together with its property and effects, shall be taken and considered as security for the faithful performance of their duties as aforesaid, and shall be absolutely liable in case of any default whatsoever, but no shareholder in the company shall be liable to any greater extent than the amount unpaid upon any stock held by him. 5

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BILL.

An Act to increase the Capital Stock of the  
Ontario Trust and Investment Company  
and other purposes.

*(Reprinted as Amended).*

*(PRIVATE BILL).*

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First Reading, 1st February, 1872.

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Mr. HODGINS.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to increase the Capital Stock of the Ontario Trust and Investment Company and for other purposes.

**W**HEREAS The Ontario Trust and Investment Company have by their petition prayed that their Act of Incorporation may be amended and it is advisable to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The capital stock of the said company may be increased to five hundred thousand dollars and such increase may be agreed upon by the shareholders at any annual general meetings or at any meetings specially called from time to time for that purpose by the usual notice for special meetings; and such increase may be agreed on by such proportions at a time as the shareholders shall determine, and shall be decided by a majority of the shareholders present at such meetings either in person or by proxy. Increase of capital stock.

**2.** No subscription of stock in the capital of the said company shall be legal and valid unless ten per centum shall have been actually and *bona fide* paid thereon, within five days after subscription into one or more of the chartered banks of this Province, to be designated by the said directors; and such ten per centum shall not be withdrawn therefrom except for the purposes of the company, and provided also further, that for every year thereafter, at least ten per centum be paid upon and in respect of all such stock so subscribed. Ten per cent. to be paid in stock.

**3.** Any new stock of the said company to be issued on any such increase of capital stock shall be allotted to the other shareholders of the said company *pro rata* at par or at such premium as shall be fixed by the directors; Provided always, that any of such increased stock which shall not be taken up by any shareholder within three months from the time when notice of the allotment has been mailed to his address by post from Toronto, may be opened for subscription to the public in such manner and on such terms as the directors shall determine. Allotment of new stock.

**4.** The premium, if any, received on any such increased stock shall be carried to the rest or reserved fund of the company. Application of premium.

**5.** The company may have offices in any places the directors may direct, and the directors are empowered to appoint agents and clerks to manage such offices. Agencies of the company.

General meetings.

6. Annual general meetings and special general meetings of shareholders of the company shall be called by public notice advertised for at least one month in one or more of the newspapers published in Toronto and in the *Ontario Gazette*.

Powers of the Company.

7. The said company shall be and they are hereby authorized to take receive and hold all estates and property, real and personal which may be granted, committed, transferred or conveyed to them with their consent, upon any trust or trusts whatsoever, (not contrary to law,) at any time or times, by any person or persons, body or bodies corporate, or by any court of the Province of Ontario, and to administer, fulfil, and discharge the duties of such trusts for such remuneration as may be agreed on; and they are also authorized to act generally as agents or attorneys for the transaction of business, the management of estates, the collection of rent, interests, dividends, mortgages, bonds, bills, notes and securities for money, and also to act as agent for the purpose of issuing or countersigning the certificates of stock, bonds or other obligation of any corporation, association, or municipality, and to receive and manage any sinking fund therefor, on such terms as may be agreed upon.

Company may assume certain trusts.

8. The said company are also authorized to accept and execute the offices of executor, administrator, trustee, receiver, assignee, (other than under any Act relating to insolvency,) guardian of any minor, or of committee of the estate of any lunatic; and in all cases when application shall be made to any court in the Province of Ontario for the appointment of any trustee, receiver, guardian, administrator, or committee of the estate of any lunatic, it shall be lawful for any such court to appoint the said company with their consent to hold such office or offices; and the accounts of said company as such trustee, receiver, assignee, guardian, or committee shall be regularly settled and adjusted by the proper officers or tribunals; and all proper, legal, usual, and customary charges, costs and expenses, shall be allowed to the said company for the care and management of the estate so committed to them; in case of such appointment by any court, the said company shall not be required to give any security, but such court if it deems necessary may from time to time appoint a suitable person to investigate the affairs and management of said company, who shall report thereon to such court, and regarding the security afforded to those by or for whom its engagements are held; and the expense of such investigations shall be defrayed by the said company, or the court may, if deemed necessary, examine the officers or directors of the said company under oath or affirmation as to the security aforesaid; it shall also be competent for his Excellency the Lieutenant-Governor, from time to time, when he shall deem it expedient, to appoint an inspector to examine the affairs of the said company and report to him on the security afforded to those by and for whom its engagements are held as aforesaid, and the expense of such investigation shall be borne by the said company.

May be appointed Trustee by the Court.

Court may appoint an inspector to report.

Lieut.-Governor may appoint an inspector to report.

Liability of Company and stockholders.

9. The liability of the said company to the persons interested in the estate held by the said company as trustee, assignee, executor, administrator, receiver, guardian, or committee as aforesaid, shall be the same as if the said estates had been held by any private person in such capacities respectively; and their

powers shall be the same; and the whole of the capital stock of the said company together with its property and effects, shall be taken and considered as security for the faithful performance of their duties as aforesaid, and shall be absolutely liable in case of any default whatsoever, but no shareholder in the company shall be liable to any greater extent than the amount unpaid upon any stock held by him.

An Act to increase the Capital Stock of the  
Ontario Trust and Investment Company,  
and for other purposes.

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First Reading,	1st February, 1872.
Second	“ 15th “ 1872.
Third	“ 19th “ 1872.

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Mr. HODGINS,

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Brampton Water Works Company.

WHEREAS John Haggert, James William Main, Richard Preamble.

Hale Lewis, Roderick Cochrane, Alexander Pattullo, Charles Dawson, William Peaker, and David Lynch Scott, have by their petition represented that the defective supply of water  
 5 to the Village of Brampton, in the County of Peel, has been a source of inconvenience and danger to the inhabitants thereof, and with a view to the health, comfort and convenience of such inhabitants, it has become necessary to secure to the said village a plentiful supply of pure and wholesome water: and whereas,  
 10 for the purpose of accomplishing such object, they are desirous of forming with others a company for the purpose of diverting from some of the springs, streams, or rivers in the Townships of Caledon, Esquesing, and Chinguacousy, a sufficient supply of water for the use of the said village, and conveying the same  
 15 through pipes laid down for that purpose to and throughout the said village; and pray for an Act to incorporate such company; And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent  
 20 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said John Haggert, James William Main, Richard Incorporation.  
 Hale Lewis, Roderick Cochrane, Alexander Pattullo, Charles Dawson, William Peaker, and David Lynch Scott, and all other  
 25 persons who may now or hereafter become subscribers or stockholders in the said company, and all or any other person or persons, body or bodies politic and corporate, who may hold any part, share, or interest in the capital stock of the said company, shall be, and they are hereby constituted a body politic and  
 30 corporate under the name and style of “The Brampton Water Name.  
 Works 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 the courts of justice in this Province.

2. The capital stock of the said company shall be twenty Capital stock.  
 35 thousand dollars, divided into four hundred shares of fifty dollars each, and such capital stock may be increased to any sum not exceeding in the aggregate forty thousand dollars by a vote of at least two-thirds of the shareholders present at any special  
 40 meeting to be called for that purpose.

3. The said company, their servants, agents, surveyors and Powers to appropriate streams, etc.  
 workmen, may 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 per-

sons, bodies politic or corporate in the said Village of Brampton, in the Townships of Chinguacousy, Esquesing, and Caledon, 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 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 Water Works; and in case of any disagreement between the said company and the owners or occupiers of such lands, or any person 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 damage, such appropriation or diversion shall cause to them such disagreement shall be settled by arbitration in the manner hereinafter mentioned.

Vesting of land, etc., in the company.

Power as to dams, water pipes, etc.

4. The land and water, or easements, right of way, or passage, which shall be ascertained, set out, or appropriated by the said company for the purposes of the said Water Works shall thereupon be vested in the said company and their successors; and it shall and may be lawful for the said company to construct, erect, and maintain upon the said lands, all such dams, 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 or lands lying intermediate between the said Water Works and reservoir, and the springs, streams, or rivers, from which the same are procured, and the said Village of Brampton, by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purposes aforesaid, the said company are hereby empowered to enter and pass upon, and over the said grounds and the 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 said Townships of Chinguacousy, Esquesing, and Caledon, and through the public ways, streets, lanes, and other passages of the said Village of Brampton, and in, upon, under, and through the lands, grounds, buildings, and premises of any person or persons, bodies corporate or politic, whatsoever, and to set out, ascertain, use, and occupy such part or parts thereof, as they the said company shall think 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 said Village of Brampton, or for the uses of the corporation of the said village, or of the proprietors or occupiers of the lands through or near which the same shall pass, and for this purpose to sink and lay down pipes, trunks, reservoirs, and other conveniences; and from time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said company 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 compensation to the proprietors of such lands for any damage done in the execution of the said powers, any disagreement between the said company, and such proprietors respecting the amount of such damage to be settled by arbitration in the manner hereinafter mentioned; Provided always, that the said company shall not be liable or



compelled to pay for any damage caused to any building or property in introducing piping and other fittings for the service of such building or property alone, when the same has been introduced at the request or with the consent of the owner thereof.

5

5. In case of any disagreement between the said company and the owners or occupiers of any lands, water privileges, springs, streams or easements assumed, appropriated or damaged by the said company under the powers contained in the third and fourth sections of this Act, respecting the amount of the purchase or value thereof, or the damage thereto caused by the said company, 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 privileges shall be mortgaged or pledged to any person or persons, it shall and may be lawful for the Warden of the said County of Peel, for the time being upon 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 company shall pay to the respective persons entitled to receive the same, the award of a majority of whom shall be final; and the said arbitrators shall, and they are hereby required to attend at some convenient place in or near the said village, to be appointed by the said company after eight days notice to be given by the said company, and 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 the said arbitrators shall have the power to direct that the costs of such arbitration shall be paid by the parties interested, or by the said company, or by all as they shall see fit: and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace, for the County of Peel, any one of whom may be required to attend the said meeting for that purpose, to well and truly assess the value of the damages between the parties to the best of his judgment; Provided always, that any award made under this Act shall be subject to be set aside on application to the Court of Queen's Bench for Ontario, 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 in the manner hereinbefore provided, and that any sum so awarded shall be paid within three months from the date of the award or determination of any motion to annul the same, and in default of such payment the proprietor may resume 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 the parties concerned, subject as aforesaid.

Arbitration  
between the  
company and  
land owners.

Applications  
against  
awards.

6. The said company shall, before actually using or diverting the water of any stream, other than the River Etobicoke, or its branches, cause a notice in the form of Schedule "A" hereto, or to the like effect to be published in one newspaper in the said County of Peel, and if the River Credit be intended to be affected, then also in one newspaper in the County of Halton, and if the River Humber be intended to be affected, then also in one newspaper published in the City of Toronto, once in each week for three months; all of which publications shall be completed at least one month before the time mentioned in such notice for limitation of claims and diversion or use of water; and no claim for damages for diversion of water shall be allowed

Notices, publication of,  
before appropriation of  
waters.

Limitation as  
to actions.

or considered, unless a written statement of such claim with particulars of prospective damage and amount claimed therefor, shall be deposited with the secretary of the said company within the time limited by the said notice

Liability of  
pipes, etc., for  
rent or debts  
of others.

7. Neither the service nor the connecting pipes of the said company, nor any fixtures or fittings belonging to them shall be subject to or liable for rent, nor liable to be seized or attached in any way by the possessor or owner of any premises wherein the same may be, nor be in any way liable to any person for the debt or default of any person to and for whose use, or for the use of any house or building the same may be supplied by the said company, notwithstanding the actual or apparent possession thereof by such person. 5 10

Supply of  
water, regula-  
tion thereof,  
and charge  
therefor.

8. The said company may regulate the use and distribution of the water from such Water Works, and may contract with any person or persons for the supply to them of water from the said Water Works, at a rate to be fixed by by-law of the said company; and in case any person supplied by the said company with water from the said Water Works neglects to pay the rent, rate, or charge due therefor to the said company at any of the times fixed for the payment thereof, the said company or any person acting under their authority, on giving forty-eight hours' previous notice may stop the supply of water from entering the premises of the person in arrears as aforesaid, by cutting off the service pipe or pipes, or by such other means as the said company shall see fit, and may recover the rent or charge due up to such time, together with the expense of cutting off such water in any court of competent jurisdiction, notwithstanding any contract to furnish for a longer time. 15 20 25

Malicious  
injuries, etc.,  
penalties for.

9. If any person shall wilfully or maliciously interrupt, or cause, or procure to be hindered or interrupted, the said company or their managers, contractors, surveyors, agents, or workmen, or any of them in the exercise of the powers, authorities, and privileges in this Act 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 anything, 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 such damage or injury be guilty of a misdemeanor, and upon conviction thereof, before any of the Courts of Criminal Jurisdiction in the said County of Peel, or a magistrate of the said county shall be punished by the said court or magistrates by fine or imprisonment, or both, at the discretion of such court or magistrate, as in other misdemeanors at common law, or by summary conviction. 30 35 40 45

Power to con-  
tract with the  
village of  
Brampton.

10. It shall be lawful for the Municipality of the Village of Brampton to contract with the said company for a supply of water from the said Water Works, for the public uses of the said municipality, at a rate to be agreed upon between the said company and the said municipality. 50

Village of  
Brampton may  
take stock, etc.

11. And it shall further be lawful for the said Municipality of the Village of Brampton, to subscribe for and take stock in 55

the said company, to such extent as the said municipality may deem expedient ; and the council of the said municipality may pass a by-law for that purpose, and for the purpose of raising the amount necessary to pay for the stock subscribed for by the said municipality, by the issue of debentures of the said municipality payable in twenty years or by equal annual instalments of principal and interest, and for assessing and levying upon all the ratable property in the said municipality, an equal annual special rate sufficient to include a sinking fund for the repayment of the said debentures with interest thereon, payable yearly, or half yearly, which debentures the said municipality and the reeve and other officers thereof are hereby authorized to execute and issue ; Provided always, that no such by-law shall be passed by the council of the said municipality, until the same has received the assent of the ratepayers of the said municipality in the manner provided in the Municipal Act for the creation of debts.

**12.** The said John Haggert, James William Main, Richard Hale Lewis, Roderick Cochrane, Alexander Patullo, Charles Dawson, William Peaker, and David Lynch Scott, shall be the provisional directors of the said company until replaced by others duly elected in their stead.

**13.** The Joint Stock Companies general clauses Consolidation Act, being the Act passed in the session held in the twenty-fourth year of Her Majesty's reign, chaptered eighteen is hereby made applicable to the said company, and shall be incorporated with and form part of this Act.

#### SCHEDULE "A."

Notice is hereby given that the Brampton Water Works Company intend on or after the \_\_\_\_\_ day of \_\_\_\_\_ next to divert from the \_\_\_\_\_ on lot number \_\_\_\_\_ in the \_\_\_\_\_ Concession \_\_\_\_\_ in the Township of \_\_\_\_\_ so much of the said stream as will supply a pipe of \_\_\_\_\_ inches internal diameter ; no claim for damages

**14.** This Act shall be deemed a Public Act. for such diversion will be allowed or considered, unless a written statement of such claim and particulars of prospective damage, and the amount claimed therefor shall be deposited with the secretary of the said company at Brampton, on or before the said date.

*Secretary,*  
Brampton Water Works Company.

BILL.

An Act to incorporate the Brampton Water  
Works Company.

(*PRIVATE BILL.*)

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1st Reading, 1st February, 1872.

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MR. COYNE.

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TORONTO:

PRINTED BY HUNTER, ROSE & COMPANY.

An Act to incorporate the Brampton Water Works Company.

**WHEREAS** John Haggert, James William Main, Richard Preamble. Hale Lewis, Roderick Cochrane, Alexander Pattullo, Charles Dawson, William Peaker, and David Lynch Scott, have by their petition represented that the defective supply of water to the Village of Brampton, in the County of Peel, has been a source of inconvenience and danger to the inhabitants thereof, and with a view to the health, comfort and convenience of such inhabitants, it has become necessary to secure to the said village a plentiful supply of pure and wholesome water; and whereas, for the purpose of accomplishing such object, they are desirous of forming with others a company for the purpose of diverting from some of the springs, streams, or rivers in the Townships of Caledon, Esquesing, and Chinguacousy, a sufficient supply of water for the use of the said village, and conveying the same through pipes laid down for that purpose to and throughout the said village; and pray for an Act to incorporate such company; 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 Assembly of the Province of Ontario, enacts as follows:—

**1.** The said John Haggert, James William Main, Richard Incorporation. Hale Lewis, Roderick Cochrane, Alexander Pattullo, Charles Dawson, William Peaker, and David Lynch Scott, 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, body or bodies politic and corporate, who may hold any part, share, or interest in the capital stock of the said company, shall be, and they are hereby constituted a body politic and corporate under the name and style of “The Brampton Water Name. Works 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 the courts of justice in this Province.

**2.** The capital stock of the said company shall be twenty Capital stock. thousand dollars, divided into four hundred shares of fifty dollars each; and such capital stock may be increased to any sum not exceeding in the aggregate forty thousand dollars by a vote of at least two-thirds of the shareholders present at any special meeting to be called for that purpose.

**3.** The said company, their servants, agents, surveyors and Powers to appropriate streams, etc. workmen, may 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 per-

Arbitration.

sons, bodies politic or corporate in the said Village of Brampton, in the Townships of Chinguacousy, Esquesing, and Caledon, 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 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 Water Works; and in case of any disagreement between the said company and the owners or occupiers of such lands, or any person 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 damage such appropriation or diversion shall cause to them, such disagreement shall be settled by arbitration in the manner hereinafter mentioned.

Vesting of land, etc., in the company.

Power as to dams, water pipes, etc.

4. The land and water, or easements, right of way, or passage, which shall be ascertained, set out, or appropriated by the said company for the purposes of the said Water Works shall thereupon be vested in the said company and their successors; and it shall and may be lawful for the said company to construct, erect, and maintain upon the said lands, all such dams, 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 or lands lying intermediate between the said Water Works and reservoir, and the springs, streams, or rivers, from which the same are procured, and the said Village of Brampton, by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purposes aforesaid, the said company are hereby empowered to enter and pass upon, and over the said grounds and the 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 said Townships of Chinguacousy, Esquesing, and Caledon, and through the public ways, streets, lanes, and other passages of the said Village of Brampton, and in, upon, under, and through the lands, grounds, buildings, and premises of any person or persons, bodies corporate or politic, whatsoever, and to set out, ascertain, use, and occupy such part or parts thereof, as they the said company shall think 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 said Village of Brampton, or for the uses of the corporation of the said village, or of the proprietors or occupiers of the lands through or near which the same shall 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 company 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 compensation to the proprietors of such lands for any damage done in the execution of the said powers, any disagreement between the said company, and such proprietors respecting the amount of such damage to be settled by arbitration in the manner hereinafter mentioned; Provided always, that the said company shall not be liable or

compelled to pay for any damage caused to any building or property in introducing piping and other fittings for the service of such building or property alone, when the same has been introduced at the request or with the consent of the owner thereof; Provided always, that upon the application of any person injuriously affected by the work of the said company by the withdrawal thereby of the water from any river, stream or lake, so as to leave an insufficient quantity for the agricultural or other purposes of the proprietors or occupants of the lands through or on which such rivers, streams or lakes may pass or be, the Court of Chancery may grant injunctions to restrain the said company from the use of the water of such river, stream or lake, for such time, and upon such conditions as the court shall direct

5. In case of any disagreement between the said company and the owners or occupiers of any lands, water privileges, springs, streams or easements assumed, appropriated or damaged by the said company under the powers contained in the third and fourth sections of this Act, respecting the amount of the purchase or value thereof, or the damage thereto, caused by the said company, 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 privileges shall be mortgaged or pledged to any person or persons, it shall and may be lawful for the Commissioner of Public Works, and the Warden of the said County of Peel for the time being, upon application being made to them by the company, to nominate and appoint three indifferent persons as arbitrators, to award, determine, adjudge, and order the respective sums of money which the said company shall pay to the respective persons entitled to receive the same, the award of a majority of whom shall be final; and the said arbitrators shall, and they are hereby required to attend at some convenient place in or near the said village, to be appointed by the said company after eight days notice to be given by the said company, and 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 the said arbitrators shall have the power to direct that the costs of such arbitration shall be paid by the parties interested, or by the said company, or by all as they shall see fit; and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace, for the County of Peel, any one of whom may be required to attend the said meeting for that purpose, to well and truly assess the value of the damages between the parties to the best of his judgment; Provided always, that any award made under this Act shall be subject to be set aside on application to the Court of Queen's Bench for Ontario, 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 in the manner hereinbefore provided; and that any sum so awarded shall be paid within three months from the date of the award or determination of any motion to annul the same; and in default of such payment the proprietor may resume 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 the parties concerned, subject as aforesaid.

Arbitration  
between the  
company and  
land owners.

Applications  
against  
awards.

**Liability of pipes, etc., for rent or debts of others.**

**6.** Neither the service nor the connecting pipes of the said company, nor any fixtures or fittings belonging to them shall be subject to or liable for rent, nor liable to be seized or attached in any way by the possessor or owner of any premises wherein the same may be, nor be in any way liable to any person for the debt or default of any person to and for whose use, or for the use of any house or building the same may be supplied by the said company, notwithstanding the actual or apparent possession thereof by such person.

**Supply of water, regulation thereof, and charge therefor.**

**7.** The said company may regulate the use and distribution of the water from such Water Works, and may contract with any person or persons for the supply to them of water from the said Water Works, at a rate to be fixed by by-law of the said company; subject to the approval of the Lieutenant-Governor in Council; and in case any person supplied by the said company with water from the said Water Works neglects to pay the rent, rate, or charge due therefor to the said company at any of the times fixed for the payment thereof, the said company or any person acting under their authority, on giving forty-eight hours' previous notice may stop the supply of water from entering the premises of the person in arrears as aforesaid, by cutting off the service pipe or pipes, or by such other means as the said company shall see fit, and may recover the rent or charge due up to such time, together with the expense of cutting off such water, in any court of competent jurisdiction, notwithstanding any contract to furnish for a longer time.

**Malicious injuries, etc., penalties for.**

**8.** If any person shall wilfully or maliciously interrupt, or cause, or procure to be hindered or interrupted, the said company or their managers, contractors, surveyors, agents, or workmen, or any of them in the exercise of the powers, authorities, and privileges in this Act 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 anything, 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 such damage or injury be liable to be prosecuted summarily on information and conviction, before a Justice of the Peace, by a fine not exceeding twenty dollars, in the discretion of such Justice, with costs, or in default of payment by imprisonment in a common gaol for a term not exceeding thirty days, and any fines to be imposed as aforesaid shall be applied to the use of the said Water Works Company.

**Power to contract with the village of Brampton.**

**9.** It shall be lawful for the Municipality of the Village of Brampton to contract with the said company for a supply of water from the said Water Works, for the public uses of the said municipality, at a rate to be agreed upon between the said company and the said municipality.

**Village of Brampton may take stock, etc.**

**10.** And it shall further be lawful for the said Municipality of the Village of Brampton, to subscribe for and take stock in the said company, to such extent as the said municipality may deem expedient; and the council of the said municipality may pass a by-law for that purpose, and for the purpose of raising the amount necessary to pay for the stock subscribed for by the



said municipality, by the issue of debentures of the said municipality payable in twenty years or by equal annual instalments of principal and interest, and for assessing and levying upon all the ratable property in the said municipality, an equal annual special rate sufficient to include a sinking fund for the repayment of the said debentures with interest thereon, payable yearly, or half yearly, or for the payment of the said equal annual instalments and interest; which debentures the said municipality and the reeve and other officers thereof are hereby authorized to execute and issue; Provided always, that no such by-law shall be passed by the council of the said municipality, until the same has received the assent of the ratepayers of the said municipality in the manner provided in the Municipal Act for the creation of debts.

**11.** The said John Haggert, James William Main, Richard Hale Lewis, Roderick Cochrane, Alexander Patullo, Charles Dawson, William Peaker, and David Lynch Scott, shall be the provisional directors of the said company until replaced by others duly elected in their stead.

**12.** The Joint Stock Companies general clauses Consolidation Act, being the Act passed in the session held in the twenty-fourth year of Her Majesty's reign, chaptered eighteen, is hereby made applicable to the said company, and shall be incorporated with and form part of this Act.

An Act to incorporate the Brampton Water  
Works Company.

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First Reading,	1st February,	1872.
Second	“ 16th	“ 1872.
Third	“ 20th	“ 1872.

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Mr. COYNE.

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TORONTO :

PRINTED BY HUNTER, ROSE & COMPANY.

An Act to incorporate the Port Dover and Lake Huron Railway Company.

**W**HEREAS it is highly desirable that a railway should be made from some point on the shore of Lake Erie between Port Dover and Port Rowan, or at or near the town of Port Dover, to the town of Woodstock, with power to extend the same to the town of Stratford, and to pass over any of the country between the point of commencement and the said town of Woodstock, and such town and said town of Stratford; and the persons hereinafter mentioned having petitioned to be incorporated for that purpose, it is expedient to grant a charter for the construction of such railway, with power to extend the same; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

**1.** William Grey, Thomas J. Clarke, Thomas Scott, James Bullock, James Barker, A. L. Wilcox, Samuel G. Burgess, John Craig, James Lockhart, James McCulloch, Walter Marshall, Samuel S. Fuller, Gilbert Moore, D. S. Butterfield, and Seneca Pitcher, together with such persons and corporations as shall under the provisions of this Act become shareholders in the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of The Port Dover and Lake Huron Railway Company.

Incorporation.

**2.** The said company hereby incorporated shall have full power under this Act to construct a double or single railway from any point on the shore of Lake Erie between Port Dover and Port Rowan, or at or near the town of Port Dover, to the town of Woodstock, with power to extend the same to the town of Stratford, and to pass over any of the country including crown lands between the point of commencement and the said town of Woodstock, and such town and said town of Stratford; and it shall be lawful for the said company to acquire for the purposes of their undertaking the lands and road-bed of the Woodstock and Lake Erie Railway and Harbour Company in the same manner, and on the like terms, and with like powers as far as applicable, as the company may acquire the lands of individuals; and as regards so much of the said lands or road-bed which heretofore belonged to or was vested in said last named Company, and to which their title or interest may have become divested by reason of sale for arrears of taxes or otherwise, hereby incorporated Company may also acquire the same in the same manner, and on like terms, and with like powers as far as applicable, as the company may acquire lands of individuals; and as regards so much thereof as is now vested in purchasers for arrears of taxes the price therefor to be paid by the said company shall be the price paid at the sale for taxes

Line of Railway authorized.

Power to acquire lands of Woodstock and Lake Erie Railway and Harbour Co.

and interest thereon at the rate of ten per cent per annum, and the amount of value of all improvements thereon made or created by the purchasers thereof since the re-sale thereof to them.

Gauge.

**3.** The gauge of the railway shall not be less than three feet six inches.

Certain clauses  
of the Railway  
Act to apply.

**4.** The several clauses of the Railway Act of the Consolidated Statutes of Canada with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," and the Acts in amendment of the said Act, shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only 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 clauses of the said Railway Act so incorporated with this Act.

Interpretation  
of the words  
"this Act."

Capital of the  
Company  
\$250,000 with  
power to in-  
crease.

**5.** The capital of the company hereby incorporated shall be two hundred and fifty thousand dollars, (with power to increase the same in the manner provided by the Railway Act,) to be divided into ten thousand shares of twenty-five dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; 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 passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township, parish or village, on the line of such works, may pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall hereafter be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Provisional  
Directors.

**6.** From and after the passing of this Act, until the first election of Directors, William Grey, Thomas J. Clarke, Thomas Scott, James Bullock, James Barker, A. L. Wilcox, Samuel G. Burgess, John Craig, James Lockhart, James McCulloch, Walter Marshall, Samuel S. Fuller, Gilbert Moore, D. S. Butterfield and Seneca Pitcher shall be provisional directors, and constitute the board of directors, with power to fill vacancies occurring therein, open stock books, procure subscriptions of stock, and make a call on shares subscribed; and a majority of the said provisional directors shall be a quorum; and the said provisional directors shall have power to exercise all the powers and privileges conferred upon the company and on boards of directors under the Railway Act, until the board of directors, hereafter provided to be appointed by the sharehold-

ers shall have been elected in accordance with the provisions hereafter made in that behalf; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of directors.

5 7. No subscription of stock in the capital of the said company shall be legal or valid, unless ten per centum shall have been actually and *bona fide* paid thereon within five days after subscription, into one or more of the chartered banks of this Province, to be designated by the said directors; and such ten per centum 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; and the said directors or a majority of them may, in their discretion, exclude any persons from subscribing, who, in their judgment, would hinder, delay, or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said railway.

No subscriptions valid unless ten per cent. paid thereon.

Allocation of stock in certain cases.

25 8. As soon as shares to the amount of twenty-five thousand dollars of the capital stock of the said company, other than by municipalities, shall have been subscribed, and ten per cent. thereof paid into some chartered bank, having an office in the town of Woodstock, in the county of Oxford (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per cent. thereof, for the purpose of electing directors of the said company.

General meeting, when to be called.

35 9. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per cent. thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per cent., and who are subscribers among them for not less than fifteen hundred dollars of the said capital stock, and who have paid up all calls thereon.

May be called by five subscribers in case of neglect by provisional directors.

45 10. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in each of the counties through which the said railway is intended to pass, once in each week, for the space of at least one month; and such meeting shall be held in the town of Woodstock, in the county of Oxford, at such place therein and on such day as may be named by such notice.

Notice of general meeting.

50 11. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per cent. thereof with such proxies as may be present shall choose seven persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of directors.

- Qualification.** **12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.
- Annual meeting.** **13.** Hereafter the general annual meeting of the shareholders of the said company shall be held in such place, in the town of Woodstock, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspaper published in the counties through which the railway runs.
- Qualification of directors.** **14.** No person shall be elected a director of the said company unless he shall be the holder and owner of at least ten shares in the stock of the said company and shall have paid up all calls made thereon.
- Calls.** **15.** No call to be made at any time upon the said capital stock shall exceed ten per cent. on the subscribed capital.
- Form of conveyances.** **16.** All deeds and conveyances for land required by the said company may be in the form given in schedule "B" annexed ; and all registrars are required to register the same on the production of a duplicate thereof with an affidavit of due execution ; and no registrar shall be entitled to more than fifty cents for registering the same, including all entries and certificates endorsed on the duplicates thereof.
- Municipalities may aid by granting bonuses, &c.** **17.** And it shall further be lawful for any municipality or municipalities through any part of which or near which the railway or works of the company shall pass or be situated, to aid or assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company and otherwise in such manner and to such extent as such municipalities, or any of them, shall think expedient ; Provided always that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting municipal institutions for the creation of debts ; and all such by-laws so passed shall be valid notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property ; Provided that the annual rate of assessment shall not in any case exceed for all purposes three cents in the dollar on the actual value of the whole ratable property within the municipality or portion of a municipality, creating such debt.
- Such aid to be granted by by-law.** **18.** In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor, the council of such municipality shall pass a by-law :
- If a portion of the municipality desire to aid, council to pass a by-law.**

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years or earlier, and for the payment to the said company of the amount of the said bonus or donation at the time and on the terms specified in the said petition :

For issuing debentures.

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for the repayment of debentures with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively ; Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight of the Municipal Act passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered fifty-one, by the majority of qualified electors in the portion of a municipality petitioning as aforesaid.

For assessing and levying an annual special rate.

By-law to be approved by electors.

19. Whenever any municipality or portion of a municipality shall grant a bonus or bonds or means to aid the making, equipment and completion of said railway, it shall be lawful for said company to enter into a valid agreement with such municipality, binding the said company to expend the whole of such bonus, bonds or means upon works of construction within the limits of the municipality granting the same.

When a bonus is granted, the company may agree to expend such bonus within the municipality.

20. Whenever any municipality or portion of a municipality shall grant a bonus, bonds or other means to aid the said company in the making, equipping and completion of the said railway, the debentures therefor, or bonds may, at the option of the said municipality, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the heads of the municipalities granting such bonuses or the majority of them, who shall attend a meeting for that purpose to be held at such time and place as the said company may appoint for that purpose ; notice of which shall be sent to each reeve, mayor or warden of the municipalities respectively, by mail at least fourteen days before the day appointed ; all of the trustees to be residents of the Province of Ontario ; Provided that if the said Reeves, mayor or warden shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall neglect or refuse to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees.

Debentures to be held by trustees.

How trustees to be appointed.

22. Any trustee appointed may be removed and a new trustee appointed in his place at any time by the consent of the Lieutenant Governor in Council, the said warden and the said company.

Appointment of new trustees.

23. The said trustees shall receive the said debentures or bonds in trust ; firstly, to convert the same into money ; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in the name of the Port Dover and Lake Huron Railway Municipal Trust Account," and to pay the same out to the said company from time to time on the

Trusts on which the debentures are to be held.

certificate of the chief engineer of the said railway, in the form set out in schedule "A" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road to be applied on the work so done; and such certificate to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of being deemed guilty of a misdemeanor. 10

Act of two trustees to be binding.

24. The act of any two of such trustees to be as valid and binding as if the three had agreed.

Directors may issue bonds.

25. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company, real and personal, and then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and an incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid: Provided, however, the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and fifty thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital, together with the amount of paid up municipal and other bonuses, and of the amount which has been actually expended in surveys and in works of construction upon the line, or for material actually furnished and delivered to the company within the province: And provided also, further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares: All such bonds and coupons, and interest warrants thereon, may be made payable to bearer, and so made shall be transferable by delivery, and the holder may sue thereon at law in his own name. 15  
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Not to exceed two hundred and fifty thousand dollars.

Bonds to be registered.

When work to be commenced and conditions.

26. Unless twenty-five thousand dollars, at least, of the said capital stock shall be subscribed, and fifty per centum thereon shall be paid, and the said line of railway be *bona fide* commenced within two years from the passing of this Act, or that the said line of railway be wholly completed within five years, then this charter and the privileges thereby conferred shall become forfeited; and in the event of non-compliance with the above provisions within the times limited by this Act, then the rights and privileges conferred by this Act shall cease and be void and of none effect. 50  
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**27.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note.

Company may make negotiable instruments.

**28.** Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining and using the said railway, it shall be necessary to purchase more land than is required for such stations, or gravel pits or other purposes, the said company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, in such manner, and for such purpose connected with the constructing, maintenance or use of the said railway as they may deem expedient, and sell and convey the same, or parts thereof, from time to time as they may deem expedient.

Company may purchase lands and for what purposes.

**29.** It shall be lawful for the said company to enter into any agreement with any other railway company in the Dominion of Canada, for leasing the said railway, or any part thereof, or the use thereof, at any time or times, or for any period, to such other company, or for leasing or hiring from such other company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, or such other railway company as well as any other corporation may agree upon any terms, as they may mutually consent to, for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals, but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter, or thing to be done, executed, fulfilled, or performed, within the limits of the Province of Ontario, to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred.

Company may enter into agreement with other companies for use of road, &c.

**30.** It shall be further lawful for the corporation of any municipality through any part of which the railway of the said company passes, or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessment to be imposed by such municipal corporation, and

Municipalities may exempt property of company from taxation, or make compensation, etc.

for such term of years as such municipal corporation may deem from time to time expedient.

Preliminary expenditure to be paid from the funds of the Company. **31.** All reasonable and preliminary expenditure incurred in obtaining this Act, and in the formation or establishing of the said corporation, shall be paid from the funds of the company by a vote of the provisional board of directors. 5

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### SCHEDULE "A."

#### CHIEF ENGINEER'S CERTIFICATE.

THE PORT DOVER & LAKE HURON RAILWAY COMPANY'S OFFICE,  
ENGINEER'S DEPARTMENT, A. D. 18

No

*Certificate to be attached to cheques drawn on the Port Dover and Lake Huron Railway Municipal Trust Account, and given under section of cap. 34 Vic.*

I Chief Engineer for the Port Dover and Lake Huron Railway Company, do hereby certify, that there has been expended in the construction of mile No. , (the said mileage being numbered consecutively from ) the sum of dollars to date, and that the total *pro rata* amount due for the same from the said Municipal Trust Account, amounts to the sum of dollars, which said sum of dollars is now due and payable as provided under said Act.

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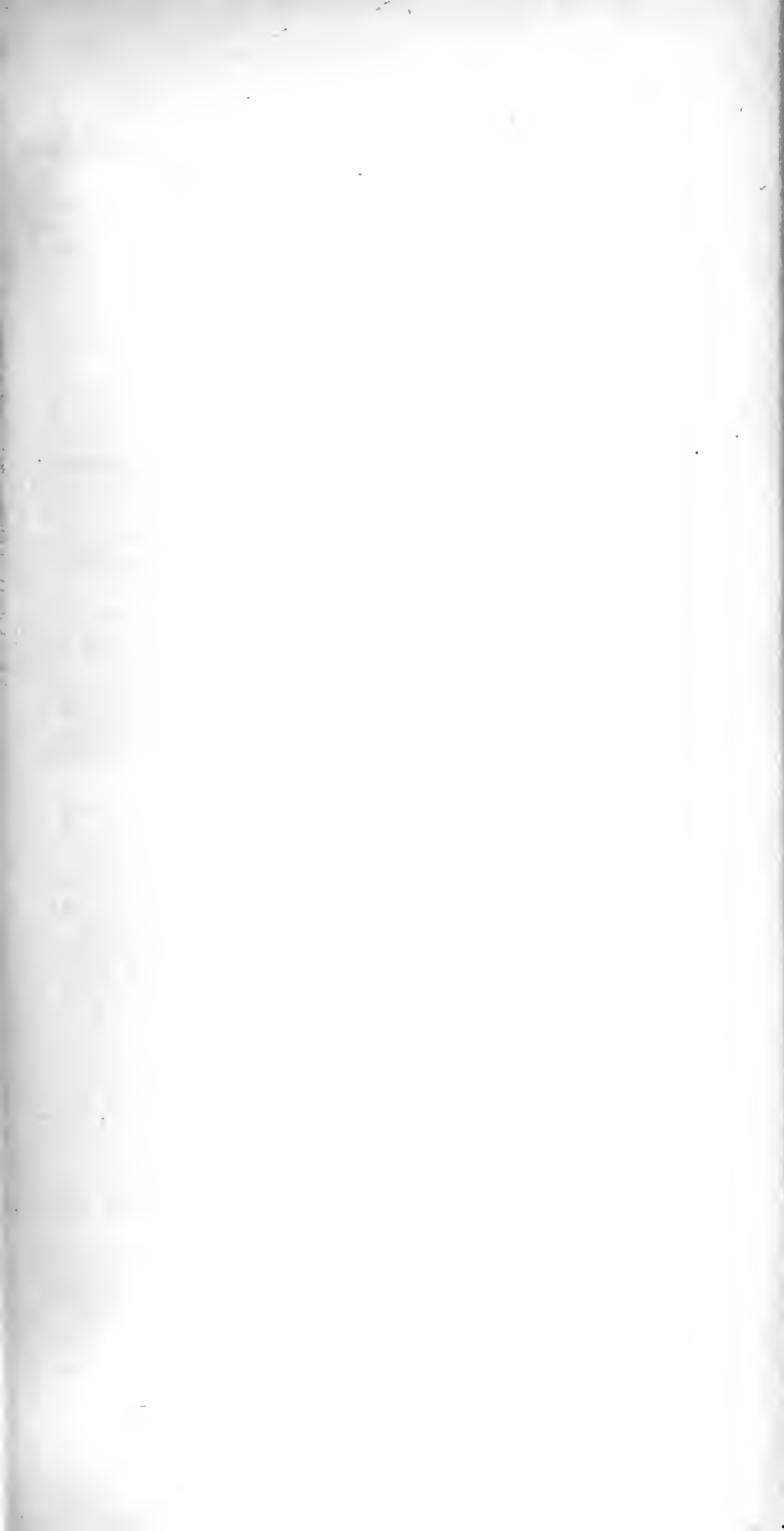
### SCHEDULE "B."

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration of dollars paid to me (*or as the case may be*) by the Port Dover and Lake Huron Railway Company, the receipt whereof is hereby acknowledged, do grant and convey (and I, the said do grant and release, *or do bar my dower in (as the case may be)* all that certain parcel, *or those certain parcels (as the case may be)* 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 hold with the appurtenances unto the said the Port Dover and Lake Huron Railway Company, their successors and assigns.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered, in the }  
presence of }

[L.S.]



2nd Parliament, 1st Session, 35 Victoria, 1872.

**BILL.**

An Act to incorporate the Port Dover and  
Lake Huron Railway Company.

*(PRIVATE BILL.)*

---

1st Reading, 1st February, 1872.

---

Mr. PERRY

---

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the Port Dover and Lake Huron Railway Company.

**W**HEREAS it is highly desirable that a railway should be Preamble.  
made from some point on the shore of Lake Erie between  
Port Dover and Port Rowan, or at or near the town of Port  
Dover, to the town of Woodstock, with power to extend the  
5 same to the town of Stratford, and to pass over any of the coun-  
try between the point of commencement and the said town of  
Woodstock, and such town and said town of Stratford; and the  
persons hereinafter mentioned having petitioned to be incor-  
porated for that purpose, it is expedient to grant a charter for  
10 the construction of such railway, with power to extend the same;  
Therefore Her Majesty, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario, enacts as  
follows:—

**1.** William Grey, Thomas J. Clarke, Thomas Scott, James Incorporation  
15 Bullock, James Barker, A. L. Wilcox, Samuel G. Burgess, John  
Craig, James Lockhart, James McCulloch, Walter Marshall,  
Samuel S. Fuller, Gilbert Moore, D. S. Butterfield, and Seneca  
Pitcher, together with such persons and corporations as shall  
under the provisions of this Act become shareholders in the said  
20 company hereby incorporated, are hereby constituted and de-  
clared to be a body corporate and politic, by the name of The Name.  
Port Dover and Lake Huron Railway Company.

**2.** The said company hereby incorporated shall have full Line of Rail-  
way author-  
ized.  
5 power under this Act to construct a double or single railway  
from any point on the shore of Lake Erie between Port Dover  
and Port Rowan, or at or near the town of Port Dover, to the  
town of Woodstock, with power to extend the same to the town  
of Stratford; and it shall be lawful for the said company to  
acquire for the purposes of their undertaking the lands and  
10 road-bed of the Woodstock and Lake Erie Railway and Har-  
bour Company in the same manner, and on the like terms, and  
with like powers as far as applicable, as the company may  
acquire the lands of individuals. Power to ac-  
quire lands of  
Woodstock and  
Lake Erie Rail  
and Harbour  
Co.

**3.** The gauge of the railway shall not be less than three feet Gauge.  
5 six inches.

**4.** The several clauses of the Railway Act of the Consolidated Certain clauses  
of the Railway  
Act to apply.  
Statutes of Canada with respect to the first, second, third, fourth,  
fifth and sixth clauses thereof, and to "interpretation," "incor-  
poration," "powers," "plans and surveys," "lands and their  
0 valuation," "highways and bridges," "fences," "tolls," "general  
meetings," "president and directors, their election and duties,"  
"calls," "shares and their transfer," "municipalities," "share-  
holders," "actions for indemnity, and fines and penalties and

Interpretation  
of the words  
"this Act."

their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," and the Acts in amendment of the said Act, shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only 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 clauses of the said Railway Act so incorporated with this Act.

Capital of the  
Company  
\$250,000 with  
power to in-  
crease.

5. The capital of the company hereby incorporated shall be two hundred and fifty thousand dollars, (with power to increase the same in the manner provided by the Railway Act,) to be divided into two thousand five hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; 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 passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township, parish or village, on the line of such works, may pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall hereafter be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Provisional  
Directors.

6. From and after the passing of this Act, until the first election of Directors, William Grey, Thomas J. Clarke, Thomas Scott, James Bullock, James Barker, A. L. Wilcox, Samuel G. Burgess, John Craig, James Lockhart, James McCulloch, Walter Marshall, Samuel S. Fuller, Gilbert Moore, D. S. Butterfield and Seneca Pitcher shall be provisional directors, and constitute the board of directors, with power to fill vacancies occurring therein, open stock books, procure subscriptions of stock, and make a call on shares subscribed; and a majority of the said provisional directors shall be a quorum; and the said provisional directors shall have power to exercise all the powers and privileges conferred upon the company and on boards of directors under the Railway Act, until the board of directors, hereinafter provided to be elected by the shareholders shall have been elected in accordance with the provisions hereinafter made in that behalf; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of directors.

7. No subscription of stock in the capital of the said company shall be legal or valid, unless ten per centum shall have been actually and *bona fide* paid thereon within five days after subscription, into one or more of the chartered banks of this Province, to be designated by the said directors; and such ten per centum 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; and the said directors or a majority of them may, in their discretion, ex-

clude any persons from subscribing, who, in their judgment, would hinder, delay, or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall  
 5 have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said sub-  
 10 sscribers, if, in their judgment, this will best secure the building of the said railway.

8. As soon as shares to the amount of hundred thousand dollars of the capital stock of the said company, other than by municipalities, shall have been subscribed, and ten per cent.  
 15 thereof paid into some chartered bank, having an office in the town of Woodstock, in the county of Oxford (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up  
 20 ten per cent. thereof, for the purpose of electing directors of the said company.

General meeting, when to be called.

9. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per cent. there-  
 25 of so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per cent., and who are subscribers among them for not less than fifteen hundred dollars of the said capital stock, and who have paid up all calls thereon.

May be called by five subscribers in case of neglect by provisional directors.

10. In either case notice of the time and place of holding  
 30 such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in each of the counties through which the said railway is intended to pass, once in each week, for the space of at least one month; and such meeting shall be held in the town of Woodstock, in the  
 35 county of Oxford, at such place therein and on such day as may be named by such notice.

Notice of general meeting.

11. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per cent. thereof  
 40 with such proxies as may be present shall choose seven persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of directors.

12. No person shall be qualified to be elected as such direc-  
 45 tor by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon

Qualification.

13. Thereafter the general annual meeting of the shareholders  
 50 of the said company shall be held in such place, in the town of Woodstock, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspaper published in the counties through which the railway runs.

Annual meeting.

Calls.

**14.** No call to be made at any time upon the said capital stock shall exceed ten per cent. on the subscribed capital, and notice shall be given of all such calls in manner provided for meetings in section thirteen of this Act.

Form of conveyances.

**15.** All deeds and conveyances for land required by the said company may be in the form given in schedule "B" annexed ; and all registrars are required to register the same on the production of a duplicate thereof with an affidavit of due execution ; and no registrar shall be entitled to more than fifty cents for registering the same, including all entries and certificates endorsed on the duplicates thereof. 5 10

Municipalities may aid by granting bonuses, &amp;c.

**16.** And it shall further be lawful for any municipality or municipalities through any part of which or near which the railway or works of the company shall pass or be situated, to aid or assist the said company by loaning or guaranteeing, or giving money by way of bonus to the company, or issuing municipal bonds to or in aid of the company and otherwise in such manner and to such extent as such municipalities, or any of them, shall think expedient ; Provided always that such aid, loan, bonds or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting municipal institutions for the creation of debts ; and all such by-laws so passed shall be valid notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property ; so that the annual rate of assessment shall not in any case exceed for all purposes three cents in the dollar on the actual value of the whole ratable property within the municipality or portion of a municipality, creating such debt. 15 20 25 30

Such aid to be granted by by-law.

If a portion of the municipality desire to aid, council to pass a by-law.

**17.** In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor, the council of such municipality shall pass a by-law : 35 40

For issuing debentures.

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years or earlier, and for the payment to the said company of the amount of the said bonus or donation at the time and on the terms specified in the said petition : 45

For assessing and levying an annual special rate.

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for the repayment of debentures with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively ; Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight of the Municipal 50

By-law to be approved by electors.



Act passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered fifty-one, by the majority of qualified electors voting thereon in the portion of a municipality petitioning as aforesaid.

18. Whenever any municipality or portion of a municipality shall aid, loan, guarantee bonds, or give money by way of a bonus to aid the making, equipment and completion of said railway, it shall be lawful for said company to enter into a valid agreement with such municipality, binding the said company to expend the whole of such aid so given upon works of construction within the limits of the municipality granting the same.

When a bonus is granted, the company may agree to expend such bonus within the municipality.

19. Whenever any municipality or portion of a municipality shall grant a bonus, loan, or aid to assist the said company in the making, equipping and completion of the said railway, the debentures therefor, or bonds may, at the option of the said municipality, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the heads of the municipalities granting such bonuses or the majority of them, who shall attend a meeting for that purpose to be held at such time and place as the said company may appoint for that purpose; notice of which shall be sent to each reeve, mayor or warden of the municipalities respectively, by mail at least fourteen days before the day appointed: all of the trustees to be residents of the Province of Ontario; Provided that if the said reeves, mayor or warden shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall neglect or refuse to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trustee-ship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Debentures to be held by trustees.

How trustees to be appointed.

Appointment of new trustees.

20. The said trustees shall receive the said debentures or bonds in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in the town of Woodstock, in name of the Port Dover and Lake Huron Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "A" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road to be applied on the work so done; and such certificate to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of being deemed guilty of a misdemeanor.

Trusts on which the debentures are to be held.

21. The act of any two of such trustees to be as valid and binding as if the three had agreed.

Act of two trustees to be binding.

Directors may  
issue bonds.

22. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company, real and personal, and then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and an incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid: Provided, however, the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and fifty thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital, together with the amount of paid up municipal and other bonuses, and of the amount which has been actually expended in surveys and in works of construction upon the line, or for material actually furnished and delivered to the company within the province: And provided also, further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares: All such bonds and coupons, and interest warrants thereon, may be made payable to bearer, and so made shall be transferable by delivery, and the holder may sue thereon at law in his own name.

Not to exceed  
two hundred  
and fifty thousand  
dollars.

Bonds to be  
registered.

When work to  
be commenced  
and conditions.

23. Unless twenty-five thousand dollars, at least, of the said capital stock shall be subscribed, and fifty per centum thereon shall be paid, and the said line of railway be *bona fide* commenced within two years from the passing of this Act, or that the said line of railway be wholly completed within five years, then this charter and the privileges thereby conferred shall become forfeited; and in the event of non-compliance with the above provisions within the times limited by this Act, then the rights and privileges conferred by this Act shall cease and be void and of none effect.

Company may  
make negotiable  
instruments.

24. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note; Provided, however, that nothing in this section shall be construed to authorize the said company to issue a note or bill of exchange, pay-

able to bearer or intended to be circulated as money or as the notes or bills of a bank.

**25.** Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining and using the said railway, it shall be necessary to purchase more land than is required for such stations, or gravel pits or other purposes, the said company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, in such manner, and for such purpose connected with the constructing, maintenance or use of the said railway as they may deem expedient, and sell and convey the same, or parts thereof, from time to time as they may deem expedient.

Company may purchase lands and for what purposes.

**26.** It shall be lawful for the said company, with the consent of two-thirds of the shareholders and bond-holders present at a special general meeting called for the purpose, to enter into any agreement with any other railway company in the Province of Ontario, whose line may connect with such road, for leasing the said railway, or any part thereof, or the use thereof, at any time or times, or for any period, to such other company, or for leasing or hiring from such other company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and such other railway company as well as any other corporation may agree upon any terms, as they may mutually consent to, for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals, but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter, or thing to be done, executed, fulfilled, or performed, within the limits of the Province of Ontario, to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred.

Company may enter into agreement with other companies for use of road, &c.

**27.** It shall be further lawful for the corporation of any municipality through any part of which the railway of the said company passes, or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessment to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem from time to time expedient.

Municipalities may exempt property of company from taxation, or make compensation, etc.

**28.** All reasonable and preliminary expenditure incurred in obtaining this Act, and in the formation or establishing of the said corporation, shall be paid from the funds of the company by a vote of the provisional board of directors.

Preliminary expenditure to be paid from the funds of the Company.

## SCHEDULE "A."

## CHIEF ENGINEER'S CERTIFICATE.

THE PORT DOVER & LAKE HURON RAILWAY COMPANY'S OFFICE,  
ENGINEER'S DEPARTMENT, A. D. 18

No

*Certificate to be attached to cheques drawn on the Port Dover and  
Lake Huron Railway Municipal Trust Account, and given  
under section of cap. 34 Vic.*

I Chief Engineer for the Port Dover and  
Lake Huron Railway Company, do hereby certify, that there  
has been expended in the construction of mile No. , (the  
said mileage being numbered consecutively from ) the  
sum of dollars to date, and that the total *pro*  
*rata* amount due for the same from the said Municipal Trust  
Account, amounts to the sum of dollars, which said  
sum of dollars is now due and payable as provided  
under said Act.

## SCHEDULE "B."

Know all men by these presents that I (or we) (*insert also  
the name of wife or any other person who may be a party*) in  
consideration of dollars paid to me (*or as the case may  
be*) by the Port Dover and Lake Huron Railway Company, the  
receipt whereof is hereby acknowledged, do grant and convey  
(and I, the said do grant and release, *or* do bar my  
dower in (*as the case may be*) all that certain parcel, *or* those  
certain parcels (*as the case may be*) 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 hold with the  
appurtenances unto the said the Port Dover and Lake Huron  
Railway Company, their successors and assigns.

As witness my (or our) hand and seal (or hands and seals)  
this day of one thousand eight hundred  
and

Signed, sealed and delivered, in the }  
presence of }

[L.S.]

An Act to incorporate The Port Dover and  
Lake Huron Railway Company.

PRIVATE BILL.

(Reprinted as Amended.)

First Reading, 1st February, 1872.

MR. PERRY.

An Act to incorporate the Port Dover and Lake Huron Railway Company.

**W**HEREAS it is highly desirable that a railway should be made from some point on the shore of Lake Erie between Port Dover and Port Rowan, or at or near the town of Port Dover, to the town of Woodstock, with power to extend the same to the town of Stratford, and to pass over any of the country between the point of commencement and the said town of Woodstock, and such town and said town of Stratford; and the persons hereinafter mentioned having petitioned to be incorporated for that purpose, it is expedient to grant a charter for the construction of such railway, with power to extend the same;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** William Grey, Thomas J. Clarke, Thomas Scott, James Bullock, James Barker, A. L. Wilcox, Samuel G. Burgess, John Craig, James Lockhart, James McCulloch, Walter Marshall, Samuel S. Fuller, Gilbert Moore, D. S. Butterfield, and Seneca Pitcher, together with such persons and corporations as shall under the provisions of this Act become shareholders in the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Port Dover and Lake Huron Railway Company."

**2.** The said company hereby incorporated shall have full power under this Act to construct a double or single railway from any point on the shore of Lake Erie between Port Dover and Port Rowan or at or near the town of Port Dover, to the town of Woodstock, with power to extend the same to the town of Stratford; and it shall be lawful for the said company to acquire for the purposes of their undertaking the lands and road-bed of the Woodstock and Lake Erie Railway and Harbour Company in the same manner, and on the like terms, and with like powers as far as applicable, as the company may acquire the lands of individuals.

**3.** The gauge of the railway shall not be less than three feet six inches.

**4.** The several clauses of the Railway Act of the Consolidated Statutes of Canada with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and

Interpretation  
of the words  
"this Act."

their prosecution," "by-laws, notices, &c.," "working of the railway." and "general provisions," and the Acts in amendment of the said Act, shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only 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 clauses of the said Railway Act so incorporated with this Act.

Capital of the  
Company  
\$250,000 with  
power to in-  
crease.

5. The capital of the company hereby incorporated shall be two hundred and fifty thousand dollars, (with power to increase the same in the manner provided by the Railway Act,) to be divided into two thousand five hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; 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 passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township, parish or village, on the line of such works, may pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall hereafter be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Provisional  
Directors.

6. From and after the passing of this Act, until the first election of Directors, William Grey, Thomas J. Clarke, Thomas Scott, James Bullock, James Barker, A. L. Wilcox, Samuel G. Burgess, John Craig, James Lockhart, James McCulloch, Walter Marshall, Samuel S. Fuller, Gilbert Moore, D. S. Butterfield and Seneca Pitcher shall be provisional directors, and constitute the board of directors, with power to fill vacancies occurring therein, open stock books, procure subscriptions of stock, and make a call on shares subscribed; and a majority of the said provisional directors shall be a quorum; and the said provisional directors shall have power to exercise all the powers and privileges conferred upon the company and on boards of directors under the Railway Act, until the board of directors, hereinafter provided to be elected by the shareholders shall have been elected in accordance with the provisions hereinafter made in that behalf; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of directors.

Ten per cent.  
to be paid on  
stock.

7. No subscription of stock in the capital of the said company shall be legal or valid, unless ten per centum shall have been actually and *bona fide* paid thereon within five days after subscription, into one or more of the chartered banks of this Province, to be designated by the said directors; and such ten per centum 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; and the said directors or a majority of them may, in their discretion, ex-

clude any persons from subscribing, who, in their judgment, would hinder, delay, or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said railway.

8. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company, other than by municipalities, shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the town of Woodstock, in the county of Oxford (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

General meeting, when to be called.

9. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than fifteen hundred dollars of the said capital stock, and who have paid up all calls thereon.

General meetings may be called by five subscribers in case of neglect by provisional directors.

10. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in each of the counties through which the said railway is intended to pass, once in each week, for the space of at least one month; and such meeting shall be held in the town of Woodstock, in the county of Oxford, at such place therein and on such day as may be named by such notice.

Notice of general meeting.

11. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Qualification.

13. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place, in the town of Woodstock, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspaper published in the counties through which the railway runs.

Annual meeting.

**Calls.**

**14** No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital; and notice shall be given of all such calls in the manner provided for meetings in section thirteen of this Act.

**Form of conveyances.**

**15.** All deeds and conveyances for land required by the said company may be in the form given in schedule "B" annexed; and all registrars are required to register the same on the production of a duplicate thereof with an affidavit of due execution; and no registrar shall be entitled to more than fifty cents for registering the same, including all entries and certificates endorsed on the duplicates thereof.

**Municipalities may aid by granting bonuses, &c.**

**16.** And it shall further be lawful for any municipality or municipalities through any part of which or near which the railway or works of the company shall pass or be situated, to aid or assist the said company by loaning or guaranteeing, or giving money by way of bonus to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipalities, or any of them, shall think expedient; Provided always, that such aid, loan, bonds or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting municipal institutions for the creation of debts; and all such by-laws so passed shall be valid notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property; so that the annual rate of assessment shall not in any case exceed for all purposes three cents in the dollar on the actual value of the whole ratable property within the municipality or portion of a municipality, creating such debt.

**Such aid to be granted by by-law.**

**If a portion of the municipality desire to aid, council to pass a by-law.**

**17.** In case at least fifty of the persons rated on the last assessment roll as freeholders in any portion of a municipality do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor, the council of such municipality shall pass a by-law:

**For issuing debentures.**

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years or earlier, and for the payment to the said company of the amount of the said bonus or donation at the time and on the terms specified in the said petition:

**For assessing and levying an annual special rate.**

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for the repayment of debentures with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively; Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight of the Municipal

**By-law to be approved by electors.**



Act passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered fifty-one, by the majority of qualified electors voting thereon in the portion of a municipality petitioning as aforesaid.

**18.** Whenever any municipality or portion of a municipality shall aid, loan, guarantee, or give money or bonds, by way of a bonus to aid the making, equipment and completion of said railway, it shall be lawful for said company to enter into a valid agreement with such municipality, binding the said company to expend the whole of such aid so given upon works of construction within the limits of the municipality granting the same.

When a bonus is granted, the company may agree to expend such bonus within the municipality.

**19.** Whenever any municipality or portion of a municipality shall grant a bonus, loan, or aid to assist the said company in the making, equipping and completion of the said railway, the debentures therefor, or bonds may, at the option of the said municipality, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the heads of the municipalities granting such bonuses or the majority of them, who shall attend a meeting for that purpose to be held at such time and place as the said company may appoint for that purpose; notice of which shall be sent to each reeve, mayor or warden of the municipalities respectively, by mail at least fourteen days before the day appointed; all of the trustees to be residents of the Province of Ontario; Provided that if the said Reeves, mayor or warden shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall neglect or refuse to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Debentures to be held by trustees.

How trustees to be appointed.

Appointment of new trustees

**20.** The said trustees shall receive the said debentures or bonds in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in the town of Woodstock, in the name of "The Port Dover and Lake Huron Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "A" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road to be applied on the work so done; and such certificate to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of being deemed guilty of a misdemeanor.

Trusts in which the debentures are to be held.

**21.** The act of any two of such trustees to be as valid and binding as if the three had agreed.

Act of two trustees to be binding.

Directors may  
issue bonds.

**22.** The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company, real and personal, and then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and an incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid: Provided however, the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and fifty thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital, together with the amount of paid up municipal and other bonuses, and of the amount which has been actually expended in surveys and in works of construction upon the line, or for material actually furnished and delivered to the company within the province: And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares: All such bonds and coupons, and interest warrants thereon, may be made payable to bearer, and so made shall be transferable by delivery, and the holder may sue thereon at law in his own name.

Not to exceed  
two hundred  
and fifty thou-  
sand dollars.

Bonds to be  
registered.

When work to  
be commenced  
and conditions.

**23.** Unless twenty-five thousand dollars, at least, of the said capital stock shall be subscribed, and fifty per centum thereon shall be paid, and the said line of railway be *bona fide* commenced within two years from the passing of this Act, or that the said line of railway be wholly completed within five years, then this charter and the privileges thereby conferred shall become forfeited; and in the event of non-compliance with the above provisions within the times limited by this Act, then the rights and privileges conferred by this Act shall cease and be void and of none effect.

Company may  
make negoti-  
able instru-  
ments.

**24.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note; Provided however, that nothing in this section shall be construed to authorize the said company to issue a note or bill of exchange, pay-

able to bearer or intended to be circulated as money or as the notes or bills of a bank.

**25.** Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining and using the said railway, it shall be necessary to purchase more land than is required for such stations, or gravel pits or other purposes, the said company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, in such manner, and for such purpose connected with the constructing, maintenance or use of the said railway as they may deem expedient, and sell and convey the same, or parts thereof, from time to time as they may deem expedient.

Company may purchase lands and for what purposes.

**26.** It shall be lawful for the said company, with the consent of two-thirds of the shareholders and bond-holders present at a special general meeting called for the purpose, to enter into any agreement with any other railway company in the Province of Ontario, whose line may connect with such road, for leasing the said railway, or any part thereof, or the use thereof, at any time or times, or for any period, to such other company, or for leasing or hiring from such other company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and such other railway company as well as any other corporation may agree upon any terms, as they may mutually consent to, for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals, but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter, or thing to be done, executed, fulfilled, or performed, within the limits of the Province of Ontario, to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred.

Company may enter into agreement with other companies for use of road, &c.

**27.** It shall be further lawful for the corporation of any municipality through any part of which the railway of the said company passes, or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessment to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem from time to time expedient.

Municipalities may exempt property of company from taxation, or make compensation, etc.

**28.** All reasonable and preliminary expenditure incurred in obtaining this Act, and in the formation or establishing of the said corporation, shall be paid from the funds of the company by a vote of the provisional board of directors.

Preliminary expenditure to be paid from the funds of the Company.

## SCHEDULE "A."

## CHIEF ENGINEER'S CERTIFICATE.

THE PORT DOVER & LAKE HURON RAILWAY COMPANY'S OFFICE,  
ENGINEER'S DEPARTMENT, A. D. 18

No

*Certificate to be attached to cheques drawn on the Port Dover and Lake Huron Railway Municipal Trust Account, and given under section of cap. 35 Vie.*

I Chief Engineer for the Port Dover and Lake Huron Railway Company, do hereby certify, that there has been expended in the construction of mile No. , (the said mileage being numbered consecutively from ,) the sum of dollars to date, and that the total *pro rata* amount due for the same from the said Municipal Trust Account, amounts to the sum of dollars, which said sum of dollars is now due and payable as provided under said Act.

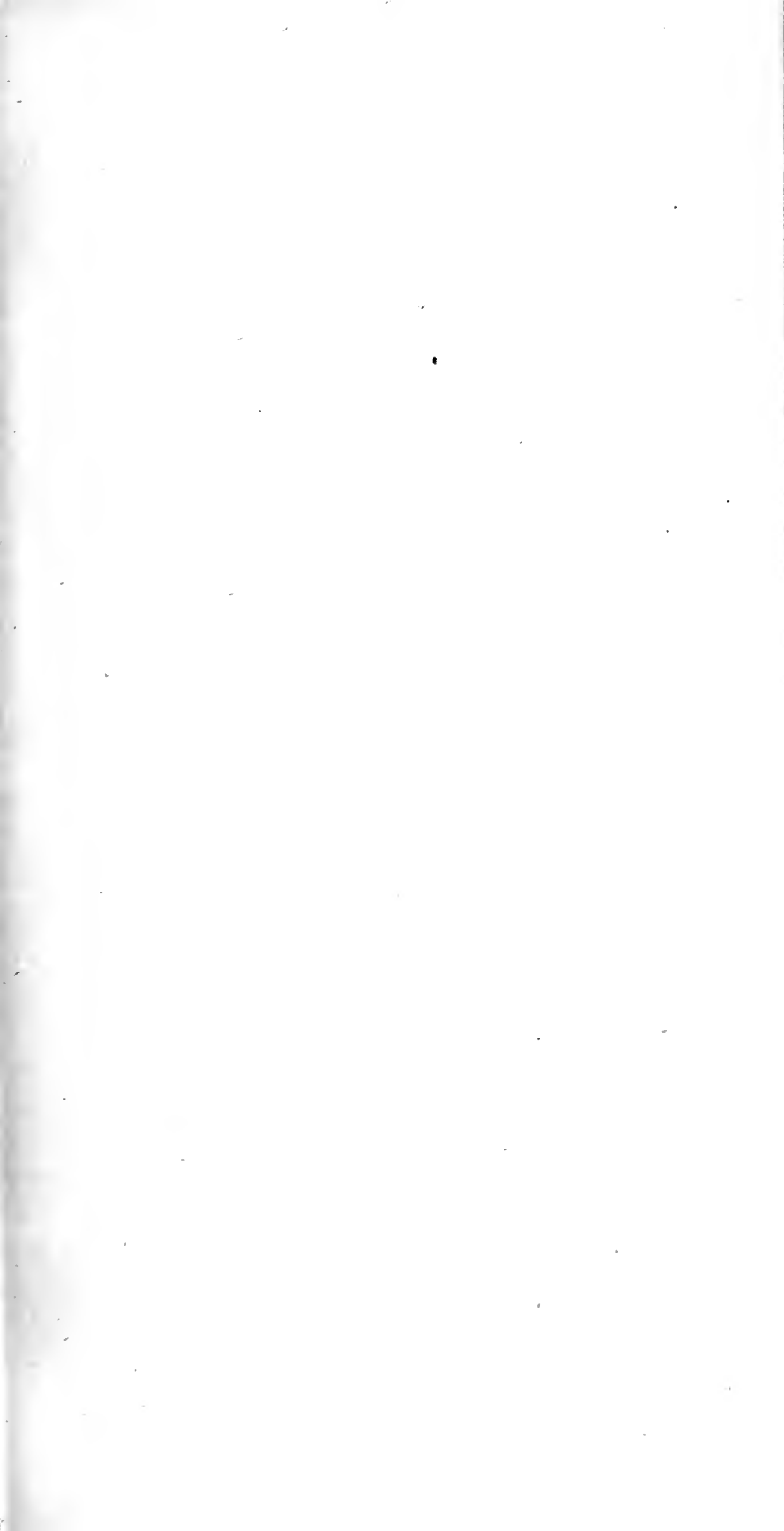
## SCHEDULE "B."

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration of dollars paid to me (*or as the case may be*) by the Port Dover and Lake Huron Railway Company, the receipt whereof is hereby acknowledged, do grant and convey (and I, the said do grant and release, or do bar my dower in (*as the case may be*) all that certain parcel, or those certain parcels (*as the case may be*) 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 hold with the appurtenances unto the said the Port Dover and Lake Huron Railway Company, their successors and assigns.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered, in the }  
presence of )

[L.S.]



An Act to incorporate the Port Dover and  
Lake Huron Railway Company.

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First Reading,	1st February,	1872
Second	“	16th
“	“	“
Third	“	20th
“	“	“
“	“	1872.

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Mr. PERRY.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to provide for the appointment of Trustees for  
first coloured Calvinistic Baptist Church of Toronto.

WHEREAS by an Act passed in the ninth year of the reign Preamble.

of his late Majesty King George the Fourth, it was enacted that whenever any religious congregation or Society of Baptists should have an occasion to take a conveyance of land for the site of a church, meeting house or chapel, or burying ground, it should and might be lawful for them to appoint trustees to whom and their successors to be appointed in such manner as should be specified for all or any of the purposes aforesaid, the same might be conveyed; and that such trustees and their successors in perpetual succession by name, expressed in such deed, should be capable of taking, holding, and possessing such land, and of commencing and maintaining any action or actions at law or in equity, for the protection thereof, and of their rights thereto; And whereas, by a certain indenture bearing date the tenth day of February, one thousand eight hundred and forty-five, certain lands in the City of Toronto, being all that certain piece, or lot of land and premises situate in the said City of Toronto, being part of park lot number eight, formerly in the Township of York, now in the City of Toronto, and designated and laid down on the plan or survey of the said park lot number eight, and park lot number seven, made by Robert Lynn, a deputy provincial surveyor, as lot number two on the North side of Lot street, now Queen street, purchased by the first coloured Calvinistic Baptist Church in Toronto, were, at the request of the members of the said church, conveyed to four trustees and their successors in perpetual succession, which successors were to be appointed in the manner mentioned in the said deed; And whereas, it has been found that the mode of appointing trustees therein prescribed, and the tenure by which they hold the said lands, has been and is unsatisfactory, and is opposed to the principles of the said church; And whereas, the said church is desirous that the mode of appointing such trustees and their tenure of the said lands should be changed, and William Henry Harris, the only surviving trustee under the said deed, and several other persons members of the said church, have presented their petition to have the same changed:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts Estate, in whom to be vested.  
as follows:—

1. All the estate and interest of the said William Henry Harris, and of the said other trustees named in the said deed of trust, at the time of their deaths respectively, in the said lands and premises, shall, upon their appointment, become vested in such four persons as shall be chosen from among the members of the said first coloured Calvinistic Baptist Church, in manner hereinafter provided.

Trustees,  
manner of  
election.

2. When any one or more of the said trustees, or any of their successors in office shall die or be excluded from the fellowship of said church, or shall become incapable of acting, or if they, or any of them remove out of the Province of Ontario, or unite with any other denomination, or shall resign or be discharged, then and in that case the place or places of the said trustee or trustees so vacated, shall be supplied by the said church, at any regular business meeting held, of which one weeks' public notice shall have been given, on an open two-thirds vote of the members present; Provided always that no person or persons shall be appointed to fill such vacancies who is not a member in good standing in said church; Provided, also, that no trustee shall be discharged, except upon notice and for good and reasonable cause, and on a vote of two-thirds of the members present at any business meeting called for the purpose, of which one week's notice shall be given at the church on Sunday; and the decision of a meeting so called, provided notice shall be given to such trustee as aforesaid, shall be conclusive; Provided further that a minute of such meeting, and of the decision arrived at shall be recorded in a book to be kept by the church.

Proviso.

Proviso.

Proviso.

A record to be kept.

3. A record shall also be made in such book, of the appointment of each new trustee, and until such record be made, the appointment shall not take effect.

BILL.

An Act to provide for the appointment of Trustees for the first coloured Calvinistic Baptist Church of Toronto.

(PRIVATE BILL.)

First Reading, 1st February, 1872.

Mr. CUMBERLAND.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.



An Act to provide for the appointment of Trustees for  
first coloured Calvinistic Baptist Church of Toronto.

**W**HEREAS by an Act passed in the ninth year of the reign Preamble.  
of his late Majesty King George the Fourth, it was enacted that whenever any religious congregation or Society of Baptists should have an occasion to take a conveyance of land for the site of a church, meeting house or chapel, or burying ground, it should and might be lawful for them to appoint trustees, to whom and their successors to be appointed in such manner as should be specified for all or any of the purposes aforesaid, the same might be conveyed; and that such trustees and their successors in perpetual succession by name, expressed in such deed, should be capable of taking, holding, and possessing such land, and of commencing and maintaining any action or actions at law or in equity, for the protection thereof, and of their rights thereto; And whereas, by a certain indenture bearing date the tenth day of February, one thousand eight hundred and forty-five, certain lands in the City of Toronto, being all that certain piece, or lot of land and premises situate in the said City of Toronto, being part of park lot number eight, formerly in the Township of York, now in the City of Toronto, and designated and laid down on the plan or survey of the said park lot number eight, and park lot number seven, made by Robert Lynn, a deputy provincial surveyor, as lot number two on the North side of Lot street, now Queen street, purchased by the first coloured Calvinistic Baptist Church in Toronto, were, at the request of the members of the said church, conveyed to four trustees and their successors in perpetual succession, which successors were to be appointed in the manner mentioned in the said deed; And whereas, it has been found that the mode of appointing trustees therein prescribed, and the tenure by which they hold the said lands, has been and is unsatisfactory, and is opposed to the principles of the said church; And whereas, the said church is desirous that the mode of appointing such trustees and their tenure of the said lands should be changed, and William Henry Harris, the only surviving trustee under the said deed, and several other persons members of the said church, have presented their petition to have the same changed:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All the estate and interest of the said William Henry Harris, and of the said other trustees named in the said deed of trust, at the time of their deaths respectively, in the said lands and premises, shall, upon their appointment, become vested in such four persons as shall be chosen from among the members of the said first coloured Calvinistic Baptist Church, in manner hereinafter provided, subject to the trusts and for the intents and purposes declared in the said recited indenture of the tenth day of February, one thousand eight hundred and forty-five.

Estate, in  
whom to be  
vested.

Trustees,  
manner of  
election.

Proviso.

Proviso.

Proviso.

2. When any one or more of the said trustees, or any of their successors in office shall die or be excluded from the fellowship of said church, or shall become incapable of acting, or if they, or any of them remove out of the Province of Ontario, or unite with any other denomination, or shall resign or be discharged, then and in that case the place or places of the said trustee or trustees so vacated, shall be supplied by the said church, at any regular business meeting held, of which two weeks' public notice shall have been given, on an open two-thirds vote of the members present; Provided always that no person or persons shall be appointed to fill such vacancies who is not a member in good standing in said church; Provided, also, that no trustee shall be discharged, except upon notice and for good and reasonable cause, and on a vote of two-thirds of the members present at any business meeting called for the purpose, of which two week's notice shall be given at the church on two respective Sundays; and the decision of a meeting so called, provided notice shall be given to such trustee as aforesaid, shall be conclusive; Provided further that a minute of such meeting, and of the decision arrived at shall be recorded in a book to be kept by the church.

A record to be  
kept.

3. A record shall also be made in such book, of the appointment of each new trustee, as and when any such appointment is made.

An Act to provide for the appointment  
Trustees for first coloured Calvin  
Baptist Church of Toronto.

First Reading,	1st February, 187
Second	" 21st "
Third	" 22nd "
	" 18th "

Mr. CUMBERLAND

TORONTO:

PRINTED BY HUNTER, ROSE & CO

An Act to incorporate the German Benevolent Society of Toronto.

WHEREAS certain persons hereinafter named have by petition, represented that for many years past they and others of German birth or extraction, residents of Toronto, have maintained by voluntary contributions a certain charitable association under the name of The German Benevolent Society of Toronto, having for its object the relief of needy and distressed German immigrants to this Province, as well as others of German descent, and have prayed that for the better attainment and furtherance of the objects of the said association, the same may be invested with corporate powers; and whereas it is expedient to grant the said petition :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. John Kelz, Gottlieb Grundler, John Riston, Gustave Wiener, John Blumenstock, Adam Rehberger, and such other persons as are now members of the said association, or shall hereafter unite with them under the provisions of this Act and the by-laws made under authority thereof, and their successors shall be, and they are hereby constituted a body politic and corporate by the name of the "German Benevolent Society of Toronto"; and may by any legal title acquire, hold and enjoy any estate whatever, real or personal, stocks, debentures, or securities; and may alienate, 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, may acquire instead thereof: Provided always, that the clear annual value of the real estate held by the corporation, at any one time shall not exceed five thousand dollars.

Powers to hold and dispose of property.

2. The corporation shall not hold any property except such as shall be derived from, or purchased with funds derived from the following sources, that is to say: the life, annual and other subscriptions of members, donations, bequests or legacies made to the corporation, and such other moneys or property as may be acquired by or from the ordinary transactions of the corporation, or may now belong to the existing association, and the monies arising from fines and forfeitures lawfully imposed by their by-laws; and the society shall have power to prescribe by any by-law what portion of its funds or property shall constitute the permanent fund of the corporation, which shall be held for its permanent use, and what portion shall be applied to the defraying of the current expenses of the corporation, and the relief of such persons as the corporation may deem proper objects of such relief, according to their by-laws then in force and to the provisions of this Act.

Limit as to powers.

By-laws as to disposition.

- Management.**     **3.** The affairs and business of the corporation shall be managed by such officers and committees, and under such restrictions as touching the powers and duties of such officers and committees as by-laws in that behalf the corporation may from time to time ordain; and the corporation may assign to any of such officers such remuneration as they deem requisite.     5
- By-laws, powers to make.**     **4.** The corporation may make such by-laws, not contrary to law, as they shall deem expedient for the administration and government of the corporation and of such asylum or other charitable institution as they shall maintain; and may repeal or amend the same from time to time, observing always, however, such formalities as by such by-laws may be prescribed to that end, and generally shall have all the corporate powers necessary to the ends of this Act.     10
- Present by-laws.**     **5.** The by-laws of the said Association not being contrary to law, shall be the by-laws of the corporation hereby constituted, until they shall be repealed or altered as aforesaid.     15
- Present officers.**     **6.** Until others shall be elected according to the by-laws of the corporation, the present officers of the Association shall be those of the corporation.     20
- Subscription, penalties, withdrawal.**     **7.** All subscriptions and all penalties due to the corporation under any by-law may be recovered by suit in the name of the corporation; but any member may withdraw therefrom at any time on payment of all amounts by him due to the corporation inclusive of his subscription for the year then current.     25
- Witnesses.**     **8.** No person otherwise competent to be a witness in any suit or prosecution in which the corporation may be engaged shall be deemed incompetent to be such witness, by reason of his being or having been a member or officer of the corporation.
- Exemptions from execution.**     **9.** All allowances made by the said society under its constitution and by-laws to sick members thereof, and to the widows and orphans of deceased members thereof, shall be exempt from any seizure under writ of process issued from any court of justice in this Province, either before or after judgment; Provided always, that the foregoing provision shall in no way prejudice the rights of creditors to any sum due by the said society to any of its members for considerations arising out of a contract or agreement between the said society and any of its members.     30
- Return to Government of property, &c.**     **10.** The corporation shall at all times when thereunto required by the Lieutenant-Governor or by the Legislative Assembly of Ontario, make a full return of their property real and personal, and of their receipts and expenditure for such period and with such details and other information as the said Lieutenant-Governor or the said Legislative Assembly of Ontario may require.     45

## BILL.

An Act to incorporate the German Benevolent Society of Toronto.

First Reading, 1st February, 1872.

## PRIVATE BILL

MR. SPRINGER.

TORONTO :

PRINTED BY HUNTER, ROSE &amp; Co.

An Act to incorporate the German Benevolent Society of Toronto.

**WHEREAS** certain persons hereinafter named have by petition represented that for many years past they and others of German birth or extraction, residents of Toronto, have maintained by voluntary contributions a certain charitable association under the name of The German Benevolent Society of Toronto, having for its object the relief of needy and distressed German immigrants to this Province, as well as others of German descent, and have prayed that for the better attainment and furtherance of the objects of the said association, the same may be invested with corporate powers; and whereas it is expedient to grant the said petition : Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. John Kelz, Gottlieb Grundler, John Riston, Gustave Wiener, John Blumenstock, Adam Rehberger, and such other persons as are now members of the said association, or shall hereafter unite with them under the provisions of this Act and the by-laws made under authority thereof, and their successors shall be, and they are hereby constituted a body politic and corporate by the name of the "German Benevolent Society of Toronto"; and may by any legal title acquire, hold and enjoy any estate whatever, real or personal, stocks, debentures, or securities; and may alienate, 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, may acquire instead thereof : Incorporation. Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation. And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein, acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than Powers to hold and dispose of property. seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corpora- And sell.

ation; and such lands, tenements, or interests therein, or such thereof which may not, within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

Limit as to powers.

**2.** The corporation shall not hold any property except such as shall be derived from, or purchased with funds derived from the following sources, that is to say: the life, annual and other subscriptions of members, donations, bequests or legacies made to the corporation, and such other moneys or property as may be acquired by or from the ordinary transactions of the corporation, or may now belong to the existing association, and the moneys arising from fines and forfeitures lawfully imposed by their by-laws; and the society shall have power to prescribe by any by-law what portion of its funds or property shall constitute the permanent fund of the corporation, which shall be held for its permanent use, and what portion shall be applied to the defraying of the current expenses of the corporation, and the relief of such persons as the corporation may deem proper objects of such relief, according to their by-laws then in force and to the provisions of this Act.

By-laws as to disposition.

Management.

**3.** The affairs and business of the corporation shall be managed by such officers and committees, and under such restrictions as touching the powers and duties of such officers and committees as the corporation may from time to time by by-laws ordain; and the corporation may assign to any of such officers such remuneration as it may deem requisite.

By-laws, powers to make.

**4.** The corporation may make such by-laws, not contrary to law, as it shall deem expedient for the administration and government of the corporation and of such asylum or other charitable institution as it shall maintain; and may repeal or amend the same from time to time, observing always, however, such formalities as by such by-laws may be prescribed to that end, and generally shall have all the corporate powers necessary to the ends of this Act.

Present by-laws.

**5.** The present by-laws of the said Association not being contrary to law, shall be the by-laws of the corporation hereby constituted, until they shall be repealed or altered as aforesaid.

Present officers.

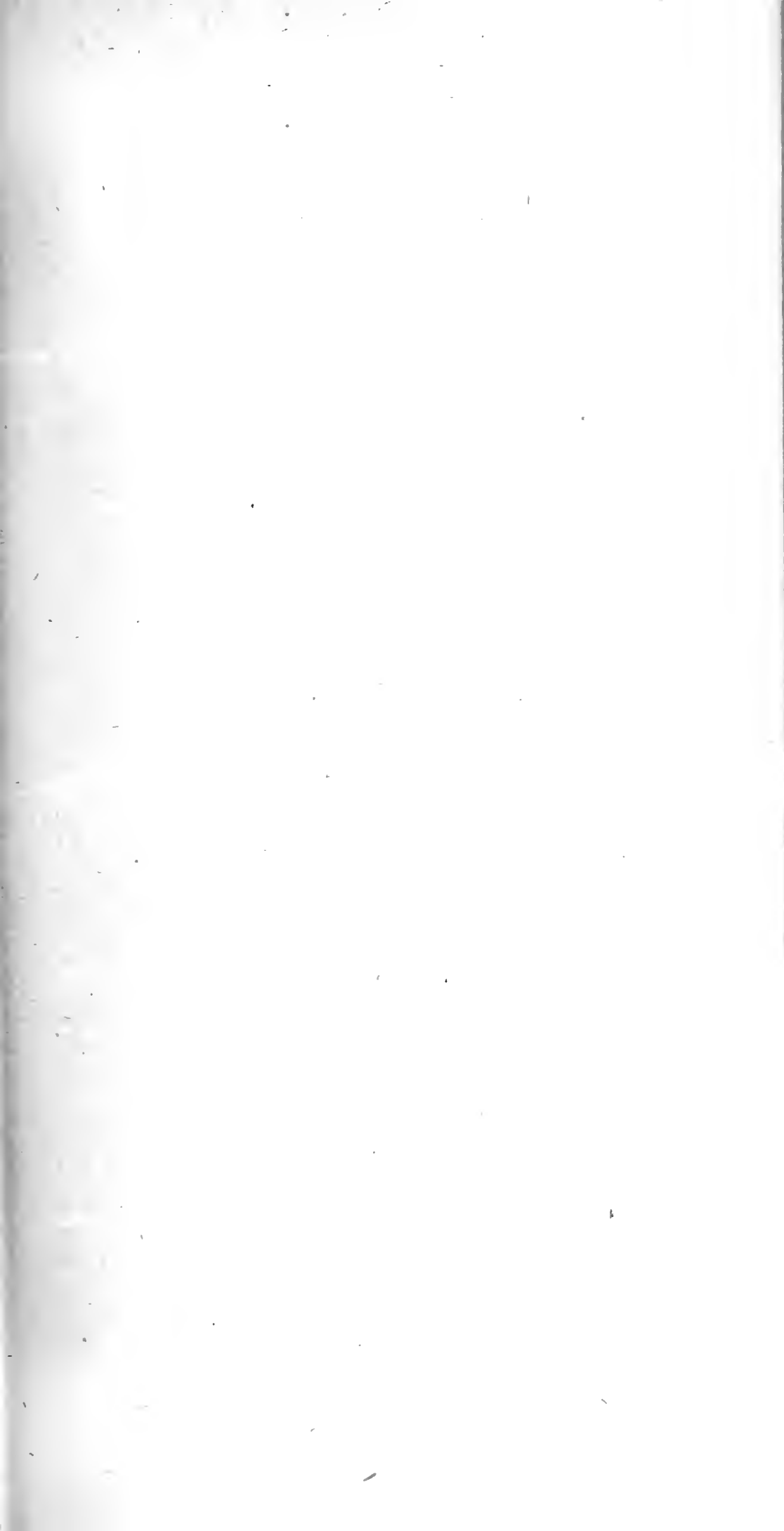
**6.** Until others shall be elected according to the by-laws of the corporation, the present officers of the Association shall be those of the corporation.

Subscription, penalties, withdrawal.

**7.** All subscriptions and all penalties due to the corporation under any by-law may be recovered by suit in the name of the corporation; but any member may withdraw therefrom at any time on payment of all amounts due by him to the corporation inclusive of his subscription for the year then current.

Return to Government of property, &c.

**8.** The corporation shall at all times when thereunto required by the Lieutenant-Governor or by the Legislative Assembly of Ontario, make a full return of its property real and personal, and of its receipts and expenditure, for such period and with such details and other information as the said Lieutenant-Governor or the said Legislative Assembly of Ontario may require.



An Act to incorporate the German Benevolent Society of Toronto.

First Reading, 1st February, 1872.	
Second " 21st " 1872.	
Third " 22nd " 1872.	

M. SPRINGER.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.



An Act to confirm certain side roads in the Township of Whitchurch, and to provide for the defining of the limits of the same, and of the other road allowances and lines.

**W**HEREAS the municipal council of the Township of Whitchurch have, by their petition, represented that the greater number of the side road allowances between lots in the said township have been opened up and travelled, and statute labour and public moneys expended thereon for many years back; that it has been discovered, upon recent and more correct surveys being made in the several concessions, that few, if any, of the side roads, as laid out formerly as aforesaid, and improved and travelled, are upon the true, original allowances; that to alter the said lines of road now and place the same upon the proper allowances would present serious objections, both in consequence of the actual loss of labour and moneys expended upon the same, and also in consequence of the peculiar difficulties and uncertainties attendant upon the litigation of the question of highways and road allowances; that it is most desirable therefore that the side roads, where opened up and improved as aforesaid, should be confirmed and established for all future time upon the present lines; and further, that it is desirable that the lines of side road allowances in the said township unopened should be surveyed and confirmed; and they have prayed that Legislative provision be made for the said several purposes:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The several side roads in the said township as laid out and improved and travelled upon, lines formerly drawn for the respective allowances for road, and the several lines of side road, now unopened, as the same shall be hereafter severally defined on the ground under the provisions of this Act, shall be, and the same are hereby declared to be the true and unalterable government allowances for road, one chain in width between the several lots without regard to their direction as being parallel or not to the governing line of the concession, any law or usage to the contrary notwithstanding.

**2.** The municipal council of the Township of Whitchurch within two years after the passing of this Act, shall cause such a survey of the township to be made by a provincial land surveyor, as will result in the defining on the ground of the precise lines of the said side roads as the same have been opened up and now exist as aforesaid, and of the lines of side roads as yet unopened as aforesaid, and such surveyor shall define the same by permanent cut stone boundaries properly marked and planted at the front and rear angles of each concession, and

shall deposit copies of the map and report of such survey in the office of the Commissioner of Crown Lands and in the Registry Office of the North Riding of the County of York, respectively; and the council may impose and levy a rate upon the real property of the said township to defray the expenses of surveys, maps and reports, and of the planting of such monuments, which monuments so planted shall be deemed to be the true and original boundaries. 5

**Manner of running the side roads.**

3. The several side roads in the said township, as mentioned in the first section of this Act, shall be drawn in a straight line from the centre of the road at present travelled at the front line of the concession to the centre of the road at the rear line thereof; anything in this Act expressed or implied to the contrary notwithstanding: Provided always, that the nature of the ground admits of a road of proper grade being constructed on such straight line, and that such straight line does not intersect any valuable buildings or render it necessary to construct any expensive bridge or other road work, in which case the surveyor shall make such deviations from the straight line as the said council shall instruct him to do. 10 15 20

**Proviso.**

**Manner of ascertaining and defining side road lines and division lines between lots.**

4. In ascertaining and defining any line for side road allowance which may not have been opened, improved and travelled, or only in part opened, improved and travelled, or in respect of which there may be any dispute previous to the passing of this Act, and at all times after the passing of this Act, in ascertaining and defining any division line or limit between lots in the said township, the same shall be drawn upon the post or monument planted in the original survey at the front angle of such road allowance, or to mark the commencement of such side road line or limit, or should such original post or monument be lost, and no satisfactory evidence exist of the position of the same, the surveyors shall proceed as in other similar cases under the law in this behalf, the proper angle at the rear shall then be determined by giving the lots in that particular block between the nearest side roads by this Act confirmed on either side thereof, the same width in proportion as they respectively possess on the front, as found in the manner above pointed out, and the required line of side road allowance or division line or limit shall be drawn through the concession from point to point so found, and all lines for side road allowances or division lines or limits so determined, shall be taken to be, and the same are hereby declared to be, the true lines and limits thereof; any law or usage to the contrary notwithstanding. 25 30 35 40

**Boundaries of aliquot portions of lots.**

5 The boundaries or limits of any aliquot portion of a lot in any portion of the township shall be determined by giving such portion the proportionate length and width of the whole lot, as the latter shall have been ascertained in the manner directed in this Act. 45 50

**This Act not to affect certain surveys.**

6. No proceeding which may be taken under this Act shall be valid as against any survey made and boundaries planted under the authority of the late boundary commissioners, or against any municipal survey performed and boundaries planted under the provisions of the chapter seventy-seven of the Consolidated Statutes of Canada. 55

7. The several lots in the township granted by letters patent and described by numbers or otherwise, as certain lots and certain concessions, and heretofore intended to be bounded by lines drawn in accordance with the law respecting surveys in Upper  
 5 Canada, and the boundary lines of which are intended to be fixed by this Act, shall be held to be the same several lots in the same several concessions, and shall be respectively represented by all the land contained between the limits thereof, as the same shall be correctly defined under this Act, whether the  
 10 courses or distances of the said limits, as described in the letters patent granting the same, shall or shall not agree with the respective courses and distances of such limits as defined under this Act upon the ground.

Numbers of  
lots and con-  
cessions to  
remain un-  
changed.

BILL.

An Act to confirm certain side roads in the Township of Whitechurch, and to provide for the defining of the limits of the same, and of the other road allowances and lines.

(*PRIVATE BILL.*)

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First Reading, 1st February, 1872.

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Mr. BOULBEE.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO:

An Act to amend an Act intituled an Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures, by incorporating therewith "The Piscicultural Society of the Province of Ontario."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That section ten of the Act passed in the thirty-first year <sup>31 Vic. c. 29 s</sup> of the reign of Her present Majesty's reign, chaptered twenty-<sup>10, amended</sup> nine, be amended by inserting after the word "association" and before the word "and" in the sixth line of said section the words "The Piscicultural Society."

2. That section number thirty-three incorporated into "The <sup>Amended.</sup> Agricultural and Arts Act" by section nine of the Act passed in the thirty-fourth year of the reign of Her said Majesty, and chaptered twenty-three, be amended by adding after sub-section three of said section thirty-three the following so as to read as sub-sections number four, five and six of section thirty-three of <sup>15</sup> said Act.

(4.) The society called "The Piscicultural Society of the <sup>Piscicultural</sup> Province of Ontario" may organize and form itself into a society <sup>Society,</sup> comprising not less than twenty-five members and paying an <sup>power to or-</sup> annual subscription of not less than one dollar each, to be <sup>ganize, &c.</sup> known as the "Piscicultural Society of Ontario"; and shall have power to adopt a constitution and make by-laws for the admission of members and for its support, guidance and management and the promotion of any objects consistent with fish culture both by the natural and artificial methods of propagation, and <sup>25</sup> its practical bearing upon the interests of the Province of Ontario; and in filing a copy of such constitution and by-laws with the Commissioner of Agriculture, such society shall become a body corporate under this Act and shall be entitled to receive from unappropriated moneys in the hands of the trea- <sup>30</sup> surer of the Province an annual grant not to exceed dollars.

(5.) The said society shall hold an annual meeting at the <sup>Annual meet-</sup> place and during the same time as the exhibition of the Agri- <sup>ings.</sup> cultural and Arts Association is being held in each and every <sup>35</sup> year; and shall at such meeting present a full report of its proceedings and a detailed statement of its receipts and expenditure for the previous year; and shall at such meeting elect a president, vice-president, secretary and treasurer (or a secretary-treasurer) and not less than three nor more than five directors, <sup>40</sup> and shall also elect two auditors.

Returns to  
Commissioner  
of Agriculture. (6.) A copy of the annual report of its proceedings and a list of the office-bearers elected, also such information as the society may have been able to obtain on the subject of fish culture in the Province shall be sent to the Commissioner of Agriculture within thirty days after the holding of such annual meeting.

1st Session, 2nd Parliament, 35 Victoria, 1872.

BILL.

An Act to amend an Act intituled "An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures" by incorporating therewith "The Piscicultural Society of the Province of Ontario."

1st Reading, 1st February, 1872.

MR. McLEOD.

TORONTO:

An Act to remove doubts as to the formation of the Peterborough Gas Company, and for other purposes.

WHEREAS it has been made to appear that Robert Romaine, Preamble.

John Carnegie, the younger, Stephen Balmer and William E. Sherwood, then all of the Town of Peterborough, and James Perry, then of the City of Ottawa, took the usual preliminary  
5 steps to form themselves into a gas company to be called the Peterborough Gas Company, under the provisions of chapter sixty five of the Consolidated Statutes of Canada, and made and signed the declaration thereby required, and thereafter the  
10 said Stephen Balmer and William E. Sherwood took no further action in reference thereto and a conveyance of certain lands and premises was made by the said Robert Romaine and John Carnegie, the younger, to the Peterborough Gas Company for the purposes of the said intended works, which said conveyance bears date the fourth day of May, in the year one thousand  
15 eight hundred and seventy, and was registered in the Registry Office in and for the County of Peterborough, on the day following; And whereas, thereafter on the twelfth day of the said month of May a certain indenture of mortgage was made and executed wherein the Peterborough Gas Company were stated  
20 to be mortgagors, and the said Robert Romaine and John Carnegie, the younger, were stated to be mortgagees, which said mortgage was also registered in the said Registry Office on the said twelfth day of May, and which said mortgage was for the sum of six thousand seven hundred dollars and interest at  
25 ten per cent. per annum, and was intended to secure to them the said Robert Romaine and John Carnegie, the younger, such advances as they had then made, and might make thereafter for the erection and carrying out of such gas works with interest at the rate of ten per cent. per annum; And whereas, the  
30 said company was never completely or properly organized by the subscription and issue of stock and other irregularities have occurred, and doubts have arisen as to the sufficiency of the said several instruments; And whereas the said Robert Romaine and John Carnegie the younger, in reality furnished  
35 and provided the moneys to erect and construct the said works, and the said John Carnegie the younger, did by a certain conveyance, dated the thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy-one, and registered in the said Registry Office on the nineteenth day of  
40 the said month of May convey all his interest in the said works to the said Robert Romaine absolutely, and the only stock issued to the said James Perry has been acquired by the said Robert Romaine, who is now entitled to the said gas works,  
45 and the properties, rights, franchises, liberties and privileges, and has, by his petition, prayed that the same may be declared to be vested in him, the said Robert Romaine, his heirs and assigns, subject to the incumbrances, debts, and liabilities

made, incurred, or created by the said company or by the said Robert Romaine, in connection with the said works, 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 Assembly of the Province of Ontario, enacts as follows:—

Instruments named in preamble made valid.

Gas works, &c., vested in R. Romaine,

subject to encumbrances.

1. That the said several instruments in the preamble hereto mentioned and described shall be held and taken to have been well and sufficiently made notwithstanding any irregularities that may have occurred in the formation of the said company; 10  
and further that the said gas works and appurtenances and the properties, rights, franchises, liberties and privileges which were acquired for the said company, or to which they would have been entitled had the same beyond doubt been properly created and organized, are hereby declared to be vested in the 15  
said Robert Romaine, his heirs and assigns absolutely, who shall and may herein hold, exercise, use and enjoy the same absolutely with full power to borrow money upon the security of the gas works and appurtenances, and for that purpose make and execute such mortgage or mortgages thereof from time to time 20  
as may be required by him or them; Provided however, that the said Robert Romaine his heirs and assigns, shall be subject to the said incumbrances, debts and liabilities made, incurred or created by the said gas company.

## BILL.

An Act to remove doubts as to the formation of the Peterborough Gas Company and for other purposes.

(PRIVATE BILL.)

1st Reading, 1st February, 1872.

Mr. FAIRBAIN.



An Act to enable the Municipality of the Town of Peterborough to aid by way of bonus, or otherwise, in the establishment of manufactures in or about the Town of Peterborough, and in the construction of Water-works for the said Town of Peterborough, and for other purposes.

**W**HEREAS by the Act of the Parliament of the late Province of Canada, passed in the twenty-fourth year of Her Majesty's reign, intituled "An Act to consolidate the debt of the Town of Peterborough, and to authorize the issue of debentures on the security of the town property, and for other purposes;" it was amongst other things enacted that for the purpose and in the manner therein mentioned, and to the amount thereby limited, it should be lawful for the commissioners therein named, to issue debentures under the seal of the corporation of the town of Peterborough, to be signed by the mayor thereof, and countersigned by the treasurer thereof, and by the secretary of the said commissioners; and that the council of the said town, should annually, upon the application of the said commissioners, raise and levy upon the ratable property of the said town, the interest and sinking fund requisite for the ultimate redemption of such debentures; and that it should not be lawful for the said town of Peterborough to incur any further liability except for current expenses, without the sanction of the legislature: And whereas the town council of the town of Peterborough, have preferred a petition setting forth; that the municipality is desirous of aiding by way of bonus in the promotion of manufactures in and about the said town of Peterborough; that the said municipality is desirous of aiding in the construction and maintenance of water-works for the said town of Peterborough; and that the said municipality is desirous by the issue of debentures therefor to provide for the payment of one moiety of the cost of an iron bridge over the river Otonabee, and connecting the said town of Peterborough with the village of Ashburnham, in the county of Peterborough: And whereas it is expedient to comply with the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** It shall and may be lawful for the municipality of the town of Peterborough, to aid by way of bonus, the promotion of manufactures in or about the said town of Peterborough, by granting such sum or sums of money not exceeding in the whole the sum of forty thousand dollars to such person or persons, or body or bodies corporate, as to such municipality may seem meet and in aid of such branch or branches of industry as the

Municipality  
may aid  
manufactories,

said municipality may determine upon ; and to pay such sum or sums either *en bloc*, or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said municipality may deem expedient.

and take security for  
expenditure,

2. It shall and may be lawful for the said municipality to take and receive of and from any such person or persons, body or bodies corporate, that may receive any such aid, such security as to such municipality may seem meet for the compliance with the terms and conditions upon which any such aid may be given. 5 10

and issue  
debentures.

3. It shall and may be lawful for the said municipality to cause to be issued from time to time as occasion may require, debentures of the said municipality sufficient for the purposes hereinbefore mentioned ; and such debentures shall be issued, and redeemable as provided in and by the said recited Act : 15  
Provided however, that no such debenture or debentures shall be so issued, and no moneys paid or agreed to be paid for any such purpose, until a by-law authorizing the same, shall have been submitted to and approved by the rate-payers of the said town of Peterborough, in the same manner as with ordinary 20 money by-laws requiring the assent of the rate-payers.

By-law in fa-  
vour of Paton  
and Moir con-  
firmed.

4. A certain by-law of the said municipality of the town of Peterborough, heretofore into the town council of the said municipality and passed through the second reading thereof, on the twenty-ninth day of January, one thousand eight 25 hundred and seventy-two, providing for the issue of debentures towards granting a bonus to Messrs. Paton and Moir, to encourage the said Messrs. Paton and Moir in the promotion of manufactures in or near the said town of Peterborough, shall as to the several provisions therein contained, be valid and binding 30 upon the said municipality and all parties concerned : Provided the same shall have been approved by the rate-payers of the said municipality, in the same manner as with ordinary money by-laws requiring the assent of the rate-payers ; and provided further that the sum proposed to be granted in and by such by- 35 law, shall be considered as a part and parcel of the said sum of forty thousand dollars hereinbefore mentioned.

Power to aid  
waterworks.

5. It shall and may be lawful for the municipality of the town of Peterborough to aid and assist in the construction of water-works for the said town of Peterborough, either by grant- 40 ing a bonus payable *en bloc*, or in annual or other periodical payments, and subject to such terms, conditions and restrictions as the said municipality may insist upon, to any person or persons, body or bodies corporate, as may enter upon the construction of the same, or by subscribing for and becoming a stock- 45 holder in any incorporated company, that is or may be formed for the purpose of the construction of such water-works, or partly in one way or partly in another : Provided however, that such bonus or stock, or bonus and stock shall not exceed in the whole the sum of forty thousand dollars. 50

Security for  
aid given.

6. It shall and may be lawful for the said municipality of the town of Peterborough, to take and receive of, and from any such person or persons, body or bodies corporate, that may receive any such aid by way of bonus, such security as to such municipality may seem meet for the compliance with the terms 55 and conditions upon which any such aid may be so given.

7. It shall and may be lawful for the said municipality to cause to be issued from time to time, debentures of the said municipality sufficient for the purposes named in the fifth section of this Act, such debentures to be issued and redeemable as

Power to issue debentures on waterworks.

5 provided, in and by the said recited Act: Provided however, that no such debenture or debentures shall be issued, and no mon-  
 10 eys paid or agreed to be paid for the purposes named in the fifth section of this Act, until a by-law authorizing the same, shall have been submitted to and approved by the rate-payers of the said town, in the same manner as with ordinary money by-laws requiring the assent of the rate-payers.

Proviso.

8. It shall and may be lawful for the municipality of the town of Peterborough, to cause to be issued debentures of the said municipality, to an amount not exceeding the sum of five  
 15 thousand dollars, for the purpose of defraying a moiety of the cost of an iron bridge over the river Otonabee, between the said town of Peterborough and the village of Ashburnham, in the said county of Peterborough, on the site of the bridge recently destroyed by fire, such debentures to be issued and redeemable  
 20 in the manner designated by the said recited Act.

Power to issue debentures for a bridge,

BILL.

An Act to enable the Municipality of the Town of Peterborough to aid by way of bonus, or otherwise, in the establishment of manufactures in or about the Town of Peterborough, and in the construction of Water-works for the said Town of Peterborough, and for other purposes.

*PRIVATE BILL.*

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First Reading, 1st February, 1872.

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Mr. FAIRBAIN.

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TORONTO:

Printed and Published by W. B. EYRE & CO., Printers, 100 Queen Street West.

An Act to enable the Municipality of the Town of Peterborough to aid by way of bonus, or otherwise, in the establishment of manufactures in or about the Town of Peterborough, and in the construction of Water-works for the said Town of Peterborough, and for other purposes.

**W**HEREAS by the Act of the Parliament of the late Province of Canada, passed in the twenty-fourth year of Her Majesty's reign, intituled "An Act to consolidate the debt of the Town of Peterborough, and to authorize the issue of debentures on the security of the town property, and for other purposes;" it was amongst other things enacted that for the purpose and in the manner therein mentioned, and to the amount thereby limited, it should be lawful for the commissioners therein named, to issue debentures under the seal of the corporation of the town of Peterborough, to be signed by the mayor thereof, and countersigned by the treasurer thereof, and by the secretary of the said commissioners; and that the council of the said town, should annually, upon the application of the said commissioners, raise and levy upon the ratable property of the said town, the interest and sinking fund requisite for the ultimate redemption of such debentures; and that it should not be lawful for the said town of Peterborough to incur any further liability except for current expenses, without the sanction of the legislature: And whereas, the town council of the town of Peterborough, have preferred a petition setting forth, that the municipality is desirous of aiding by way of bonus in the promotion of manufactures in and about the said town of Peterborough; that the said municipality is desirous of aiding in the construction and maintenance of water-works for the said town of Peterborough; and that the said municipality is desirous by the issue of debentures therefor to provide for the payment of one moiety of the cost of an iron bridge over the river Otonabee, and connecting the said town of Peterborough with the village of Ashburnham, in the county of Peterborough: And whereas it is expedient to comply with the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall and may be lawful for the municipality of the town of Peterborough, to aid by way of bonus, the promotion of manufactures in or about the said town of Peterborough, by granting such sum or sums of money not exceeding in the whole the sum of forty thousand dollars to such person or persons, or body or bodies corporate, as to such municipality may seem meet, and in aid of such branch or branches of industry as the

Municipality  
may aid  
manufactories,

said municipality may determine upon; and to pay such sum or sums either in one sum, or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said municipality may deem expedient.

and take security for expenditure,

**2.** It shall and may be lawful for the said municipality to take and receive of and from any such person or persons, body or bodies corporate, that may receive any such aid, such security as to such municipality may seem meet for the compliance with the terms and conditions upon which any such aid may be given.

and issue debentures.

Proviso.

**3.** It shall and may be lawful for the said municipality to cause to be issued from time to time as occasion may require, debentures of the said municipality sufficient for the purposes hereinbefore mentioned: and such debentures shall be issued, and redeemable as provided in and by the said recited Act: Provided however, that no such debenture or debentures shall be so issued, and no moneys paid or agree to be paid for any such purpose, until a by-law authorizing the same, shall have been submitted to and approved by the rate-payers of the said town of Peterborough, in the same manner as with money by-laws requiring the assent of the rate-payers.

By-law in favour of Paton and Moir confirmed.

Proviso.

**4.** A certain by-law of the said municipality of the town of Peterborough, heretofore introduced into the town council of the said municipality and passed through the second reading thereof, on the twenty-ninth day of January, one thousand eight hundred and seventy-two, providing for the issue of debentures towards granting a bonus to Messieurs Paton and Moir, to encourage the said Messieurs Paton and Moir in the promotion of manufactures in or near the said town of Peterborough, shall as to the several provisions therein contained, be valid and binding upon the said municipality and all parties concerned: Provided the same shall have been approved by the rate-payers of the said municipality, in the same manner as with money by-laws requiring the assent of the rate-payers; and provided further that the sum proposed to be granted in and by such by-law, shall be considered as a part and parcel of the said sum of forty thousand dollars hereinbefore mentioned.

Power to aid waterworks.

Proviso.

**5.** It shall and may be lawful for the municipality of the town of Peterborough to aid and assist in the construction of water-works for the said town of Peterborough, either by granting a bonus payable in one sum, or in annual or other periodical payments, and subject to such terms, conditions and restrictions as the said municipality may insist upon, to any person or persons, body or bodies corporate, as may enter upon the construction of the same, or by subscribing for and becoming a stockholder in any incorporated company, that is or may be formed for the purpose of the construction of such water-works, or partly in one way or partly in another: Provided however, that such bonus or stock, or bonus and stock shall not exceed in the whole the sum of forty thousand dollars.

Security for aid given.

**6.** It shall and may be lawful for the said municipality of the town of Peterborough, to take and receive of, and from any such person or persons, body or bodies corporate, that may receive any such aid by way of bonus, such security as to such municipality may seem meet for the compliance with the terms and conditions upon which any such aid may be so given.

7. It shall and may be lawful for the said municipality to cause to be issued from time to time, debentures of the said municipality sufficient for the purposes named in the fifth section of this Act, such debentures to be issued and redeemable as provided in and by the said recited Act: Provided however, that no such debenture or debentures shall be issued, and no moneys paid or agreed to be paid for the purposes named in the fifth section of this Act, until a by-law authorizing the same shall have been submitted to and approved by the rate-payers of the said town, in the same manner as with money by-laws requiring the assent of the rate-payers.

Power to issue debentures on waterworks.

Proviso.

8. It shall and may be lawful for the municipality of the town of Peterborough, to cause to be issued debentures of the said municipality, to an amount not exceeding the sum of five thousand dollars, for the purpose of defraying a moiety of the cost of an iron bridge over the river Otonabee, between the said town of Peterborough and the village of Ashburnham, in the said county of Peterborough, on the site of the bridge recently destroyed by fire; such debentures to be issued and redeemable in the manner designated by the said recited Act.

Power to issue debentures for a bridge,

An Act to enable the Municipality of the Town of Peterborough to aid by way of bonus, or otherwise, in the establishment of manufactures in or about the Town of Peterborough, and in the construction of Water-works for the said Town of Peterborough, and for other purposes.

First Reading,	1st February,	1872.		
Second	"	19th	"	1872.
Third	"	21st	"	1872.

Mr. FAIRBAIN.



An Act to amend chapter seventy-seven of the Consolidated Statutes of Canada intituled "An Act respecting Land Surveyors and the Survey of Lands."

**W**HEREAS it is expedient to amend chapter seventy-seven of the Consolidated Statutes of Canada intituled "An Act respecting Land Surveyors and the Survey of Lands":

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That section nine of said Act be amended by adding to the end thereof the following words: "Or proves to the satisfaction of the board that he has so served." Con. Stat. C., c. 77 amended.

10 2. That any duly licensed provincial land surveyor of the Province of Quebec shall be entitled to practise in the Province of Ontario upon passing the examination required by law before the board of examiners of the Province of Ontario. Terms upon which Provincial Land Surveyors of Quebec may practice in Ontario.

**BILL**

An Act to amend chapter seventy-seven of the Consolidated Statutes of Canada intituled "An Act respecting Land Surveyors and the Survey of Lands."

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First Reading, 2nd February, 1872.

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MR. RYKERT.

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TORONTO:

PRINTED BY HINTON, ROBIN & CO.

**BILL.**

An Act to amend chapter seventy-seven of the Consolidated Statutes of Canada intituled "An Act respecting Land Surveyors and the Survey of Lands."

**W**HEREAS it is expedient to amend chapter seventy-seven of the Consolidated Statutes of Canada intituled "An Act respecting Land Surveyors and the Survey of Lands": Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That section nine of said Act be amended by adding to the end thereof the following words: "Or proves to the satisfaction of the board that he has so served." Con. Stat. C., c. 77, s. 9 amended.

2. That any duly licensed provincial land surveyor of the Province of Quebec shall be entitled to practise in the Province of Ontario upon passing the examination required by law before the board of examiners of the Province of Ontario. Terms upon which Surveyors of Quebec may practise in Ontario.

3. That section two of the said Act be repealed and the following be inserted in lieu thereof:—

(2.) Each member of the Board, save and except the Commissioner of Crown Lands, shall take an oath of office, before a Judge of any of the Superior Courts of Law or Equity, or before a Judge of any County Court; and any three of the members shall form a quorum. Sec. 2 amended.

4. That the following shall be the form of the oath of office:

I, \_\_\_\_\_ of \_\_\_\_\_, having been appointed a member of the Board of Examiners for the admission of Provincial Land Surveyors for the Province of Ontario, do sincerely promise and swear that I will faithfully discharge the duties of such office without favour, affection or partiality. Oath of office.  
SO HELP ME GOD.

Sworn before me, }  
at \_\_\_\_\_ }  
this \_\_\_\_\_ day }  
of \_\_\_\_\_ 18 . }  
109

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 1st Session, 2nd Parliament, 35th Victoria, 1872.
 

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An Act to amend chapter seventy-seven of the Consolidated Statutes of Canada intituled "An Act respecting Land Surveyors and the Survey of Lands."

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First Reading,	2nd February,	1872.
Second	"	14th
	"	"
Third	"	27th
	"	"
		1872.

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Mr. JYKERT,

An Act to legalize a By-law passed by the Corporation of the City of London in favour of the London, Huron and Bruce Railway Company.

**W**HEREAS the Corporation of the City of London on the twenty-eighth day of June, one thousand eight hundred and seventy-one, passed a By-law, having first submitted the same to the electors of said municipality for their sanction, intituled, "By-law to aid and assist the London, Huron and Bruce Railway Company by giving one hundred thousand dollars to the said Company by way of bonus and to issue debentures therefor and to authorize the levying of a special rate for the payment of the said debentures and interest," granting to London, Huron and Bruce Railway Company a bonus of one hundred thousand dollars; and the said corporation have petitioned to have the said By-law legalized and to be authorized to issue debentures thereunder;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The By-law of the corporation of the City of London passed on the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and seventy-one, intituled, "By-law to aid and assist the London, Huron and Bruce Railway Company by giving one hundred thousand dollars to the said Company by way of bonus and to issue debentures therefor and to authorize the levying of a special rate for the payment of the said debentures and interest" is hereby legalized and confirmed and declared valid, and the said corporation is hereby authorized to issue debentures under and according to the provisions of the said By-law, and the same shall be valid and binding upon said municipality; Provided always, that nothing in this Act contained shall in any wise affect any existing claim by the late Province of Canada or by the Government of Ontario against the said City of London arising, out of any debt contracted by said corporation under the Consolidated Municipal Loan Fund Act.

Preamble.

By-law of City of London in aid of L. H. &amp; B. R. Co. confirmed.

Proviso.

BILL.

An Act to legalize a By-law passed by the Corporation of the City of London in favour of the London, Huron and Bruce Railway Company.

(*PRIVATE BILL.*)

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1st Reading, 2nd February, 1872.

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Hon. Mr. CARLING.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to legalize a By-law passed by the Corporation of the City of London in favour of the London, Huron and Bruce Railway Company.

**W**HEREAS the Corporation of the City of London on the twenty-eighth day of June, one thousand eight hundred and seventy-one, passed a By-law, having first submitted the same to the electors of said municipality for their sanction, intituled, "By-law to aid and assist the London, Huron and Bruce Railway Company by giving one hundred thousand dollars to the said Company by way of bonus and to issue debentures therefor and to authorize the levying of a special rate for the payment of the said debentures and interest," granting to the London, Huron and Bruce Railway Company a bonus of one hundred thousand dollars; and the said corporation have petitioned to have the said By-law legalized and to be authorized to issue debentures thereunder;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The By-law of the corporation of the City of London passed on the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and seventy-one, intituled, "By-law to aid and assist the London, Huron and Bruce Railway Company by giving one hundred thousand dollars to the said Company by way of bonus and to issue debentures therefor and to authorize the levying of a special rate for the payment of the said debentures and interest" is hereby legalized and confirmed and declared valid; and the said corporation is hereby authorized to issue debentures under and according to the provisions of the said By-law, and the same shall be valid and binding upon said municipality; Provided always, that nothing in this Act contained shall in any wise affect any existing claim by the late Province of Canada or by the Government of Ontario against the said City of London arising out of any debt contracted by said corporation under the Consolidated Municipal Loan Fund Act.

2. Nothing in this Act contained shall in any wise affect any condition or agreement upon or subject to which the bonus or any part thereof, mentioned in said by-law, is to be given to the said London-Huron and Bruce Railway Company.

An Act to legalize a By-law passed by the Corporation of the City of London in favour of the London, Huron and Bruce Railway Company.

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First Reading,	2nd February,	1872.
Second	“ 19th	“ 1872.
Third	“ 21st	“ 1872.

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Hon. Mr. CARLING.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co.



An Act to Incorporate the South Simcoe Junction  
Railway Company.

**W**HEREAS the construction of a railway from some point on the line of the Northern Railway of Canada, at or near King station, to a point in or in the neighbourhood of Alliston, with power to extend and connect with the Northern Railway at or near Angus, would be of great public advantage to that section of country; and whereas a petition has been presented for the incorporation of a company for that purpose and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

**1.** The Honourable Frank Smith, P. D. Kelly, William H. Howland, John Fisher, Noah Barnhart, George Fletcher, John Turner, Robert Tegart, Humphrey Lloyd Hime, Henry S. Howland, James D. Edgar, George A. Nolan, Thomas Fisher, together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of "The South Simcoe Junction Railway Company."

Incorporation.

Corporate Name.

**2.** The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act and shall apply to the said Company and to the railway to be constructed by them, except only 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 clauses of the said Railway Act so incorporated with this Act.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

**3.** The said Company shall have full power to lay out, construct and complete a double or single iron or steel railway of such width of gauge as the Company may think fit from some point on the line of the Northern Railway of Canada, at or near King station, to a point in, or in the neighbourhood of Alliston, with power to extend and connect with the Northern Railway at or near Angus, and with full authority to pass over

Location of Line.

any of the country between the points aforesaid and to carry the said railway through the Crown lands lying between the points aforesaid.

**Provincial  
Directors,**

**their powers.**

4. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby consti- 5  
tuted Provisional Directors of the said Company, of whom seven shall be a quorum, and shall hold office as such until the first election of Directors under this Act, and shall have power 10  
forthwith to open stock books and procure subscriptions of stock for the undertaking and to receive payment on account 10  
of stock subscribed, and make calls upon subscribers in respect of their stock and to sue for and recover the same, and to cause 15  
plans and surveys to be made, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed and to withdraw the same for the purposes of 15  
the undertaking, and to receive for the Company any grant, loan, bonus or gift made to it in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such 20  
other powers as under the Railway Act are vested in ordinary 20  
directors.

**Capital Stock.**

**Application of  
the money  
raised on the  
Stock.**

5. The capital stock of the said Company shall be two hundred thousand dollars (with power to increase the same in manner provided by the Railway Act) to be divided into shares of one hundred dollars, each and the 25  
money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorised; and all the remainder of such money shall be applied to the making, 30  
equipping, completing and maintaining of the said railway and other purposes of this Act.

**Ten per cent.  
to be paid on  
Stock.**

6. No subscription for stock in the capital of the Company shall be binding on the Company unless ten per centum of the amount subscribed has been actually paid thereon within one 35  
month after subscription.

**Aid may be  
granted to  
Railway.**

7. The said Company may receive either from Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said railway 40  
any grants of land, bonuses, loans or gifts of money or securities for money.

**General meet-  
ing for elec-  
tion of Direc-  
tors.**

8. When and so soon as one fifth part of the said capital stock shall have been subscribed as aforesaid, and twenty per centum thereon has been paid, the Provisional Directors shall 45  
call a general meeting of the subscribers to the said capital stock at the City of Toronto for the purpose of electing Directors of the said Company, giving at least four weeks' notice by public advertisement of the time, place and purpose of said meeting. 50

**Election of  
Directors.**

9. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up twenty per centum thereof, with such proxies as may be present shall choose seven persons to be Directors of the said Company (of whom four

shall be a quorum) and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

5 **10.** No person shall be qualified to be elected as such Director by the shareholders unless he be a shareholder holding at least ten shares of stock in the Company and unless he has paid up all calls thereon. Qualification of Directors.

10 **11.** Hereafter the general annual meeting of the shareholders of the said Company shall be held at such place in the City of Toronto and on such days and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette* and in one or more newspapers published in Toronto. General Annual Meetings.

5 **12.** Special general meetings of the shareholders of the said Company may be held at such places in the City of Toronto and at such times and in such manner and for such purposes as may be provided by the by-laws of the Company. Special General Meetings.

20 **13.** The Directors of the said Company are hereby authorized and empowered to issue bonds for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company real and personal, and such bonds shall be in such form and for such amount and payable at such times and places as the Directors from time to time may appoint and direct. The said bonds shall be signed by the President or Vice-President and shall have the corporate seal of the Company attached thereto; provided that the amount of such bonds shall not exceed twelve thousand dollars per mile to be issued in proportion to the length of railway under contract to be constructed under and by virtue of this charter. Issue of Bonds. Form of Bonds.

5 **14.** In the event at any time of the interest upon any of the said bonds remaining unpaid and owing then, at the next ensuing general annual meeting of the said Company, all holders of such bonds shall have the same rights, privileges and qualification for Directors and for voting as are attached to the shareholders provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares. Rights of bond-holders when interest in arrear.

10 **15.** All such bonds and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of bonds so made payable to bearer may sue thereon in his own name. Bonds and Coupons may be payable to bearer.

15 **16.** All shareholders in the said Company, whether British subjects or aliens, or resident of Canada or elsewhere, have and shall have equal rights to hold stock in the said Company and to vote on the same and to be eligible to office as Directors in the said Company. Rights of Aliens.

50 **17.** The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such note or Negotiable Instruments.

bill made, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and under the authority of a quorum of the Directors shall be binding on the said Company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President or Secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein enacted; Provided however, that nothing in this section shall be construed 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 or bills of a bank.

**Calls upon shareholders.**

**18.** The Directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company and in such proportion as they may see fit except that no such instalment shall exceed ten per centum on the subscribed capital, and that thirty days' notice of each call shall be given in such manner as the Directors shall think fit.

**Agreement with Northern Railway.**

**19.** It shall be lawful for the said Company to make running arrangements or to amalgamate with the Northern Railway of Canada upon terms to be approved by the majority of the shareholders at a special meeting to be held for that purpose.

**Powers as to leasing.**

**20.** It shall also be lawful for the said Company to enter into any agreement with the Northern Railway of Canada for leasing the said South Simcoe Junction Railway, or any part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with such other Company touching the use by one or the other or by both Companies of the railway or moveable property of either, or of both, or any part thereof or touching any service to be rendered by the one Company to the other, and the compensation therefor, and every such agreement shall be valid and binding and shall be enforced by courts of law according to the terms and tenor thereof; and any Company or individual accepting and executing such lease shall be and hereby is empowered to exercise all the rights and privileges in this charter conferred.

**Form of Conveyances and their registration.**

**21.** Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the Schedule hereunder written or to the like effect, and such conveyances shall be registered by duplicate thereof in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificate endorsed on the duplicate thereof.

## SCHEDULE.

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration of                   dollars paid to me (*or as the case may be*) by the South Simcoe Junction Railway Company, the receipt whereof is hereby acknowledged, do grant, and I the said                   do grant and release, (*or*) do bar my dower in (*as the case may be*) all that certain parcel, (*or*) those certain parcels (*as the case may be*) of land, situate (*describe the land*), the same having been selected by the said company for the purposes of this railway to hold with the appurtenances thereof unto the said The South Simcoe Junction Railway Company their successors and assigns.

As witness my hand and seal, (*or our hands and seals*), this                   day of                   one thousand eight hundred and

Signed, sealed and delivered }  
in the presence of

BILL.

An Act to Incorporate the South Simcoe  
Junction Railway Company.

(*PRIVATE BILL.*)

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First Reading, 2nd February, 1872.

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Mr. FERGUSON.

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TORONTO :

PRINTED BY HURTER, ROSE & Co.

An Act to Incorporate the South Simcoe Junction Railway Company.

**W**HEREAS the construction of a railway from some point on the line of the Northern Railway of Canada, at or near King station, to a point in or in the neighbourhood of Alliston, with power to extend and connect with the Northern Railway at or near Angus, would be of great public advantage to that section of country; and whereas a petition has been presented for the incorporation of a company for that purpose, and it is expedient to grant the prayer of such petition:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Honourable Frank Smith, P. D. Kelly, William H. Howland, John Fisher, Neah Barnhart, George Fletcher, John Turner, Robert Tegart, Humphrey Lloyd Hime, Henry Tyson, Anthony Eastwood, Garrett Brown, George Hughes, James Manning, William Jones, John Ross, William McClain, James Dinwoody, George Davis, George P. Hughes, Alexander Fotten, Henry S. Howland, James D. Edgar, George A. Nolan, Thomas Fisher, Thomas Ridd, Arthur Armstrong and John Lamb, together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of "The South Simcoe Junction Railway Company."

Incorporation.

Corporate Name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except only 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 clauses of the said Railway Act so incorporated with this Act.

Certain clauses of the Railway Act to apply

Interpretation of the words "this Act."

3. The said Company shall have full power to lay out, construct and complete a double or single iron or steel railway of such width of gauge as the Company may think fit from some point on the line of the Northern Railway of Canada, at or near King station, to a point in, or in the neighbourhood of Alliston, with power to extend and connect with the Northern Railway at or near Angus, and with full authority to pass over

Location of line.

any of the country between the points aforesaid and to carry the said railway through the Crown lands lying between the points aforesaid.

Provisional  
Directors,

their powers.

4. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted Provisional Directors of the said Company, of whom seven shall be a quorum, and shall hold office as such until the first election of Directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking and to receive payment on account of stock subscribed, and make calls upon subscribers in respect of their stock and to sue for and recover the same, and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed and to withdraw the same for the purposes of the undertaking, and to receive for the Company any grant, loan, bonus or gift made to it in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under the Railway Act are vested in ordinary directors.

Capital Stock.

Application of  
the money  
raised on the  
Stock.

5. The capital stock of the said Company shall be two hundred thousand dollars (with power to increase the same in manner provided by the Railway Act) to be divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorised; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway and other purposes of this Act.

Ten per cent.  
to be paid on  
Stock.

6. No subscription for stock in the capital of the Company shall be binding on the Company unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Municipalities  
may aid by  
granting  
bonus, &c.

Proviso.

Proviso.

7. It shall be lawful for any municipality or municipalities who may desire to assist in the construction of the said Railway, or any part thereof, to aid or assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the said company, or issuing municipal bonds to or in aid of the said company, and otherwise, in such manner and to such extent as such municipalities, or any of them, shall think expedient; Provided always that such aid, loan, bonus, or guarantee, shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting municipal institutions for the creation of debts; and all such by-laws so passed, shall be valid, notwithstanding that the annual rate of assessment may exceed the aggregate rate of two cents in the dollar, on the actual value of the whole ratable property within the municipality or portion of municipality creating such debt; Provided always, that in no case shall such rate exceed for all purposes three cents in the dollar on the actual value of such ratable property.

If a portion of  
a municipality

8. In case the majority of the persons rated on the last as-



assessment-roll as freeholders, or fifty persons so rated, who may be qualified voters under the Municipal Act in any portion of the municipality, other than a county municipality, do petition the council of such municipality to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated; or in the case of a county municipality, the majority of the reeves and deputy-reeves of those townships that may be asked to grant a bonus, do petition the council of such county municipality to pass a by-law as hereinafter set out, and in such petition do define the townships for which they are respectively reeves, and deputy reeves, and expressing the desire of the petitioners [to aid in the construction of the said railway, by granting a bonus to the said company for this purpose, and stating the amount they so desire to grant and to be assessed therefore, the council of such municipality shall pass a by-law, provided the said by-law shall be approved of by the majority of the qualified voters voting thereon in the portion of the municipality petitioning as aforesaid, in the manner required by the Municipal Act:—

desire to aid,  
council to pass  
a by-law.

First,—For raising the amount so petitioned for by such freeholders, or such reeves or deputy-reeves, in such portion of the municipality, by the issue of debentures of the municipality payable in twenty years, and for the delivery to the Trustees of the debentures issued for the amount of said bonus at the times and on the terms specified in said petition :

For issuing  
debentures

Second,—For assessing and laying upon all the ratable property lying within the section defined by said petition an equal annual special rate, sufficient to include a sinking fund for the re-payment of the debentures with interest thereon, such interest to be payable yearly or half-yearly; which debentures the municipal councils, and the wardens, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively; and the provisions of the Municipal Acts, and of this Act, shall apply to any bonus so granted or by-law so passed by or for a portion of the municipality.

For assessing  
and levying  
special rate.

Third,—That any county in which are situated a township or townships, that have granted, or hereafter may grant, a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor to hand over to the said Company, the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

Counties may  
exchange the  
debentures of  
townships for  
these of the  
county.

9. The said Company may receive either from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said railway bonuses, loans or gifts of money or securities for money.

Aid may be  
granted to  
railway.

10. When and so soon as one fifth part of the said capital stock shall have been subscribed as aforesaid, and twenty per centum thereon has been paid into some one of the chartered banks of the Province, to be held for the purposes of the company, the Provisional Directors shall call a general meeting of the subscribers to the said capital stock at the City of Toronto for the purpose of electing Directors of the said Company, giving at least four weeks' notice by public advertise-

General meet-  
ing for elec-  
tion of Direc-  
tors.

ment of the time, place and purpose of said meeting, in accordance with the by-laws of the company.

**Election of Directors.**

**11.** At such general meeting the subscribers for the capital stock assembled, who shall have so paid up twenty per centum thereof, with such proxies as may be present shall choose seven persons to be Directors of the said Company (of whom four shall be a quorum) and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

**Qualification of Directors.**

**12.** No person shall be qualified to be elected as such Director by the shareholders unless he be a shareholder holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon.

**General Annual Meeting.**

**13.** Thereafter the general annual meeting of the shareholders of the said Company shall be held at such place in the City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said Company; and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette* and in one or more newspapers published in Toronto.

**Special General Meetings.**

**14.** Special general meetings of the shareholders of the said Company may be held at such places in the City of Toronto, and at such times and in such manner and upon such notice as required in the last preceding section, and for such purposes as may be provided by the by-laws of the Company.

**Issue of Bonds.**

**15.** The Directors of the said Company are hereby authorized and empowered to issue bonds for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company real and personal; and such bonds shall be in such form and for such amount and payable at such times and places as the Directors from time to time may appoint and direct. The said bonds shall be signed by the President or Vice-President and shall have the corporate seal of the Company attached thereto; provided that the amount of such bonds shall not exceed twelve thousand dollars per mile to be issued in proportion to the length of railway under contract to be constructed under and by virtue of this charter; but the issue of such bonds shall in no case exceed the amount of paid up stock bonuses granted or other securities for money.

**Form of Bonds.**

**16.** In the event at any time of the interest upon any of the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said Company, all holders of such bonds shall have the same rights, privileges and qualification for Directors and for voting as are attached to the shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

**Rights of bond-holders when interest in arrear.**

**Bonds and Coupons may be payable to bearer.**

**17.** All such bonds, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of bonds so made payable to bearer may sue thereon in his own name.

**18.** All shareholders in the said Company, whether British subjects or aliens, or resident in Canada or elsewhere, have and shall have equal rights to hold stock in the said Company and to vote on the same and to be eligible to office as Directors in the said Company. Rights of Aliens.

**19.** The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such note or bill made, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and under the authority of a quorum of the Directors shall be binding on the said Company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the President or Vice-President or Secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein enacted; Provided however, that nothing in this section shall be construed 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 or bills of a bank. Negotiable Instruments.

**20.** The Directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital, and that thirty days' notice of each call shall be given in such manner as the Directors shall think fit. Calls upon shareholders.

**21.** It shall be lawful for the said Company to make running arrangements with the Northern Railway of Canada upon terms to be approved by the majority of the shareholders at a special meeting to be held for that purpose, called in accordance with the by-laws of the company, of which meeting thirty days notice shall be given. Agreement with Northern Railway.

**22.** It shall also be lawful for the said Company to enter into any agreement with the Northern Railway of Canada for leasing the said South Simcoe Junction Railway, or any part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with such other Company touching the use by one or the other or by both Companies of the railway or moveable property of either, or of both, or any part thereof or touching any service to be rendered by the one Company to the other, and the compensation therefor, and every such agreement shall be valid and binding and shall be enforced by courts of law according to the terms and tenor thereof; Provided that the assent of at least two-thirds of the shareholders and bondholders shall be necessary to authorize the same; the assent of the bondholders to be signified in writing, when not entitled to vote under section sixteen of this Act; the assent of the shareholders to be obtained at a special general meeting to be called for the purpose, as provided in the last preceding Powers as to leasing.

section ; and any Company or individual accepting and executing such lease shall be and hereby is empowered to exercise all the rights and privileges in this charter conferred.

**Form of Conveyances and their registration.**

**23.** Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the Schedule hereunder written or to the like effect ; and such conveyances shall be registered by duplicate thereof in such manner and upon such proof of execution as is required under the registry laws of Ontario ; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificate indorsed on the duplicate thereof.

**Acquisition of lands.**

**24.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, or for opening a street to any station from an existing highway, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or parts thereof, from time to time, as they may deem expedient ; and may also

**Use of streams.**

make use of, for the purposes of the said railway, the water of any stream or water-course over or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse ; and the compensation to be paid to the owners for such lands, or the use of such water, as also the powers of the said company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the clause of the Railway Act of the consolidated Statutes of Canada, respecting "lands and their valuation."

**Commencement and completion of Railway.**

**25.** The works of construction of said railway, shall be commenced within two years, and completed within five years from the passing of this Act ; Provided that all the rights and privileges conferred by this Act, shall be in full force respecting the portion of the railway constructed.

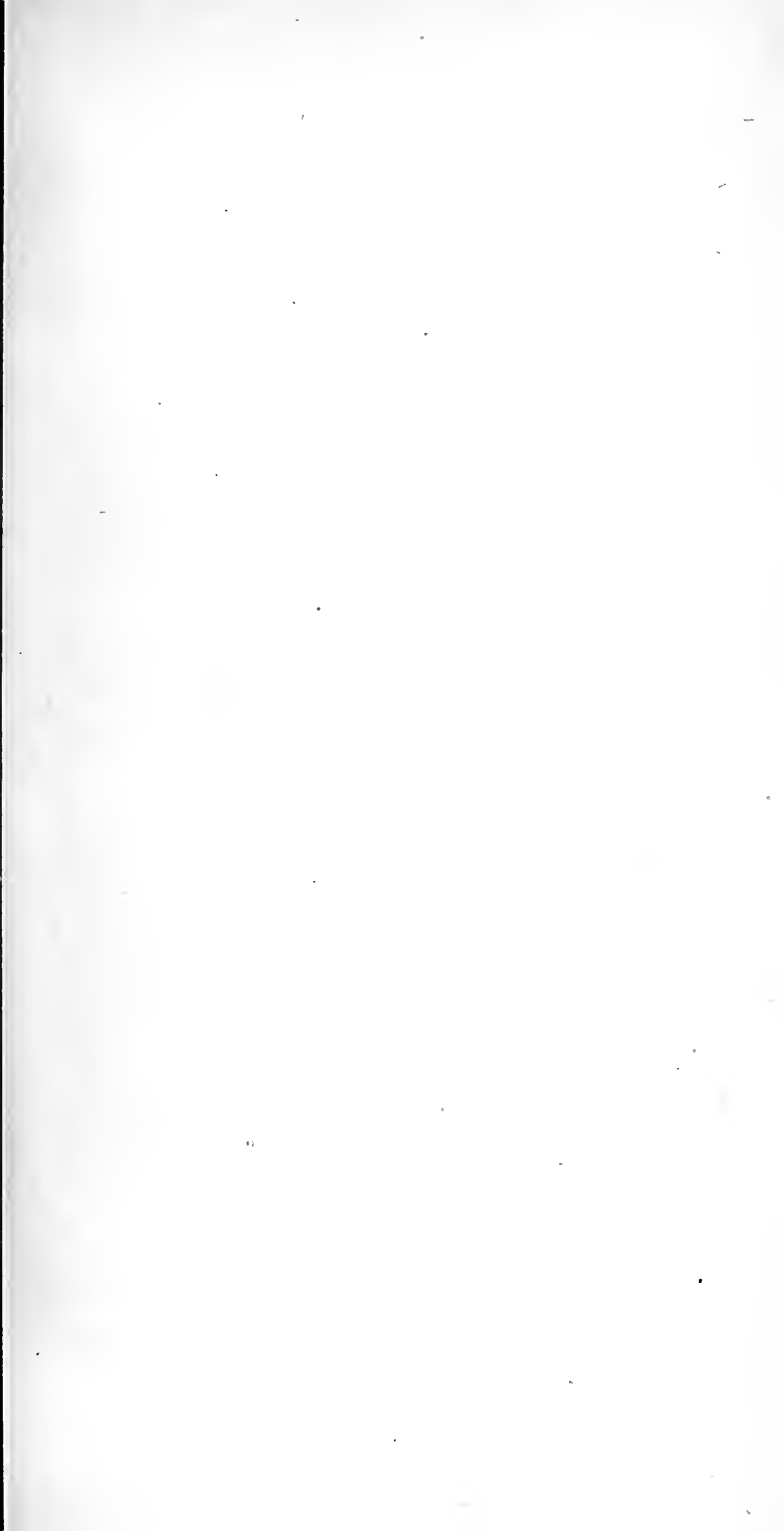
#### SCHEDULE.

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration of \_\_\_\_\_ dollars paid to me (*or as the case may be*) by the South Simcoe Junction Railway Company, the receipt whereof is hereby acknowledged, do grant, and I the said \_\_\_\_\_ do grant and release, (*or*) do bar my dower in (*as the case may be*) all that certain parcel, (*or*) those certain parcels (*as the case may be*) of land, situate (*describe the land*), the same having been selected by the said company for the purposes of their railway, to hold with the appurtenances thereof unto the said The South Simcoe Junction Railway Company their successors and assigns.

As witness my hand and seal, (*or our hands and seals*), this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred \_\_\_\_\_ and \_\_\_\_\_

Signed, sealed and delivered  
in the presence of

(L.S.)



An Act to Incorporate the South Simcoe  
Junction Railway Company.

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First Reading,	2nd February,	1872.
Second	“ 21st	“ 1872.
Third	“ 23rd	“ 1872.

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Mr. FERGUSON.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING St.

An Act to authorize the construction of a Railway from the Village of Wardsville, and of a Dam on the River Thames, and Raceways in the said Village.

**W**HEREAS William Harper and William David Hammond, Preamble.  
both of the Village of Wardsville, have petitioned for an Act authorizing the construction and working by them of a rail or tramway from the village of Wardsville through the  
5 Township of Mosa to a point on the railway of the Great Western Railway Company, and through the Township of Aldborough to a point on the railway of the Canada Southern Railway Company; and for power to said William Harper to construct a dam across the River Thames, and raceways and  
10 flumes within the said village, and it is expedient to give power for such constructions and working;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

15 **1.** The said William Harper, his heirs and assigns may, between any point on broken lot number sixteen, in the first range south of the Long Woods Road, formerly in the Township of Mosa, now in the Village of Wardsville, which he or they may  
now or hereafter own, and any point on broken lot number  
20 fifteen in the first range of the Township of Aldborough, erect a dam across the River Thames, so as thereby to dam back the waters of the river and create a head of water for driving machinery for milling, manufacturing and other purposes; Provided always that the waters of the river shall not be  
25 dammed back by the said dam on any lands which the said William Harper, his heirs or assigns, may not, irrespective of this Act, be or become entitled to overflow, and that he or they in erecting such dam shall in no way injure any house or building which he or they may not, irrespective of this Act, be  
30 or become entitled to injure

Power to build a dam on the Thames at Wardsville.

Lands not to be flooded.

No building to be injured.

**2.** The said William Harper, his heirs and assigns may, from or near the said dam so to be erected, excavate a raceway on each side of said river, and construct flumes whereby to bring, and thereby bring, the water that may be raised by said dam to  
35 the mills or buildings to be erected whereat such water may be used for the purposes aforesaid: such raceways and flumes to be constructed only on lots numbers fourteen and fifteen in the broken front in the first range of the Township of Aldborough, and on so much of lots numbers sixteen and seventeen in the  
40 broken front in the first range, formerly of the Township of Mosa, as now lies in the said village of Wardsville.

Power to make raceways and flumes.

**3.** The said William Harper, his heirs and assigns, may at all times maintain, repair, and re-erect or reconstruct, in man-

Power to repair.

ner as hereby authorized to be erected and constructed the said dam raceways and flumes; and to such extent as may be requisite, for the purposes of carrying out any of the powers and authorities hereinbefore contained, the said William Harper, his heirs and assigns, may take, and at all times hereafter, retain possession of any lands on the said lots; and for greater certainty, but not so as to restrict any other or implied power arising under the authorities conferred by this Act, it is declared that the said William Harper, his heirs and assigns, may from time to time exercise the said authorities or any of them with agents, servants and workmen, and with the same, so far as may be requisite to carry out any of the said authorities, enter on all lands, and have free ingress, egress and regress to and from the said dam, raceways and flumes, and every part thereof respectively.

Land taken for railway to be paid for.

lien for the amount.

Arbitration as to value of lands and damages.

Power to Courts to set aside awards.

Certain clauses of C.L.P. Act to apply to arbitration.

4. The said William Harper, his heirs, executors, administrators or assigns, shall pay the persons respectively interested in the lands whereof possession shall be taken as aforesaid, the value of such lands, and of all damages such persons respectively may sustain by reason of the construction of the said dam, flumes and raceways, or either of them; and such persons respectively shall have a lien on the said lands for the amount thereof; and if any difference arise as to the value to be paid to such persons respectively, and the same is not or cannot otherwise be settled between the parties, it shall be settled by arbitration as follows:—The said William Harper, his heirs or assigns, shall, from time to time, as necessity arises for an arbitration with any of such persons, appoint in writing under the hand of him or them some disinterested person as arbitrator, and the person entitled to the value as aforesaid shall appoint in writing under his hand another disinterested person as arbitrator, and such arbitrators shall, in writing under their hands, appoint a third disinterested person as umpire, and the award in writing under the hands of such arbitrators and umpire, or the majority of them, as to the value of such land taken, or injury or damage done, shall be conclusive between the parties; and should either party fail to appoint an arbitrator within ten days after being required by the other party in writing so to do, the judge of the county court of the county of Middlesex may appoint an arbitrator for the person failing to appoint, and so in like manner, should the arbitrators appointed fail to agree upon or appoint an umpire within ten days after their appointment, the said judge may appoint such umpire.

5. Either of the Superior Courts of Law or the Court of Chancery shall have power to set aside any award on like grounds and according to the same course of practice as if the parties had agreed in writing to arbitration.

6. Either of the said courts, or any judge thereof in chambers, notwithstanding anything herein contained, shall have the same powers as to remission of the matter to be arbitrated upon, or any part thereof, as are contained in the one hundred and sixty-fourth section of the Common Law Procedure Act, and as to staying proceedings as are contained in the one hundred and sixty-seventh section of the said Act, and as to appointment of an arbitrator or umpire, revocation of appointment, enlargement, granting leave to revoke, commanding attendance and examination of witnesses, and otherwise, as



are contained in the one hundred and sixty-eighth, one hundred and sixty-ninth, one hundred and seventy-second, one hundred and seventy-ninth and one hundred and eightieth sections of the said Act, in like manner as if the parties had submitted in writing to a reference, and the submission had been made a rule of court.

7. The provisions of sections one hundred and sixty-four, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one and one hundred and eighty-two, of the Common Law Procedure Act, shall apply to every arbitration as aforesaid, under this Act as far as applicable; and for the purpose of making the same applicable, it shall be considered that the parties had submitted in writing to a reference, and that the submission had been made a rule of court, and that witnesses on the reference should be examined on oath.

Certain clauses of C.L. P. Act to apply to arbitrations.

8. The witnesses to be heard on any reference under this Act shall be examined on oath.

Witnesses to be sworn.

9. Nothing herein contained shall preclude the said William Harper, his heirs, executors, administrators or assigns, and any person entitled to such value and compensation as aforesaid, from submitting to arbitration as to such value and compensation in any other manner they think fit, in lieu of the proceedings given by this Act.

Parties may arbitrate otherwise than under this Act.

10. The construction of the said dam, raceways and flumes shall be commenced within twelve months, and finished within four years from the passing of this Act.

Time for commencement and completion.

11. The said William Harper and William David Hammond, their heirs and assigns, shall have power to build and construct and work a railway or tramway of iron or wood from some point within the said village of Wardsville through the township of Mosa to a point on the railway of the Great Western Railway Company, and from near the same first point on the other side of the River Thames through the Township of Aldborough to a point on the railway of the Canada Southern Railway Company; Provided always that in such construction no building within the said village erected before commencing such construction shall be injured thereby without consent of the person entitled to authorize such injury.

Power to build railway from Wardsville to Great Western Railway,

and to Canada Southern Railway.

Certain buildings in Wardsville not to be injured.

12. The gauge shall be of such width as may be deemed convenient.

Gauge.

13. "The Railway Act" being the Act chaptered sixty-six of the Consolidated Statutes of Canada shall, as far as application, be deemed incorporated with this Act, as regards the said railway or tramway, to the extent following, that is: the third, fifth and sixth sections, and those headed respectively "interpretation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences" and "general provisions;" also sections numbered respectively eighty-four, eighty-five and ninety, and the Acts in amendment of the said

Certain clauses of "The Railway Act" to apply

"The Railway Act," excepting, however, subsection eight of the section headed "powers," and so much of subsection fifteen of said section as gives power to cross or intersect any other railway; and such sections and Acts shall, as far as applicable, apply to, and may be exercised in and about the construction of the 5 railway or tramway, and the powers hereby conferred in regard thereto.

Power to sell or lease.

14. The said William Harper and William David Hammond, their heirs and assigns, shall have power to sell, or lease from time to time, for any number of years, the said railway or tram- 10 way, or any part or parts thereof, to any railway company; and such company on any such acquisition by it, during its right to hold, may exercise all and every the rights, franchises and privileges conferred by the Acts incorporating or relating to it as fully as if the railway or tramway hereby authorized to be con- 15 structed had formed part of the system of such company.

Time of commencement and completion.

15. The construction of so much of said railway or tramway from the said village to the railway of the Great Western Railway Company shall be commenced within eighteen months and completed within four years from the passing of this Act, and 20 the construction and completion of the other part thereof shall be within the same periods.

Municipalities may aid.

16. Any municipal corporation may grant to the said William Harper and William David Hammond, their heirs or assigns, any such sums or debentures, as it may think fit, on 25 such terms and conditions it see fit, by way of bonus or donation, to aid in the construction or equipment of the said railway or tramway, or the acquisition of the right of way; but the power so to grant shall, as far as consistently may be, be sub- 30 ject to, and be exercised subject to, the provisions, conditions and authorities contained in the two hundred and twenty-sixth, two hundred and twenty-seventh and two hundred and twenty-eighth sections of the Act passed in the session held in the twenty-ninth and thirtieth years of the reign of Her Majesty, 35 chaptered fifty-one, respecting municipal institutions; and the municipal corporation of the County of Middlesex may, on such terms as it see fit, grant or lease to the said William Harper and William David Hammond, their heirs, executors, administrators or assigns, for the purposes of the said road or tramway, the road called or known as the Haggerty Plank Road from 40 said village to Newberry.

By-law in aid to be ratified by electors.

power so to grant shall, as far as consistently may be, be subject to, and be exercised subject to, the provisions, conditions 30 and authorities contained in the two hundred and twenty-sixth, two hundred and twenty-seventh and two hundred and twenty-eighth sections of the Act passed in the session held in the twenty-ninth and thirtieth years of the reign of Her Majesty, 35 chaptered fifty-one, respecting municipal institutions; and the municipal corporation of the County of Middlesex may, on such terms as it see fit, grant or lease to the said William Harper and William David Hammond, their heirs, executors, administrators or assigns, for the purposes of the said road or tramway, the road called or known as the Haggerty Plank Road from 40 said village to Newberry.

BILL.

An Act to authorize the construction of railway from the Village of Wardsville and of a dam on the River Thames at Raceways in the said village.

(PRIVATE BILL.)

1st Reading, 2nd February, 1872.

MR. BETHUNE.

TORONTO:

PRINTED BY HUNTER, ROSE & COMPANY

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No. 113.]

BILL.

[1872.

An Act to amend the Act passed in the thirty-fourth year of the Reign of Her Majesty Queen Victoria, relating to Municipal Institutions in Upper Canada, and chaptered thirty.

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That section thirteen of chapter thirty of the Act passed <sup>34 V. c. 30 s.</sup> in the thirty-fourth year of Her Majesty's Reign, be amended <sup>13, amended.</sup> by striking out the words "county council," in the first line, and inserting in lieu thereof the words, "the local municipality."

BILL.

An Act to amend the Act passed in the thirty-fourth year of the Reign of Her Majesty Queen Victoria, relating to municipal institutions in Upper Canada, and chaptered thirty.

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First Reading, 2nd February, 1872.

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Mr. HARRINGTON.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 114.]

**BILL.**

1872.]

An Act to repeal subsections two and three of section seventy-one of "The Assessment Act of 1869," relating to the valuation of property in Towns and Villages for County rates.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections "two" and "three" of section "seventy-one" of the Act passed in the thirty-second year of the reign of Her Majesty Queen Victoria, chaptered thirty-six, are hereby repealed.

32 V., c. 36,  
s. 71, sub s. 2  
& 3, repealed.

**BILL.**

An Act to repeal subsections two and three of section seventy-one of "The Assessment Act of 1869," relating to the valuation of property in Towns and Villages for County rates.

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First Reading, 2nd February, 1872.

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Hon. Mr. WOOD.

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**TORONTO:**

PRINTED BY HUNTER, ROSE & CO., KING ST.

No. 116.]

## BILL.

[1872.

An Act to amend the Act to incorporate the Ottawa Ladies College.

**W**HEREAS the managers of the Ottawa Ladies College have prayed for an Act to amend their Act :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :--

1. Section seven of the Act passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, and chaptered ninety, shall be and is hereby amended by inserting in the sixth line thereof between the words "meetings" and "the" the following words "and at each annual general meeting thereafter."

34 Vic., cap.  
90, s. 7,  
amended.

2. Section sixteen of the said Act is hereby repealed and in lieu thereof the following is substituted :

Sec. 16 amend-  
ed.

(16). If any of the managers resign or become incompetent or ineligible to act or cease to be a proprietor of the requisite number of shares the remaining managers shall appoint a shareholder with the necessary qualification to fill the vacancy at a special meeting of the managers to be called by the secretary for that purpose.

3. That for and notwithstanding anything in the eighteenth section of the said Act contained, five of the managers shall form a quorum for the transaction of all business : Provided that such managers shall not deal with, sell or dispose of the lands, property or effects of the said corporation, or purchase or acquire lands for the said corporation unless at a meeting of the managers at which eight at least of their number shall be present.

Quorum of  
managers,  
their powers.

BILL

An Act to amend the Act to incorporate the  
Ottawa Ladies College.

(*PRIVATE BILL.*)

---

1st Reading, 2nd Feb., 1872.

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HON. MR. SCOTT.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO., KING ST.



An Act to amend the Act to incorporate the Ottawa Ladies' College.

**W**HEREAS the managers of the Ottawa Ladies' College Preamble.  
have prayed for an Act to amend their Act :  
Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :--

1. Section seven of the Act passed in the thirty-fourth year 34 Vic., cap.  
of the reign of Her Majesty Queen Victoria, and chaptered 90, s. 7,  
ninety, shall be and is hereby amended by inserting in the amended.  
sixth line thereof between the words "meetings" and "the",  
the following words, "and at each annual general meeting there-  
after."

2. Section sixteen of the said Act is hereby repealed and Sec. 16 amend-  
in lieu thereof the following is substituted : ed.

(16). If any of the managers resign or become incompetent Vacancies in  
or ineligible to act, or cease to be a proprietor of the requisite office of man-  
number of shares, the remaining managers shall appoint a share- ager, how  
holder with the necessary qualification to fill the vacancy at a filled.  
special meeting of the managers to be called by the secretary  
for that purpose.

3. That for and notwithstanding anything in the eighteenth Quorum of  
section of the said Act contained, five of the managers shall managers,  
form a quorum for the transaction of all business : Provided  
that such managers shall not deal with, sell or dispose of the  
lands, property or effects of the said corporation, or purchase or their powers.  
acquire lands for the said corporation unless at a meeting of  
the managers at which eight at least of their number shall be  
present.

An Act to amend the Act to incorporate  
the Ottawa Ladies' College.

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First Reading	2nd February, 1872.
Second	" " 1872.
Third	" " 1872.

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HON. MR. SCOTT.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to authorize the Corporation of the City of Ottawa to mortgage the By-ward Market property and other property therein mentioned, for the purpose of acquiring certain lands for the extension of the said Market.

WHEREAS by an Act of the Legislature of this Province, Preamble.

passed in the thirty-fourth year of the Reign of Her present Majesty, chaptered sixty-six, the corporation of the City of Ottawa are authorized to acquire and hold lots numbers eight and nine, and the west half of lot number ten, on the north side of George street, and lots numbers eight and nine, and the west half of lot number ten, on the south side of York street, in the City of Ottawa, for the enlargement of the by-ward market: And whereas the corporation of the City of Ottawa have by their petition set forth that it is expedient to raise by way of loan on mortgage of the By-ward market property, and the tolls and revenues of the said market, and also on such of the said lands as they shall acquire for the enlargement of the said market under the said Act, a sufficient sum of money to pay for the said lots of land which they are by the Act authorized to acquire, and have prayed that they may be enabled so to do, 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 Assembly of the Province of Ontario, enacts as follows :—

1. That the corporation of the City of Ottawa aforesaid are hereby authorized and empowered to raise by way of loan from any person or persons, body, or bodies corporate, who may be willing to advance the same, such sum and sums of money as the council of the said corporation shall deem expedient and necessary for the purpose of paying the purchase money on the said lots of land so authorized to be acquired by them for the enlargement of the said By-ward market by the said Act. and at such rate of interest as the council shall agree upon, and for security thereof and the interest thereon to grant, mortgage, and assure the land belonging to the said corporation held by them for the said By-ward market and the market itself, and the tolls, revenues, rents and issues thereof, and also the said lands so authorized to be acquired for the enlargement of the said market when so acquired by them.

Power to borrow and mortgage.

BILL.

An Act to authorize the corporation of the City of Ottawa to mortgage the By-ward Market property and other property therein mentioned, for the purpose of acquiring certain lands for the extension of the said Market.

(*PRIVATE BILL.*)

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First Reading, 2nd February, 1872.

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Hon. Mr. Scott.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to authorize the Corporation of the City of Ottawa to mortgage the Byward Market property and other property therein mentioned, for the purpose of acquiring certain lands for the extension of the said Market.

**W**HEREAS by an Act of the Legislature of this Province, Preamble. passed in the thirty-fourth year of the Reign of Her present Majesty, chaptered sixty-six, the corporation of the City of Ottawa are authorized to acquire and hold lots numbers eight and nine, and the west half of lot number ten, on the north side of George street, and lots numbers eight and nine, and the west half of lot number ten, on the south side of York street, in the City of Ottawa, for the enlargement of the Byward market: And whereas, the corporation of the City of Ottawa have by their petition set forth that it is expedient to raise by way of loan on mortgage of the Byward market property, and the tolls and revenues of the said market, and also of such of the said lands as they shall acquire for the enlargement of the said market under the said Act, a sufficient sum of money to pay for the said lots of land which they are by the said Act authorized to acquire, and have prayed that they may be enabled so to do, 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 Assembly of the Province of Ontario, enacts as follows :—

1. That the corporation of the City of Ottawa aforesaid are hereby authorized and empowered to raise by way of loan from Power to borrow and mortgage. any person or persons, body or bodies corporate, who may be willing to advance the same, such sum and sums of money as the council of the said corporation shall deem expedient and necessary for the purpose of paying the purchase money on the said lots of land so authorized to be acquired by them for the enlargement of the said Byward market by the said Act and at such rate of interest as the council shall agree upon, and for security thereof and the interest thereon to grant, mortgage, and assure the land belonging to the said corporation held by them for the said Byward market and the market itself, and the tolls, revenues, rents and issues thereof, and also the said lands so authorized to be acquired for the enlargement of the said market when so acquired by them.

An Act to authorize the Corporation of the City of Ottawa to mortgage the Byward Market property and other property therein mentioned, for the purpose of acquiring certain lands for the extension of the said Market.

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First Reading, 2nd February, 1872.	
Second " 15th " 1872.	
Third " 16th " 1872.	

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Hon. Mr. Scott.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act for the relief of the first mortgage bondholders  
of the London and Port Stanley Railway.

**W**HEREAS Thomas Wilson, of the City of Toronto, Esquire, Preamble.  
hath represented that the London and Port Stanley Rail-  
way, was incorporated under an Act of the late Province of  
Canada, passed in the sixteenth year of the reign of Her  
5 Majesty Queen Victoria, and chaptered one hundred and thirty-  
three for the purpose of constructing a railway from the City of  
London in the County of Middlesex to the Town of St. Thomas  
in the County of Elgin, and were by the said Act authorized to  
raise money by issuing their debentures to the amount of one  
10 hundred thousand pounds sterling to be secured by a first mort-  
gage on the land, stock and revenue of the company; that the said  
company issued accordingly to the amount permitted by the said  
Act bearing date first day of February, A. D. one thousand eight  
hundred and fifty-five, and payable twenty years after the date  
15 thereof, bearing interest payable half yearly at the rate of six  
per cent., and executed a mortgage as required by the said Act  
to Messieurs Edward Adams and Lionel Ridout; that the said  
Thomas Wilson is the holder of the said bonds to the amount of  
three thousand two hundred pounds sterling: that the said  
20 company has been in operation for seventeen years: that no  
part of the principal due on the said bonds has been paid, and  
that the said company has paid no interest on the said bonds  
since the year one thousand eight hundred and fifty-six; that a  
part of the lands covered by the said mortgage which formed  
25 part of the security for the said first mortgage bonds was sold  
by the directors of the said company under the authority of an  
Act of the Parliament of the late Province of Canada, and the  
proceeds of such sale applied to the general purposes of the  
said road; that money which should have been applied in or  
30 towards payment of the interest due on the said debentures has  
not been so applied; that the railway is now in need of exten-  
sive repairs; that the whole earnings of the road will merely  
suffice to keep the same in running order until the maturity of  
the said mortgage bonds; that in order to make the said road  
35 saleable it will be necessary to expend very large sums of money  
thereon; and that unless the said bondholders are permitted to  
take proceedings for the sale of the said road as if the time for  
the payment of the said bonds had elapsed they are likely to  
incur the loss of the whole of the interest on the said bonds and  
40 of a large part of the principal; and the said Thomas Wilson  
has petitioned that an Act may be passed to enable the said  
first mortgage bondholders to sell the said road, as if the time  
for payment of the said mortgage had elapsed: and whereas it  
is expedient to grant the prayer of the said petition:  
45 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

Power to Court  
of Chancery to  
sell or fore-  
close.

1. It shall and may be lawful for the Court of Chancery for Ontario to make such decree or decretal order for sale or foreclosure in any cause which may have been or may be instituted by any of the bondholders of the London and Port Stanley Railway Company against the said company for that purpose as according to the practice of the said court is made in mortgage cases between mortgagee and mortgagor; and the purchaser in case of such sale or the bondholder and bondholders in case of foreclosure shall acquire a good title to the said railway with all the lands, rights, powers, privileges and franchises now belonging to and enjoyed or capable of being enjoyed by the said London and Port Stanley Railway Company and shall have and hold the same freed and discharged from any claim and incumbrance whatever and as fully to all intents and purposes as if the said rights, powers, privileges and franchises had, by the Acts of Parliament relating to the said London and Port Stanley Railway Company, been expressly conferred upon such purchaser or purchasers or upon the said bondholder or bondholders, as the case may be, who shall have full power and authority to sell and dispose of the same, to use and work the said railway under the Acts of Incorporation of the said railway company or any amendments thereof as fully and effectually as if such charter had been granted to such purchaser or purchasers.

Power of purchasers.

Application of  
the purchase  
money.

2. The purchase money upon such sale shall be paid to the several creditors of the company according to their priorities as they may legally exist or as may be settled by the said court; and such purchaser or purchasers, his or their heirs or assigns may make such terms for the payment or security of the purchase money with such creditors as they may agree upon; Provided always that nothing herein contained shall prevent nor shall any Act, law or practice to the contrary prevent any mortgage bondholder or creditor of the said company becoming the purchaser of the said railway as aforesaid.

## BILL.

An Act for the relief of the first mortgage bondholders of the London and Port Stanley Railway.

## PRIVATE BILL.

First Reading, 2nd February, 1872.

Mr. RYKERT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING'S



An Act to incorporate certain persons under the style  
of "The Midland Land Company."

**W**HEREAS Adolph Hugel, of the Town of Port Hope, Preamble  
Esquire, William Henry Beatty, of the City of Toronto,  
Esquire, John Fedor Schepeler, of the Town of Port Hope,  
Esquire, William Thomas, of the City of Toronto, Esquire, and  
5 John Gibbs Ridout, of the said City of Toronto, Esquire, being  
the owners of certain lands fronting on and adjoining Gloucester  
Bay, in the Township of Tay, in the County of Simcoe, and  
Province of Ontario, at the terminus of the Midland Railway  
of Canada, have by their petition prayed for an Act under the  
10 name of "The Midland Land Company," to enable them to ac-  
quire certain lands in the Township of Tay, aforesaid, for the  
purpose of laying out the same into streets, town, and park lots,  
and otherwise for the purpose of selling or disposing of the  
same as may be deemed expedient, and for making such im-  
15 provements thereon and thereto as may be thought proper:—

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

**1.** The said Adolph Hugel, William Henry Beatty, John Incorporation  
20 Fedor Schepeler, William Thomas, and John Gibbs Ridout, and  
such and so many other persons or parties as shall become share-  
holders in the capital stock hereinafter mentioned, shall be,  
and they are hereby constituted a body politic and corporate,  
under the name of "The Midland Land Company."

**2.** It shall be lawful for said company to purchase from the Powers to ac-  
25 persons hereinbefore named the lands owned by them and re-  
ferred to in the said petition on or near to Gloucester Bay, in  
the said Township of Tay, and from other person or persons  
or bodies corporate any other lands or real estate in the said  
30 locality, not exceeding in the whole one thousand acres at such  
price and on such terms as may be agreed on; and may hold,  
use and enjoy the same, and make such improvements thereon  
and thereto as may be deemed advisable, and may lay out, sur-  
vey, or subdivide the same or any part thereof into town, village,  
35 and park, or other lots, squares, or commons, in such manner  
and with all such streets as may be deemed expedient, and may  
expend money in opening up the same, grading said streets, or  
otherwise howsoever.

**3.** The said company may from time to time sell, lease, or Power to sell.  
40 otherwise dispose of, alienate and convey the lands belonging to  
the said company or any part thereof, or any town, village,  
park, or other lot or lots, into which the same or any part  
thereof may from time to time be laid out or subdivided ac-  
cording to any map or plan thereof, that may from time to

time be made at, such price or prices, and on such terms and time as the said company may choose, and may take security by mortgage or otherwise, on the lands so sold or any other lands or other property as may be agreed on.

**Capital stock.** 4. The capital stock of the said company shall be two hundred and fifty thousand dollars, in shares of one hundred dollars each, which stock shall be subscribed by the persons hereinbefore named, and such other persons as may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses, and disbursements for procuring the passing of this Bill, and all the rest and residue of the said money shall be applied towards acquiring the lands hereinbefore mentioned, and other lands in the neighbourhood or near to Gloucester Bay aforesaid, and in laying out, surveying, or subdividing the same, and having a plan or plans made of such subdivision or subdivisions, and in grading, opening, and improving the streets laid out thereon, and otherwise in improving the same and carrying on the business of the said company. 5 10 15

**Provisional directors.** 5. The said Adolph Hugel, William Henry Beatty, John Leys, Dalton McCarthy, junior, and John Fedor Schepeler, shall be a board of provisional directors of said company, a majority of whom shall be a quorum; and the said board of provisional directors shall hold office as such until the first election of directors under this Act, and shall have full power to fill vacancies, open stock books, and procure subscription of stock for the undertaking, and to receive payment of the amount of stock subscribed, and to make calls and convene the first general meeting of the shareholders at such place as they shall determine and within three months after the passing of this Act, and to do all such other Acts, matters, and things necessary and proper to be done to organize the company and conduct its affairs. 20 25 30

**First election of directors.** 6. When, and so soon as shares to the amount of one hundred thousand dollars on the capital stock of the company have been subscribed for and ten per centum thereon has been paid, the board of provisional directors shall call a general meeting of the shareholders of the company, for the election of directors of the company, giving at least ten days notice of the time, place, and purpose of meeting previously thereto in one or more of the daily newspapers published in the City of Toronto, and at the said meeting the shareholders to whom shares have been allotted in the books of the company, shall elect persons qualified as hereinafter provided to be directors of the company, which persons shall constitute the board of directors of the company, and shall hold office until the expiration of one year from the date of the holding of the said meeting. 35 40 45

**Annual general meetings.** 7. Within one year of the holding of the said first meeting, and in each year thereafter there shall be held at the principal office of the said company, or at such place as may from time to time be appointed by by-law of the said company, a general meeting of the shareholders of the said company, at which meeting the shareholders shall elect such number of directors, not less than three, nor more than five, as may be determined by by-law of the company in the manner and qualified as hereinafter provided, and due notice of such general annual meet- 50 55

ing and election shall be given as in the last preceding section is mentioned.

8. All the elections of directors shall be by ballot, (each shareholder being entitled to as many votes as he, she, or they have shares in the company,) and the persons so elected, if qualified as hereinafter provided shall form the board of directors of the company, but no person shall be so elected unless he is a shareholder owning twenty shares at least of stock absolutely in his own right, and not in arrear in respect of any calls thereon. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term by the board from among the qualified shareholders of the company. The directors shall from time to time elect from among themselves a president of the company, and shall also name, and may remove at pleasure all other officers thereof.

Election of directors and president.

9. If at any time an election of directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the company duly called for that purpose, and the retiring directors shall continue in office until their successors are elected.

Non-election of directors.

10. Aliens as well as British subjects, whether resident in Canada or elsewhere, may become shareholders in the company; and all such shareholders shall be entitled to vote on their shares and be eligible to office as directors of the company, being duly qualified as herein provided.

Shareholders.

11. No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company.

No vote on shares in arrears.

12. At all meetings of the board of directors, a majority of the members of the board shall form a quorum for the transaction of business.

Quorum.

13. The directors of the company shall have full power in all things to administer the affairs of the company; and may make or cause to be made for the company any description of contract which the company may by law enter into; and may from time to time make by-laws not contrary to law, nor to this Act to regulate the allotment of stock; the making of calls thereon; the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock, and of the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the number of the directors; their term of service; the appointment, functions, duties and removal of all agents, officers, and servants of the company; the security to be given by them to the company; their remuneration, and that (if any) of the directors, the time at which and place where the annual meetings of the company shall be held; the calling of meetings, regular and special, of the board of directors, and of the company; the requirements as to proxies; and the procedure in all things at such meetings; the imposition and recovery of all penalties, and forfeitures admitting of regulation by by-law; and the conduct on all other particulars of the affairs of the company; and may from time to time repeal, amend, or re-enact the same; but every such by-law, and every repeal,

Directors, power of.

- amendment, or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company, duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat, shall at and from that time only, cease to have force; **5**
- Special meet-  
ings. Provided always, that one-fourth part in value of the share-  
holders of the company shall at all times have the right to  
call a special meeting thereof for the transaction of any busi-  
ness specified in such written requisition and notice as they  
may issue to that effect. **10**
- Evidence of  
by-laws. **14.** A copy of any by-law of the company under their seal,  
and purporting to be signed by any officer of the company,  
shall be received as *prima facie* evidence of such by-law in  
all courts.
- Stock, trans-  
fer of. **15.** The stock of the company shall be deemed personal **15**  
estate, and shall be transferable, in such manner only, and sub-  
ject to all such conditions and restrictions as by this Bill or by  
the by-laws of the company shall be prescribed.
- Calls. **16.** The directors of the company may call in and demand  
from the shareholders thereof respectively, all sums of money **20**  
by them subscribed at such times and places, and in such pay-  
ments or instalments as this Act may require or allow, and in-  
terest shall accrue and fall due at the rate of six per centum  
per annum, upon the amount of any unpaid call, from the day  
appointed for payment of such call. **25**
- Calls. **17.** Not less than ten per centum upon the allotted stock of  
the company shall by means of one or more calls be called in  
and made payable within one year from the incorporation of  
the company; and for every year thereafter at least a further  
ten per centum shall in like manner be called in and made pay- **30**  
able until the whole shall have been so called in.
- Actions for  
calls. **18.** The company may enforce payment of all calls and inter-  
est thereon by action in any competent court; and in such action  
it shall not be necessary to set forth the special matter, but it  
shall be sufficient to declare that the defendant is a holder of one **35**  
share or more stating the number of shares and is indebted in  
the sum of money to which the calls in arrear amount in respect  
of one call or more upon one share or more, stating the number  
of calls and the amount of which whereby an action hath  
accrued to the company under this Act; and a certificate under **40**  
their seal and purporting to be signed by any officer of the  
company to the effect that the defendant is a shareholder, that  
such call or calls has or have been made, and that so much is  
due by him and unpaid thereon shall be received in all courts  
of law or equity as *prima facie* evidence to that effect. **45**
- Forfeiture of  
stock. **19.** If after such demand or notice as by the by-laws of the  
company may be prescribed any call made upon any share or  
shares be not paid within such time as by the by-law may be  
limited in that behalf the directors in their discretion by vote  
to that effect reciting the facts and duly recorded in their min- **50**  
utes may summarily forfeit any shares whereon such payment  
is not made; and the same shall thereupon become the property  
of the company and may be disposed of as by by-laws or other-  
wise they shall ordain.

**20.** No share shall be transferable until all previous calls thereon have been fully paid in or until declared forfeited for non-payment of calls thereon. Overdue stock not transferable.

**21.** No transfer of stock unless made by sale under execution shall be valid for any purpose whatever, save only as prohibiting the rights of the parties thereto towards each other and as rendering the transferee liable *ad interim* jointly and severally with the transferor to the company and their creditors until the entry thereof has been duly made in such book or books. Transfer of stock.

**22.** The company shall not be bound to see to the execution of any trust whether express, implied or constructive in respect of any share; and the receipt of the shareholder in whose name the same may stand in the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share and whether or not notice of such trust shall have been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt. Company not bound to see to trusts as to stock.

**23.** Every cheque, made, drawn or endorsed on behalf of the company by any agent, officer or servant of the company in general accordance with his powers as such under the by-laws of the company shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such cheque or to prove that the same was made, drawn, accepted or indorsed, as the case may be in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the company be thereby subjected individually to any liability whatsoever to any third party therefor; Provided always, that nothing in this Act shall be construed to authorize the company to issue any note payable to the bearer thereof or any promissory note intended to be circulated as money or as the note of a bank or to engage in the business of banking or insurance. Cheques.

**24.** Each shareholder until the whole amount of his stock has been paid up shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon and in no event shall be liable beyond the amount of his stock paid up in full; but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against such shareholders. Liability of shareholders.

**25.** The shareholders of the company shall not as such be held responsible for any act, default or liability whatever of the company or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company beyond the amount of their respective shares in the capital stock thereof. Liability of shareholders.

**26.** No person holding stock in the company as an executor, administrator, guardian or trustee shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate or the minor ward or the per-

Liability on pledged stock.

son interested in such trust fund would be if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly. 5

Loans to shareholders forbidden.

27. No loan shall be made by the company to any shareholder, and if such be made all directors and other officers of the company making the same or in anywise assenting thereto shall be jointly and severally liable to the company for the amount of such loan, and also to third parties to the extent of such loan with legal interest for all debts of the company contracted from the time of the making such loan to that of the repayment thereof. 10

Service of processes.

28. Service of all manner of summons or writ whatever upon the company may be made by leaving a copy thereof at the office or chief place of business of the company with any grown person in charge thereof, or elsewhere with the president or secretary thereof; or if the company have no known office or chief place of business, and have no known president or secretary, then upon return to that effect duly made, the court shall order such publication as it may deem requisite to be made in the premises for at least one month in at least one newspaper; and such publication shall be held to be due service upon the company. 15

Actions between company and shareholders.

29. Any description of action may be prosecuted and maintained between the company and any shareholder thereof. 25

Increase of stock.

30. The capital stock of the company may be increased from time to time by the shareholders at any annual general meeting or any general meeting specially called for that purpose; and such increase may be agreed on by such proportions at a time as the shareholders shall determine and shall be determined by the majority of the votes of the shareholders present at such meeting in person or by proxy but in no case to exceed five hundred thousand dollars. 30

BILL.

An Act to incorporate certain persons under the style of "The Midland Land Company."

PRIVATE BILL.

First Reading, 2nd February, 1872.

Mr. WILLIAMS (*East Durham*.)

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate certain persons under the style  
of "The Midland Land Company."

**W**HEREAS Adolph Hugel, of the Town of Port Hope, Preamble  
Esquire, William Henry Beatty, of the City of Toronto,  
Esquire, John Fedor Schepeler, of the Town of Port Hope,  
Esquire, William Thomas, of the City of Toronto, Esquire, and  
John Gibbs Ridout, of the said City of Toronto, Esquire, being  
the owners of certain lands fronting on and adjoining Gloucester  
Bay, in the Township of Tay, in the County of Simcoe, and  
Province of Ontario, at the terminus of the Midland Railway  
of Canada, have by their petition prayed for an Act under the  
name of "The Midland Land Company," to enable them to ac-  
quire certain lands in the Township of Tay, aforesaid, for the  
purpose of laying out the same into streets, town, and park lots,  
and otherwise for the purpose of selling or disposing of the  
same as may be deemed expedient, and for making such im-  
provements thereon and thereto as may be thought proper:—

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

**1.** The said Adolph Hugel, William Henry Beatty, John Incorporation.  
Fedor Schepeler, William Thomas, and John Gibbs Ridout, and  
such and so many other persons or parties as shall become share-  
holders in the capital stock hereinafter mentioned, shall be,  
and they are hereby constituted a body politic and corporate,  
under the name of "The Midland Land Company."

**2.** It shall be lawful for said company to purchase from the Powers to ac-  
quire and im-  
prove lands.  
persons hereinbefore named the lands owned by them and re-  
ferred to in the said petition on or near to Gloucester Bay, in  
the said Township of Tay, at such price and on such  
terms as may be agreed on; and may hold, use and enjoy  
the same, and make such improvements thereon and thereto  
as may be deemed advisable, and may lay out, survey, or  
subdivide the same or any part thereof into town, village,  
and park, or other lots, squares, or commons, in such manner  
and with all such streets as may be deemed expedient, and may  
expend money in opening up the same, grading said streets, or  
otherwise howsoever.

**3.** The said company may from time to time sell, or Power to sell.  
otherwise dispose of, alienate and convey the lands belonging to  
the said company or any part thereof, or any town, village,  
park, or other lot or lots, into which the same or any part  
thereof may from time to time be laid out or subdivided ac-  
cording to any map or plan thereof, that may from time to

time be made, at such price or prices, and on such terms and time as the said company may choose, and may take security by mortgage or otherwise, on the lands so sold or any other lands or other property as may be agreed on; Provided also that such part of the said lands as shall not have been actually sold or disposed of within fifteen years from the passing of this Act, shall revert to and become the property of Her Majesty and her successors.

Capital stock. **4.** The capital stock of the said company shall be one hundred and fifty thousand dollars, in shares of one hundred dollars each, which stock shall be subscribed by the persons hereinbefore named, and such other persons as may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses, and disbursements for procuring the passing of this Bill, and all the rest and residue of the said money shall be applied towards acquiring the lands hereinbefore mentioned, and in laying out, surveying, or subdividing the same, and having a plan or plans made of such subdivision or subdivisions, and in grading, opening, and improving the streets laid out thereon, and otherwise in improving the same and carrying on the business of the said company.

Provisional directors. **5.** The said Adolph Hugel, William Henry Beatty, John Leys, Dalton McCarthy, junior, and John Fedor Schepeler, shall be a board of provisional directors of said company, a majority of whom shall be a quorum; and the said board of provisional directors shall hold office as such until the first election of directors under this Act, and shall have full power to fill vacancies, open stock books, and procure subscription of stock for the undertaking, and to receive payment of the amount of stock subscribed, and to make calls and convene the first general meeting of the shareholders at such place as they shall determine and within three months after the passing of this Act, and to do all such other Acts, matters, and things necessary and proper to be done to organize the company and conduct its affairs.

First election of directors. **6.** When, and so soon as shares to the amount of fifty thousand dollars on the capital stock of the company have been subscribed for and ten per centum thereon has been paid into one of the chartered Banks in this Province, the board of provisional directors shall call a general meeting of the shareholders of the company, for the election of directors of the company, giving at least ten days notice of the time, place, and purpose of meeting previously thereto in one or more of the daily newspapers published in the City of Toronto, and in the *Ontario Gazette*, and at the said meeting the shareholders to whom shares have been allotted in the books of the company, shall elect persons qualified as hereinafter provided to be directors of the company, which persons shall constitute the board of directors of the company, and shall hold office until the expiration of one year from the date of the holding of the said meeting.

Annual general meetings. **7.** Within one year of the holding of the said first meeting, and in each year thereafter there shall be held at the principal office of the said company, or at such place as may from time



to time be appointed by by-law of the said company, within the Province of Ontario, a general meeting of the shareholders of the said company, at which meeting the shareholders shall elect such number of directors, not less than three, nor more than five, as may be determined by by-law of the company in the manner and qualified as hereinafter provided, and due notice of such general annual meeting and election shall be given as in the last preceding section is mentioned.

**8.** All the elections of directors shall be by ballot, (each shareholder being entitled to as many votes as he, she, or they have shares in the company,) and the persons so elected, if qualified as hereinafter provided shall form the board of directors of the company, but no person shall be so elected unless he is a shareholder owning twenty shares at least of stock absolutely in his own right, and not in arrear in respect of any calls thereon. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term by the board from among the qualified shareholders of the company. The directors shall from time to time elect from among themselves a president of the company.

Election of directors and president.

**9.** If at any time an election of directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the company duly called for that purpose, and the retiring directors shall continue in office until their successors are elected.

Non-election of directors.

**10.** Aliens as well as British subjects, whether resident in Canada or elsewhere, may become shareholders in the company; and all such shareholders shall be entitled to vote on their shares and be eligible to office as directors of the company, being duly qualified as herein provided.

Shareholders.

**11.** No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company.

No vote on shares in arrears.

**12.** At all meetings of the board of directors, a majority of the members of the board shall form a quorum for the transaction of business.

Quorum.

**13.** The directors of the company shall have full power in all things to administer the affairs of the company; and may make or cause to be made for the company any description of contract which the company may by law enter into; and may from time to time make by-laws not contrary to law, nor to this Act to regulate the allotment of stock; the making of calls thereon; the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock, and of the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the number of the directors; their term of service; the appointment, functions, duties and removal of all agents, officers, and servants of the company; the security to be given by them to the company; their remuneration; the time at which and place where the annual meetings of the company shall be held, within the Province of Ontario; the calling of meetings, regular and special, of the board of directors, a n

Directors, power of.

- of the company; the requirements as to proxies; and the procedure in all things at such meetings; the imposition and recovery of all penalties, and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; and may from time to time repeal, amend, or re-enact the same; but every such by-law, and every repeal, amendment, or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company, duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat, shall at and from that time only, cease to have force; Provided always, that one-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they may issue to that effect.
- Special meetings.** **14.** A copy of any by-law of the company under their seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts.
- Stock, transfer of.** **15.** The stock of the company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Bill or by the by-laws of the company shall be prescribed.
- Calls.** **16.** The directors of the company may call in and demand from the shareholders thereof respectively, all sums of money by them subscribed at such times and places, and in such payments or instalments as this Act may require or allow, and interest shall accrue and fall due at the rate of six per centum per annum, upon the amount of any unpaid call, from the day appointed for payment of such call.
- Calls.** **17.** Not less than ten per centum upon the allotted stock of the company shall by means of one or more calls be called in and made payable within one year from the incorporation of the company; and for every year thereafter at least a further ten per centum shall in like manner be called in and made payable until the whole shall have been so called in.
- Actions for calls.** **18.** The company may enforce payment of all calls and interest thereon by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more stating the number of shares and is indebted in the sum of money to which the calls in arrear amount in respect of one call or more upon one share or more, stating the number of calls and the amount of each whereby an action hath accrued to the company under this Act; and a certificate under their seal and purporting to be signed by any officer of the company to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon shall be received in all courts of law or equity as *prima facie* evidence to that effect.
- Forfeiture of stock.** **19.** If after such demand or notice as by the by-laws of the company may be prescribed any call made upon any share or shares be not paid within such time as by the by-law may be

limited in that behalf the directors in their discretion by vote to that effect reciting the facts and duly recorded in their minutes may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the company and may be disposed of as by by-laws or otherwise they shall ordain.

**20.** No share shall be transferable until all previous calls thereon have been fully paid in or until declared forfeited for non-payment of calls thereon. Overdue stock not transferable.

**21.** No transfer of stock unless made by sale under execution shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other and as rendering the transferee liable *ad interim* jointly and severally with the transferor to the company and their creditors until the entry thereof has been duly made in such book or books. Transfer of stock.

**22.** The company shall not be bound to see to the execution of any trust whether express, implied or constructive in respect of any share; and the receipt of the shareholder in whose name the same may stand in the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share and whether or not notice of such trust shall have been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt. Company not bound to see to trusts as to stock.

**23.** Every cheque, made, drawn or endorsed on behalf of the company by any agent, officer or servant of the company in general accordance with his powers as such under the by-laws of the company shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such cheque or to prove that the same was made, drawn, accepted or indorsed, as the case may be in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the company be thereby subjected individually to any liability whatsoever to any third party therefor; Provided always, that nothing in this Act shall be construed to authorize the company to issue any note payable to the bearer thereof or any promissory note intended to be circulated as money or as the note of a bank or to engage in the business of banking or insurance. Cheques.

**24.** Each shareholder until the whole amount of his stock has been paid up shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon and in no event shall be liable beyond the amount of his stock paid up in full; but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against such shareholders. Liability of shareholders.

**25.** The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers and servants thereof for services performed for such company, but no shareholders in such company shall be personally liable in respect of any such debt which is not

to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due, and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder, in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

Liability of shareholders.

**26.** The shareholders of the company shall not as such be held responsible for any act, default or liability whatever of the company or for any engagement, claim, payment, loss, injury transaction, matter or thing whatsoever relating to or connected with the company beyond the amount of their respective shares in the capital stock thereof, except as in the next preceding section is provided.

Liability of executors, &c.

**27.** No person holding stock in the company as an executor, administrator, guardian or trustee shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate or the minor ward or the person interested in such trust fund would be if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly.

Liability on pledged stock.

Loans to shareholders forbidden.

**28.** No loan shall be made by the company to any shareholder, and if such be made all directors and other officers of the company making the same or in anywise assenting thereto shall be jointly and severally liable to the company for the amount of such loan, and also to third parties to the extent of such loan with legal interest for all debts of the company contracted from the time of the making such loan to that of the repayment thereof.

Service of processes.

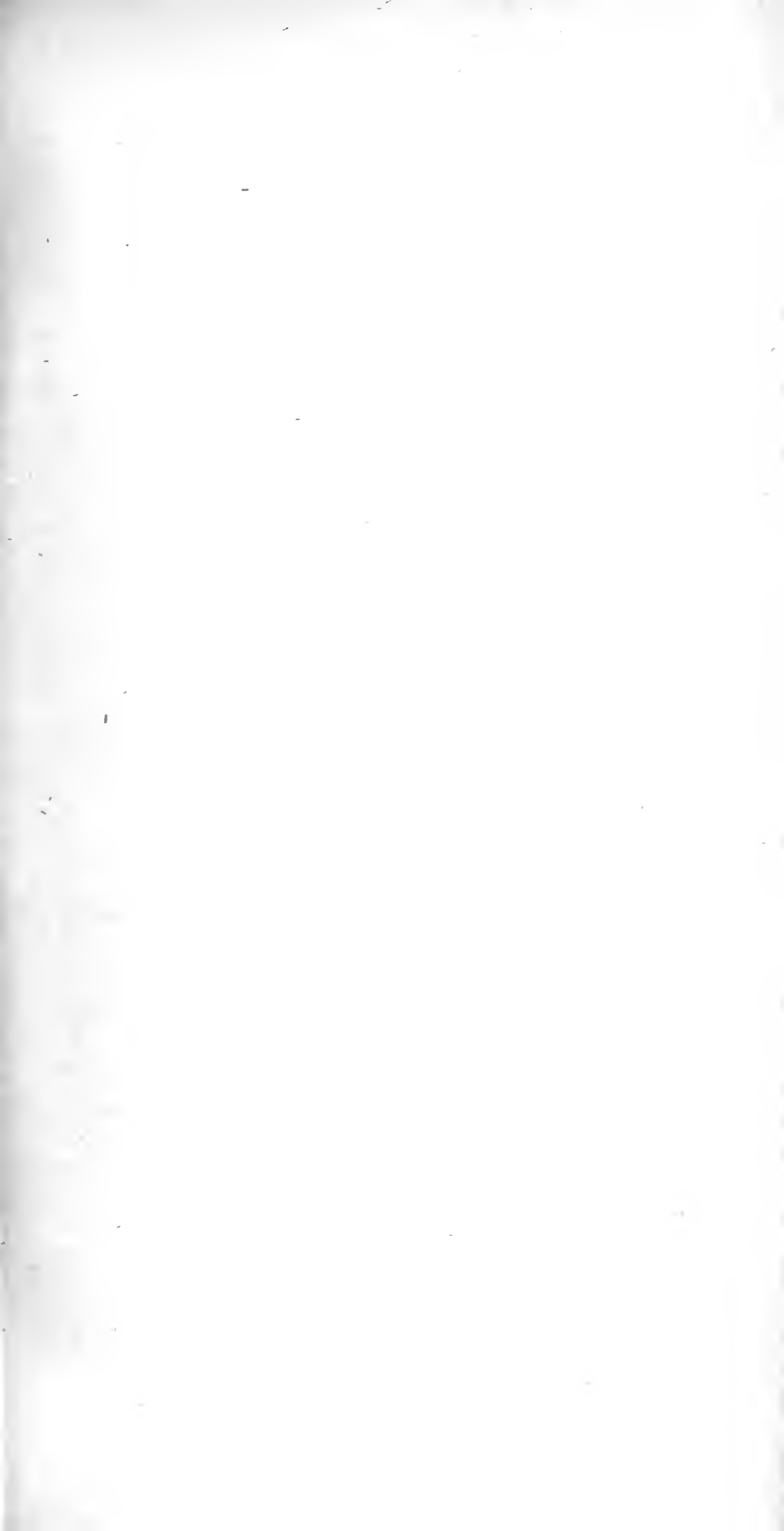
**29.** Service of all manner of summons or writ whatever upon the company may be made by leaving a copy thereof at the office or chief place of business of the company with any grown person in charge thereof, or elsewhere with the president or secretary thereof; or if the company have no known office or chief place of business, and have no known president or secretary, then upon return to that effect duly made, the court shall order such publication as it may deem requisite to be made in the premises for at least one month in at least one newspaper; and such publication shall be held to be due service upon the company.

Actions between company and shareholders.

**30.** Any description of action may be prosecuted and maintained between the company and any shareholder thereof.

Increase of stock.

**31.** The capital stock of the company may be increased from time to time by the shareholders at any annual general meeting or any general meeting specially called for that purpose; and such increase may be agreed on by such proportions at a time as the shareholders shall determine and shall be determined by the majority of the votes of the shareholders present at such meeting in person or by proxy but in no case to exceed five hundred thousand dollars.



An Act to incorporate certain persons under the style of "The Midland Land Company."

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First Reading,	2nd February,	1872.
Second	" 1st March,	1872.
Third	" 1st "	1872.

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Mr. WILLIAMS (East Durham),

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to enable the Canada Bolt Company to establish its principal place of business at Toronto and for other purposes.

**WHEREAS** the Canada Bolt Company, incorporated by letters patent under the Great Seal of the Province of Ontario a body corporate and politic, have equipped factories at the Town of Perth and the City of Toronto for the purpose of carrying on the business of "manufacturing and selling carriage, railway and other bolts and nuts and other articles of ironware, and the holding of such real estate, buildings, machinery, tools, implements and other constructions, works and things as may be found of advantage to or necessary in the furtherance of the legitimate objects and interests of said Company;" and are carrying on such business at the places aforesaid; and whereas the charter of the said Company fixes its place of business at Perth, aforesaid, but the said Company have petitioned that their principal place of business may be established at the city of Toronto.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the principal place of business of the Canada Bolt Company shall be established at the city of Toronto, and the said Company shall have power to maintain their said factories at Toronto and Perth and carry on their said business at both of the said places and elsewhere in the Province of Ontario.

2. Meetings of the directors and shareholders of the Company may be held from time to time at Toronto or Perth as may be thought fit.

Preamble.

Places of business of Canada Bolt Company.

Meetings when to be held.

BILL.

An Act to enable the Canada Bolt Company  
to establish its principal place of business  
at Toronto, and for other purposes.

(*PRIVATE BILL*)

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First Reading 5th February, 1872.

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Mr. COBE.

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TORONTO :

PRINTED BY HUNTER, ROSE & COMPANY.



An Act to enable the Canada Bolt Company to establish its principal place of business at Toronto and for other purposes.

**W**HEREAS the Canada Bolt Company, incorporated by letters patent under the Great Seal of the Province of Ontario a body corporate and politic, have equipped factories at the Town of Perth and the City of Toronto for the purpose of carrying on the business of "manufacturing and selling carriage, railway and other bolts and nuts and other articles of ironware, and the holding of such real estate, buildings, machinery, tools, implements and other constructions, works and things as may be found of advantage to or necessary in the furtherance of the legitimate objects and interests of said Company;" and are carrying on such business at the places aforesaid; And whereas the charter of the said Company fixes its place of business at Perth, aforesaid, but the said Company have petitioned that their principal place of business may be established at the city of Toronto.

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**2.** Meetings of the directors and shareholders of the Company may be held from time to time at Toronto or Perth as may be thought fit.

An Act to enable the Canada Bolt Company to establish its principal place of business at Toronto and for other purposes.

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First Reading,	2nd February,	1872.
Second	“ 15th	“ 1872.
Third	“ 16th	“ 1872.

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Mr. CODE.

An Act to authorize and empower the Canada Company to divert the River Aux Sables and to drain lands in the Townships of McGillivray, Bosanquet, and Stephen, in the Counties of Middlesex, Lambton and Huron.

WHEREAS the Canada Company, and a large number of the Preamble.

owners of lands in the township of McGillivray, in the county of Middlesex, in the township of Bosanquet, in the county of Lambton, and in the township of Stephen, in the  
 5 county of Huron have by their petition represented, that there is a large tract of marsh land in those townships which is rendered valueless by the periodical overflow of the River Aux Sables, and that the water arising from such overflow is stagnant on the said lands and is prejudicial to the health of the  
 10 inhabitants of the said townships; and also that the cause of such overflow might be removed and the said marsh lands be reclaimed if the course of the said river was straightened and changed; and whereas the Canada Company have represented that they are the owners of the said marsh land and of other  
 15 lands in the said townships, and that they are desirous of draining the same, and adopting such measures by diverting the course of the said river as will prevent the periodical overflow thereof, and cause the said marsh lands to be reclaimed; and it is desirable to enable them to do so:

20 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That it shall and may be lawful for the Canada Company  
 to construct, or cause to be constructed, through all or any of  
 25 the said townships a drain or channel of such dimensions as  
 they may deem necessary, from a point on the said River Aux  
 Sables, through the lands of the said Canada Company to such  
 other point on Lake Huron near Port Franks as they may consider  
 30 advisable, and by such drain or channel to divert and turn the waters of the said river or such part thereof as may be necessary from their present course or channel into such new course or channel as may be formed by such drain or channel when so constructed.

Canada company may from  
 River aux  
 Sables to near  
 Port Franks.

BILL.

An Act to authorize and empower the Canada Company to divert the River Aux Sables, and to drain lands in the Townships of McGillivray, Bosanquet and Stephen, in the Counties of Middlesex, Lambton and Huron.

*(PRIVATE BILL.)*

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First Reading 2nd February, 1872.

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Mr. PARDEE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to authorize and empower the Canada Company to divert the River Aux Sables, and to drain lands in the Townships of McGillivray, Bosanquet, and Stephen, in the Counties of Middlesex, Lambton and Huron.

WHEREAS the Canada Company, and a large number of the Preamble.  
owners of lands in the township of McGillivray, in the county of Middlesex, in the township of Bosanquet, in the county of Lambton, and in the township of Stephen, in the county of Huron have by their petition represented, that there is a large tract of marsh land in those townships which is rendered valueless by the periodical overflow of the River Aux Sables, and that the water arising from such overflow is stagnant on the said lands and is prejudicial to the health of the inhabitants of the said townships; and also that the cause of such overflow might be removed, and the said marsh lands be reclaimed, if the course of the said river was straightened and changed and whereas the Canada Company have represented that they are the owners of the said marsh land and of other lands in the said townships, and that they are desirous of draining the same, and adopting such measures by diverting the course of the said river as will prevent the periodical overflow thereof, and cause the said marsh lands to be reclaimed; and it is desirable to enable them to do so:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the Canada Company Canada Com-  
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River aux  
Sables to near  
Port Franks.  
to construct, or cause to be constructed, through all or any of the said townships a drain or channel of such dimensions as they may deem necessary, from a point on the said River Aux Sables, through the lands of the said Canada Company to such other point on Lake Huron near Port Franks as they may consider advisable, and by such drain or channel to divert and turn the waters of the said river or such part thereof as may be necessary from their present course or channel into such new course or channel as may be formed by such drain or channel when so constructed, but not so as to impair or interfere with the navigable character of the said stream.

2. Before any work is commenced in the construction of the said drain or channel, the plans and manner of construction, and the course of such drain or channel shall be approved of by the Commissioner of Agriculture and Public Works of the Province of Ontario.

3. The said Canada Company shall make compensation to any riparian proprietors on the said river, for any damage done to, or injury suffered by the said proprietor in respect to his lands, by or in consequence of the construction of such drain or channel.

An Act to authorize and empower the Canada Company to divert the River Aux Sables, and to drain lands in the Townships of McGillivray, Bosanquet, and Stephen, in the Counties of Middlesex, Lambton and Huron.

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First Reading,	2nd	February,	1872.
Second	“	21st	“
Third	“	1st	March,
			1872.

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Mr. PARDEE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co, KING ST.

An Act to provide for the filling up of or otherwise shutting off the water flowing into abandoned Oil Wells.

WHEREAS there are in the oil districts of the Province of Preamble.

Ontario a large number of wells which have been sunk for oil and afterwards abandoned either from the fact that the said wells were non-producing or from some other cause ; and whereas, new wells are continually being sunk in the said oil districts and afterwards are not worked and are abandoned as being non-producing wells or from some other reason ; and whereas, the abandoning of the said wells without first filling them up or otherwise shutting off the water flowing into the said wells is injurious to the other oil well owners and retards and injures the working of producing wells in the vicinity of such abandoned wells ; and whereas it is necessary to make some provision for the filling up or otherwise shutting off the water flowing into such abandoned wells :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. That if the working of any oil well is retarded or injured by the water existing in or flowing into any abandoned oil well in the vicinity of the well so injured it shall and may be lawful for the owner of such well so injured to apply to the municipal council of the municipality in which such abandoned well is situated for the purpose of being allowed by such council to either fill up such abandoned well or in some other effectual way to shut off the water flowing therein, and the council shall, upon such application being made in writing by the party injured or aggrieved briefly setting forth the grievance, order some engineer or other competent person to examine the said abandoned well, and after such examination to report to the said council in writing whether in his opinion the party complaining is injured as alleged, and whether the said abandoned well should be filled up, or the water flowing therein shut off in some other and what manner.

Owners of wells injured may apply to municipal councils to fill up abandoned wells.

Powers of the council.

2. In case the said engineer or other competent person reports to the council that in his opinion the said abandoned well so complained of should be filled up, or that the water flowing therein should be shut off in some other way, then in such case the clerk of such council shall mail to the owner or owners of such abandoned well, or to some one of such owners, or to his or their agent in charge of the premises where such abandoned well is situate, a copy of such report with a notice in writing signed by said clerk stating that unless said abandoned well is filled up or the water flowing therein is effectually shut off in accordance

If engineer reports a well should be filled up, owners thereof to be notified.

with the opinion contained in the said report, that the party complaining will proceed to do the work as provided in the next section.

Cases wherein complainant may fill up.

3. If the said abandoned well is not filled up, or the water flowing therein otherwise shut off in accordance with the opinion contained in said report, within twenty days from the time of the mailing of the said notice, then it shall and may be lawful for the party complaining to proceed to the filling up of the said abandoned well, or the shutting off of the water flowing therein in accordance with the terms of the said report; and no action of trespass or other action for damages shall lie or be maintainable against the party, his servants or agents for so doing. 5 10

BILL.

An Act to provide for the filling up of or otherwise shutting off the water flowing into abandoned Oil Wells.

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1st Reading, 2nd February, 1872.

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Mr. PARDEE.

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TORONTO:

PRINTED BY HUNTER, ROSE & COMPANY.



An Act to provide for the filling up of or otherwise shutting off the water flowing into abandoned Oil Wells.

**W**HEREAS there are in the oil districts of the Province of Ontario a large number of wells which have been sunk for oil and afterwards abandoned either from the fact that the said wells were non-producing or from some other cause ; and whereas, new wells are continually being sunk in the said oil districts and afterwards are not worked and are abandoned as being non-producing wells or from some other reason ; and whereas, the abandoning of the said wells without first filling them up or otherwise shutting off the water flowing into the said wells is injurious to the other oil well owners and retards and injures the working of producing wells in the vicinity of such abandoned wells ; and whereas it is necessary to make some provision for the filling up or otherwise shutting off the water flowing into such abandoned wells :

Preamble.

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1. That if the working of any oil well is retarded or injured by the water existing in or flowing into any abandoned oil well in the vicinity of the well so injured, it shall and may be lawful for the owner of such well so injured to apply to the municipal council of the municipality, in which such abandoned well is situated, for the purpose of being allowed by such council to either fill up such abandoned well or in some other effectual way to shut off the water flowing therein ; and the council shall, upon such application being made in writing by the party injured or aggrieved briefly setting forth the grievance, order some engineer or other competent person to examine the said abandoned well, and after such examination to report to the said council in writing whether in his opinion the party complaining is injured as alleged, and whether the said abandoned well should be filled up, or the water flowing therein shut off in some other and what manner.

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1st Session, 2nd Parliament, 35 Victoria, 1872.

An Act to provide for the filling up of or otherwise shutting off the water flowing into abandoned Oil Wells.

First Reading,	2nd February,	1872.
Second	“	19th
Third	“	22nd
	“	1872.

Mr. PARDEE.

An Act to incorporate the Town of Tilsonburg and to define the limits thereof.

**WHEREAS** the inhabitants of the police village of Tilsonburg Preamble.

in the Township of Dereham in the County of Oxford and of the adjacent territory included within the boundaries hereinafter mentioned have by their petition represented that the population of the said village is increasing at a rapid rate and now amounts to over sixteen hundred and that the Canada Air Line Railway and the Canada Southern Railway now building both pass over the said territory included within the said boundaries whereby the said town, owing to its central and favourable location, will attract the trade of a large, populous and wealthy section of country and will probably increase in population faster in the future than in the past, and that in order to promote its progress and prosperity and to enable the inhabitants thereof to make police regulations and regulations for the protection of property from fire and to carry out the improvements they are desirous of making; and whereas a part of the said territory is within the Township of Middleton in the County of Norfolk, and in compliance with a resolution passed by a public meeting duly convened to consider the matter of incorporation it is desirable that the said police village and the said adjacent territory be incorporated as a town: 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 Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act the inhabitants of the said police village of Tilsonburg and of the said adjacent territory shall be and they are hereby constituted a corporation or body politic under the name of the "Corporation of the Town of Tilsonburg" apart from the said Townships of Dereham and Middleton in which the said police village and adjacent territory are situate, and shall enjoy all the rights, powers and privileges enjoyed by incorporated towns in the Province of Ontario and exercised by the council thereof under the existing municipal laws of the said Province, which are hereby made applicable thereto, but only so far as the same are not inconsistent herewith. Town of Tilsonburg incorporated.

2. The said town shall comprise and consist of the following lots and parts of lots, namely: lots numbers three, four, five and six in the eleventh concession of the Township of Dereham in the County of Oxford, lots number two, three, four and five in the twelfth concession of the said Township of Dereham, and those portions of lots numbers seven, eight, nine and ten in the fourth concession of the Township of Middleton in the County Limits of the town.

of Norfolk, and lots numbers seven and eight in the fifth concession of the said Township of Middleton described as follows—commencing in the southern limit of lot number two in the twelfth concession of the Township of Dereham aforesaid at the distance of forty-two rods more or less from the south eastern 5 corner of the said lot, thence south thirty degrees east along the eastern limit of lot number ten in fourth concession of the said Township of Middleton forty-one chains, thence south 10 seventy-nine degrees ten minutes west eighty chains more or less to the western limit of lot number seven in the said fourth 10 concession, thence north thirty degrees west along the western limits of lot number seven in the fourth concession aforesaid and lot number seven in the fifth concession aforesaid forty-one chains more or less to the southern limit of lot number five in the twelfth concession of the Township of Dereham, thence 15 north seventy-nine degrees ten minutes east along the southern limits of lots numbers five, four, three and two in the twelfth concession aforesaid to the place of beginning.

Wards.

**3.** The said Town of Tilsonburg shall be divided into three wards to be called, respectively, East Ward, West Ward and 20 South Ward.

East ward.

(1.) East Ward shall be composed of that part of the said town described as follows: commencing at the north eastern corner of lot number three in the eleventh concession of the township of Dereham aforesaid, thence southerly along the easterly boundary of said lot number three to the twelfth con- 25 cession of the said township, thence easterly to the north east corner of lot number two in the twelfth concession aforesaid, thence south along the easterly boundary of the said lot number two to the centre of the Otter Creek, thence westerly along the bed of the said creek to Simcoe street in the said police 30 village of Tilsonburg, thence westerly along Simcoe and Bloomer streets to Broadway street, thence northerly along Broadway street to Washington Grand Avenue, thence along Washington Grand Avenue to the Market Square, thence through and from Market Square along a proposed new street leading from the 35 Market Square to Durham street to Stony Creek, thence northerly through the centre of the bed of Stony Creek to the northern limit of the eleventh concession aforesaid, thence easterly to the place of beginning.

West ward.

(2.) West Ward shall be composed of that part of the said 40 town described as follows: commencing at the centre of the bed of Stony Creek where it crosses the northern limit of the eleventh concession aforesaid, thence southerly along the bed of said creek to proposed new street leading from the Market Square to Durham street, thence along proposed new street 45 through the Market Square to Washington Grand Avenue, thence along Washington Grand Avenue to Broadway street, thence southerly along Broadway street to Ridout street, thence along Ridout street to Rolfe street, thence northerly along Rolfe street to Washington street, thence along Washington street 50 westerly to the westerly limit of the said town, thence northerly along the western limit of lot number five in the twelfth concession aforesaid to the southern limit of the eleventh concession aforesaid, thence westerly along the southern limit of lot number six in the eleventh concession aforesaid to the westerly 55 limit of said lot, thence northerly along the westerly limit of the said lot number six to the northern limit of the eleventh concession, thence easterly to the place of beginning.

(3.) South Ward shall be composed of that part of the said town **South ward.** described as follows: commencing at the centre of the bed of the Otter Creek where it intersects the eastern limit of lot number two in the twelfth concession aforesaid, thence southerly 5 along the eastern boundary of the said lot to the south-east corner thereof, thence westerly forty-two rods along the southern boundary of said lot number two, thence south thirty degrees east forty one chains along the eastern limit of lot number ten in the fourth concession of the Township of Middleton, thence 10 south seventy-nine degrees and ten minutes west eighty chains to the western limit of lot number seven in the fourth concession aforesaid, thence north thirty degrees west along the western boundary of lot number seven aforesaid and lot number seven in the fifth concession of the said Township of Middleton 15 to the southern limit of lot number five in the twelfth concession aforesaid, thence westerly along the said southern limit of lot number five to the south west corner of said lot, thence northerly along the westerly limit of said lot to where Washington street intersects the said westerly limit, thence easterly 20 along Washington street to Rolfe street, thence southerly along Rolfe street to Ridout street, thence easterly along Ridout street to Broadway street, thence southerly along Broadway street to Bloomer street, thence along Bloomer and Simcoe streets to the centre of the bed of the Otter Creek, thence along 25 the centre of the bed of Otter Creek easterly to the place of beginning.

4. Immediately after the passing of this Act it shall be law- **Nomination**  
ful for John Secord, who is hereby appointed the returning **for first elec-**  
officer, to hold the nomination for the first election of mayor, reeve **tion of mayor,**  
and councillors at the Sons' Hall in the said town at the hour **etc.**  
of noon; and he shall give one week's notice thereof in a news-  
paper published in the said town, and on the same day, also by  
one week's written notice posted up in at least two conspicuous  
places in each ward of the said town of such nomination; and  
35 he shall preside at such nomination, or, in case of his absence,  
the electors present shall choose from among themselves a chair-  
man to officiate who shall have all the powers of a returning  
officer; and the polling for the said election shall be held on the  
same day of the week in the week next following the said  
40 nomination.

5. The said returning officer shall by his warrant appoint a **Returning**  
deputy returning officer for each of the wards into which the **officers, powers**  
said town is divided; and in the discharge of their duties such **and duties of.**  
returning officer and deputy returning officers shall, before  
45 holding the said election, take the oath or affirmation now re-  
quired by law and shall be respectively subject to all the pro-  
visions of the existing Municipal Acts applicable to returning  
officers at elections in towns as far as the same do not conflict  
with this Act; and the said returning officer shall have all the  
50 powers and perform the several duties of town clerks with re-  
spect to municipal elections in towns.

6. The clerks of the said Townships of Derham and Middle- **Township**  
ton and any other officers thereof shall upon demand made to **clerks to fur-**  
them by the said returning officer or any other officer of the **nish copy of**  
55 said town at once furnish the said returning officer or any other **rolls.**  
officer with a certified copy of so much of the last revised as-  
sessment roll for the said village and townships as may be

required to ascertain the persons entitled to vote at such first election or with the collector's roll, document, writing, statement or deed that may be required; and the said returning officer shall furnish each of his said deputies with true copies of said roll as far as the same relates to voters resident in the several wards in the said town and so far as such assessment roll contains the names of the male freeholders and householders rated thereon, which copies shall be verified on oath or as is now required by law. 5

Council, of whom composed, powers, etc

7. The council of the said town to be elected in manner aforesaid shall consist of the mayor who shall be the head thereof, a reeve and three councillors for each ward: and they shall be organized as a council on the same day of the week next following the week of the polling, or, if there be no polling, on the same day of the week next following the week of the said nomination; and at subsequent elections in the same manner as in towns incorporated under the provisions of the Municipal Acts in Ontario; and have, use and exercise the powers and privileges vested in the mayor, reeve and councillors in incorporated towns. 10 15 20

Oaths of office, etc.

8. The several persons who shall be elected or appointed under this Act shall take the oaths of office and of qualification in the manner now prescribed by law and in accordance with this Act.

Qualifications.

9. That at the first election of mayor, reeve and councillors of the said town, the qualification of the electors and of the reeve and officers required to qualify shall be the same as that required in townships, and that of the mayor shall be the same as that of the reeve in townships. 25

The town made a separate municipality.

10. From and after the holding of the election under this Act the said town shall cease to form part of the Townships of Dereham and Middleton, and shall to all intents and purposes form a separate and independent municipality with all the rights, privileges and jurisdiction of an incorporated town in Ontario, and shall be attached to and form part of the County of Oxford. 30 35

Rights and liabilities between the town and townships.

11. The council of the said town shall be entitled to recover from the said Townships of Dereham and Middleton such share of all moneys on hand, due, owing and of right collectable by and belonging to the said townships at and prior to the said time of incorporation, or thereafter if entitled thereto, as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said town formerly within the boundaries of the said townships respectively as shown by the collector's roll of the year one thousand eight hundred and seventy-one bears to the whole amount of the assessed property of the said townships respectively: and the said town shall be liable to pay to the said townships a share in the same proportion of all debts and liabilities existing against the said townships at the time this Act shall come into force as the same shall become due and which are fairly and equitably chargeable against the said town, the said share in case of dispute to be decided by arbitration under the provisions of the Municipal Acts of Ontario. 40 45 50

**12.** 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 incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds or any matter whatsoever required by the clerks or other officers of the councils of the said townships or otherwise shall be borne and paid by the said town council to the said township councils or any party entitled thereto.

Certain  
expenses made  
payable by the  
town.

BILL.

An Act to incorporate the Town of Tilsonburg and to define the limits thereof.

*PRIVATE BILL.*

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First Reading, 5th February, 1872.

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MR. OLIVER.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co, KING ST.



An Act to incorporate the Town of Tilsonburg and to define the limits thereof.

**W**HEREAS the inhabitants of the police village of Tilsonburg Preamble.  
 in the Township of Dereham in the County of Oxford and of the adjacent territory included within the boundaries hereinafter mentioned have by their petition represented that the population of the said village is increasing at a rapid rate and now amounts to over sixteen hundred, and that the Canada Air Line Railway and the Canada Southern Railway, now building, both pass over the said territory included within the said boundaries, whereby the said town, owing to its central and favourable location, will attract the trade of a large, populous and wealthy section of country and will probably increase in population faster in the future than in the past, and that in order to promote its progress and prosperity and to enable the inhabitants thereof to make police regulations and regulations for the protection of property from fire and to carry out the improvements they are desirous of making; and whereas a part of the said territory is within the Township of Middleton in the County of Norfolk, and in compliance with a resolution passed by a public meeting duly convened to consider the matter of incorporation it is desirable that the said police village and the said adjacent territory be incorporated as a town: 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 Assembly of the Province of Ontario, enacts as follows:—

**1.** On and after the passing of this Act the inhabitants of the said police village of Tilsonburg and of the said adjacent territory shall be and they are hereby constituted a corporation or body politic under the name of the "Corporation of the Town of Tilsonburg" apart from the said Townships of Dereham and Middleton in which the said police village and adjacent territory are situate; and shall enjoy all the rights, powers and privileges enjoyed by incorporated towns in the Province of Ontario and exercised by the councils thereof under the existing municipal laws of the said Province, which are hereby made applicable thereto, but only so far as the same are not inconsistent herewith. Town of Tilsonburg incorporated.

**2.** The said town shall comprise and consist of the following lots and parts of lots, namely: lots numbers three, four, five and six in the eleventh concession of the Township of Dereham in the County of Oxford, lots number two, three, four and five in the twelfth concession of the said Township of Dereham, and those portions of lots numbers seven, eight, nine and ten in the fourth concession of the Township of Middleton in the County Limits of the town.

of Norfolk, and lots numbers seven and eight in the fifth concession of the said Township of Middleton described as follows — commencing in the southern limit of lot number two in the twelfth concession of the Township of Dereham aforesaid at the distance of forty-two rods more or less from the south eastern corner of the said lot, thence south thirty degrees east along the eastern limit of lot number ten in fourth concession of the said Township of Middleton forty-one chains, thence south seventy-nine degrees ten minutes west eighty chains more or less to the western limit of lot number seven in the said fourth concession, thence north thirty degrees west along the western limits of lot number seven in the fourth concession aforesaid and lot number seven in the fifth concession aforesaid forty-one chains more or less to the southern limit of lot number five in the twelfth concession of the Township of Dereham, thence north seventy-nine degrees ten minutes east along the southern limits of lots numbers five, four, three and two in the twelfth concession aforesaid to the place of beginning.

**Wards.**

3. The said Town of Tilsonburg shall be divided into three wards to be called, respectively, East Ward, West Ward and South Ward.

**East ward.**

(1.) East Ward shall be composed of that part of the said town described as follows: commencing at the north eastern corner of lot number three in the eleventh concession of the township of Dereham aforesaid, thence southerly along the easterly boundary of said lot number three to the twelfth concession of the said township, thence easterly to the north east corner of lot number two in the twelfth concession aforesaid, thence south along the easterly boundary of the said lot number two to the centre of the Otter Creek, thence westerly along the bed of the said creek to Simcoe street, in the said police village of Tilsonburg, thence westerly along Simcoe and Bloomer streets to Broadway street, thence northerly along Broadway street to Washington Grand Avenue, thence along Washington Grand Avenue to the Market Square, thence through and from Market Square along a proposed new street leading from the Market Square to Durham street to Stony Creek, thence northerly through the centre of the bed of Stony Creek to the northern limit of the eleventh concession aforesaid, thence easterly to the place of beginning.

**West ward.**

(2.) West Ward shall be composed of that part of the said town described as follows: commencing at the centre of the bed of Stony Creek where it crosses the northern limit of the eleventh concession aforesaid, thence southerly along the bed of said creek to a proposed new street leading from the Market Square to Durham street, thence along the proposed new street through the Market Square to Washington Grand Avenue, thence along Washington Grand Avenue to Broadway street, thence southerly along Broadway street to Ridout street, thence along Ridout street to Rolfe street, thence northerly along Rolfe street to Washington street, thence along Washington street westerly to the westerly limit of the said town, thence northerly along the western limit of lot number five in the twelfth concession aforesaid to the southern limit of the eleventh concession aforesaid, thence westerly along the southern limit of lot number six in the eleventh concession aforesaid to the westerly limit of said lot, thence northerly along the westerly limit of the said lot number six to the northern limit of the eleventh concession, thence easterly to the place of beginning.

(3.) South Ward shall be composed of that part of the said town South ward. described as follows: commencing at the centre of the bed of the Otter Creek where it intersects the eastern limit of lot number two in the twelfth concession aforesaid, thence southerly along the eastern boundary of the said lot to the south-east corner thereof, thence westerly forty-two rods along the southern boundary of said lot number two, thence south thirty degrees east forty one chains along the eastern limit of lot number ten in the fourth concession of the Township of Middleton, thence south seventy-nine degrees and ten minutes west eighty chains to the western limit of lot number seven in the fourth concession aforesaid, thence north thirty degrees west along the western boundary of lot number seven aforesaid and lot number seven in the fifth concession of the said Township of Middleton to the southern limit of lot number five in the twelfth concession aforesaid, thence westerly along the said southern limit of lot number five to the south west corner of said lot, thence northerly along the westerly limit of said lot to where Washington street intersects the said westerly limit, thence easterly along Washington street to Rolfe street, thence southerly along Rolfe street to Ridout street, thence easterly along Ridout street to Broadway street, thence southerly along Broadway street to Bloomer street, thence along Bloomer and Simcoe streets to the centre of the bed of the Otter Creek, thence along the centre of the bed of Otter Creek easterly to the place of beginning.

4. Immediately after the passing of this Act it shall be lawful for John Secord, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve and councillors at the Sons' Hall in the said town at the hour of noon; and he shall give one week's notice thereof in a newspaper published in the said town, and on the same day, also by one week's written notice posted up in at least two conspicuous places in each ward of the said town of such nomination; and he shall preside at such nomination, or, in case of his absence, the electors present shall choose from among themselves a chairman to officiate who shall have all the powers of a returning officer; and the polling for the said election shall be held on the same day of the week in the week next following the said nomination.

Nomination  
for first elec-  
tion of mayor,  
etc.

5. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the said town is divided; and in the discharge of their duties such returning officer and deputy returning officers shall, before holding the said election, take the oath or affirmation now required by law and shall be respectively subject to all the provisions of the existing Municipal Acts applicable to returning officers at elections in towns as far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform the several duties of town clerks with respect to municipal elections in towns.

Returning  
officers, powers  
and duties of.

6. The clerks of the said Townships of Dereham and Middleton and any other officers thereof shall upon demand made to them by the said returning officer or any other officer of the said town at once furnish the said returning officer or any other officer with a certified copy of so much of the last revised assessment roll for the said village and townships as may be

Township  
clerks to fur-  
nish copy of  
rolls.

required to ascertain the persons entitled to vote at such first election, or with the collector's roll, document, writing, statement or deed that may be required; and the said returning officer shall furnish each of his said deputies with true copies of said roll as far as the same relates to voters resident in the several wards in the said town and so far as such assessment roll contains the names of the male freeholders and householders rated thereon, which copies shall be verified on oath or as is now required by law.

Council, of whom composed, powers, etc

**7.** The council of the said town to be elected in manner aforesaid shall consist of the mayor who shall be the head thereof, a reeve and three councillors for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or, if there be no polling, on the same day of the week next following the week of the said nomination; and at subsequent elections in the same manner as in towns incorporated under the provisions of the Municipal Acts in Ontario; and have, use and exercise the powers and privileges vested in the mayor, reeve and councillors in incorporated towns.

Oaths of office, etc.

**8.** The several persons who shall be elected or appointed under this Act shall take the oaths of office and of qualification in the manner now prescribed by law and in accordance with this Act.

Qualifications.

**9.** That at the first election of mayor, reeve and councillors of the said town, the qualification of the electors and of the reeve and officers required to qualify shall be the same as that required in townships, and that of the mayor shall be the same as that of the reeve in townships.

The town made a separate municipality.

**10.** From and after the holding of the election under this Act the said town shall cease to form part of the Townships of Dereham and Middleton, and shall to all intents and purposes form a separate and independent municipality with all the rights, privileges and jurisdiction of an incorporated town in Ontario, and shall be attached to and form part of the County of Oxford.

Rights and liabilities between the town and townships.

**11.** The council of the said town shall be entitled to recover from the said Townships of Dereham and Middleton such share of all moneys on hand, due, owing and of right collectable by and belonging to the said townships at and prior to the said time of incorporation, or thereafter if entitled thereto, as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said town formerly within the boundaries of the said townships respectively as shown by the collector's roll of the year one thousand eight hundred and seventy-one bears to the whole amount of the assessed property of the said townships respectively; and the said town shall be liable to pay to the said townships a share in the same proportion of all debts and liabilities existing against the said townships at the time this Act shall come into force as the same shall become due and which are fairly and equitably chargeable against the said town; the said share in case of dispute to be decided by arbitration under the provisions of the Municipal Acts of Ontario.

**12.** 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 incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds or any matter whatsoever required by the clerks or other officers of the councils of the said townships or otherwise shall be borne and paid by the said town council to the said township councils or any party entitled thereto.

Certain  
expenses made  
payable by the  
town.

An Act to incorporate the Town of Tilson-  
burg and to define the limits thereof.

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First Reading,	5th	February,	1872.
Second	"	21st	"
Third	"	26th	"
			1872.

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MR. OLIVER.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to affirm the validity of certain By-laws passed in aid of the extension of the Midland Railway of Canada.

**W**HEREAS the Midland Railway of Canada have prayed that all doubts as to the validity of certain by-laws passed for the purpose of aiding by bonus the extension of the said railway may be removed:

5 Therefore Her Majesty, by and with the consent and advice of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All by-laws passed by any municipality for the purpose of aiding the said Midland Railway, under the third section of the Act passed in the thirty-third year of Her Majesty's reign, chaptered thirty one, and intituled "An Act to authorize the Port Hope, Lindsay and Beaverton Railway Company, to change the name of their railway and to extend their line of railway, and for other purposes," and all debentures issued or to be issued under such by-law or by-laws, shall be and are hereby declared to be legal and valid; Provided such by-law or by-laws have been adopted by a majority of legally qualified rate-payers who have voted thereon.

By-laws and debentures in aid of Midland Railway legalized.

BILL.

An Act to affirm the validity of certain by-laws passed in aid of the extension of the Midland Railway of Canada.

*(PRIVATE BILL.)*

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1st Reading, 5th February, 1872.

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Mr. Wood, (Victoria).

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TORONTO:

PRINTED BY HUNTER, ROSE & COMPANY.



No. 125.]

**BILL.**

[1872.

An Act to amend the Act intituled "An Act respecting the municipal institutions of Upper Canada.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 5 **1.** Sub-section four of section two hundred and twenty-six of the said Act passed in the session held in the twenty-ninth and thirtieth years of the reign of Her Majesty, chaptered fifty-one, is hereby amended by inserting after the word "Rolls" in the third line of the said sub-section the following words, namely,  
10 "in all municipalities other than counties, and in counties by the last equalized Assessment rolls." 29 and 30 V., c. 51, s. 226, cl. 4 amended.
- 2.** Sub-section six of section two hundred and twenty-six of the said Act is hereby amended by erasing the words "revised and equalized assessment rolls," and inserting in lieu thereof the  
15 following words, namely:—"the last revised rolls in all municipalities except counties, and according to the last equalized assessment rolls in counties." S. 226, cl. 6 amended.

BILL

An Act to amend the Act intituled "An Act respecting the municipal institutions of Upper Canada."

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First Reading, 5th February, 1872.

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MR. MOXK.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

## An Act to incorporate the Toronto Dairy Company.

**W**HEREAS James Michie, Henry S. Howland, William T. Preamble.

Aikens, the Hon. Donald McDonald, William H. Howland, Daniel B. Chisholm, William T. Kielly, Joseph Howson and Joseph Birney, have petitioned for an Act of incorporation under the name and title of the Toronto Dairy Company, for the purpose of carrying on the dairy business, supplying milk and cream to the City of Toronto, and other places, the manufacturing of cheese, and the buying and selling of stock necessary for the purpose; and whereas it is expedient to grant the prayer

5 of said petitioners :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** That James Michie, Henry S. Howland, William T. Aik- Incorporation.  
 15 ens, the Hon. Donald McDonald, William H. Howland, Daniel B. Chisholm, William T. Kielly, Joseph Howson and Joseph Birney, and such other persons as shall hereafter become stockholders in the said undertaking shall be and are hereby created a body corporate, by and under the name of the “Toronto Dairy Corporate  
 20 Company”; and by that name shall have perpetual succession and may sue and be sued in any courts, and have and use a common seal, and be capable by law to make and receive all deeds, conveyances, transfers, assignments, and contracts necessary to carry into effect the provisions of this Act, and to promote the name.  
 25 objects and design of the said corporation.

**2.** The said company may carry on the business of dairy Powers and  
 farmers and all things pertaining thereto, the buying and sell- business of the  
 ing of cattle and other farm or live stock, the supplying of company.  
 30 milk, cream or other dairy produce to the citizens of Toronto, the manufacturing of cheese and the sale thereof; and for these purposes may acquire and hold by purchase, grant, lease or other legal title, lands in the Province not exceeding two thousand acres; and may erect, construct and maintain thereon all such buildings and erections as the company may deem neces-  
 35 sary or for the advantage or benefit thereof.

**3.** The capital stock of the company shall be the sum of one Capital stock  
 hundred thousand dollars, in two thousand shares of fifty dollars and shares.  
 each; which said capital stock may be from time to time in-  
 creased as the wants of the company may require, by a two-  
 40 third vote of the majority of the stockholders at a meeting of Increasing  
 the company called for the purpose. capital.

**4.** The capital stock shall be paid by the subscribers there- How the stock  
 for, when, where and as the directors of the company shall re- to be paid.  
 quire, or as the by-laws may provide; and if not paid at the

- day required, interest at the rate of six per cent. per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with interest thereon, after such demand or notice as the by-laws prescribe, and within 5 the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company 10 may provide.
- If not paid promptly interest to be charged.**  
**Forfeiture for non-payment.**
- Stock, how assignable.** 5. The stock of the company shall be deemed personal estate, and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon 15 have been paid unless it has been declared forfeited for non-payment.
- Aliens may be shareholders.** 6. Aliens, as well as British subjects and whether resident in this Province or elsewhere may be shareholders in the said company; and all such shareholders shall be entitled to vote on 20 their shares equally with British subjects, and shall be also eligible to hold all the offices in the said company.
- Meetings and manner of voting.** 7. At all meetings of the company every shareholder, not being in arrears in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the 25 company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy; Provided always the proxy is held by a shareholder not in arrear and as in conformity with the by-laws.
- Proviso.**
- Directors, how elected, and qualification.** 8. The affairs of the company shall be administered by a 30 board of nine directors, being severally holders of at least twenty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who, (if otherwise qualified) may always be re-elected, and three mem- 35 bers of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect 40 directors, or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.
- Vacancies, how filled.**
- Powers of the board.** 9. The board of directors shall have full power in all things to administer the affairs of the company; and to make or cause 45 to be made any purchase and any description of contract in connection with the business of the company and which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the will of the shareholders of the company, declared at any special 50 or general meeting by the votes of a majority present at such meeting) for regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer 55

of stock ; the declaration and payment of dividends ; the ap-  
 pointment, functions, duties and removal of all agents, officers,  
 and servants of the company ; the security to be given by them  
 to the company, their remuneration, and that, if any, of the  
 5 directors ; the time and place for holding the annual and other  
 meetings of the company, within the Province or elsewhere ;  
 the calling of meetings of the company and of the board of  
 directors ; the quorum ; the requirements as to proxies ; the  
 procedure in all things at such meetings ; the site of their chief  
 10 place of business and of any other offices they may require to  
 have : the imposition and recovery of all penalties and forfeit-  
 ures admitting of regulation by by-law : and the conduct in all  
 other particulars of the affairs of the company : but every such  
 by-law and every repeal, amendment and re-enactment thereof  
 15 shall have force only until the next annual meeting of the com-  
 pany, unless confirmed at some general meeting of the company ;  
 and every copy of any by-law under the seal of the company  
 and purporting to be signed by any officer of the company  
 shall be received in all courts of law as *prima facie* evidence  
 20 of such by-law.

10. Until the first election of such board, the several persons  
 above named shall be a provisional board of directors of the  
 said company, with full power to fill vacancies ; to open stock  
 books ; assign stock ; make calls for and collect instalments ;  
 25 issue certificates and receipts ; convene the first general meet-  
 ing of the company, at such time and place within this Prov-  
 ince or elsewhere as they shall determine ; and to do other acts  
 necessary or proper to be done to organize the company and  
 conduct its affairs.

Copies of by-  
 laws to be  
*prima facie*  
 evidence  
 thereof.

Provisional  
 directors.

30 11. The company shall not be bound to see to the execution  
 of any trust, whether express, implied or constructive, in re-  
 spect of any shares ; and the receipt of the person in whose  
 name the same shall stand in the books of the company shall  
 be a discharge to the company for any dividend or money pay-  
 35 able in respect of such share, whether or not notice of such  
 trust shall have been given to the company, and the company  
 shall not be bound to see to the application of the money paid  
 upon such receipt.

Company not  
 liable as trust-  
 ees.

40 12. The shareholders of the company shall not be held respon-  
 sible personally or individually, for any act, default or liability  
 whatsoever of the company, or for any engagement, claim, pay-  
 ment, loss, injury, transaction, matter or thing whatsoever to  
 or connected with the company, beyond the amount unpaid  
 upon their shares in the stock thereof.

Liability of  
 shareholders  
 defined.

45 13. The company shall have power to become parties to  
 promissory notes and bills of exchange for sums not less than  
 one hundred dollars ; and any such promissory note made or  
 endorsed, and such bill of exchange drawn, accepted or endorsed  
 by the president or vice-president of the company and counter-  
 50 signed by the secretary or treasurer and under the authority  
 of a majority of a quorum of the directors, shall be binding on  
 the company ; and every such promissory note or bill of ex-  
 change made, drawn, accepted or endorsed by the president or  
 vice-president of the said company, and countersigned by the  
 55 secretary or treasurer as such, shall be presumed to have been  
 properly made, drawn, accepted or endorsed, as the case may

Negotiable in-  
 struments.

be, for the company until the contrary be shewn, and shall be valid and binding on the said company in the hands of a bona fide holder for value, without notice of the same being unauthorized, whether authorized as aforesaid or not; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same shall be unauthorized, when the parties signing the same shall be liable to the said company for all loss or damage the said company may sustain by reason thereof, or by the payment thereof; Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money, or as the notes of a bank.

**14.** The directors of the said company after the sanction of the shareholders shall have been first obtained at a general meeting to be called for such purpose shall have powers to borrow from time to time for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere, as may be deemed advisable, and to sell the same at such prices as may be deemed expedient; and to hypothecate, mortgage or pledge the lands, revenues and other property of the company, for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company and under the seal of the said company; Provided that the said company shall not be authorized to borrow a sum exceeding the amount of the capital stock then paid up.

**15.** The company shall have full power under this Act to purchase and hold as part of the property of the said company, and may sell and dispose of the same as occasion may arise, lands and real estate not exceeding, in the whole, two thousand acres.

**16.** The company shall not commence operations under this Act, until at least twenty per centum of the amount of their capital stock shall have been paid in; Provided always, that unless operations be commenced under this Act within one year from the passing thereof, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold and to make such conveyance as may be necessary for that purpose.

## BILL.

An Act to incorporate the Toronto Dairy Company.

(PRIVATE BILL.)

First Reading, 5th February, 1872.

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE &amp; Co., KING ST.

## An Act to incorporate the Toronto Dairy Company.

**W**HEREAS James Michie, Henry S. Howland, William T. Aikens, the Hon. Donald McDonald, William H. Howland, Daniel B. Chisholm, William T. Kielly, Joseph Howson and Joseph Birney, have petitioned for an Act of incorporation under the name and title of the Toronto Dairy Company, for the purpose of carrying on the dairy business, supplying milk and cream to the City of Toronto, and other places, the manufacturing of cheese, and the buying and selling of stock necessary for the purpose; and whereas it is expedient to grant the prayer of said petitioners: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** That James Michie, Henry S. Howland, William T. Aikens, the Hon. Donald McDonald, William H. Howland, Daniel B. Chisholm, William T. Kielly, Joseph Howson and Joseph Birney, and such other persons as shall hereafter become stockholders in the said undertaking shall be and are hereby created a body corporate, by and under the name of the "Toronto Dairy Company"; and by that name shall have perpetual succession and may sue and be sued in any courts, and have and use a common seal, and be capable by law to make and receive all deeds, conveyances, transfers, assignments, and contracts necessary to carry into effect the provisions of this Act, and to promote the objects and design of the said corporation. Incorporation.  
Corporate name.

**2.** The said company may carry on the business of dairy farmers and all things pertaining thereto, the buying and selling of cattle and other farm or live stock, the supplying of milk, cream or other dairy produce to the citizens of Toronto, and other places, the manufacturing of cheese and the sale thereof; and for these purposes may acquire and hold by purchase, grant, lease or other legal title, lands in the Province not exceeding four thousand acres: and may erect, construct and maintain thereon all such buildings and erections as the company may deem necessary or for the advantage or benefit thereof. Powers and business of the company.

**3.** The capital stock of the company shall be the sum of one hundred thousand dollars, in two thousand shares of fifty dollars each; which said capital stock may be from time to time increased as the wants of the company may require, by a two-third vote of the majority of the stockholders at a meeting of the company called for the purpose. Capital stock and shares.  
Increasing capital.

**4.** The capital stock shall be paid by the subscribers therefor, when, where and as the directors of the company shall require, or as the by-laws may provide; and if not paid at the

If not paid promptly interest to be charged

Forfeiture for non-payment.

Stock, how assignable.

Aliens may be shareholders.

Meetings and manner of voting.

Proviso.

Directors, how elected, and qualification.

Vacancies, how filled.

Powers of the board.

day required, interest at the rate of six per cent. per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

6. Aliens, as well as British subjects and whether resident in this Province or elsewhere may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold all the offices in the said company.

7. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy; Provided always the proxy is held by a shareholder not in arrear, and as in conformity with the by-laws.

8. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least twenty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who, (if otherwise qualified) may always be re-elected; and three members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

9. The board of directors shall have full power in all things to administer the affairs of the company; and to make or cause to be made any purchase and any description of contract in connection with the business of the company and which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the will of the shareholders of the company, declared at any special or general meeting by the votes of a majority present at such meeting) for regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer



of stock : the declaration and payment of dividends ; the appointment, functions, duties and removal of all agents, officers, and servants of the company ; the security to be given by them to the company, their remuneration ; the time and place for holding the annual and other meetings of the company, within the Province, the calling of meetings of the company and of the board of directors ; the quorum ; the requirements as to proxies ; the procedure in all things at such meetings ; the site of their chief place of business and of any other offices they may require to have : the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law : and the conduct in all other particulars of the affairs of the company : but every such by-law and every repeal, amendment and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company ; and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company shall be received in all courts of law as *prima facie* evidence of such by-law.

**10.** Until the first election of such board, the several persons above named shall be a provisional board of directors of the said company, with full power to fill vacancies ; to open stock books ; assign stock ; make calls for and collect instalments ; issue certificates and receipts ; convene the first general meeting of the company, at such time and place within this Province as they shall determine ; and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Copies of by-laws to be *prima facie* evidence thereof.

Provisional directors.

**11.** The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares ; and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company ; and the company shall not be bound to see to the application of the money paid upon such receipt.

Company not liable as trustees.

**12.** The shareholders of the company shall not be held responsible personally or individually, for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof.

Liability of shareholders defined.

**13.** The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers and servants thereof for services performed for such company ; but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due, and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

Shareholders liable for debts due to employees.

Negotiable instruments.

**14.** The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company until the contrary be shewn, and shall be valid and binding on the said company in the hands of a bona fide holder for value without notice of the same being unauthorized, whether authorized as aforesaid or not; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same shall be unauthorized, when the parties signing the same shall be liable to the said company for all loss or damage the said company may sustain by reason thereof, or by the payment thereof, and unless any such bill or note shall have been given for wages to servants or employees of the company; Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money, or as the notes of a bank.

Proviso.

Company may borrow money and issue bonds, &c.

**15.** The directors of the said company after the sanction of the shareholders shall have been first obtained at a general meeting to be called for such purpose shall have powers to borrow from time to time for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere, as may be deemed advisable, and to sell the same at such prices as may be deemed expedient; and to hypothecate, mortgage or pledge the lands, revenues and other property of the company, for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company and under the seal of the said company; Provided that the said company shall not be authorized to borrow a sum exceeding one-half the amount of the capital stock then paid up.

Proviso.

**16.** The company shall have full power under this Act to purchase and hold as part of the property of the said company, and may sell and dispose of the same as occasion may arise, lands and real estate not exceeding, in the whole, four thousand acres.

17. The company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in, to one of the chartered banks in this Province, to the credit of the company, and not to be withdrawn therefrom except for the purposes of the company; Provided always, that unless operations be commenced under this Act within one year from the passing thereof, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold and to make such conveyance as may be necessary for that purpose.

When to commence business.

Proviso: forfeiture for non-user.

An Act to incorporate the Toronto Dairy Company.

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First Reading, 5th February, 1872.	
Second " 21st " 1872.	
Third " 23rd " 1872.	

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Hon. Mr. CAMERON.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate "The Ontario Street Railway Company, (Limited)."

**W**HEREAS William Paterson, of the City of Toronto, Preamble.  
banker, has by his petition, prayed that an association  
under the title of "The Ontario Street Railway Company,  
(Limited)," may be incorporated for the purpose of constructing  
5 and operating street railways in the City of Toronto and the  
municipalities thereto adjoining: And whereas the said William  
Paterson, has obtained the consent of the city common council  
to apply to the Legislature for an Act for the purposes afore-  
said; And whereas, it is expedient to grant the prayer of the  
10 petitioner:

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The said William Paterson, William Walter Colwell, Company  
15 lumber merchant, Peter Paterson, hardware merchant, all of incorporated.  
the City of Toronto, and such other persons as shall become  
shareholders of the said company, are hereby constituted a body  
politic and corporate, for the purposes herein mentioned, under  
the name and style of "The Ontario Street Railway Company Name.  
20 (Limited)."

**2.** The capital stock of the company shall be three hundred Capital.  
thousand dollars, in twelve thousand shares of twenty-five  
dollars each.

**3.** The company may commence operations and exercise the When the com-  
25 powers hereby granted, so soon as one hundred thousand dollars pany may com-  
of the capital stock shall be subscribed, and twenty per centum mence opera-  
thereon paid up. tions.

**4.** The said company are hereby authorized and empowered Company may  
to construct, complete, maintain and operate, and from time to construct and  
30 time to remove and change a double or single track iron railway work a Street  
with the necessary side-tracks, switches, turn-outs and other Railway.  
conveniences and appliances for the passage of cars, carriages  
and other vehicles adapted to the same, upon and along any of  
the streets of the City of Toronto, and the municipalities, im-  
35 mediately adjoining the limits of the said city, or any of them,  
for which permission shall first be obtained by by-law from the  
Corporation of the said City of Toronto, and of the said muni-  
cipalities through which the said railway or any part thereof  
may run; and subject to the limitation set forth and provided  
40 by the by-laws granting such permission, to take, transport,  
and carry passengers and freight upon the same, and to con-  
struct and maintain all necessary works, buildings, and conve-  
Subject to the  
by-laws.

May use the streets and highways.

niences therewith connected; and to use and occupy any and such parts of any of the streets or highways aforesaid, as may be required for the purposes of their railway tracks, and the laying out of the rails, and the running of their cars, carriages, or vehicles.

5

Railway to be flush with the streets.

5. The rails of the railway shall be laid flush with the streets and highways, and may cross any other railway tracks so that it does not injure the same, and shall conform to the grades of the streets, so as to offer the least possible impediments to the ordinary traffic of the said streets and highways, and the gauge

Gauge of railway.

of the said railway shall not be less than two feet, but may be wider, and all other vehicles may travel upon the tracks of the said railway, provided they do not interfere with or impede the

Other vehicles to give place to the cars of the company.

running of the cars of the said company, and in all cases, every carriage or vehicle on the track shall immediately give place to the cars, carriages, or other conveyances of the company, when required, by turning off the track.

Board of Directors.

6. The affairs of the company shall be under the control, and shall be managed and conducted by a board to consist of not less

Qualification.

than three, nor more than five directors, each of whom shall be

Election.

a shareholder to an amount of not less than one hundred dollars, and shall be elected on the first Monday of April in every year; at the office of the company in Toronto; and all such election shall be by ballot, by a majority of the votes of the stockholders present, each share upon which all instalments due have

President.

been paid to have one vote, and stockholders not personally present may vote by proxy; and the directors so chosen shall, as soon as may be, elect one of their number to be president,

Vacancies.

which president and directors shall continue in office one year, and until their successors shall be elected, and if any vacancy shall at any time happen in the office of president or director, the remaining directors shall supply such vacancy for the remainder of the year, from among the shareholders qualified.

First directors.

7. The said William Paterson, William Walter Colwell, and Peter Paterson, shall be the first directors of the company, and the said William Paterson the first president thereof, and shall severally hold their offices until the first day of April, one thousand eight hundred and seventy-three.

Directors may make by-laws for certain purposes.

8. The directors of the company shall have full powers and authority to make, amend, repeal, and re-enact all such by-laws, rules, resolutions, and regulations, as shall appear to them proper and necessary, touching the well-ordering of the company, the acquirement, management, and disposition of its stock, property and effects, and of its affairs and business, the entering

General powers.

into arrangements and contracts with the said city or the adjoining municipalities, the declaration and payment of dividends out of the profits of the company, the form and issuing of stock certificates, the transfer of shares, the calling of special and general meetings of the company, the appointment, renewal, and remuneration of all officers, agents, clerks, workmen, and servants of the company, the fares to be received from persons for transportation over the railway or any part thereof, of persons and other freight, and in general, to do all things that may be necessary to carry out the objects, and exercise the powers incident to the company.

52

**9.** The stock of the company shall be deemed personal estate. Stock to be personally.

**10.** If the election of directors shall not be made on the day appointed by this Act, the company shall not for that reason be dissolved, but the shareholders may hold the election on any other day in the manner provided for by any by-law passed for that purpose, and all acts of directors within the scope of their power until their successors are elected, shall be valid and binding on the company. Failure of election not to dissolve the company.

**11.** The company may purchase, lease, hold, acquire, and transfer all real and personal estates necessary for carrying on the operations of the company. Power to hold real estate.

**12.** The directors may from time to time, raise or borrow for the purposes of the company, any sum or sums of money not exceeding in the whole the sum of one hundred thousand dollars, by the issue of bonds or debentures, in the sums of not less than one hundred dollars, on such terms and conditions as they may think proper, and may pledge or mortgage all the property, tolls and income of the company or any part thereof, for the repayment of the moneys so paid or borrowed, and the interest thereon; Provided always, that the consent of two-thirds in value of the stockholders of the company then present personally, or by proxy, shall be first had and obtained at a special meeting to be called and held for that purpose, and the object of the said meeting shall be stated in the notice concerning the same; And provided also that in no case shall bonds to a greater extent than the amount of the paid up capital be issued. Power to borrow \$10,000 on debentures.  
Proviso.  
Proviso.

**13.** An exact statement of the affairs, debts, and assets of the company up to the first day of March, in each year, shall be submitted to the shareholders at each annual meeting, and the said statement shall be entered in the books of the said company, and shall be open to the inspection of every shareholder. Annual statement of affairs of company.

**14.** The said City of Toronto, and the adjoining municipalities or any of them, and the said company, are respectively hereby authorized to make and enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing, and grading of the streets or highways, and the construction, opening of, and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways; location of the railway and the particular streets along which the same shall be laid; the pattern of rail; the time and speed of running of the cars; carriages, or other vehicles; the amount of the license to be paid by the company annually; the amount of fares to be paid by the passengers, the time in which the works are to be commenced, the manner of proceeding with the same, and the time for completion; and generally for the safety and convenience of passengers, and the conduct of the agents and servants of the company, and the non-obstructing or impeding of the ordinary traffic. The city and adjoining municipalities may agree with the company as to certain matters.

**15.** The said city and the said municipalities are hereby authorized to pass any by-law or by-laws, (and when all parties concur) and to amend, repeal, or re-enact the same for the purpose. City and municipalities may pass by-laws for given effect to such agreements.

Proviso.

pose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules, and regulations, for the conduct of all parties concerned, and for enjoining obedience thereto; and also for facilitating the running of the company's cars, carriages, or vehicles, and for regulating the traffic and conduct of all persons travelling upon the streets and highways, through which the said railway may pass; Provided always, that no such by-law or by-laws shall infringe upon the privileges granted to the company by this Act. 5

1st Session, 2nd Parliament, 35 Victoria, 1872.

BILL.

An Act to incorporate the Ontario Street Railway Company (Limited).

(PRIVATE BILL.)

1st Reading, 5th February, 1872.

Mr. BOUTFREE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.



An Act to incorporate the Hamilton and North-Western Railway Company.

WHEREAS Anthony Copp, James Turner, William E. Sanford, P. W. Dayfoot, Thomas Saunders, Dennis Moore, Adam Hope, A. F. Skinner, George H. Gillespie, Alexander Harvey, William McGiverin, C. Gurney, Jacob Hespeler, A.

5 T. Wood, D. B. Chisholm, D. McInnes, Edward Jackson, Irisham Backle, K. Fitzpatrick, Adam Brown, Thomas Ferguson, M.P.P. and others have petitioned the Legislature of this Province for an Act of Incorporation to construct a railway from some point in or near the City of Hamilton through the Counties of Wentworth, Halton, Peel and Simcoe or some of them to a point in or near to Barrie and thence to a point on Hogg's, Sturgeon or Matchedash Bays, with power to extend the same so as to form a junction with the proposed Canada Central Railway or the Canada Pacific Railway or one or both of them

15 which would develop the resources of that part of the country and open up for settlement a large tract of country at present unimproved and lying waste and it is expedient to grant the prayer of such petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said parties above named together with such persons and corporations as shall in pursuance of this Act become shareholders in the said company hereby incorporated shall become and are hereby declared to be a body corporate and politic by the name of "The Hamilton and North-western Railway Company."

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity," and "fines and penalties and their prosecution," "by-laws," "notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be part of this Act and shall apply to the said company and to the railway to be constructed by them except so far as they may be inconsistent with the enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Preamble.

Incorporation.

Name.

Certain clauses of the Railway Act to apply.

Location of  
railway.

**3.** The company hereby incorporated and their agents or servants shall have full power and authority under this Act to lay out, construct and finish an iron railway from such point near or within the limits of the City of Hamilton on the shore of Burlington Bay or as near thereto as may be deemed desirable and continuing the same through the Counties of Wentworth, Halton, Peel and Simcoe to a point on one of the bays bordering on the Township of Jay and with power to continue the same towards or to Lake Nipissing so as to form a junction with the proposed Canada Central or the Canada Pacific Railway or both of them and with power to construct the same in sections and with power to extend the same to the waters of Lake Simcoe at or near to Barrie; and it shall and may be lawful for the said company to take and appropriate for the use of said railway and the works connected therewith but not to alienate so much of the land as may be necessary for the works of the said railway.

Capital stock.

**4.** The capital of the company hereby incorporated shall be six hundred thousand dollars with power to increase the same in the manner provided by the Railway Act, to be divided into six thousand shares of one hundred dollars each; and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act.

Provisional  
directors.

**5.** The said Anthony Copp, Thomas Saunders, A. W. Day-foot, John Young, W. E. Sanford, James Turner, William McGiverin, Edward Gurney, D. B. Chisholm, James M. Williams, Jacob Hespeler, Simon Plewis, Frederick Hames, Thomas Bowles, John White, James Barbour, John Beech, J. D. McConkey, George Davis, John Kidd and Alfred A. Thompson shall be and are hereby constituted a board of provisional directors of the said company and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders; and it shall be lawful for the provisional directors for the time being of the said company or a majority of the directors present at a meeting called for the purpose to supply the place or places of any of their number from time to time dying or declining or becoming incapable to act as such provisional directors and to associate with themselves at a meeting of directors called for the purpose of deciding thereon not more than five other directors, who shall thereupon become and be directors of the company equally with themselves, which appointments whether by reason of death or resignation or the association of not more than five other directors shall be made from the several subscribers for stock in the said railway company to the amount of five hundred dollars each during the period of their continuance in office and on which ten per cent. shall have been paid.

Powers of pro-  
visional direc-  
tors.

**6.** The said board of provisional directors shall have full power to open up stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed and to call a general meeting of the shareholders for the election of directors as hereinafter pro-

vided; and such provisional directors may appoint a committee from their number to open such stock books giving at least three weeks' notice in the *Ontario Gazette* and one paper published in the City of Hamilton of the time and place of meeting to open such books and receive such subscriptions and the said committee or a majority of them may in their discretion exclude any person from subscribing who in their judgment would hinder or delay the company in proceeding with their railway.

7. When and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the company shall have been subscribed and ten per cent. shall have been paid into one of the chartered banks of the Province or of the Dominion or when and so soon as such subscriptions together with sums granted by municipalities either by way of bonus or in the subscription to the capital stock shall amount to such sum of one hundred thousand dollars and the debentures granted in payment of such bonus or subscription shall have been deposited in one of the chartered banks of the Province or with the Provincial Treasurer in the names of trustees as hereinafter provided, the provisional directors or a majority of them present at a meeting duly called for the purpose shall call a meeting of the subscribers for the purpose of electing directors giving at least two weeks' notice in a paper published in the City of Hamilton and in each of the counties affected and in the *Ontario Gazette* of the time, place and object of such meeting and at such general meeting the shareholders present either in person or by proxy and who shall at the opening of such meeting have paid ten per cent. on the stock subscribed by them shall elect nine persons to be directors of the said company in manner and qualified as hereinafter directed, which said directors together with *ex-officio* directors under the Railway Act or this Act shall constitute a board of directors and shall hold office until the first Monday of May in the year following their election.

8. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act, nor shall the debentures so deposited be otherwise applied than to the purposes of the railway as defined in the by-law or agreement between the municipality or municipalities granting the same and the railway company in relation thereto.

9. The directors for the time being may from time to time make calls as they shall think fit provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each shareholder.

10. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the City of Hamilton, and on such days and on such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one daily newspaper published in the City of Hamilton and in each of the counties which have granted bonuses or subscribed for stock.

11. Special general meetings of the shareholders of the said company may be held at such places in the City of Hamilton and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company.

When meeting for election of directors may be called.

Who may vote at such meeting.

Sums and debentures deposited, application of.

Power to limit amount of calls.

General annual meetings.

Special general meetings.

Qualification  
of directors.

**12.** In the election of directors under this Act no person shall be elected a director unless he shall be the holder and owner of at least five shares of the stock of the said company upon which the all calls have been paid up.

Shareholders,  
right to vote,  
etc.

**13.** Aliens as well as British subjects and whether resident in this Province or elsewhere may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Quorum.

**14.** At all meetings of the board of directors whether of provisional directors or of those elected by the shareholders five directors shall form a quorum for the transaction of business; and the said Board of Directors may employ one of their number as paid director.

Aid from mu-  
nicipalities.

**15.** In case at least fifty of the persons rated on the last assessment roll as freeholders who may be qualified voters under the Municipal Act in any portion of a municipality do petition the council of such municipality to pass a by-law as hereinafter set out, and in such petition do define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, or in the case of a county municipality if fifty persons at least of the qualified ratepayers within the portion of the county affected, or the majority of the reeves and deputy-reeves for those townships, towns or incorporated villages that may be asked to grant a bonus, do petition the council of such county municipality to pass a by-law as hereinafter set out, and in such petition do define the townships, towns or incorporated villages for which they are respectively the reeves and deputy-reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company for this purpose, and stating the amount which they so desire to grant and to be assessed therefor, and in such petition do define the municipalities or portions of municipalities that may be asked to grant such aid, the council of such municipality or county municipality, as the case may be, shall pass a by-law and submit the said by-law to the vote of the qualified ratepayers of the municipality or municipalities or portion of such municipality or municipalities defined in said petition :—

(1.) For raising the amount so petitioned for by such freeholders or such reeves and deputy-reeves in such portion of the municipality by the issue of debentures of the municipality payable in twenty years or earlier or by annual instalments and for the delivery to trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition.

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition an annual special rate sufficient to include a sinking fund for the repayment of the debentures with interest thereon, said interest to be payable yearly or half-yearly, which debentures the municipal councils and the wardens, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

After passing  
by-law, debentures to issue.

**16.** It shall be the duty of the warden or other head of the council upon such petition to call a meeting of the council for

the purpose of introducing such by-law and submitting the same to the ratepayers; and within onemonth after the passing of such by-law the said council and the warden, mayor, reeve or other head thereof and the other officers thereof shall issue the debentures for the bonus thereby granted and deliver the same to the trustees appointed or to be appointed under this Act.

17. In case any bonus be so granted by a portion of a municipality or county municipality the rate to be levied for payment of the debentures issued therefor; and the interest thereon, shall be assessed and levied upon such portion only of the municipality or county municipality.

Assessment on portion of a municipality.

18. The provisions of the Municipal Acts so far as the same are not inconsistent with this Act shall apply to any by-law so passed by or for a portion of a municipality or county municipality to the same extent as if the same had been passed by or for the whole municipality or county municipality.

Municipal Acts applied.

19. All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levying of a greater annual rate than three cents in the dollar of the rateable property affected thereby shall be valid although the amount of the rate to be levied in pursuance thereof shall exceed two cents in the dollar.

Assessment not to exceed three cents in the dollar.

20. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law especially passed for that purpose to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient not exceeding twenty-one years.

Power to exempt from taxation.

21. Any county municipality which shall grant a bonus of not less than five thousand dollars per mile for the line of the railway within the said county in aid of the said company shall be entitled through its council to name its warden as director in the said company as the representative of such municipality; and such directors shall be in addition to all shareholders directors in the said company and shall not require to be a shareholder in the said company and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

Municipal directors.

22. Whenever a municipality or a portion of a municipality shall grant a bonus to aid the said company, the debentures therefor shall be within six weeks after the passing of the by-law delivered to three trustees, one to be named by the company, one by the warden or other head of the municipality granting the same and one by the judge of the county court of the county within which the municipality lies; Provided always that if the head of such corporation or such county judge shall refuse or neglect to name a trustee within two weeks after notice in writing to him or them of the appointment by the company the company shall be at liberty to name such other trustee or trustees; in the event of the death, resignation or inability or refusal to act of

Municipal debentures, delivery to trustees.

any trustee the party who originally appointed the trustee so dying, resigning or becoming incapable or unwilling to act may appoint a successor and in the event of his failing for two weeks after notice in writing to make such appointment the company may appoint. 5

Trusts of debentures.

**23.** The said trustees shall receive the said debentures in trust; firstly to convert the same into money; secondly to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks having an office in the City of Hamilton in the name of the Hamilton and North-10 Western Railway Municipal Trust Account, and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway in the form set out in Schedule "A" hereto or to the like effect setting out the portion of the railway to which the money to be paid out is 15 applied and the total amount expended on such portion to the date of the certificate and such certificate to be attached to the cheque to be drawn by the said trustees.

Two trustees may bind the three.

**24.** The act of any two of such trustees to be as valid and binding as if the three had agreed. 20

Township may be exchanged for county debentures.

**25.** Any county in which is or are situate a township or or townships or portion of a township that shall grant a bonus or bonuses in aid of the said company shall be at liberty to take the debentures issued by such township or townships or portion of a township and in exchange therefor to hand over to 25 the trustees under this Act the debentures of the county on a resolution being passed to that effect by a majority of the county council.

Power to issue bonds preferential.

**26.** The directors of the said company, after the sanction of shareholders shall have been first obtained at any special 30 general meeting to be called, from time to time for such purpose, shall have power, in addition to the borrowing powers under the general Railway Act, to issue bonds, made and signed, by the president and vice-president of the said company, and countersigned by the secretary and under the seal of the said 35 company, for the purposes of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, then existing and 40 at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not 45 exceed in all the sum of ten thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually pur- 50 chased, paid for and delivered to the company within the Provinces of Ontario or Quebec; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall 55 have and possess the same rights and privileges and qualifica-

Limit to issue bonds.

Rights of unpaid bondholders.

tions for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

27. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law hereon in his own name.

Bonds, etc., transferable by delivery.

28. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, or shall the president or vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Power to become parties to notes, etc.

29. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and to sell and convey the same or part thereof, from time to time, as they may deem expedient.

Power to acquire whole lots, though less would suffice.

30. The railway shall be commenced within two years, and completed to the waters of the bays aforesaid within five years, and finally completed within seven years after the passing of this Act.

Commencement and completion.

31. The said railway company shall at all times receive and carry cordwood or any wood or fuel at a rate not to exceed, for dry wood, three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three and a half cents per cord per mile from all stations under fifty miles in full car loads; and for green wood at the rate of two and half cents per ton per mile; the company shall, further, at all times furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway.

Rates for carrying wood.

Arrangements  
may be made  
with other  
companies.

**32.** The company incorporated by this Act may enter into any arrangement with any other railway company or companies for the working of the said railway on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such companies or any other companies, or persons, and generally to make any agreement or agreements with any such other company touching the use by one or the other, or by both companies of the railway or rolling stock, of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company or companies leasing or entering into agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line.

Power to  
pledge bonds.

**33.** The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act issue for the construction of the railway or otherwise.

Conveyances,  
how made.

**34.** Conveyances of lands to the said company for the purposes of and powers given by this Act made in the form set out in the schedule "A," hereunder written, or the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest and sufficient bar of dower, respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

#### SCHEDULE "A."

Know all men by these presents, that I, (or we,) [*insert the name or names of the vendors*] in consideration of

dollars paid to me (or us)

by the Hamilton and North-Western Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I, (or we,) [*insert the names of any other party or parties*] in consideration of

dollars,

paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be,*) of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said the Hamilton and North-Western Railway, their successors and assigns, (*here insert any other clauses, covenants or conditions required*), and I, (or we,) the wife (or wives) of the said

do hereby bar my (or our)

dower in the said lands.





BILL.

An Act to incorporate the Hamilton and  
North-Western Railway Company.

(*PRIVATE BILL.*)

---

1st Reading, 5th February, 1872.

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MR. WILLIAMS, (*Hamilton*).

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TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the Hamilton and North-Western Railway Company.

**WHEREAS** Anthony Copp, James Turner, William E. Sanford, P. W. Dayfoot, Thomas Saunders, Dennis Moore, Adam Hope, A. F. Skinner, George H. Gillespie, Alexander Harvey, William McGiverin, C. Gurney, Jacob Hespeler, A. T. Wood, D. B. Chisholm, D. MacInnes, Edward Jackson, Tristram Bickle, K. Fitzpatrick, Adam Brown, Thomas Ferguson, M.P.P. and others have petitioned the Legislature of this Province for an Act of Incorporation to construct a railway from some point in or near the City of Hamilton through the Counties of Wentworth, Halton, Peel and Simcoe or some of them to a point in or near to Barrie and thence to a point on Hogg's, Sturgeon or Matchedash Bay with power to extend the same so as to form a junction with the proposed Canada Central Railway or the Canada Pacific Railway or one or both of them, which would develop the resources of that part of the country and open up for settlement a large tract of country at present unimproved and lying waste and it is expedient to grant the prayer of such petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The said parties above named together with such persons and corporations as shall in pursuance of this Act become shareholders in the said company hereby incorporated shall become and are hereby declared to be a body corporate and politic by the name of "The Hamilton and North-western Railway Company."

**2.** The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "by-laws," "notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be part of this Act and shall apply to the said company and to the railway to be constructed by them except so far as they may be inconsistent with the enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Location of  
railway.

**3.** The company hereby incorporated and their agents or servants shall have full power and authority under this Act to lay out, construct and finish an iron railway from such point near or within the limits of the City of Hamilton on the shore of Burlington Bay or as near thereto as may be deemed desirable and, continuing the same through the Counties of Wentworth, Halton, Peel and Simcoe to a point on one of the bays bordering on the Township of Tav, and with power to continue the same to Lake Nipissing, or to form a junction with the proposed Canada Central or the Canada Pacific Railway, or both of them, and with power to construct the same in sections and with power to extend the same to the waters of Lake Simcoe at or near to Barrie; and it shall and may be lawful for the said company to take and appropriate for the use of said railway and the works connected therewith so much of the land as may be necessary for the works of the said railway, but not to alienate the same.

Capital stock.

**4.** The capital of the company hereby incorporated shall be six hundred thousand dollars with power to increase the same in the manner provided by the Railway Act, to be divided into six thousand shares of one hundred dollars each; and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act.

Provisional  
directors.

**5.** The said Anthony Copp, Thomas Saunders, P. W. Day-foot, John Young, W. E. Sanford, James Turner, William McGiverin, Edward Gurney, D. B. Chisholm, James M. Williams, Jacob Hespeler, Simon Plewis, Frederick Haines, Thomas Bowles, John White, James Barber, John Buck, T. D. McConkey, George Davis, John Kidd and Alfred A. Thompson shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders; and it shall be lawful for the provisional directors for the time being of the said company or a majority of the directors present at a meeting called for the purpose to supply the place or places of any of their number from time to time dying or declining or becoming incapable to act as such provisional directors, and to associate with themselves at a meeting of directors called for the purpose of deciding thereon not more than five other directors, who shall thereupon become and be directors of the company equally with themselves; which appointments whether by reason of death or resignation or the association of not more than five other directors shall be made from the several subscribers for stock in the said railway company to the amount of five hundred dollars each during the period of their continuance in office, and on which ten per centum shall have been paid.

Powers of pro-  
visional direc-  
tors.

**6.** The said board of provisional directors shall have full power to open up stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors as hereinafter pro-

vided ; and such provisional directors may appoint a committee from their number to open such stock books giving at least three weeks' notice in the *Ontario Gazette* in one paper published in the City of Hamilton, and some one paper published in each county through which the road is proposed to pass, of the time and place of meeting to open such books and receive such subscriptions, and the said committee or a majority of them may in their discretion exclude any person from subscribing who in their judgment would hinder or delay the company in proceeding with their railway.

7. When and so soon as shares to the amount of two hundred thousand dollars in the capital stock of the company shall have been subscribed and ten per centum shall have been paid into one of the chartered banks of the Province or of the Dominion, or when and so soon as such subscriptions together with sums granted by municipalities either by way of bonus or in the subscription to the capital stock shall amount to such sum of two hundred thousand dollars, and the debentures granted in payment of such bonus or subscription shall have been deposited in one of the chartered banks of the Province, or with the Provincial Treasurer in the names of trustees as hereinafter provided, the provisional directors or a majority of them present at a meeting duly called for the purpose shall call a meeting of the subscribers for the purpose of electing directors giving at least three weeks' notice in a paper published in the City of Hamilton and in each of the counties affected and in the *Ontario Gazette* of the time, place and object of such meeting ; and at such general meeting the shareholders present either in person or by proxy, and who shall at the opening of such meeting have paid ten per cent. on the stock subscribed by them, shall elect nine persons to be directors of the said company in manner and qualified as hereinafter directed ; which said directors together with *ex-officio* directors under the Railway Act or this Act shall constitute a board of directors, and shall hold office until the first Monday of May in the year following their election.

When meeting for election of directors may be called.

Who may vote at such meeting.

8. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act, nor shall the debentures so deposited be otherwise applied than to the purposes of the railway as defined in the by-law or agreement between the municipality or municipalities granting the same and the railway company in relation thereto.

Sums and debentures deposited, application of.

9. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided, in section seven.

Power to limit amount of calls.

10. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the City of Hamilton, and on such days and on such hours as may be directed by the by-laws of the said company ; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one daily newspaper published in the City of Hamilton, and in some one newspaper in each of the counties which have granted bonuses or subscribed for stock.

General annual meetings.

11. Special general meetings of the shareholders of the said company may be held at such places in the City of Hamilton,

Special general meetings.

and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

**Qualification of directors.**

**12.** In the election of directors under this Act no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company upon which all calls have been paid up.

**Shareholders, right to vote, etc.**

**13.** Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

**Quorum.**

**14.** At all meetings of the board of directors whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business; and the said Board of Directors may employ one of their number as paid director.

**Aid from municipalities.**

**15.** In case at least fifty of the persons rated on the last assessment roll as freeholders who may be qualified voters under the Municipal Act in any portion of a municipality do petition the council of such municipality to pass a by-law as hereinafter set out, and in such petition do define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, or in the case of a county municipality if fifty persons at least of the qualified ratepayers within the portion of the county affected, or the majority of the reeves and deputy reeves for those townships, towns or incorporated villages that may be asked to grant a bonus, do petition the council of such county municipality to pass a by-law as hereinafter set out, and in such petition do define the townships, towns or incorporated villages for which they are respectively the reeves and deputy reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company for this purpose, and stating the amount which they so desire to grant and to be assessed therefor, and in such petition do define the municipalities or portions of municipalities that may be asked to grant such aid, the council of such municipality or county municipality, as the case may be, shall pass a by-law and submit the said by-law to the vote of the qualified ratepayers of the municipality or municipalities or portion of such municipality or municipalities defined in said petition:—

(1.) For raising the amount so petitioned for by such freeholders or such reeves and deputy-reeves in such portion of the municipality, by the issue of debentures of the municipality payable in twenty years or earlier, or by annual instalments, and for the delivery to trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition:

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition an annual special rate sufficient to include a sinking fund for the repayment of the debentures with interest thereon, said interest to be payable yearly or half-yearly; which debentures the municipal councils and the wardens, reeves and other officers thereof are hereby authorized to execute and issue in such cases respect-

ively: Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight, of the Municipal Act of one thousand eight hundred and sixty-six, chaptered fifty-one, by the majority of qualified electors voting thereon, in the municipality or portion of a municipality, petitioning as aforesaid.

**16.** It shall be the duty of the warden or other head of the council upon such petition to call a meeting of the council for the purpose of introducing such by-law and submitting the same to the ratepayers; and within one month after the passing of such by-law the said council and the warden, mayor, reeve or other head thereof and the other officers thereof shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

After passing by-law, debentures to issue.

**17.** In case any bonus be so granted by a portion of a local municipality or county municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon, shall be assessed and levied upon such portion only of the municipality or county municipality.

Assessment on portion of a municipality.

**18.** The provisions of the Municipal Acts so far as the same are not inconsistent with this Act shall apply to any by-law so passed by or for a portion of a municipality or county municipality to the same extent as if the same had been passed by or for the whole municipality or county municipality.

Municipal Acts applied.

**19.** All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levying of a greater annual rate than three cents in the dollar of the rateable property affected thereby shall be valid.

Assessment not to exceed three cents in the dollar.

**20.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient not exceeding twenty-one years.

Power to exempt from taxation.

**21.** Any county municipality which shall grant a bonus of not less than five thousand dollars per mile for the line of the railway within the said county in aid of the said company shall be entitled through its council to name its warden as director in the said company as the representative of such municipality; and such director shall be a director in addition to all shareholders directors in the said company, and shall not require to be a shareholder in the said company and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

Municipal directors.

**22.** Whenever a municipality or municipalities shall grant a bonus to aid the said company, the debentures therefor shall be delivered to three trustees within six weeks after the passing of the by-law delivered to three

Municipal debentures, delivery to trustees.

trustees, one to be named by the company, one by the municipalities granting such bonuses, and one by the Lieutenant-Governor in Council; Provided always that if the municipal councils interested shall refuse or neglect, to name a trustee within four weeks after notice in writing to them of the appointment by the company, then the company shall be at liberty to name such trustee: in the event of the death, resignation or inability or refusal to act of any trustee, the party who originally appointed such trustee so dying, resigning or becoming incapable or unwilling to act may appoint a successor, and in the event of such party failing for two weeks after notice in writing to make such appointment the company may appoint such trustee.

Trusts of debentures.

23. The said trustees shall receive the said debentures in trust: firstly to convert the same into money; secondly to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks having an office in the City of Hamilton in the name of the Hamilton and North Western Railway Municipal Trust Account, and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway in the form set out in Schedule "A" here to or to the like effect, setting out the portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and such certificate, to be attached to the cheque to be drawn by the said trustees.

Two trustees may bind the three.

24. The act of any two of such trustees to be as valid and binding as if the three had agreed.

Township may be exchanged for county debentures.

25. Any county in which is or are situate a township or or townships or portion of a township that shall grant a bonus or bonuses in aid of the said company shall be at liberty to take the debentures issued by such township or townships or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county on a resolution being passed to that effect by a majority of the county council.

Power to issue bonds preferential.

26. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called, from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the said company, and countersigned by the secretary and under the seal of the said company, for the purposes of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually pur-

Limit to issue bonds.



chased, paid for and delivered to the company within the Province of Ontario or Quebec; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Rights of unpaid Bondholders.

27. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Bonds, etc., transferable by delivery.

28. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Power to become parties to notes, etc.

29. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and sell and convey the same or part thereof, from time to time, as they may deem expedient.

Power to acquire whole lots, though less would suffice.

30. The railway shall be commenced within two years, and completed to the waters of the bays aforesaid within five years, and finally completed within seven years after the passing of this Act.

Commencement and completion.

31. The said railway company shall at all times receive and carry cordwood or any wood or fuel at a rate not to exceed, for dry wood, three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three and a

Rates for carrying wood.

half cents per cord per mile from all stations under fifty miles in full car loads; and for green wood at the rate of two and a half cents per ton per mile; the company shall, further, at all times furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway.

Arrangements  
may be made  
with other  
companies.

**32.** The company incorporated by this Act may enter into any arrangement with any other railway company or companies for the working of the said railway on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such companies or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other, or by both companies of the railway or rolling stock, of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, Provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company, and the provisions of this Act; and the company or companies leasing or entering into agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line.

Power to  
pledge bonds.

**33.** The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act issue for the construction of the railway or otherwise.

Conveyances,  
how made.

**34.** Conveyances of lands to the said company for the purposes of and powers given by this Act made in the form set out in the schedule "A," hereunder written, or the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest and sufficient bar of dower, respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

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#### SCHEDULE "A."

Know all men by these presents, that I, (or we,) [*insert the name or names of the vendors*] in consideration of

dollars paid to me (or us)

by the Hamilton and North-Western Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I, (or we,) [*insert the names of any other party or parties*] in consideration of

dollars,

paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be.) of land situate (describe the land) the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said the Hamilton and North-Western Railway Company, their successors and assigns, (here insert any other clauses, covenants or conditions required), and I, (or we,) the wife (or wives) of the said

do hereby bar my (or our)

dower in the said lands.

In witness my (or our) hand and seal (or hands and seals) this day of

one thousand eight hundred and seventy

Signed, sealed and delivered }  
in the presence of }

[L.S.]

### SCHEDULE "B."

#### Chief Engineer's Certificate,

The Hamilton and North-Western Railway Company's Office,  
Engineer's Department,

No.

A. D. 187 .

Certificate to be attached to cheques drawn on the Hamilton and North-Western Railway Municipal Trust Account, and given under section of chapter thirty-fifth Victoria.

I, Chief Engineer of the Hamilton and North-Western Railway Company, do hereby certify that there has been expended in the construction of mile, No. (the said mileage being numbered consecutively from the City of Hamilton,) the sum of dollars to date, and that the total *pro rata* amount due for the same from the said municipal trust account amounts to the sum of

dollars, which said sum of dollars is now due and payable as provided under said Act.

An Act to incorporate the Hamilton and  
North-Western Railway Company.

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First Reading,	5th February,	1872.
Second	“ 21st	“ 1872.
Third	“ 26th	“ 1872.

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Mr. WILLIAMS (*Hamilton*).

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TORONTO:

PRINTED BY HUNTER, ROSE & COMPANY.

An Act to incorporate the Port Burwell and Ingersoll  
Railway Company.

**WHEREAS** the construction of a railway from a point in or Preamble.  
near the village of Port Burwell on Lake Erie running  
north to a point in or near the village of Tilsonburg and thence  
to the town of Ingersoll with power to extend the same to some  
point on Lake Huron, has become desirable for the development  
of the resources of certain portions of the counties of Elgin and  
Oxford and for the public benefit and accommodation of the  
inhabitants thereof:

Therefore Her Majesty, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario, enacts as  
follows:—

**1.** Thomas Brown, Ebenezer V. Bodwell, Adam Oliver, Lu- Incorporation.  
ther Beecher, Peter J. Brown, Edwin D. Tilson, James Noxon,  
Jonathan Jarvis, Gordon H. Cook, John Smith, George Suffel,  
Alexander McBride and Daniel Freeman, together with such  
persons and corporations as shall, in pursuance of this Act, be-  
come shareholders of the said company hereby incorporated, are  
hereby constituted and declared to be a body corporate and  
politic by the name of "The Port Burwell and Ingersoll Rail-  
way Company."

**2.** The several clauses of the Railway Act of the Consolidated Certain clauses  
of the railway  
Act applied.  
Statutes of Canada, and amendments, with respect to the first,  
second, third, fourth, fifth and sixth clauses thereof, and also the  
several clauses thereof with respect to "interpretation," "incor-  
poration," "powers," "plans and surveys," "lands and their valua-  
tion," "highways and bridges," "fences," "tolls," "general meet-  
ings," "president and directors, their election and duties," "calls,"  
"shares and their transfer," "municipalities," "shareholders,"  
"actions for indemnity, and fines and penalties and their prose-  
cution," "by-laws, notices, &c.," "working of the railway and  
general provisions," shall be incorporated with and be deemed  
to be a part of this Act, and shall apply to the said company and  
to the railways to be constructed by them, except only so far  
as they may be inconsistent with the express enactments hereof,  
and the expression "this Act," when used herein, shall be under-  
stood to include the clauses of the said Railway Act, so incor-  
porated with this Act.

**3.** The said company shall have full power under this Act to Line of rail-  
way.  
construct a railway from any point in or near the Village of  
Port Burwell running north to a point in or near the Village of  
Tilsonburg, and thence to the Town of Ingersoll, with power to  
extend the same to some point on Lake Huron, with full power  
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 points aforesaid.

- Gauge.**           **4.** The gauge of the said railway shall be four feet eight and one-half inches.
- Conveyances.**   **5.** Conveyances of land to the said company for the purposes of and powers given by this Act made in the form set out in the Schedule "A," hereunder written, or the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than fifty cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof. 5
- Provisional directors.**   **6.** From and after the passing of this Act the said Thomas Brown, Ebenezer V. Bodwell, Adam Oliver, Luther Beecher, Peter J. Brown, Edwin D. Tilson, James Noxon, Jonathan Jarvis, Gordon H. Cook, John Smith, George Suffel, Alexander McBride and Daniel Freenan shall be the provisional directors of the said company. 20
- Powers of provisional directors.**   **7.** The said provisional directors, until others shall be named as hereinafter provided, shall constitute the Board of Directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons who, upon being so named, shall become and be provisional directors of the company equally with themselves, 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 with all such other powers as under the Railway Act and any other law in force in Ontario are vested in such boards. 25
- Capital stock,**   **8.** The capital of the company hereby incorporated shall be two hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into eight thousand shares of twenty-five dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; 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 passage of this Act and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act; and until such preliminary expenses shall be paid out of said capital stock the municipality of any city, county, town, township or village on the line of such works may pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of stock. 35
- application.**   **9.** On the subscription for shares of the said capital stock each subscriber shall pay to the directors for the purposes set 40
- Deposit on subscription.**   **9.** On the subscription for shares of the said capital stock each subscriber shall pay to the directors for the purposes set 50

out in this Act ten per centum of the amount subscribed by him; and the said directors shall deposit the same in some chartered bank to the credit of the said company.

**10.** Thereafter calls may be made by the directors, for the time Calls.  
5 being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber.

**11.** As soon as shares to the amount of fifty thousand dollars First election of directors.  
10 of the capital stock of the said company shall have been subscribed and ten per centum thereof paid into some chartered bank having an office in the Town of Ingersoll (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up  
15 ten per centum thereof for the purpose of electing directors of the said company.

**12.** In case the provisional directors neglect to call such meet- Neglect to call meeting.  
ing for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum thereof  
20 so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

**13.** In either case notice of the time and place of holding Time and place of meeting.  
25 such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the County of Oxford, once in each week for the space of at least four weeks; and such meeting shall be held in the Town of Ingersoll, at such place therein and on such day as may be named by such notice: at such  
30 general meeting of the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company; and may also make or pass First election of directors.  
such rules and regulations and by-laws as may be deemed ex- By-laws.  
35 pedient, provided they be not inconsistent with this Act.

**14.** Thereafter the general annual meeting of the shareholders Annual meetings.  
of the said company shall be held in such place in the Town of Ingersoll and on such days and on such hours as may be directed by the by-laws of the said company; and public notice thereof  
40 shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the County of Oxford.

**15.** Special general meetings of the shareholders of the said Special annual meetings.  
company may be held at such places and at such times and in  
45 such manner and for such purposes as may be provided by the by-laws of the said company.

**16.** Every shareholder of one or more shares of the said capital Voting.  
stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no share-  
50 holder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Qualification  
of directors.

**17.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company and unless he has paid up all calls thereon.

Quorum.

**18.** Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors. 5

Power to aid.

**19.** And it shall further be lawful for any municipality or municipalities or any county municipality or any portion of any such municipality or municipalities or county municipality which may be interested in securing the construction of the said railway or through any part of which or near which the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning, or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient; and the aid and assistance to be given to said company by any portion of a county municipality whether the metes and bounds of such portion of a county municipality as set forth in the by-law for granting such aid be the metes and bounds of townships or be so defined as to comprise a township or townships and portions of townships or only portions of townships and in case of a portion of a township municipality granting such aid then that the debentures to be issued should and shall be those of such township municipality and in case of portions of a county municipality as aforesaid that such debentures should and shall be those of the county municipality; and that the proper council may of their own motion and without any previous petition therefor submit the requisite by-law in that behalf for the approval of the qualified voters of the municipality or portions of the municipality to be affected thereby: provided always that no such aid, loan, bonus or guarantee shall be given except after the passing of by-laws for the purpose and the adoption of of such by-laws by the rate-payers as provided in the Municipal Act for the creation of debts. 10 15 20 25 30 35

Aid on petition.

**20.** In case fifty persons at least, rated in the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality and in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition introduce a by-law and submit the same to the vote of the qualified voters. 40 45

Aid from part  
of a township.

**21.** And in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid in any portion of the said township municipality do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company and 50 55



stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition introduce a by-law and submit the same to the vote of the qualified voters.

5 **22.** And in case aid is desired from any county municipality <sup>Aid from</sup> or any portions of a county municipality upon the petition of <sup>counties.</sup> at least fifty persons who are qualified voters as aforesaid within such county municipality or portions of the county, as the case may be, or upon a petition of the majority of the reeves and  
 10 deputy reeves of such county municipality as reside in the said portion from which aid is desired, and in the case of a portion of the county do in such petition define the municipality or municipalities within such county municipality and the metes and bounds of the portion or portions of the municipality forming  
 15 the portion of the county municipality that may be asked to grant aid, and in either cases in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company and stating the amount which they so desire to grant and be assessed  
 20 for, the council of such county municipality shall within six weeks after the receipt of such petition introduce the requisite by-laws and submit the same to the vote of the qualified voters of the county or of the portions of the county defined in the said petition, as the case may be, in the same manner and to the  
 25 same effect as if they had introduced the same of their own motion, and upon any such petition being presented to the warden or other head of any county or the reeve, mayor or other head of any other municipality he shall forthwith call a meeting of the council of such municipality to be held within  
 30 four weeks thereafter for the purpose of introducing such by-law and submitting the same to the vote of the qualified voters:—

(1.) For raising the amount so petitioned for by such freeholders, or such reeve and deputy reeves, in such portion of the municipality, by the issue of debentures of the municipality,  
 35 payable in twenty years, or by equal annual instalments of principal with interest, and for the delivery to the said trustee of the debentures for the amount of said bonus at the times and on the terms specified in said petition;

(2.) For assessing and levying upon all ratable property  
 40 lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund, for the repayment of the debentures with interest thereon, said interest to be payable yearly or half yearly, which debentures the municipal councils and the wardens, reeves and other officers  
 45 thereof are hereby authorized to execute and issue in such cases respectively.

**23.** In case fifty persons at least rated on the last revised <sup>Aid from town</sup> assessment roll of the municipality of the Town of Ingersoll <sup>of Ingersoll.</sup> as freeholders, who may be qualified raters under the Municipal  
 50 Act, do petition the council to pass a by-law as in above subsection set forth for the purpose of aiding in the construction of the said railway by granting a bonus to the said company and stating the amount which they so desire to grant and be assessed thereof, the said council shall, within six weeks after  
 55 the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified electors, and the said bonus so granted, and the debentures to be issued therefor by the said council shall be valid and binding notwithstanding the Act

passed in the twenty-eighth year of Her Majesty's reign, and chaptered twenty-eight consolidating the debt of the said Town of Ingersoll; Provided, however, that the provision of said Act in reference to sinking fund is carried out in providing for the amount so granted to aid said railway 5

10

**24.** And in case the by-law of any municipality or portion of a municipality be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting the said council shall read the said by-law a third time and pass the same. 15

**25.** And within one month after the passing of such by-law the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act. 20

**26.** In case any bonus be so granted by a portion of a municipality, or county municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of the municipality or county municipality. 25

**27.** The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality to the same extent as if the same had been passed by or for the whole municipality or county municipality. 30

**28.** All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar. 35

**29.** It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years. 45

**30.** Any municipality shall grant a bonus of not less than thirty thousand dollars in aid of the said company, the council

Municipal directors.

of such municipality shall be entitled to name a director in the said company as the representative of such municipality, and such directors shall be, in addition to all shareholders, directors in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

- 31.** Whenever any municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor shall, within six weeks of the passing of the by-law authorizing the same, be delivered to three trustees, namely, Charles Henry Sorley, Thomas Wells and one to be named by the Lieutenant-Governor in council; Provided that if the Lieutenant-Governor in council shall refuse or neglect to name such trustee within one month after notice in writing to him, requiring him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by said Lieutenant-Governor in council.
- 32.** Any of the said trustees may be removed, and a new trustee appointed in his place at any time, by the Lieutenant-Governor in council with the consent of the said company; and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in council, with the consent of the said company.
- 33.** The act of any two such trustees shall be as valid and binding as if the three had agreed.
- 34.** The said trustees shall receive the said debentures in trust, firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered banks having an office in the Town of Ingersoll in the name of "The Port Burwell and Ingersoll Municipal Trust Account," and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway in the form set out in schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the pro rata amount per mile for the length of the road or portion of the road to be applied on the work so done, and such certificates shall be attached to the cheques to be drawn by the said trustees, and the wrongfully granting any such certificate by such engineer shall be punishable by fine of not less than one thousand dollars, recoverable in any court of competent jurisdiction in the Province of Ontario, and imprisonment in the discretion of the court.
- 35.** Any county in which is or are situated a township or townships, or portion of a township that shall grant a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor to hand over to the trustees, under this Act, the debentures of the county on a resolution being passed to that effect by a majority of the county council.

On aid to municipality, to whom debentures to be issued.

Appointment of new trustees.

Act of two trustees to bind.

Trusts as to debentures.

Township debentures exchanged for county debentures.

Power to issue preferential bonds,

**36.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and counter-5 signed by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registra-10 tion or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking 10 and the property of the company, real and personal, then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof upon the undertaking and the property of the company as aforesaid; 15 Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and fifty thousand dollars, nor shall the amount of such bonds issued at any one time, be in excess of municipal and other bonuses, and paid up share capital actually expended in surveys, purchase of 20 right of way and works of construction and equipment upon the line of the said railway, or materials, actually purchased, paid for and delivered to the company within the Provinces of Ontario or Quebec; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid 25 and owing, then at the next ensuing general annual meeting of the said company all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders; Provided that the bonds and any transfers thereof shall have been first regis- 30 tered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof.

limit to issue.

Bondholders entitled to vote.

Registry.

Bonds, etc., transferable by delivery.

**37.** All such bonds, debentures, mortgages and other securi- 35 ties and coupons, and interest warrants thereon respectively may be made payable to bearer and transferable by delivery; and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Power to become parties to notes, etc.

**38.** The said company shall have power and authority to 40 become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum 45 of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory 50 note or bill of exchange, or shall the president or vice-president or the secretary and treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; Provided however, 55 that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

39. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, build, use or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same, or part thereof from time to time as they may deem expedient.

Power to acquire a whole lot, though less required.

40. The railway shall be commenced within three years, and completed within five years after the passing of this Act or else the charter shall be forfeited.

Time for commencement and completion.

SCHEDULE "A."

Know all men by these presents that I (or we), (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the Port Burwell and Ingersoll Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances to the said "The Port Burwell and Ingersoll Railway Company," their successors and assigns, (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of , one thousand eight hundred and

Signed, sealed and delivered }  
in the presence of }

[L.S.]

SCHEDULE "B."

CHIEF ENGINEER'S CERTIFICATE.

THE PORT BURWELL AND INGERSOLL RAILWAY  
COMPANY'S OFFICE,

Engineer's Department,

No. A.D. 18 .

Certificate to be attached to cheques drawn on the Port Burwell and Ingersoll Railway Municipal Trust Account and given under section of cap Vic.

I, , Chief Engineer for the Port Bur-

well and Ingersoll Railway do hereby certify that there has been expended in the construction of mile, No. (the said mileage being numbered consecutively from the boundary of the Town of Ingersoll) the sum of dollars to date, and that the total pro rata amount due for the same from the said Municipal Trust Account amounts to the sum of dollars, which said sum of dollars is now due, and payable as provided under said Act.

An Act to incorporate the Port Burwell and Ingersoll Railway Company.

BILL.

PRIVATE BILL.

1st Reading 5th February, 1872.

MR. OLIVER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

**An Act to incorporate the Port Burwell and Ingersoll Railway Company.**

**W**HEREAS the construction of a railway from a point in or near the village of Tilsonburg, and thence to the town of Ingersoll with power to extend the same northerly to the town of St. Marys, and southerly to the village of Port Burwell on Lake Erie, has become desirable for the development of the resources of certain portions of the counties of Elgin and Oxford and for the public benefit and accommodation of the inhabitants thereof: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Thomas Brown, Ebenezer V. Bodwell, Adam Oliver, Luther Beecher, Peter J. Brown, Edwin D. Tilson, James Noxon, Jonathan Jarvis, Gordon H. Cook, John Smith, George Suffel, Alexander McBride and Daniel Freeman, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Port Burwell and Ingersoll Railway Company." Incorporation.

**2.** The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments, with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway and general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railways to be constructed by them, except only 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 clauses of the said Railway Act, so incorporated with this Act. Certain clauses of the railway Act applied.

**3.** The said company shall have full power under this Act to construct a railway from any point in or near the Village of Port Burwell running north to a point in or near the Village of Tilsonburg, and thence to the Town of Ingersoll, with power to extend the same to the Town of St. Marys. Line of railway.

**4.** The gauge of the said railway shall be four feet eight and one-half inches. Gauge.

**Conveyances.**

**5.** Conveyances of land to the said company for the purposes of and powers given by this Act made in the form set out in the Schedule "A," hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than fifty cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

**Provisional directors.**

**6.** From and after the passing of this Act the said Thomas Brown, Ebenezer V. Bodwell, Adam Oliver, Luther Beecher, Peter J. Brown, Edwin D. Tilson, James Noxon, Jonathan Jarvis, Gordon H. Cook, John Smith, George Suffel, Alexander McBride, John E. Harding, James McCaughey and Daniel Freeman shall be the provisional directors of the said company.

**Powers of provisional directors.**

**7.** The said provisional directors, until others shall be named as hereinafter provided, shall constitute the Board of Directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons who, upon being so named, shall become and be provisional directors of the company equally with themselves, 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 with all such other powers as under the Railway Act and any other law in force in Ontario are vested in such boards.

**Capital stock,**

**8.** The capital of the company hereby incorporated shall be one hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into two thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; 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 passage of this Act and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act; and until such preliminary expenses shall be paid out of said capital stock the municipality of any city, county, town, township or village on the line of such works may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of stock.

**application.****Deposit on subscription.**

**9.** On the subscription for shares of the said capital stock each subscriber shall pay to the directors for the purposes set out in this Act ten per centum of the amount subscribed by him; and the said directors shall deposit the same in some chartered bank, in the town of Ingersol, to the credit of the said company.



**10.** Hereafter calls may be made by the directors, for the time being, as they shall see fit; provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and thirty days' notice shall be given of all such calls, according to the by-laws of the company. Calls.

**11.** As soon as shares to the amount of twenty-five thousand dollars of the capital stock of the said company shall have been subscribed and ten per centum thereof paid into some chartered bank having an office in the Town of Ingersoll (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof for the purpose of electing directors of the said company. First election of directors.

**12.** In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than two thousand dollars of the said capital stock, and who have paid up all calls thereon. Neglect to call meeting.

**13.** In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the County of Oxford, once in each week for the space of at least four weeks; and such meeting shall be held in the Town of Ingersoll, at such place therein and on such day as may be named by such notice: at such general meeting, the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company; and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. Time and place of meeting.  
First election of directors.  
By-laws.

**14.** Hereafter the general annual meeting of the shareholders of the said company shall be held in such place in the Town of Ingersoll, and on such days and on such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the County of Oxford. Annual meetings.

**15.** Special general meetings of the shareholders of the said company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company. Special annual meetings.

**16.** Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting. Voting.

**17.** No person shall be qualified to be elected as such director Qualification

**of directors.** by the shareholders unless he be a shareholder holding at least twenty shares of stock in the company and unless he has paid up all calls thereon.

**Quorum.** **18.** Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

**Power to aid.** **19.** And it shall further be lawful for any municipality or municipalities or any county municipality or any portion of any such municipality or municipalities or county municipality which may be interested in securing the construction of the said railway or through any part of which or near which the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning, or guaranteeing, or giving money by way of bonus to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient; and the aid and assistance to be given to said company by any portion of a county municipality whether the metes and bounds of such portion of a county municipality as set forth in the by-law for granting such aid be the metes and bounds of townships, or be so defined as to comprise a township or townships and portions of townships or only portions of townships, and in case of a portion of a township municipality granting such aid, then that the debentures to be issued should and shall be those of such township municipality, and in case of portions of a county municipality as aforesaid that such debentures should and shall be those of the county municipality; and that the proper council may of their own motion and without any previous petition therefor submit the requisite by-law in that behalf for the approval of the qualified voters of the municipality or portions of the municipality to be affected thereby: provided always that no such aid, loan, bonus or guarantee shall be given except after the passing of by-laws for the purpose and the adoption of such by-laws by the rate-payers as provided in the Municipal Act for the creation of debts.

**Aid on petition.** **20.** In case fifty persons at least, rated in the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition introduce a by-law and submit the same to the vote of the qualified voters.

**Aid from part of a township.** **21.** In case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid in any portion of the said township municipality do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed

for, the council of such municipality shall within six weeks after the receipt of such petition introduce a by-law and submit the same to the vote of the qualified voters.

**22.** In case aid is desired from any county municipality, <sup>Aid from counties.</sup> or any portions of a county municipality upon the petition of at least fifty persons who are qualified voters as aforesaid within such county municipality or portions of the county, as the case may be, or upon a petition of the majority of the reeves and deputy reeves of such county municipality as reside in the said portion from which aid is desired, and in the case of a portion of the county do in such petition define the municipality or municipalities within such county municipality and the metes and bounds of the portion or portions of the municipality forming the portion of the county municipality that may be asked to grant aid, and in either cases in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company and stating the amount which they so desire to grant and be assessed for, the council of such county municipality shall within six weeks after the receipt of such petition introduce the requisite by-laws and submit the same to the vote of the qualified voters of the county or of the portions of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion ;

(1.) For raising the amount so petitioned for by such freeholders, or such reeve and deputy reeves, in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, or by equal annual instalments of principal with interest ;

(2.) For assessing and levying upon all ratable property lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund, for the repayment of the debentures with interest thereon, said interest to be payable yearly or half yearly ; which debentures the municipal councils and the wardens, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

**23.** Upon any such petition being presented to the warden <sup>Meeting to introduce by-law.</sup> or other head of any county or the reeve, mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality to be held within four weeks thereafter for the purpose of introducing such by-law, and submitting the same to the vote of the qualified voters.

**24.** In case fifty persons at least rated on the last revised <sup>Aid from town of Ingersoll.</sup> assessment roll of the municipality of the Town of Ingersoll as freeholders, who may be qualified voters under the Municipal Act, do petition the council to pass a by-law as in section twenty-two set forth for the purpose of aiding in the construction of the said railway by granting a bonus to the said company and stating the amount which they so desire to grant and be assessed therefor, the said council shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified electors, and the said bonus so granted, and the debentures to be issued therefor by the said council shall be valid and binding notwithstanding the Act passed in the twenty-eighth year of Her Majesty's reign, and

chaptered twenty-eight consolidating the debt of the said Town of Ingersoll; Provided, however, that the provision of said Act in reference to sinking fund is carried out in providing for the amount so granted to aid said railway; and provided further, that no provision herein contained shall affect the priority of debentures already issued.

Council to pass  
by-laws if car-  
ried,

**25.** And in case the by-law of any municipality or portion of a municipality be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting the said council shall read the said by-law a third time and pass the same.

and issue de-  
bentures.

**26.** And within one month after the passing of such by-law the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted.

Assessment on  
aid by part of  
a municipality.

**27.** In case any bonus be so granted by a portion of a local municipality, or county municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of the local municipality or county municipality.

Municipal Acts  
applied when  
by-law passed  
by a part of a  
municipality.

**28.** The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality to the same extent as if the same had been passed by or for the whole municipality or county municipality.

Assessment not  
to exceed 3  
cents in the  
dollar.

**29.** All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar.

Exemption  
from taxation.

**30.** It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years.

Municipal di-  
rectors.

**31.** When any municipality shall grant a bonus of not less than thirty thousand dollars in aid of the said company, the council of such municipality shall be entitled to name a director in the said company as the representative of such municipality, and such director shall be, in addition to all shareholders directors, a director in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

On aid to mu-

**32.** Whenever any municipality shall grant a bonus to aid

the said company in the making, equipping and completion of the said railway, the debentures therefor shall, within six weeks of the passing of the by-law authorizing the same, be delivered to three trustees, namely, Charles Henry Sorley, Thomas Wells and one to be named by the Lieutenant-Governor in council; Provided that if the Lieutenant-Governor in council shall refuse or neglect to name such trustee within one month after notice in writing requesting the appointment of such trustee, the said company shall be at liberty to name one in the place of the one to have been named by said Lieutenant-Governor in council.

municipality, to whom debentures to be issued.

**33.** Any of the said trustees may be removed, and a new trustee appointed in his place at any time, by the Lieutenant-Governor in council; and in case any trustee die or resign his trust, or go to live out of Ontario or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in council.

Appointment of new trustees.

**34.** The act of any two such trustees shall be as valid and binding as if the three had agreed.

Act of two trustees to bind.

**35.** The said trustees shall receive the said debentures in trust, firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered banks having an office in the Town of Ingersoll in the name of "The Port Burwell and Ingersoll Municipal Trust Account," and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway in the form set out in schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the pro rata amount per mile for the length of the road or portion of the road to be applied on the work so done; and such certificates shall be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such certificate by such engineer shall be punishable by fine of not less than one thousand dollars, recoverable in any court of competent jurisdiction in the Province of Ontario, and imprisonment in the discretion of the court.

Trusts as to debentures.

**36.** Any county in which is or are situated a township or townships, or portion of a township that shall grant a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor to hand over to the trustees, under this Act, the debentures of the county on a resolution being passed to that effect by a majority of the county council.

Township debentures exchanged for county debentures.

**37.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the

Power to issue preferential bonds.

first and preferential claims and charges upon the undertaking and the property of the company, real and personal, then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof upon the undertaking and the property of the company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile, nor shall the amount of such bonds issued at any one time, be in excess of municipal and other bonuses, and paid up share capital actually expended in surveys, purchase of right of way and works of construction and equipment upon the line of the said railway, or materials, actually purchased, paid for and delivered to the company within the Provinces of Ontario or Quebec; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders; Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof.

Limit to issue.

Bondholders entitled to vote.

Registry.

Bonds, etc., transferable by delivery.

**38.** All such bonds, debentures, mortgages and other securities and coupons, and interest warrants thereon respectively may be made payable to bearer and transferable by delivery; and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Power to become parties to notes, etc.

**39.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or the secretary and treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Power to acquire a whole lot, though less required.

**40.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, the company may purchase, build, use or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and sell and convey the same, or part thereof from time to time as they may deem expedient.

41. The railway shall be commenced within two years, and completed within five years after the passing of this Act or else the charter shall be forfeited.

Time for commencement and completion.

SCHEDULE "A."

Know all men by these presents that I (or we), (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by the Port Burwell and Ingersoll Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (insert the name of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land situate (describe the land) the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances to the said "The Port Burwell and Ingersoll Railway Company," their successors and assigns, (here insert any other clauses, covenants or conditions required) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of , one thousand eight hundred and

Signed, sealed and delivered ( in the presence of )

[L.S.]

SCHEDULE "B."

CHIEF ENGINEER'S CERTIFICATE.

THE PORT BURWELL AND INGERSOLL RAILWAY COMPANY'S OFFICE,

Engineer's Department,

No.

A.D. 18 .

Certificate to be attached to cheques drawn on the Port Burwell and Ingersoll Railway Municipal Trust Account and given under section of cap Vic.

I, , Chief Engineer for the Port Bur-

well and Ingersoll Railway do hereby certify that there has been expended in the construction of mile, No. (the said mileage being numbered consecutively from the boundary of the Town of Ingersoll) the sum of dollars to date, and that the total pro rata amount due for the same from the said Municipal Trust Account amounts to the sum of dollars, which said sum of dollars is now due, and payable as provided under said Act.

An Act to incorporate the Port Burwell and  
Ingersoll Railway Company.

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First Reading,	5th	February,	1872.
Second	"	21st	"
Third	"	26th	"

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Mr. OLIVER.



An Act to incorporate The Yorkville Water Works Company.

**W**HEREAS certain inhabitants of the Village of Yorkville, <sup>Preamble.</sup>  
in the County of York, have petitioned for the passing  
of a law incorporating a company for the purpose of supplying  
the said village and the inhabitants thereof with water:

5 Therefore Her Majesty, by and with the advice of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:—

1. William H. Areher, George C. Moore, John Severn, Robert <sup>Incorporation:</sup>  
Wood, John T. Davison, and Cornelius James Philbrick, to-  
10 gether with such other persons or corporations as shall under  
the provisions of this Act become shareholders in the company  
hereby incorporated, shall be and are hereby ordained and con-  
stituted a body politic and corporate by the name of "The  
Yorkville Water Works Company," and by that name they and  
15 their successors, shareholders in the said company, shall and may  
have perpetual succession and a common seal, with power  
to make, break, and change, the same at pleasure; and shall  
and may have, enjoy, and exercise by the same name all the  
powers incident to corporate bodies generally; and shall and  
20 may have full power to purchase, take and hold, besides per-  
sonal property, lands, tenements and other real property for  
the erection, construction, and convenient use of the water  
works hereinafter mentioned, and for the purposes and uses  
generally of the said company; and such lands, tenements, and  
25 real property, or any of them, to sell, alienate, and convey, and  
others in their stead to purchase, take, and hold from time to  
time for the purposes and uses aforesaid; Provided always, that  
such lands, tenements, and real property to be holden by the  
said company shall not exceed fifty thousand dollars in value,  
30 and be so holden for the constructing, maintaining and carrying  
on the works of the said company, and for the purposes, uses,  
and business operations of the said company, and in and to-  
wards accomplishing the same and effecting the objects for  
which such company is hereby incorporated and not other-  
35 wise.

2. The said company may erect, maintain, and carry on, <sup>Power to con-</sup>  
under the provisions of this Act, all such reservoirs, machinery, <sup>struct.</sup>  
and water works, as may be requisite for the said under-  
taking.

40 3. The capital stock of the said company shall be two hun- <sup>Capital stock.</sup>  
dred thousand dollars, to be divided into two thousand shares  
of one hundred dollars each, and the shares of the said capital  
stock may, after the first instalment shall have been paid there-  
on be transferred by the respective persons subscribing or hold-

- ing 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 : and for the purpose of organizing the said company, the persons named in the first section of this Act, shall be provisional directors thereof, and they or a majority of them may cause stock books to be opened, upon which stock books shall be recorded the subscriptions of such persons as desire to become shareholders in the said company.
- Provisional directors.**
- 4.** When and so soon as fifty thousand dollars of the said capital stock shall have been taken and subscribed, and five per cent. thereof paid thereon, it shall be lawful for the said provisional directors or any of them to call a general meeting of the said subscribers by a notice therefor, to be inserted at least ten days previously to the time of meeting, in one of the daily newspapers published in the City of Toronto, specifying the time and place in the Village of Yorkville, where such meeting shall be held; and at such general meeting the shareholders present, either in person or by proxy, who shall have paid five per cent upon the stock subscribed by them, shall elect seven persons to be directors of the said company; each such holder to be elected, being a holder of not less than twenty shares in the said company, and the said directors may then forthwith or at any subsequent meeting of themselves elect from among their own number a president of the said company, and such directors and president shall continue in office until the first Monday in February, in the year then next following their election.
- Election of directors.**
- 5.** On the said first Monday in February, and on every first Monday in February in each succeeding year, a general meeting of the shareholders of the said company shall be held in the office of the said company, or in such other place, and at such hour as the president or directors of the said company shall appoint; at which meeting the shareholders present in person or by proxy shall elect from among themselves seven persons holding not less than twenty shares in the said company, to be directors in the room of the directors for the then past year, who shall be eligible for re-election, and such directors so elected may then forthwith or at any subsequent meeting of themselves elect one of their number to be the president of the company.
- General meetings.**
- Annual election of directors.**
- 6.** In the election of directors, and in the transaction of business at all meetings of shareholders, each shareholder shall be entitled to as many votes as he holds shares.
- Votes.**
- 7.** Any four of the directors shall form a quorum for the transaction of business; and the president, or in his absence a chairman chosen by the directors present shall preside at the meeting of the directors; and the president or chairman, shall, in addition to his vote as a director, have also a casting vote in case of an equality of votes among such directors.
- Quorum. President.**
- 8.** In case it should at any time happen that an election of directors should not be made on any day when pursuant to this Act, it should have been made, the said company shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold, and make, an election in such a manner as may be regulated, directed and appointed by the directors for the time being, and the directors in office shall so continue until a new election is made.
- Non-election of directors.**

9. In case any vacancy should at any time happen amongst **Vacancies.** the said directors by death, resignation, disqualification or removal during the current year of office from this Province, such vacancy shall be filled for the remainder of the year by  
 5 the remaining directors, or a majority of them electing in such place or places a shareholder or shareholders eligible for such an office.

10. The directors shall have power and authority to appoint **Power as to of-**  
 a manager, secretary, and treasurer, and such clerks and other **ficers.**  
 10 persons as may appear to them necessary for carrying on the business of the company, with such powers, and duties, salaries and allowances to each as to the directors may seem advisable ; and also shall have power and authority for the purposes and **Borrowing.**  
 15 uses of the company from time to time to borrow money in one sum or several sums from any individual or corporate body willing to lend or advance the same, and may mortgage, pledge, assign or hypothecate to such individual or corporate body the **property, real estate, works, rates, revenues, income, rents and future calls of the company, for the repayment of the said sum**  
 20 **or sums so borrowed and the interest thereon; and may issue, scrip or debentures in the name of the company for sums not less than fifty dollars each, and the same shall be transferable by delivery merely, and shall with the interest payable thereon form a charge upon the property and income of the com-**  
 25 **pany.** **Issuing debentures.**

11. The directors shall also have power and authority to **Power of di-**  
 make and from time to time to alter such by-laws, rules, and **rectors.** regulations to be binding upon the shareholders of the company, as shall appear to them proper and needful, touching the well-ordering of the company, and the management and disposition of its stock, property, estate, and effects ; the calling of special general meetings of the shareholders, the regulation of meetings of the board of directors, and all other matters connected with the proper organization of the company, and the  
 30 conduct of the affairs thereof ; the making of calls upon the subscribed capital stock, at such days, times, and places, and upon such notice as to them shall seem meet and advisable ; the forfeiture of shares upon which any instalment or instalments, call or calls remain unpaid after the days and times  
 40 for the payment of the same respectively ; the appointment and removal of officers and other persons employed by or for the company ; the regulation of the transfer of stock, and the form thereof, the compensation of directors, and empowering the president or other officers to make contracts on behalf of  
 45 the company, and to affix (if need be) the seal of the company to such contracts; Provided always, that all such by-laws, rules, and regulations made by the directors as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved of by such  
 50 meeting, and shall thereafter have force and effect as so approved or modified at such meeting; and provided further, that such by-laws, rules, and regulations do not contravene the provisions of this Act.

12. The directors shall also have power and authority to **Dividends.**  
 55 declare such yearly or half-yearly dividends upon the capital stock of the company, as they may deem expedient out of the profits of the said undertaking.

**Powers as to  
lands.**

**13.** The company, their agents, servants, and workmen, may after two days' notice in writing to the reeve or clerk of the Village of Yorkville, break up, dig, and trench so much and so many of the streets and public places of or in the said village, and after the like notice to the reeve or clerk of the Township of York, break up, dig, and trench so much and so many of the roads, streets and public places, of or in the said township, and after the like notice to the mayor or clerk of the City of Toronto, break up, dig, and trench so much of Bloor Street in the said City, as may at any time be necessary for laying down the mains and pipes to conduct the water to and from the works of the company and to the consumers thereof, or for taking up, renewing, altering, or repairing the same, when the company shall deem it expedient, doing no unnecessary damage in the premises, and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, roads, and public places while the works are in progress, and making such openings on such parts of the said streets, roads, and public places as the surveyor for the said village, township, and city, shall respectively permit and reasonably point out, and placing guards or fences with lamps during the night, and taking all other necessary precautions for the prevention of accidents to passengers and others, which may be occasioned by such openings, and finishing the work and replacing the said streets, roads, and public places in as good condition as before the commencement of the work, without any unnecessary delay.

**Power to appropriate  
streams, etc.**

**14.** The company and their agents, servants, and workmen, shall have power and authority to enter into and upon the lands of any person or persons, bodies politic or corporate, in the said Village of Yorkville and its vicinity, or in the Township of York, for the purposes and uses of the company, and to survey, set out, and ascertain such part thereof, and to divert and appropriate any spring or stream of water thereon, as the company shall judge suitable and necessary for the purposes and uses of the company, and to contract with the owners or occupiers of such lands, and those having any right or interest in the said water, or in the natural flow of the said water from such springs or streams, or of any part thereof, for the purchase thereof or any part thereof, or of any privilege that may be required for the purposes and uses of the company: and in case of any disagreement between the company and the owners or occupiers of such lands, or the persons having any interest or right in the said water or the natural flow thereof, or of any part thereof, respecting the purchase or value thereof, or as to the damages caused to them by such appropriation or otherwise, the owner or occupier so disagreeing with the company upon the value of the said lands, rights or privileges, or the amount of such damages to nominate and appoint one indifferent person, and for the company to nominate an indifferent person, who together, with one other person, to be nominated by the persons so named, shall be arbitrators to award, determine, adjudge, and order the respective sums of money, which the company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said Village of Yorkville, to be appointed by the company after eight days' notice given for that purpose by the said company, then and there to arbitrate and award, adjudge

**Arbitration.**

and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be previously sworn before the judge of the county court for the County of York, well and truly to assess  
 5 the value or damages between the parties according to the best of his judgment; Provided always that any award made under this Act shall be subject to be set aside on application to either of the superior courts of common law, at Toronto, in the same  
 10 manner and on the same grounds as in ordinary cases of arbitration as hereinbefore provided; and that any sum so awarded shall be paid within six months from the date of the award or determination of any motion to annul the same; and in the event of any party so disagreeing, omitting or refusing to ap-  
 15 point an arbitrator, the judge of the county court of the County of York, may upon application of the company as often as occasion may require, name an arbitrator in his stead and the award of such arbitrator and those to be named as aforesaid, or a majority of them shall be binding on all parties concerned,  
 20 subject as aforesaid.

**15.** Where there are buildings within the said Village of Yorkville, the different parts whereof shall belong to different  
 25 proprietors, or shall be in possession of different tenants or lessees, the said company shall have power to carry pipes to any part of any building so situated, passing over the property of one or more proprietors, or in the possession of one or more tenants, to convey water to that of another, or in the possession of another, the pipes being carried up and attached to the out-  
 30 side of the building, and also to break up and uplift all passages which may be a common easement to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying pipes, or taking up, or repairing the same.

**16.** All the lands and waters, or the natural flow thereof, which shall be set out, or acquired, or appropriated by the com-  
 35 pany for the purposes and the uses of the same as aforesaid, shall forever thereafter, be vested in the company and their successors; and it shall and may be lawful for the said company to construct, erect, and maintain upon the said land, and in con-  
 40 nection with the said water or flow thereof, all such reservoirs, machinery, and water works, requisite for the purposes and uses of the said company, and to convey by a line or lines of pipes the water through any intermediate grounds and lands lying  
 45 and being between such springs and streams, and the said Village of Yorkville; and the company are hereby empowered to enter upon and pass over such lands, waters, or flow thereof, and the same to cut and dig up if necessary, and to lay down pipes through the same, doing thereby as little damage as may be, and making reasonable and adequate satisfaction to the  
 50 proprietors, the same to be determined by arbitration as hereinbefore provided, in case of disagreement between the company and the proprietors of the lands, waters, or flow thereof.

**17.** The several clauses of the Act intituled "An Act respecting incorporated joint stock companies for supplying cities, towns, and villages, with gas and water," being clauses nine  
 55 forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-four, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six seventy-

Powers as to carrying pipes.

Lands, etc., appropriated vested in the company.

Powers as to construction.

Certain sections of c. 65, Con. Stat. Can., to apply.

five, seventy-six seventy-seven, seventy-eight, of the said Act of the Consolidated Statutes of Canada, chapter sixty-five shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company, except only 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 clauses of the said Act so incorporated with this Act. 5

Limitation for suits.

**18.** If any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of or under the provisions of this Act, such action or suit shall be brought within six calendar months after the fact committed, and not afterwards, and the company or duty officer, agent, servant, or workman of the company, in such action or suit may plead the general issue, and give this Act, and the special matter in evidence on the trial. 17

BILL.

An Act to incorporate The Yorkville Water Works Company.

PRIVATE BILL.

First Reading, 5th February, 1872.

Mr. CROSBY.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate The Yorkville Water Works Company.

**W**HEREAS certain inhabitants of the Village of Yorkville, <sup>Preamble.</sup> in the County of York, have petitioned for the passing of a law incorporating a company for the purpose of supplying the said village and the inhabitants thereof with water:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** William H. Archer, George C. Moore, John Severn, Robert Wood, John T. Davison, and Cornelius James Philbrick, together with such other persons or corporations as shall under the provisions of this Act become shareholders in the company hereby incorporated, shall be and are hereby ordained and constituted a body politic and corporate by the name of "The Yorkville Water Works Company," and by that name they and their successors, shareholders in the said company, shall and may have perpetual succession and a common seal, with power to make, break, and change, the same at pleasure; and shall and may have, enjoy, and exercise by the same name all the powers incident to corporate bodies generally; and shall and may have full power to purchase, take and hold, besides personal property, lands, tenements and other real property for the erection, construction, and convenient use of the water works hereinafter mentioned, and for the purposes and uses generally of the said company; and such lands, tenements, and real property, or any of them, to sell, alienate, and convey, and others in their stead to purchase, take, and hold from time to time for the purposes and uses aforesaid; Provided always, that such lands, tenements, and real property to be holden by the said company shall not exceed fifty thousand dollars in value, and be so holden for the constructing, maintaining and carrying on the works of the said company, and for the purposes, uses, and business operations of the said company, and in and towards accomplishing the same and effecting the objects for which such company is hereby incorporated and not otherwise.

**2.** The said company may erect, maintain, and carry on, <sup>Power to construct.</sup> under the provisions of this Act, all such reservoirs, machinery, and water works, houses and erections, as may be requisite for the said undertaking.

**3.** The capital stock of the said company shall be two hundred thousand dollars, to be divided into two thousand shares of one hundred dollars each; and the shares of the said capital stock may, after the first instalment shall have been paid thereon be transferred by the respective persons subscribing or hold-

Provisional directors.

ing 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 : and for the purpose of organizing the said company : the persons named in the first section of this Act, shall be provisional directors thereof, and they or a majority of them may cause stock books to be opened, upon which stock books shall be recorded the subscriptions of such persons as desire to become shareholders in the said company.

Election of directors.

4. When and so soon as fifty thousand dollars of the said capital stock shall have been taken and subscribed, and ten per cent. thereof paid thereon, it shall be lawful for the said provisional directors or any of them to call a general meeting of the said subscribers by a notice therefor, to be inserted at least ten days previously to the time of meeting, in one of the daily newspapers published in the City of Toronto, specifying the time and place in the Village of Yorkville, where such meeting shall be held; and at such general meeting the shareholders present, either in person or by proxy, who shall have paid five per cent upon the stock subscribed by them, shall elect seven persons to be directors of the said company, each such holder to be elected, being a holder of not less than twenty shares in the said company ; and the said directors may then forthwith or at any subsequent meeting of themselves elect from among their own number a president of the said company ; and such directors and president shall continue in office until the first Monday in February, in the year then next following their election.

General meetings.

5. On the said first Monday in February, and on every first Monday in February in each succeeding year, a general meeting of the shareholders of the said company shall be held in the office of the said company, or in such other place, and at such hour as the president or directors of the said company shall appoint; at which meeting the shareholders present in person or by proxy shall elect from among themselves seven persons holding not less than twenty shares in the said company, to be directors in the room of the directors for the then past year, who shall be eligible for re-election; and such directors so elected may then forthwith or at any subsequent meeting of themselves elect one of their number to be the president of the company.

Annual election of directors.

Votes.

6. In the election of directors, and in the transaction of business at all meetings of shareholders, each shareholder shall be entitled to as many votes as he holds shares.

Quorum.  
President.

7. Any four of the directors shall form a quorum for the transaction of business; and the president, or in his absence a chairman chosen by the directors present shall preside at the meeting of the directors; and the president or chairman, shall, in addition to his vote as a director, have also a casting vote in case of an equality of votes among such directors.

Non-election of directors.

8. In case it should at any time happen that an election of directors should not be made on any day when pursuant to this Act, it should have been made, the said company shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold, and make, an election in such a manner as may be regulated, directed and appointed by the directors for the time being, and the directors in office shall so continue until a new election is made.



9. In case any vacancy should at any time happen amongst **Vacancies.** the said directors by death, resignation, disqualification or removal during the current year of office from this Province, such vacancy shall be filled for the remainder of the year by the remaining directors, or a majority of them electing in such place or places a shareholder or shareholders eligible for such an office.

10. The directors shall have power and authority to appoint **Power as to officers.** a manager, secretary, and treasurer, and such clerks and other persons as may appear to them necessary for carrying on the business of the company, with such powers, and duties, salaries and allowances to each as to the directors may seem advisable; and also shall have power and authority for the purposes and **Borrowing.** uses of the company from time to time to borrow money in one sum or several sums from any individual or corporate body willing to lend or advance the same, and may mortgage, pledge, assign or hypothecate to such individual or corporate body the property, real estate, works, rates, revenues, income, rents and future calls of the company, for the repayment of the said sum or sums so borrowed and the interest thereon; and may issue, **Issuing debentures.** scrip or debentures in the name of the company for sums not less than one hundred dollars each; and the same shall be transferable by delivery merely, and shall with the interest payable thereon form a charge upon the property and income of the company; Provided always, that the amount to be borrowed by the said company under the forgoing provisions shall not at any time be in excess of one-half the amount of the capital stock paid up.

11. The directors shall also have power and authority to **Power of directors.** make and from time to time to alter such by-laws, rules, and regulations to be binding upon the shareholders of the company, as shall appear to them proper and needful, touching the well-ordering of the company, and the management and disposition of its stock, property, estate, and effects; the calling of special general meetings of the shareholders; the regulation of meetings of the board of directors; and all other matters connected with the proper organization of the company, and the conduct of the affairs thereof; the making of calls upon the subscribed capital stock, at such days, times, and places, and upon such notice as to them shall seem meet and advisable; the forfeiture of shares upon which any instalment or instalments, call or calls remain unpaid after the days and times for the payment of the same respectively; the appointment and removal of officers and other persons employed by or for the company; the regulation of the transfer of stock, and the form thereof: and empowering the president or other officers to make contracts on behalf of the company, and to affix (if need be) the seal of the company to such contracts; Provided always, that all such by-laws, rules, and regulations made by the directors as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved of by such meeting, and shall thereafter have force and effect as so approved or modified at such meeting; and provided further, that such by-laws, rules, and regulations do not contravene the provisions of this Act.

12. The directors shall also have power and authority to **Dividends.**

declare such yearly or half-yearly dividends upon the capital stock of the company, as they may deem expedient out of the profits of the said undertaking.

**Powers as to  
lands.**

**13.** The company, their agents, servants, and workmen, may after two days' notice in writing to the reeve or clerk of the Village of Yorkville, break up, dig and trench so much and so many of the streets and public places of or in the said village, and after the like notice to the reeve or clerk of the Township of York, break up, dig, and trench so much and so many of the roads, streets and public places, of or in the said township, and after the like notice to the mayor or clerk of the City of Toronto, break up, dig, and trench so much of Bloor Street in the said City, as may at any time be necessary for laying down the mains and pipes to conduct the water to and from the works of the company and to the consumers thereof, or for taking up, renewing, altering, or repairing the same, when the company shall deem it expedient, doing no unnecessary damage in the premises, and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, roads, and public places while the works are in progress, and making such openings on such parts of the said streets, roads, and public places as the surveyor for the said village, township, and city, shall respectively permit and reasonably point out, and placing guards or fences with lighted lamps during the night, and taking all other necessary precautions for the prevention of accidents to passengers and others, which may be occasioned by such openings, and finishing the work and replacing the said streets, roads, and public places in as good condition as before the commencement of the work, without any unnecessary delay.

**Power to ap-  
propriate  
streams, etc.**

**14.** The company and their agents, servants, and workmen, shall have power and authority to enter into and upon the lands of any person or persons, bodies politic or corporate, in the said Village of Yorkville and its vicinity, or in the Township of York, for the purposes and uses of the company, and to survey, set out, and ascertain such part thereof, and to divert and appropriate any spring or stream of water thereon, as the company shall judge suitable and necessary for the purposes and uses of the company, and to contract with the owners or occupiers of such lands, and those having any right or interest in the said water, or in the natural flow of the said water from such springs or streams, or of any part thereof, for the purchase thereof or any part thereof, or of any privilege that may be required for the purposes and uses of the company: and in case of any disagreement between the company and the owners or occupiers of such lands, or the persons having any interest or right in the said water or the natural flow thereof, or of any part thereof, respecting the purchase or value thereof, or as to the damages caused to them by such appropriation or otherwise, the owner or occupier so disagreeing with the company upon the value of the said lands, rights or privileges, or the amount of such damages to nominate and appoint one indifferent person, and for the company to nominate an indifferent person, who together, with one other person, to be nominated by the persons so named, shall be arbitrators to award, determine, adjudge and order the respective sums of money, which the company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said arbitrators shall be, and they are hereby

**Arbitration.**

required to attend at some convenient place, at or in the vicinity of the said Village of Yorkville, to be appointed by the company after eight days' notice given for that purpose by the said company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be previously sworn before the judge of the county court for the County of York, well and truly to assess the value or damages between the parties according to the best of his judgment; Provided always, that any award made under this Act shall be subject to be set aside on application to either of the superior courts of common law, at Toronto, 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 six months from the date of the award or determination of any motion to annul the same; and in the event of any party so disagreeing, omitting or refusing to appoint an arbitrator, the judge of the county court of the County of York, may upon application of the company as often as occasion may require, name an arbitrator in his stead; and the award of such arbitrator and those to be named as aforesaid, or a majority of them shall be binding on all parties concerned, subject as aforesaid; Provided always, that upon the application of any person injuriously affected by the work of the said company, by the withdrawal thereby of the water from any river, stream or lake, so as to leave an insufficient quantity for the agricultural or other purposes of the proprietors or occupants of the lands, through or on which such rivers, streams or lakes may pass or be, the Court of Chancery may grant an injunction to restrain the said company from the use of the water of such river, streams or lake, for such time, and upon such conditions as the court shall direct.

**15.** Where there are buildings within the said Village of Yorkville or vicinity, the different parts whereof shall belong to different proprietors, or shall be in possession of different tenants or lessees, the said company shall have power to carry pipes to any part of any building so situated, passing over the property of one or more proprietors, or in the possession of one or more tenants, to convey water to that of another, or in the possession of another, the pipes being carried up and attached to the outside of the building, and also to break up and uplift all passages which may be a common easement to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying pipes, or taking up, or repairing the same. Powers as to carrying pipes

**16.** All the lands and waters, or the natural flow thereof, which shall be set out, or acquired, or appropriated by the company for the purposes and the uses of the same as aforesaid, shall forever thereafter be vested in the company and their successors; and it shall and may be lawful for the said company to construct, erect, and maintain upon the said land, and in connection with the said water or flow thereof, all such reservoirs, machinery, and water works, requisite for the purposes and uses of the said company, and to convey by a line or lines of pipes the water through any intermediate grounds and lands lying and being between such springs and streams, and the said Village of Yorkville; and the company are hereby empowered to enter upon and pass over such lands, waters, or flow thereof, Lands, etc., appropriated vested in the company. Powers as to construct i. n.

and the same to cut and dig up if necessary, and to lay down pipes through the same, doing thereby as little damage as may be, and making reasonable and adequate satisfaction to the proprietors, the same to be determined by arbitration as hereinbefore provided, in case of disagreement between the company and the proprietors of the lands, waters, or flow thereof; and after the completion or construction of the said works of the said company, the corporation of the City of Toronto shall not be at liberty to make or construct any works in, or supply water within the said village of Yorkville without the consent of the said corporation of Yorkville.

Certain sections of c. 65, Con. Stat. Can., to apply.

**17.** The several clauses of the Act intituled "An Act respecting incorporated joint stock companies for supplying cities, towns, and villages, with gas and water," being clauses nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-four, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, of the said Act of the Consolidated Statutes of Canada, chaptered sixty-five shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company, except only 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 clauses of the said Act so incorporated with this Act.

Limitation for suits.

**18.** If any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of or under the provisions of this Act, such action or suit shall be brought within six calendar months after the fact committed, and not afterwards, and the company or duty officer, agent, servant, or workman of the company, in such action or suit may plead the general issue, and give this Act, and the special matter in evidence on the trial.

Provision in case the Yorkville corporation assume the works.

**19.** In case the corporation of the said village of Yorkville decide, as they are hereby empowered to do, upon assuming and undertaking the construction of the said works, the said corporation shall pay and advance to the said company the moneys already expended upon the said works, and the value of the assets and property of the said company, to be ascertained and determined by arbitration, as hereinbefore provided, in case of disagreement between the company and the corporation; and upon payment thereof the said corporation shall acquire, have, hold, possess and enjoy all the rights, privileges and franchises by this Act conferred upon, and be subject to all the liabilities of the said company, and may appoint commissioners for the purposes of carrying out the provisions of this Act, under the name of the said company.



An Act to incorporate The Yorkville Water  
Works Company.

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First Reading,	5th February,	1872.
Second	“ 21st	“ 1872.
Third	“ 22nd	“ 1872.

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Mr. Crosbie

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TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to revive and amend the Act incorporating the Stratford and Huron Railway Company.

**W**HEREAS the Stratford and Huron Railway Company in- Preamble.  
 corporated by the Act passed by the Parliament of the  
 late Province of Canada in the eighteenth year of Her Majesty's  
 reign and chaptered one hundred and eighty-four, and amended  
 5 by an Act passed by the Parliament of the late Province of  
 Canada in the session held in the nineteenth and twentieth  
 years of Her Majesty's reign and chaptered twenty-six, and  
 further amended by an Act passed by the Parliament of the  
 late Province of Canada in the twenty-eighth year of Her Ma-  
 10 jesty's reign and chaptered eighty-eight, the municipal Corpora-  
 tion of the Town of Stratford and James Kyle, James Redford  
 and others, provisional directors of the said railway company,  
 under and by virtue of the said Acts have, by their petition,  
 prayed for the repeal of section six of the said last mentioned Act  
 15 and for authority to agree or contract with other railway com-  
 panies for the construction, equipment and maintenance of the  
 petitioners line of railway or a part thereof, and for permission to  
 place upon their said line of railway a gauge of three feet six  
 inches in addition to the present broad gauge, which, by the said  
 20 Acts, they are authorized to construct, and for a change in the  
 names of some of the provisional directors of the said company,  
 and have further, by said petition, prayed that the periods limited  
 for the first election of directors and for the completion of the  
 railway may be extended; and whereas it is expedient to grant  
 25 their prayer;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario enacts  
 as follows:—

**1.** For and notwithstanding anything in the Acts above  
 30 mentioned the first general meeting of the stockholders of the  
 said company for the election of directors may be held on the  
 day of December, in the year of our Lord one  
 thousand eight hundred and seventy-two, and the directors  
 elected thereat shall remain in office until the first Wednesday in  
 35 January, in the year of our Lord one thousand eight hundred  
 and seventy-four, or until the next annual general meeting of  
 the stockholders for the election of directors after the said  
 day of December, in the year of our Lord one thou-  
 sand eight hundred and seventy-two, and the periods limited  
 40 by the said Acts are hereby extended so that the said railway  
 may be commenced at any time within two years, and com-  
 pleted at any time within seven years from the passing of this  
 Act.

**2.** The first and third sections of the Act first above men- Names of cer-  
 54 tioned are amended by expunging therefrom the names William tain provision-  
 Frederick McCulloch, William Fraser, Joseph Whaley, Richard al directors  
 expunged.

Berford, George Cromar, William Smith, Joseph Walker, Alexander McNab, Alexander McGregor, Robert Hendry and Joseph Whaley; and the second section of the Act passed in the twenty-eighth year of the reign of Her Majesty Queen Victoria, chaptered eighty-eight, is amended by expunging therefrom the names Edward Robert Sullivan, William James Surlach, Samuel Lloyd Robarts, James Brocklebank, John Gillis, Thomas Gilson and Thomas Adair. 5

Company may enter into agreements with other railway companies. 3. It shall be lawful for the said company to enter into any agreement with any railway company for the construction, 10 equipment and maintenance of the said railway or any parts thereof.

Power to make additional gauge. 4. It shall be lawful for the said company to lay and place upon their line of railway a gauge of three feet six inches either alone or in addition to the gauge authorized by the first above 15 mentioned Act or otherwise as the directors may determine upon, and may, for the purposes hereby authorized, lay a third or more rails.

## BILL.

An Act to revive and amend the Act incorporating the Stratford and Huron Railway Company.

(PRIVATE BILL.)

1st Reading, 5th February, 1872.

MR. MONTEITH.

TORONTO:

PRINTED BY HUNTER, ROSE & COMPANY.



An Act to revive and amend the Act incorporating the Stratford and Huron Railway Company.

**W**HEREAS the Stratford and Huron Railway Company incorporated by the Act passed by the Parliament of the late Province of Canada in the eighteenth year of Her Majesty's reign and chaptered one hundred and eighty-four, and amended by an Act passed by the Parliament of the late Province of Canada in the session held in the nineteenth and twentieth years of Her Majesty's reign and chaptered twenty-six, and further amended by an Act passed by the Parliament of the late Province of Canada in the twenty-eighth year of Her Majesty's reign and chaptered eighty-eight, and the municipal Corporation of the Town of Stratford and James Kyle, James Redford and others, provisional directors of the said railway company, under and by virtue of the said Acts, have, by their petition, prayed for the repeal of section six of the said last mentioned Act and for authority to agree or contract with other railway companies for the construction, equipment and maintenance of the petitioners' line of railway or a part thereof, and for permission to place upon their said line of railway a gauge of three feet six inches in addition to the present broad gauge, which, by the said Acts, they are authorized to construct, and for a change in the names of some of the provisional directors of the said company, and have further, by said petition, prayed that the periods limited for the first election of directors and for the completion of the railway may be extended; and whereas it is expedient to grant their prayer;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. For and notwithstanding anything in the Acts above mentioned the first general meeting of the stockholders of the said company for the election of directors may be held on the first day of December, in the year of our Lord one thousand eight hundred and seventy-two; and the directors elected thereat shall remain in office until the first Wednesday in January, in the year of our Lord one thousand eight hundred and seventy-four, or until the next annual general meeting of the stockholders for the election of directors after the said first day of December, in the year of our Lord one thousand eight hundred and seventy-two; and the periods limited by the said Acts are hereby extended so that the said railway must be commenced within two years, and completed within seven years from the passing of this Act; Provided that the powers and privileges conferred by this Act shall be in full force as regards such portions of the railway as may be completed within the time here limited.

Period for first election of directors and commencement and completion of railway extended.

27 and 28 V.  
c. 88., s. 6, re-  
pealed.

**2.** Section six of the Act passed in the Session of the Parliament of the late Province of Canada, held in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, and chaptered eighty-eight, is hereby repealed.

Names of cer-  
tain provision-  
al directors  
expunged.

**3.** The first and third sections of the Act first above mentioned are amended by expunging therefrom the names William Frederick McCulloch, William Fraser, Joseph Whaley, Richard Berford, George Cromar, William Smith, Joseph Walker, Alexander McNab, Alexander McGregor, Robert Hendry and Joseph Whaley; and the second section of the Act passed in the twenty-eighth year of the reign of Her Majesty Queen Victoria, chaptered eighty-eight, is amended by expunging therefrom the names Edward Robert Sullivan, William James Imlach, Samuel Lloyd Robarts, James Brocklebank, John Gillies, Thomas Gibson and Thomas Adair.

Company may  
enter into  
agreements  
with other  
railway com-  
panies.

**4.** It shall be lawful for the said company to enter into any agreement with any railway company for the construction, equipment and maintenance of the said railway or any parts thereof.

Power to make  
additional  
gauge.

**5.** It shall be lawful for the said company to lay and place upon their line of railway a gauge of three feet six inches either alone or in addition to the gauge authorized by the first above mentioned Act or otherwise as the directors may determine upon, and may, for the purposes hereby authorized, lay a third or more rails.

An Act to revive and amend the Act incor-  
porating the Stratford and Huron Rail-  
way Company.

First Reading,	5th	February,	1872.
Second	"	21st	"
Third	"	27th	"
			1872.

An Act to incorporate the Toronto and Yorkville  
Water Works Company.

**W**HEREAS the rapidly increasing population of the City of Preamble  
Toronto, and its largely extending business, promoted by  
the railways now in course of construction and those about to  
be commenced, with the consequent demand for a better supply  
of pure and wholesome water at moderate rates, renders it desir-  
able that more than one joint stock company should be established,  
for the purpose of furnishing cheap, pure, and wholesome water  
to the inhabitants of Toronto and its vicinity; And whereas a  
number of the citizens of Toronto have, by their petition, prayed  
that certain persons, and such others as may be hereafter associ-  
ated with them in the undertaking, may be incorporated under  
the style and title hereinafter mentioned, for the purpose of sup-  
plying the said City of Toronto, and Village of Yorkville, with  
water in greater quantity, of a much purer and more whole-  
some quality, and at cheaper rates; 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 Assembly of the Province of Ontario, enacts  
as follows:—

- 20 **1.** That Arthur R. McMaster, John Turner, James B. Bou- Incorporation.  
stead, William Thomson, Alexander Manning, William H. How-  
land, Noah Barnhart, James D. Edgar, Robert W. Elliot, and  
George Gregg, or such of them, and such other persons as shall  
hereafter become shareholders in the company to be hereby  
25 established, shall be, and are hereby ordained and constituted  
a body politic and corporate, by the name of the Toronto and  
Yorkville Water Works Company, and by that name they and  
their successors, shareholders in the said company, shall, and  
may have, perpetual succession, and a common seal, with power  
30 to make, break, and change the same at pleasure, and shall and  
may be the same name, have, enjoy, and exercise, all the pow-  
ers incident to corporate bodies generally, and shall, and may  
have full power to purchase, take, and hold, besides personal  
property, lands, tenements, and other real property, for the erec-  
35 tion, construction, and convenient use, of water works herein-  
after mentioned, and for the purposes and uses, generally, of the  
said company, and such lands, tenements, and real property, or  
any of them to sell, alienate, and convey, and others in their  
stead to purchase, take, and hold, from time to time, for the  
40 purposes and uses aforesaid; Provided always, that such lands,  
tenements, and real property to be holden by the said company,  
shall not exceed one hundred and fifty thousand dollars in value,  
and be so holden for the constructing, maintaining, and carry-  
ing on, the works of the said company, and for the purposes,  
45 uses, and business operations of the said company, and in and  
towards accomplishing the same, and effecting the objects for  
which such company is hereby incorporated, and not otherwise.

Power to erect works.	2.	That the said company may erect, maintain, and carry on, under the provisions of this Act, water works in the City of Toronto, and Village of Yorkville.	
Capital stock.	3.	That the said company may raise and constitute, among themselves, in shares of one hundred dollars each, for the purposes of the said company, such sum as shall not, altogether, exceed the sum of five hundred thousand dollars; and the president and directors of the said company may, and are hereby authorized, for the purposes and uses of the said company, to borrow money, in one sum or several sums, from any individual or corporate body willing to lend or advance the same, and may pledge and hypothecate to such individual or corporate body, the property and income of the said company for the re-payment of the said sum or sums so borrowed, and the interest thereon; or the president or directors of the said company may issue scrip or debentures in the name of the said company for sums not less than one hundred dollars each, and the same shall be transferable by delivery merely, and shall, with the interest payable thereon, form a charge upon the property and income of the said company.	5 10 15 20
Power to borrow.			
Issue of scrip and debentures.			
First shareholders' meeting.	4.	That as soon as two hundred thousand dollars of the capital stock of the said company shall have been taken, and subscribed, and the sum of ten per centum paid thereon, it shall be lawful for the subscribers of the said stock, or any of them, to call a public meeting of the said subscribers, by a notice therefor, to be inserted at least ten days previously to the time of such meeting, in two of the newspapers of the City of Toronto, in which notice shall be specified the time and place, in the City of Toronto, where such meeting shall be held, and that the same is for the election of directors for the said company, and such meeting, when so convened, the shareholders in the said company may proceed to the election, by ballot, of seven of the shareholders in the said company, and as directors of the said company, each such shareholder to be elected being a holder of not less than fifty shares in the said company; and the said directors may then forthwith, or at any subsequent meeting of themselves, elect, from among their own number, a president of the said company; and such directors and president shall continue in office until the first Monday in July in the year then next following that in which they shall be so elected, and on such first Monday of July, and on every first Monday of July in each succeeding year, or on the next following day if such Monday be a holiday, a general annual meeting of the stockholders shall be held in the office of the said company, at eleven o'clock in the forenoon, or in such other more convenient place, and at such other more convenient time, as the directors of the said company shall appoint, and have given notice of, in two of the newspapers of the said City of Toronto, at least one week previously to the said annual meeting; and at such annual meeting the shareholders present shall proceed to elect, from among themselves, seven persons, holding not less than twenty shares each, in the stock of the said company, to be directors, in the room of the directors for the then past year; Provided, that any of the shareholders then, or who had been, directors shall be eligible to re-election; and such directors so elected shall, at such time as shall be appointed by any by-law of the company, or in case of no such by-law, at their first meeting after such election, elect one of their number to be the president of such company; Pro-	25 30 35 40 45 50 55
First election of directors.			
President.			
Annual general meeting.			
Election of directors.			
Scale of votes.			

vided that, in all matters, the directors shall vote *per capita*, and not according to the number of shares held by them, and the president or chairman, *pro tempore*, shall, in addition to his vote as a director, have also a casting vote, in case of any equality of  
5 votes among such directors.

5. That any four of the said directors shall form a quorum, Quorum. for the transaction of business; and any majority of such directors assembled, according to the provisions of this Act, and the by-laws of the company, then in force, may exercise any, or all  
10 of the powers hereby vested in the directors; and the president, President. or, in his absence, a chairman chosen by the directors present, *pro tempore*, shall preside at the meeting of directors; Provided always, that no person, being a shareholder in any other water works company, formed for the purpose of furnishing water to  
15 the said city or village, shall be a director of the company hereby established.

6. That at the general meetings of the shareholders, to be held annually, for the purpose of electing directors, as aforesaid, on the first Monday in the month of July, in each year, and before  
20 the election of new directors, the directors of the then past year shall exhibit a full and unreserved statement of the affairs of the company, of the funds, property and debts due to, and by, the said company, which said statement shall be certified by the president, under his hand and seal; Provided always, that in  
25 the event of their being no election of directors on the first Monday of July in any year, in consequence of the said shareholders neglecting to attend, in conformity with the requirements of this Act, or from any other cause, then, and in that case, the directors of the previous year, shall continue and remain in office until an election shall take place, at a future  
30 special meeting of the said shareholders, to be called for that purpose, in the manner provided by the by-laws of the company then in force. Statement of affairs.

7. That it shall be lawful for the said directors, from time to  
35 time, in case of death, resignation, absence from the Province, disqualification, and any person disqualified to be elected shall be disqualified from remaining in office, or the removal of any person so chosen to be president or director, or either of them, to choose in their or his stead, from among the said directors,  
40 another person to be president, or from among the other shareholders, another person to be director or directors, respectively, to continue in office until the next annual election, as aforesaid. Case of non-election of directors.

8. That the directors shall and may have the power to ap-  
45 point a manager, secretary and treasurer, clerks, and such other persons as may appear to them necessary for carrying on the business of the said company with such powers and duties, salaries and allowances to each as shall seem meet and advisable; and also shall and may have the power to make and repeal or alter such by-laws, to be binding upon members of the  
50 company or their servants as shall appear to them proper and needful touching the well ordering of the said company, the management and disposition of its stock, property, estate and effects, the calling of special meetings of its shareholders, or of meetings of the directors and other matters connected with the  
55 proper organization of the said company and the conduct of the affairs thereof; and also shall and may have the power to make calls for instalments on shares, subject to the provisions herein- Filling vacancies among directors. Power of directors.

after made and to declare such yearly or half-yearly dividends out of the profits of the said undertaking as they may deem expedient ; Provided that no dividend shall be made if the payment thereof would render the said company insolvent or would in any way diminish the amount of its capital stock, and to 5 make contracts, or by such by-laws to empower the president or any director or officer to make contracts on behalf of the company and to affix, if need be, the common seal of the company to such contracts, and generally to manage the affairs of the said company, and to do and empower others to do what- 10 ever the company may lawfully do under this Act unless it be otherwise herein provided ; Provided always that such by-laws shall be in no wise inconsistent with the true intent and meaning of this Act and the powers hereby granted, nor repugnant to the laws of this Province and shall before they shall have 15 force be approved by the shareholders at some annual or special meeting and at which such shareholders shall have full power to alter or amend the same ; and provided also that until it be otherwise ordered by the by-laws of the company a special meeting of the shareholders may be called by the directors, or 20 in their default on being thereunto requested by at least five of the stockholders being proprietors together of not less than one hundred shares of the stock of the said company ; the directors or stockholders giving at least six weeks' notice thereof in at least two of the public newspapers of the City of Toronto and specifying in the said notice the time and place of such meet- 25 ing together with the objects thereof.

Votes by proxy.

9. That shareholders may vote by proxy (duly appointed in writing) or in person, and all elections shall be by ballot, and all questions to be decided at any annual or special meeting of the shareholders, shall be so decided by a majority of votes, 30 and the number of votes which each shareholder in the said undertaking or company shall be entitled to give, on every occasion when in conformity with the provisions of this Act, the votes of the shareholders of the said company are to be given shall be equal to the number of shares held by him or 35 her not exceeding one hundred, and for every five shares over a hundred shares one vote.

Scale of votes.

Subscriptions for stock.

10. That all subscriptions for shares in the capital stock of the said company or to the undertaking for carrying out which the said company is incorporated, shall be good and 40 valid and binding on the shareholders whether made before or after the passing of this Act, and the several persons who have subscribed or who may hereafter subscribe for shares in the said undertaking or company shall and they are hereby required to 45 pay the sum or sums of money by them respectively subscribed or such part or portions thereof as shall from time to time be called for by the directors of the said company under and by virtue of the powers and directions of this Act, to such person or persons and at such times and places as shall be directed or 50 required by the directors, and in case any person or persons shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the directors to cause the same to be sued for and recovered in any court of law in this Province having jurisdiction in civil cases to the amount ; and in any such action, whether for the sub- 55 scriptions already made or hereafter to be made, 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

Calls.

Actions for calls.

one or more shares in the stock (stating the number of shares) and is indebted to the company in the sum to which the calls in arrear may amount, and in any such action it shall be sufficient to maintain the same, that the signature of the defendant to some book or paper, by which it shall appear that such defendant subscribed for a share or a certain number of shares of the stock of the said company or undertaking be proved by one witness whether in the employement of the company or not, and that the number of calls in arrear have been made and the suit may be brought in the corporate name of the company.

**11.** That no one instalment to be paid on account of the shares in the stock of the said company shall exceed ten per centum on each share; and notice thereof shall be given by advertisement in the newspapers during at least two months before such instalment shall be called for; Provided always that no instalment shall be called for except after the lapse of two calendar months from the time when the last instalment was called for; and if any person or persons shall neglect or refuse to pay his or their share of such money to be so paid in as aforesaid, at the time and place fixed and appointed by the directors, such person or persons so neglecting or refusing may be sued as aforesaid, or at the option of the directors shall thereby incur a forfeiture of not more than ten nor less than five per cent on the amount of his or their respective share or shares; and if such person or persons shall refuse or neglect to pay their proportion of the instalments demanded for the space of two calendar months after the time fixed for the payment thereof, then and in that case such person shall forfeit his or their respective share or shares upon which former instalments shall have been paid, and such share or shares shall be sold by order of the directors by public auction, and the proceeds of the sale, after deducting costs and the forfeiture above mentioned, shall be paid over to such defaulter, and the president or manager of the company shall have power to transfer the stock to the purchaser or purchasers thereof; Provided always that no advantage shall be taken of the forfeiture of any share or shares unless the same shall be declared to be forfeited at some special meeting of the shareholders assembled at any time after such forfeiture shall have been incurred, and every such forfeiture shall be an indemnification to, and for every proprietor so forfeiting against all action or actions, suits or prosecutions whatever to be commenced or prosecuted for any breach of contract or other agreement between such proprietor and and the other proprietors with regard to carrying on the said works.

Amount of calls limited.

Forfeiture of stock and penalties.

Proviso.

**12.** That 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 for making surveys, plans and estimates incident thereto; and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said water works, and for efficiently and properly carrying out and accomplishing the purposes and uses generally of the said company.

Capital stock, how to be applied.

**13.** That the shares in the stock of the said company shall be assignable and transferable according to such rules and subject to such restrictions and regulations as shall from time to

Shares, how transferable.

time be made and established by the by-laws of the company, and shall be considered as personal property, notwithstanding the conversion of the funds into real estate, and shall go to the personal representatives of such shareholders; Provided also that such transfer shall not be valid unless entered and registered in a book or books to be kept for that purpose in the manner provided by the said by-laws. 5

Powers as to works.

**14.** That it shall and may be lawful for the said company, after two days' notice in writing to the mayor and council of the City of Toronto, to break up, dig and trench so much and so many of the streets, squares and public places of the said City of Toronto and the said Village of Yorkville as may at any time be necessary for laying down the mains and pipes to conduct the water from the works of the said company to the consumers thereof, or for taking up, renewing, altering or repairing the same, when the said company shall deem it expedient, doing no unnecessary damage in the premises, and taking care, as far as may be, to preserve a free and uninterrupted passage through the said streets, squares and public places while the works are in progress, and making the said openings on such parts of the said streets, squares and public places, as the proper city officer or city surveyor, under the direction of the common council of the said city shall reasonably permit and point out, and taking all other necessary precautions for the prevention of accidents to passengers and others which may be occasioned by such openings; also finishing the work and replacing the said streets, squares and public places in as good condition as before the commencement of the work, without any unnecessary delay; and in case of the neglect of any of the duties herein provided as aforesaid, the said company shall be subject to pay a fine of five dollars currency for every day such neglect shall continue after receiving a legal or written notice thereof, to be recovered by civil action in any court having competent jurisdiction at Toronto at the suit of any person or persons, or at the suit of the corporation of the said city and of the said village respectively, to and for the use of the said corporation over and above such damages as may be recovered against the said company by any other party. 10 15 20 25 30 35

Penalty on neglect by company as to work.

Power to enter lands.

**15.** That it shall and may be lawful for the said company, their successors, their agents, servants and workmen, 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 said City of Toronto and its vicinity, in the said Village of Yorkville, or in the said County of York, if necessary, for the purposes and uses of the said company, and to survey, set out and ascertain such part thereof, and to divert and appropriate any spring or stream of water thereon as the company shall judge suitable and necessary for the purposes and uses of the company, and to contract with the owners or occupiers of such lands, and those having any interest or right in the said water or the natural flow of the said water from such springs or streams, or of any part thereof, for the purchase thereof, or any part thereof, or of any privilege that may be required for the purposes and uses of the company: and in case of any disagreement between the company and the owners or occupiers of such lands or the persons having any interest or right in the said water or the natural flow thereof, or of any part thereof respecting the purchase or value thereof, or as to the damages caused to them by such appropriation or otherwise, it shall and may be lawful for 40 45 50 55

Appropriate waters.

Arbitration.



the owner or occupier so disagreeing with the said company upon the value of the said lands, rights or privileges, or the amount of such damages, to nominate and appoint one indifferent person, and for the said company to nominate an indifferent person, who, together with one other person to be nominated by the persons so named, shall be arbitrators to award, determine, adjudge and order the respective sums of money which the said company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said city or said village to be appointed by the said company, after eight days' notice given for that purpose by the said company, then and there to arbitrate, award, adjudge and determine such matters and things as shall be submitted to their determination by the parties interested; and that each arbitrator shall be sworn before some one of Her Majesty's justices of the peace, in and for the said County of York, or the said city, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties according to the best of his judgment; Provided always, that any award made under this Act shall be subject to be set aside on application to either of the superior courts of common law at Toronto, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may again be made to arbitration as hereinbefore provided; and that any sum so awarded shall be paid within three months from the date of the 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 in the event of any party so disagreeing, omitting or refusing to appoint an arbitrator, the judge of the county court of the County of York may, upon application of the company, as often as occasion may require, name an arbitrator in his stead, and the award of such arbitrator and those to be named as aforesaid, or a majority of them, shall be binding on all parties concerned subject as aforesaid.

**16.** That for the purpose of extending the mains or pipes conveying the said water from the works of the said company to the consumers thereof beyond the limits of the liberties of the said City of Toronto and the said Village of Yorkville, or for the purpose of conveying water into the said city or the said village, it shall be lawful for the said company, after ten days' notice in writing to the reeve and township council of any township through which such water is to be conveyed, to do and perform all the necessary works for extending or carrying the said water on, over or along any part of the public streets or highways in such township in the same manner and with the same precautions and under the like penalty which are pointed out in regard to such works within the said city and the said village by the foregoing sections; the reeve and township council of such township having the same powers conferred and duties imposed upon them in regard to such township as the mayor and common council of Toronto in regard to the said city.

Powers as to extension beyond Yorkville or Toronto.

**17.** That where there are buildings within the said City of Toronto or the said Village of Yorkville the different parts whereof shall belong to different proprietors or shall be in possession of a building owned by different proprietors.

Case of a building owned by different proprietors.

session of different tenants or lessees the said company shall have power to carry pipes to any part of any building so situate passing over the property of one or more proprietors or in the possession of one or more tenants, to convey the water to that of another or in the possession of another, the pipes being carried up and attached to the outside of the building; and also to break up and uplift all passages which may be a common easement to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes, or taking up or repairing the same, the said company doing as little damage as may be in the execution of the powers granted by this Act, and making satisfaction thereafter to the owners or proprietors of buildings or other property or to any other party as for all damages to be by them sustained in or by the execution of all or any of the said powers, subject to which provisions this Act shall be sufficient to indemnify the company, or their servants, or those by them employed, for what they or any of them shall do in pursuance of the powers granted by this Act.

Property appropriated vested in the company.

Powers as to carrying water

**18.** That all the land and waters or the natural flow thereof which shall be set out or acquired or appropriated by the said company for the purposes and the uses of the same as aforesaid shall forever thereafter be vested in the company and their successors; and it shall and may be lawful for the said company and their successors to construct, erect and maintain upon the said land and in connection with the said water or flow thereof all such reservoirs, water works and machinery for water requisite for the purposes and uses of the said company, and to convey by a line or lines of pipes the water through any intermediate grounds and lands lying and being between such springs and streams and the City of Toronto; and the company are hereby empowered to enter upon and pass over such lands, waters or flow thereof, and the same to cut and dig up, if necessary, and to lay down pipes through the same, doing thereby as little damage as may be, and making reasonable and adequate satisfaction to the proprietors, the same to be determined by arbitration as aforesaid in case of disagreement between the company and the proprietors of the lands, waters or flow thereof.

Public health, etc., not to be prejudiced.

**19.** That the said company shall so construct and locate their water works and all apparatus and appurtenances thereunto appertaining or therewith connected, and wheresoever situate, as in no wise to endanger the public health or safety.

Streets, etc.

**20.** That in case the said company shall open or break up any street, square or public place in the said city, and shall neglect to keep the passage of the said street, square or public place, as far as may be, free and uninterrupted, or to take every necessary precaution for the prevention of accidents to passengers and others, or to close and replace the said streets, squares and public places without unnecessary delay as hereinbefore provided, the city surveyor, under the direction of the said council of the city, after notice in writing to the said company, shall cause the duty so neglected forthwith to be performed; and the expense thereof shall be defrayed by the said company on its being demanded by the city surveyor at any time not less than one month after the work shall have been completed in any case, from the cashier or treasurer or any director of the said company, or in default of such payment the amount of such claim shall and may be recovered from the said company

at the suit of the Corporation of the City of Toronto, or of the Village of Yorkville, respectively, by civil action in any court of competent jurisdiction,

**21.** That the main pipes that shall be laid down by the said  
 5 company shall be at least three feet distant from the main  
 pipes of any other company, or when such shall be impractic-  
 able, then as nearly so as the circumstances of the case shall  
 admit, and that the said main pipes shall have the initials of  
 the said company cast upon each of them, and also the ends of  
 10 the service pipes and stop cocks which shall appear in the cel-  
 lars of the houses or buildings so to be supplied with water shall be  
 legibly and permanently stamped or marked with the initials of  
 the said company to distinguish them from those of any other com-  
 15 pany under a penalty of twenty dollars for each offence or neg-  
 lect thereof; which penalty shall be paid to the company prose-  
 cuting and be recovered by civil action in any court of compe-  
 tent jurisdiction: Provided always that if any difference shall  
 arise between the company chartered by this Act and any other  
 20 company established or to be established in the City of Toronto  
 or the Village of Yorkville as to the practicability of either  
 company so laying its pipes that they shall be at a distance of  
 at least three feet from those of the other company then such  
 difference shall be decided by the surveyor of the said city, who,  
 if he shall be of opinion that it is not practicable to lay the  
 25 pipes at such distance as aforesaid, shall direct the mode in  
 which the pipes of the respective companies shall be laid at  
 such place and the distance at which they shall be apart not  
 exceeding the distance aforesaid: provided always that an ap-  
 peal shall lie from any such decision of the said surveyor to the  
 30 judge of the county court of the County of York.

Provisions as  
to main pipes,  
etc., and other  
companies.

**22.** That if any person or persons shall lay, or cause to be  
 laid any pipe or main to communicate with any pipe or main  
 belonging to the said company, or in any way obtain or use its  
 gas or water without the consent of the directors or their offi-  
 35 cer appointed to grant such consent, he, she or they shall forfeit  
 and pay to the said company the sum of one hundred dollars,  
 and also a further sum of five dollars per day for each day such  
 pipe shall so remain, which said sum, together with the costs  
 of suit in that behalf incurred, may be recovered by civil  
 40 action in any court of competent jurisdiction.

Wrongful ap-  
propriation of  
the water of  
the company.

**23.** That if any person or persons shall wilfully or malicious-  
 ly hinder, interrupt or cause, or induce or procure to be hin-  
 dered or interrupted, the said company, or their managers, ser-  
 vants, agents or workmen, or any of them, in the exercise of  
 45 any of the powers in this Act contained; or if any person or  
 persons shall wilfully or maliciously break up, pull down or  
 damage, injure, put out of order or destroy any main pipe or  
 other works or apparatus, appurtenances or dependencies there-  
 of, or any matter or thing already made and provided, and  
 50 which shall be made and provided for the purposes aforesaid,  
 or any of the materials used and provided for the same, or or-  
 dered to be erected, laid down or belonging to the said com-  
 pany, or if any person or persons shall throw or deposit any-  
 thing or noisome or offensive matter into the water of said  
 55 company, or in any way foul the same; or shall in any wise  
 do any injury or damage for the purpose of obstructing, hinder-  
 ing or embarrassing the construction, completion, maintaining or

Malicious  
injuries.

Fouling waters

**Fraudulent use of water, etc.** repairing of the said works, or shall cause or procure the same to be done; or shall increase the supply of water agreed for with the said company by substituting a pipe or pipes of larger bore for the conveyance of water or otherwise wrongfully, negligently or wastefully throwing away or wasting the said water, every such person or persons shall be held guilty of a misdemeanor, and, on conviction thereof, the court before whom such person shall be tried and convicted, shall have power and authority to condemn such person to pay a penalty not exceeding fifty dollars, or to be confined in the common gaol of the city for a space of time not exceeding three months, as to such court may seem meet. 5 10

**Limit of shareholders' liability.** 24. That no shareholder in the said company shall be in any manner whatever liable or chargeable for any debt or demand due by the said company beyond the payment or extent of his, her or their share or shares in the capital stock of the said company not paid up. 15

**Aid from municipalities.** 25. That it shall and may be lawful for any of the municipalities in which the works of the said company are erected or placed to subscribe to or take stock in the company, or to loan any sum of money on mortgage or otherwise to the company, or to contribute in any manner towards advancing the object for which the company is incorporated. 20

**Power to buy out other companies.** 26. That it shall not be lawful for the said company to purchase out the stock of the present or any other water company in the said city, or to sell their own stock or any part thereof to any such company or companies. 25

**Commencement and completion of the works.** 27. That the said works hereinbefore mentioned shall be in operation within five years from the passing of this Act, and in default thereof the privileges and advantages granted by this Act to the said company shall cease and be of no effect. 30

1st Session, 2nd Parliament, 35 Victoria, 1871.

BILL.

An Act to incorporate the Toronto and Yorkville Water Works Company.

(PRIVATE BILL.)

First Reading, 5th February, 1872.

Mr. PATTERSON.

An Act to amend The Municipal Institutions Act of Upper Canada, so far as the same relates to the Corporation of the City of Toronto.

WHEREAS the Council of the Corporation of the City of Toronto, have by petition represented, that owing to the large sums of money received and disbursed by the said Corporation in each year, it would tend greatly to the better auditing of the accounts of the said Corporation, if a change were made in the time for the appointment of their auditors; and whereas it is expedient that said prayer be granted:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. That the words in section one hundred and sixty-seven, of the Act passed in the session held in the twenty-ninth and thirtieth year of Her Majesty's reign, chapter fifty-one; "That every council shall at the first meeting thereof in every year, after being duly organized appoint two auditors," are hereby repealed (so far as the same relate to the Corporation of the City of Toronto,) and the following words shall and are hereby substituted in lieu thereof: "The Council of the Corporation of the City of Toronto shall, at any time during the month of December in each year, appoint two auditors."

29 & 50 V., c. 51, s. 67, amended.

Appointment of auditors by the City of Toronto.

2. That section number one hundred and sixty-eight, of the said above mentioned Act, (so far as the same relates to the Corporation of the City of Toronto), is hereby repealed, and the following substituted in lieu thereof:

Sec. 168 amended.

(168) The auditors shall every month, commencing at the end of the first month in the following year, and so on to the end of such year, examine and report upon all accounts affecting the Corporation, or relating to any matter under its control or within its jurisdiction.

Monthly audit.

3. That the words "within one month after their appointment" in the sixth line of section one hundred and sixty-nine, of the said above mentioned Act (as far as the same relates to the Corporation of the City of Toronto), is hereby repealed, and the following substituted in lieu thereof: "within one month after the thirty-first day of December in each year."

S. 169 amended.

4. The Council of the Corporation of the City of Toronto, may, after the final passing of this Act, appoint by by-law two auditors to examine and audit the accounts of the said Corporation for the year one thousand eight hundred and seventy-two, by the Council of the Corporation of the City of Toronto.

Audit of City of Toronto accounts for 1872.

BILL.

An Act to amend the Municipal Institutions Act of Upper Canada, so far as the same relates to the Corporation of the City of Toronto.

(PRIVATE BILL)

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First Reading 5th February, 1872.

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HON. MR. CAMERON.

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TORONTO :

PRINTED BY HUNTER, ROSE & COMPANY.

An Act to amend The Municipal Institutions Act of Upper Canada, so far as the same relates to the Corporation of the City of Toronto.

**W**HEREAS the Council of the Corporation of the City of Toronto, have by petition represented, that owing to the large sums of money received and disbursed by the said Corporation in each year, it would tend greatly to the better auditing of the accounts of the said Corporation, if a change were made in the time for the appointment of their auditors; and whereas it is expedient that said prayer be granted:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding any thing in the municipal institutions Act or any amendments thereto, the Council of the Corporation of the City of Toronto shall, at any time during the month of December in each year, appoint two auditors.

29 & 30 V., c. 51, s. 67, amended. Appointment of auditors by the City of Toronto.

**2.** Notwithstanding as aforesaid, the auditors for the said city shall every month, commencing at the end of the first month in the following year, and so on to the end of such year, examine and report upon all accounts affecting the Corporation, or relating to any matter under its control or within its jurisdiction.

Sec. 168 amended. Monthly audit.

**3.** The said auditors shall discharge the duties imposed upon auditors by the one hundred and seventy-first section of the said municipal institutions Act within one month after the thirty-first day of December in each year.

S. 169 amended.

**4.** The Council of the Corporation of the City of Toronto may, after the final passing of this Act, appoint by by-law two auditors to examine and audit the accounts of the said Corporation for the year one thousand eight hundred and seventy-two, one of whom shall be nominated by the Mayor, and the other by the Council of the Corporation of the said City.

Audit of City of Toronto accounts for 1872.

1st Session, 2nd Parliament, 35th Victoria, 1872.

An Act to amend The Municipal Institutions Act of Upper Canada, so far as the same relates to the Corporation of the City of Toronto.

First Reading,	5th February,	1872.
Second	“ 26th	“ 1872.
Third	“ 1st March,	1872.

Hon. Mr. CAMERON.



An Act to revive and amend the Act relating to the  
City of Toronto Water Company.

**W**HEREAS the City of Toronto Gas Light and Water Preamble.  
Company was incorporated by an Act passed in the  
session of the late Parliament of Canada held in the fourth  
and fifth years of Her Majesty's reign, and chaptered sixty-five;  
5 and whereas the said Act of incorporation was amended by an  
Act passed in the eighth year of Her Majesty's reign, and chap-  
tered eighty-five; and whereas the said Act of incorporation  
was further amended by an Act passed in the sixteenth year  
of Her Majesty's reign, and chaptered one hundred and nine,  
10 by which said last mentioned Act the name of the said com-  
pany was changed to the City of Toronto Water Company;  
and whereas by an Act passed in the sixteenth year of Her  
Majesty's reign, and chaptered two hundred and fifty, the  
Metropolitan Gas and Water Company was incorporated; and  
15 whereas the said last mentioned Act of incorporation was  
amended by an act passed in the eighteenth year of the  
reign of Her Majesty, chapter one hundred and eighteen;  
and whereas the said Metropolitan Gas and Water Company  
became the purchasers of all the works, rights, privileges and  
20 franchises of the City of Toronto Water Company, and to  
secure the payment of the purchase money thereof mort-  
gaged the said works, rights, privileges and franchises to  
Albert Furniss, of the City of Montreal, Esquire, who was then  
the sole proprietor and shareholder of the said City of Toronto  
25 Water Company; and whereas default having been made by  
the said Metropolitan Gas and Water Company in the payment  
of the said mortgage money, the said Albert Furniss filed his  
bill in the Court of Chancery in Upper Canada to foreclose the  
said mortgage, and by virtue of the said court the said mort-  
30 gage was absolutely foreclosed, and the said Albert Furniss  
entered into possession of the said works, rights, privileges and  
franchises, and has continued in possession thereof ever since;  
and whereas the said Albert Furniss is desirous that all the  
rights, powers, franchises and privileges vested in the said  
35 companies, or either of them, should be vested in him with  
such powers and authorities as may enable him effectually to  
operate and work the same; and it is right that the same be  
granted to him:

Therefore Her Majesty, by and with the advice and consent  
40 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. All the works, powers, rights, privileges and franchises  
whatsoever, held and occupied and enjoyed by the said City of  
Toronto Water Company, or the said Metropolitan Gas and  
45 Water Company, or the president and directors and share-  
Certain water  
Co.'s vested in  
A. Furniss.

holders of the said companies, or either of them, shall be and they are hereby vested in the said Albert Furniss, his heirs and assigns; and he and they are hereby authorized and empowered to exercise the same under the corporate name of "The City of Toronto Water Company."

5

Company may  
sell their  
works, etc.

2. The City of Toronto Water Company are hereby authorized and empowered to sell their said works and all the powers and authorities contained in the said charters of incorporation to any person or body corporate, or any share or interest therein, upon such terms as may be agreed upon between them. 10

1st Session, 2nd Parliament, 35 Victoria, 1872.

BILL.

An Act to revive and amend the Act relating to the City of Toronto Water Company.

First Reading, 5th February, 1872.

Mr. RYKTRR.

An Act to revive and amend the Act relating to the  
City of Toronto Water Company.

**W**HEREAS the City of Toronto Gas Light and Water Com- Preamble.  
pany was incorporated by an Act passed in the session  
of the Parliament of the late Province of Canada held in the fourth  
and fifth years of Her Majesty's reign, and chaptered sixty-five ;  
and whereas the said Act of incorporation was amended by an  
Act passed in the eighth year of Her Majesty's reign, and chap-  
tered eighty-five ; and whereas the said Act of incorporation  
was further amended by an Act passed in the sixteenth year  
of Her Majesty's reign, and chaptered one hundred and nine,  
by which said last mentioned Act the name of the said com-  
pany was changed to the City of Toronto Water Company ;  
and whereas by an Act passed in the sixteenth year of Her  
Majesty's reign, and chaptered two hundred and fifty, the  
Metropolitan Gas and Water Company was incorporated ; and  
whereas the said last mentioned Act of incorporation was  
amended by an act passed in the eighteenth year of the  
reign of Her Majesty, chaptered one hundred and eighteen ;  
and whereas the said Metropolitan Gas and Water Company  
became the purchasers of all the works, rights, privileges and  
franchises of the City of Toronto Water Company, and to  
secure the payment of the purchase money thereof mort-  
gaged the said works, rights, privileges and franchises to  
Albert Furniss, of the City of Montreal, Esquire, who was then  
the sole proprietor and shareholder of the said City of Toronto  
Water Company ; and whereas default having been made by  
the said Metropolitan Gas and Water Company in the payment  
of the said mortgage money, the said Albert Furniss filed his  
bill in the Court of Chancery in Upper Canada to foreclose the  
said mortgage, and by virtue of the said court the said mort-  
gage was absolutely foreclosed, and the said Albert Furniss  
entered into possession of the said works, rights, privileges and  
franchises, and has continued in possession thereof ever since ;  
and whereas the said Albert Furniss is desirous that all the  
rights, powers, franchises and privileges vested in the said  
companies, or either of them, should be vested in him with  
such powers and authorities as may enable him effectually to  
operate and work the same ; and it is right that the same be  
granted to him :

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. All the works, powers, rights, privileges and franchises  
whatsoever, held and occupied and enjoyed by the said City of  
Toronto Water Company, or the said Metropolitan Gas and  
Water Company, or the president and directors and share-

Certain water  
Companies  
vested in  
A. Furniss.

holders of the said companies, or either of them, shall be and they are hereby vested in the said Albert Furniss, his heirs and assigns, and his and their associates, he and they are hereby authorized and empowered to exercise the same under the corporate name of "The City of Toronto Water Company."

Company may  
sell their  
works, etc.

2. The City of Toronto Water Company are hereby authorized and empowered to sell their said works and all the powers and authorities contained in the said charters of incorporation to any person or body corporate, or any share or interest therein, upon such terms as may be agreed upon between them; and the said company shall be liable to all duties, contracts and obligations incurred subsequent to the said mortgage in the preamble mentioned, and subject to all the penalties or claims whatever, to which the said City of Toronto Water Company or the said Metropolitan Gas and Water Company, or either or both of them, is or are in any way liable or subject; and all actions or suits now pending by for or against the said City of Toronto Water Company or the Metropolitan Gas and Water Company, or either or both of them, may be continued and completed by or against the said City of Toronto Water Company, upon a suggestion of the passing of this Act.

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An Act to revive and amend the Act relating to the City of Toronto Water Company.

First Reading,	5th	February,	1871.
Second	"	21st	"
Third	"	22nd	"
			1872.

Mr. RYKERT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to authorize the Corporation of the City of Toronto to construct water works in the City of Toronto.

**W**HEREAS grave and frequent complaints have been made Preamble.  
 from time to time, by the citizens and Corporation of Toronto, against the quality and supply of water furnished by the Toronto Water Works Company, hitherto existing  
 5 and supplying water to the city; and grievous and serious injury to property and to the city generally has resulted from an undue and insufficient service thereof; and whereas numerous amendments have been made to the charter of the said  
 10 Toronto Water Works, with the view to making the same more useful and effective, for the purposes intended; and to enable the Corporation of the City of Toronto to satisfy the citizens as to the service of water procurable from said company; and  
 whereas after much treaty and negotiation between the said City of Toronto and the said Water Works Company, it has  
 15 been found impossible to effect any satisfactory arrangement with said Water Works Company on behalf of the said corporation and citizens of Toronto; and whereas the Council of the Corporation of the City of Toronto, have by petition declared that it is deemed necessary and advisable that the said Corpora-  
 20 tion of Toronto should have the power to purchase, construct, have and manage, as to them may seem meet, certain water works on behalf of the city of Toronto; and it is expedient to grant the prayer of said petition:

Therefore, Her Majesty, by and with the advice and consent  
 25 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the Corporation of the City of Toronto, by and Corporation of Toronto may construct, etc., Water Works.  
 through the agency of commissioners and their successors, to be elected and appointed, as hereinafter provided, may, and  
 30 shall have power to design, construct, build, purchase, improve, hold, and generally maintain, manage, and conduct water works, and all buildings, matters, machinery and appliances therewith connected or necessary thereto, in the City of Toronto, and parts adjacent, as hereinafter provided.

35 2. The said commissioners and their successors, shall be a Commissioners of the works incorporated;  
 body corporate, under the name of the "Water Works Commission for the City of Toronto;" and shall be composed of five members, of whom the Mayor of the City of Toronto, for the  
 time being, shall be *ex-officio*, one; and the said commission-  
 40 ers shall have all the powers necessary to enable them to build Powers.  
 the water works hereinafter mentioned; or to purchase or add thereto, or otherwise the water works of any other company, and to improve, secure, maintain, and enlarge the same from time to time, as to the said commissioners may seem meet, and

to carry out all and every the other powers conferred upon them by this Act.

Duty of Commissioners.

**3.** And 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 also to provide, build, or construct the necessary water works, buildings, machinery and other appliances requisite for the said object.

Powers.

**4.** The said commissioners shall have power to employ and appoint engineers, surveyors, officers, and other persons; and to rent or purchase such lots, works, buildings, privileges and yards, as in their opinion may be necessary to enable them to fulfil their duties under this Act.

Powers.

Entry on lands

Appropriate streams; Contract.

Arbitrate.

**5.** And 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 lands of any person or persons, bodies politic or corporate, in the city of Toronto, or within miles of the said city; 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 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 water works; 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, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned—namely, the commissioners shall appoint one; the owner or owners shall appoint another, and such two arbitrators shall, within ten days after their appointment, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the Judge of the County Court of the County of York, shall, on application by either party, appoint such third arbitrator. In case any such owner or occupier, shall be an infant, married woman, or insane, or absent from this Province, the Judge of the County Court of the County of York, on application being made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators. The arbitrators to be appointed as hereinbefore mentioned, shall 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, and the award of the majority of the said arbitrators 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 city, 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 York, or the said city, 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, or Common Pleas, 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 calendar months from the date of the award or determination of any motion to annul the same; and in default of such payment the proprietor may resume 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.

6. The lands, privileges and water, which shall be ascertained, set out or appropriated by the said commissioners for the purposes thereof as aforesaid, shall thereupon and forever thereafter be vested in the Corporation 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 in and 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 City of Toronto, by one or more lines of pipes, as may from time to time be found necessary; and for 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 in, upon, over, under and through the highways, railroads, and roads of and in the townships of Etobicoke, York and Scarboro', and the incorporated village of Yorkville, in the county of York, and in, through, over and under the public ways, streets, lanes, or other passages of the said city of Toronto, and in, upon, through, over 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 the opening of new streets required for the same; and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, 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, 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

Lands appropriated vested in the city. Powers to convey water.

Enter on lands

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; and all such water works, pipes, erections and machinery requisite for the said undertaking, shall likewise be vested in, and be the property of the Corporation of the City of Toronto.

Works vested  
in the city.

Penalties for  
injury to.

7. 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 injurious, noisome or offensive matter into the said water or water works, upon the ice, 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, on conviction thereof, before any justice of the peace, having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence the sum of twenty dollars, together with the costs of conviction, one-half to be applied to the use of the commissioners, for water works purposes, and the other half to him or her who shall lay the information; and in case the parties suing for the same shall be commissioners themselves, or any of their servants, officers, agents, or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water works purposes; and such justice may also, in his discretion, further condemn such person to be confined in the common gaol of the City of Toronto or County of York for a space of time not exceeding one calendar month, as to such justice shall seem meet; and such person or persons so offending shall be liable to an action at law, at the suit of the commissioners, to make good any damage done by him, her or them.

8. All materials procured or partially procured under contract with the commissioners shall be exempt from execution.

Materials for  
work exempted  
from execution

Accounts to be  
kept by Com-  
missioners.

Returns to the  
city.

9. That the said commissioners shall be, and they are hereby required to keep, or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the said water works, distinct from the books and accounts relating to the other property, funds or assets belonging to the said water works; and all such books shall be open to the examination of any person or persons appointed for that purpose by the Corporation of the City of Toronto, or any member of the said corporation; and shall annually on or before the first day of December in each and every year, cause a return to be made to the council of the Corporation of the City of Toronto, shewing a statement of the affairs of the said water works, wherein shall be stated the amount of the rents, issues and profits arising from the said water works, the number of tenants supplied with water, the extent and value of the moveable and immoveable property thereunto belonging, the amount of debentures then issued and remaining unredeemed and uncanceled, and the interest paid thereon or yet due and unpaid, and the state of the sinking fund; the expenses of collection and management, and all other contingencies; salaries of



officers and servants, the costs of repairs, improvements and alterations, the prices paid for the acquisition of any real estate that may be acquired for the use of the said water works, and generally such a statement of the revenue and expenditure of the said water works as will at all times afford to the citizens of the said City of Toronto a full and complete knowledge of the state of affairs of the said water works, and such information as may be required by the Corporation of the City of Toronto, who shall annually, at their first meeting in December, appoint auditors to audit said books and accounts.

10 **10.** The said commissioners and the clerks employed in their revenue shall be sworn before a justice of the peace to the faithful performance of their duties, and they shall keep a book for the purpose of recording the whole of their official proceedings; which said book shall be open for inspection, as the books in the preceding section mentioned.

Oaths of Office.  
Records of proceedings.

20 **11.** 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 purpose the same shall be used, all which they may change at their discretion; Provided always that all hydrants, conduits or other appliances required and placed as the Corporation of the City of Toronto shall direct, and shall be under their exclusive control and discretion when erected.

Powers as to  
use of water.

30 **12.** The commissioners shall have power and authority, and it shall be their duty, from time to time, to fix the price, rate or rent, (such price, rate or rent not being less, after the completion of the water works than sufficient to pay the interest and sinking fund upon the debentures issued for the construction of water works, and the expenses of maintaining and working the same,) which any owner or occupant of any house, tenement, lot, or part of a lot, or both, in, through, or past which the water pipes shall run, shall pay as water rate or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment and to any special benefit and advantage derived by such owner or occupant, or conferred upon him or her or their property by the water works, and the locality in which the same is situated: and such water rate or rent as shall be assessed by such commissioners upon such owner or occupant, shall be, and continue a lien or charge, unless paid, upon such real estate; and the water commissioners shall also have power and authority, from time to time, to fix the rate or rent to be paid for the use of the water by hydrants, fire-plugs and public buildings.

Water rates.

Lien for rates.

Water rates.

50 **13.** All water rents and water rates, when collected, shall be paid over monthly by the said commissioners to the chamberlain of the City of Toronto, and by him placed to the credit of the water works account: And the commissioners shall have power, from time to time, to make and enforce all necessary by-laws, rules and regulations for the general maintenance or the management and conduct of the said water works, officers and others employed by them, not inconsistent with this Act, and

Rates paid to  
be paid to  
Chamberlain.  
Powers to enforce by-law.

To enforce  
payment.

for the collection of the said water rent and water rate, and for fixing the time and times, (which shall be quarterly) when, and the places where, the same shall be payable; also for allowing a discount for pre-payment, and, in case of default in payment, to enforce payment by shutting off the water, or by 5  
suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods or chattels in his possession, where-  
ever the same may be found within the City of Toronto and County of York, or of any goods or chattels found on the pre- 10  
mises, the property of, or in the possession of, any other occupant of the premises; such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of city taxes, and the costs chargeable shall be those payable to bailiffs under the Division Court Act; Provided that the 15  
attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises.

Powers to em-  
ploy city col-  
lectors and  
others.

**14.** The commissioners shall have power, with the consent of the Corporation of Toronto, to employ the city collectors, asses- 20  
sors and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices under the commissioners, at the pleasure of the commissioners, or as they shall 25  
determine by by-law in that behalf, and shall give such security as the commissioners shall from time to time require; and such collectors or assessors shall have as full power in the performance and enforcement of the matters to them committed as the collectors and assessors in the cities of the Province of Ontario 30  
do now possess and enjoy.

Penalty for  
drawing off  
water.

**15.** If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water works, or in any way obtain or use any water thereof without the consent of the commissioners, he or they 35  
shall forfeit and pay to the commissioners for water works purposes the sum of one hundred dollars, and also a further sum of five dollars for each day such pipe or main shall so remain, which said sum, together with costs of suit in that behalf, may be recovered by civil action in any court of law in 40  
the Province having civil jurisdiction to that amount.

Penalty for  
fouling water.

**16.** If any person shall bathe or wash or cleanse any cloth wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of three miles above the source of supply for such water works, in any of the rivers, ponds, 45  
sources or fountains from which the water of the said water works is obtained; or shall convey or cast, cause or throw, or put any filth, dirt, dead carcasses or other noisome or offensive things therein, or within the distance as above set out, or cause, permit or suffer the water of any sink, sewer or drain to run 50  
or to be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any wise tainted or fouled, every such person shall on conviction thereof before any justice of the peace, on the oath of one credible witness, be by such justice adjudged and condemned to pay a penalty for 55  
every such offence not exceeding twenty dollars, together with costs, one half to be applied for water works purposes, and the other half to him or her who shall lay the information, and in

case the party laying such information be the commissioners themselves or any of their officers or servants, then the whole of the said penalty shall be applied to the uses of the commissioners for water works purposes, and each justice shall also in his discretion further condemn such person to be confined in the common gaol for a space of time not exceeding one calendar month, with or without hard labour, as to him may seem meet.

**17.** It shall and may be lawful for the commissioners, and Penalty for wrongfully using water.  
 10 they are hereby authorized and empowered to make such by-laws as to them shall seem requisite and necessary for prohibiting by fine not exceeding twenty dollars for water works purposes, or imprisonment not exceeding one calendar month (the amount of such fine and duration of such imprisonment, and  
 15 also the option between fine and imprisonment, with or without hard labour, being always in the discretion of the justice of the peace before whom any proceeding may be taken for enforcement thereof,) any person being occupant, tenant or inmate of any house supplied with water from the said water  
 20 works from vending, selling or disposing of the water thereof, from giving it away or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than to his, her or their own use and benefit, or from increasing the supply of water agreed for with the  
 25 said commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every  
 30 other matter or thing relating to or connected therewith, which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the city, a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners with regard to the  
 35 water so supplied.

**18.** In all cases where a vacant space intervenes between Vacant spaces chargeable.  
 the line of the street and the wall of the building into which the water is to be taken the commissioners are empowered to lay the service-pipe across such vacant space and charge the cost  
 40 of the same to the owners of the premises, such charge to be payable with the first payment of water rates and to be collected in the same manner from the said owners.

**19** The service-pipe from the line of the street to the interior face of the outer wall of the building supplied together with Service pipes, stopcocks, etc.  
 45 all branches, couplings, stopcocks and apparatus placed thereon by the commissioners shall be under their control; and if any damage be done to this portion of the service-pipe or its fittings either by neglect or otherwise the commissioners may repair the same and charge the same to the occupant or owner of the  
 50 premises; the stopcock placed by the commissioners inside of the wall of the building shall not be used by the water tenant except in cases of accident or for the protection of the building or the pipes and to prevent flooding of premises.

**20.** All parties supplied with water by the commissioners Taps.  
 55 may be required to place only such taps for the drawing and the shutting off the water as may be approved of by the commissioners.

Non-liability  
for breakage.

**21.** Neither the water commissioners nor the corporation of the city shall be liable for damages caused by the breaking of any service-pipe or attachment or for any shutting off of the water to repair mains or to tap the pipes, provided notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time. 5

Right of access.

**22.** It shall be lawful for the officers of the water commissioners and every person authorized by them for that purpose to have free access at proper hours of the day and upon reasonable notice given and request made for that purpose to all parts of every building in which water is delivered and consumed. 10

Penalty for injuries.

**23.** If any person or persons not being in the employment of the water commissioners or not being a member of the fire brigade of the said city and duly authorized in that behalf shall wilfully open or close any hydrant or obstruct the free access to any hydrant, stopcock, chamber or hydrant chamber by placing on it any building material, rubbish or otherwise, every such person shall on conviction before any of Her Majesty's justices of the peace forfeit and pay for each offence a sum not exceeding twenty dollars for water works purposes, or in default of payment be imprisoned in the gaol of the county for a term not to exceed thirty days with or without hard labour, and each time the said hydrants are so interfered with and each day said obstruction shall continue shall be considered a separate offence. 15 20 25

Quorum.

**24.** A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act.

Powers to manage, prosecute, etc

**25.** The said commissioners shall have the full, entire and exclusive possession, control and management of the said lands and water works and all things appertaining thereto; and shall and may in the name of the commissioners of water works for the City of Toronto prosecute or defend any action or actions, suit or suits, or process at law or in equity 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, damage, trespass, spoil, nuisance or other wrongful act done, committed or suffered to the said lands, works, courses, sources of water supply, 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 or for anything otherwise arising out of their said office as commissioners. 30 35 40 45

Powers of extension in suburbs.

**26.** The water commissioners are hereby empowered to arrange with the corporation or with individuals for the extension of pipes in suburbs or partially built portions of the city by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit on the cost of the said pipes when laid by the parties under the direction of the commissioners and subject to their approval, or the commissioners may lay the pipes charging the said parties in addition to the usual water rate a yearly interest upon the cost of such extension, which interest or such portion thereof as shall then be due shall be paid at the same time and collected in the same manner as the water rates. 45 50 55

**27.** The water commissioners shall have power and authority to supply any corporation, person or persons with water, although not lying resident within the City of Toronto, and may exercise all other powers necessary to the carrying out of their 5 agreements with such corporations or persons as well within the Townships of York, Scarborough, Etobicoke, and the incorporated village of Yorkville as within the City of Toronto; and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water 10 to any railway company or manufactory provided that no power or authority shall be exercised under this clause without the consent and approbation of the Corporation of the City of Toronto.

Powers to supply outside Toronto.

**28.** The commissioners and their officers shall have the like 15 protection in the exercises of their respective offices and in the execution of their duties as justices of the peace now have under the laws of this Province.

Protection in exercise of office.

**29.** For the purpose of constructing the said water works, and paying the interest on the said debentures during the pro- 20 gress of the works and expenses attendant thereon, or for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the Corporation of the City of Toronto shall have power to issue debentures of the said Corporation of the City of Toronto for a sum of money not 25 exceeding of lawful money of Canada, in such sums not less than one hundred dollars as shall to the said corporation seem expedient, which debentures shall be made payable in manner and at the times following, that is to say:—

Power to issue debentures.

30 which debentures shall bear interest after the rate of six per cent. per annum, such interest to be payable half yearly, and such debentures shall be signed by the mayor or chamberlain of the said city for the time being, and may be made payable either in sterling or currency in this Province, Great Britain, or else- 35 where, as to the council of the Corporation of the City of Toronto shall seem expedient or necessary, and the said council of the Corporation of the City of Toronto and their successors shall, for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on 40 same semi-annually raise annually after the completion of the said works, or at the expiration of three years from the date of the first issue of such debentures such sum as may be necessary to pay the interest upon and provide a sinking fund to meet the whole of such debentures in full as the same shall become due, 45 and shall order a special or other rate per annum to be settled, imposed and levied in each and every year to pay said principal and interest on such debentures, and it shall not be necessary to obtain the consent or approval of the Lieutenant-Governor of this Province, in council, before contracting the said debt, 50 but the said debentures to be issued hereunder shall be valid and effectual and binding to all intents and purposes on the Corporation of the City of Toronto, notwithstanding that the provisions of the Municipal Act, or of any other Act or Acts in that behalf, have not been complied with.

55 **30.** Such debentures, when issued, shall be deposited in some of the chartered banks having an office at Toronto, and the proceeds of such debentures shall be paid into some chartered bank

Dealing with debentures.

and kept separate from any other funds of the said city, and the same shall only be paid out on the cheque of the mayor and chamberlain, for the time being, of the City of Toronto, and the chairman, for the time being, of the said board of water commissioners as 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 for the payment of interest accruing due on the said debentures during the period of the erection and completion of the said water works; Provided also that nothing herein contained shall prevent the commissioners, should they deem it advantageous so to do from paying the contractor or contractors or others in debentures, either at par or at such rate of discount as the commissioners, shall, in their judgment, deem advisable, with the assent of the Corporation of the City of Toronto thereto, nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the City of Toronto.

**Preferential lien.**

**31.** 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 have a preferential pledge, mortgage, hypothec or privilege on the said lands, water works and property appertaining thereto for securing the payment of the said debentures and the interest thereon.

**Application of revenue.**

**32.** That all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said water works to be acquired by this said corporation or commissioners under this Act shall, after providing for the expenses attendant upon the maintenance of the said water works be paid over to and deposited with the chamberlain of the said Corporation of the City of Toronto, as hereinbefore provided, and shall make part of the general funds of the corporation, and may be applied accordingly.

**Power of the City to borrow not diminished**

**33.** That nothing in this Act contained shall extend or be construed to extend to diminish the power and authority of the corporation aforesaid hereafter to borrow on the credit of the said city, for the general uses and purposes of the said city, as fully and effectually as though the said city were not indebted for the building of the water works as aforesaid, or that debentures had not been issued by them for the amount, or as if this Act had not been passed, any Act, statute or law or provision thereof to the contrary notwithstanding.

**Taxation, exemption from**

**34.** The lands, buildings, machinery, reservoirs, pipes and all other real or personal property connected with, or appertaining or belonging to the water works, shall, from henceforth, be exempt from taxation.

**Actions, limitations for.**

**35.** That if any action or suit shall be brought against any person or persons, for anything done in pursuance of this Act, the same shall be brought within six calendar months next

after the Act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

**36.** The watchman and other officers of the water commis-  
5 sioners, when in discharge of their duty, shall be *ex-officio* pos-  
sessed of all the powers and authority of officers of the peace.

Officers to be  
officers of the  
peace.

**37.** This Act shall not have any force or effect until the  
council of the Corporation of the City of Toronto shall pass a  
by-law authorizing the construction of the said water works ;  
10 and on the said by-law being passed it shall be lawful for the  
mayor of the said city, and he is hereby authorized and required,  
within fifteen days after the passage of said by-law, to issue  
his warrant, under the corporate seal, requiring the senior re-  
turning officer for each ward in the said city appointed to hold  
15 the last municipal election for each of the said wards, or any  
other person duly appointed to that office to hold an election of  
the water commissioners for each electoral division of the said  
city, each of whom who shall be possessed in his own right or  
in right of his wife of a legal or equitable freehold within the  
20 City of Toronto of the value of four thousand dollars, over and  
above all incumbrances, and who shall, before taking office,  
make oath to such qualification before some justice of the peace  
of the City of Toronto or in the County of York, and those  
persons only who would be, by the municipal law, authorized  
25 to vote on the said by-law, had the same been submitted to  
the vote of the ratepayers, under the provisions of the municip-  
al law, shall be entitled to vote for the said water commis-  
sioners ; the returning officer shall hold such election at furthest  
within eight days after receiving the warrant, and shall at least  
30 four days before the election post up a public notice thereof,  
under his hand, in at least four of the most public places in  
each ward for the electoral division which the elector

By-law for  
construction  
to be submit-  
ted to electors.

**38.** There shall be five commissioners, of whom the mayor  
of the City of Toronto shall be *ex-officio* one, and four of whom  
35 shall be elected by the citizens, two from each electoral division  
of the City of Toronto in manner and for the term hereinafter  
mentioned and provided, and each of whom shall receive the  
sum of \$                      per annum during his  
tenure of such office, except the president or chairman of such  
40 commissioners who shall receive the sum of \$                       
per annum, and who shall be elected from amongst the  
said commissioners at the first meeting after their appointment  
or election by a vote of the majority of the said commissioners.

Commission-  
ers, number of,  
salary, etc.

**39.** The said water commissioners, except as herein other-  
45 wise provided, shall hold office for the term of two years, and  
shall be elected to the said office at the same time and in the  
same manner as aldermen ; and all the provisions and remedies  
of the several Municipal Acts shall apply in all particulars, not  
inconsistent with this Act, as to elections, unseating, filling va-  
50 cancies, grounds of disqualification and such other provisions as  
may be contained in such Acts ; Provided that the commis-  
sioners first elected and appointed, as above provided, shall

Term of office  
and election of  
Commissioners

hold office until the third Monday in January. A.D. one thousand eight hundred and seventy-four, and thereafter shall be elected every second year, except the mayor for the time being, who shall thereafter be appointed *ex-officio* from year to year.

Time for completion. **40.** The said works shall be constructed, completed or finished within three years from the passing of said by-law by the said Corporation of the City of Toronto. 5

Work to be by contract. **41.** All work under the commissioners shall be performed by contract.

No Commissioner to be interested. **42.** No commissioner shall have or hold any contract, or be directly or indirectly interested in the same. 10

1st Session, 2nd Parliament, 35 Victoria, 1872.

BILL

An Act to authorize the Corporation of the City of Toronto to construct water works in the City of Toronto.

(PRIVATE BILL)

1st Reading, 5th Feb., 1872.

HON. MR. CAMERON.

TORONTO:

Printed by HURTER, ROSE & Co. KING ST.



An Act to authorize the Corporation of the City of Toronto to construct water works in the City of Toronto.

**W**HEREAS grave and frequent complaints have been made Preamble.  
 from time to time, by the citizens and Corporation of Toronto, against the quality and supply of water furnished by the Toronto Water Works Company, hitherto existing and supplying water to the city; and grievous and serious injury to property and to the city generally has resulted from an undue and insufficient service thereof; and whereas numerous amendments have been made to the charter of the said Toronto Water Works, with the view to making the same more useful and effective, for the purposes intended; and to enable the Corporation of the City of Toronto to satisfy the citizens as to the service of water procurable from said company; and whereas after much treaty and negotiation between the said City of Toronto and the said Water Works Company, it has been found impossible to effect any satisfactory arrangement with said Water Works Company on behalf of the said corporation and citizens of Toronto; and whereas the Council of the Corporation of the City of Toronto, have by petition declared that it is deemed necessary and advisable that the said Corporation of Toronto should have the power to purchase, construct, have and manage, as to them may seem meet, certain water works on behalf of the city of Toronto; and it is expedient to grant the prayer of said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the Corporation of the City of Toronto, by and through the agency of commissioners and their successors, to be elected and appointed, as hereinafter provided, may, and shall have power to design, construct, build, purchase, improve, hold, and generally maintain, manage, and conduct water works, and all buildings, matters, machinery and appliances therewith connected or necessary thereto, in the City of Toronto, and parts adjacent, as hereinafter provided. Corporation of Toronto may construct, etc., Water Works.

2. The said commissioners and their successors, shall be a body corporate, under the name of the "Water Works Commission for the City of Toronto;" and shall be composed of five members, of whom the Mayor of the City of Toronto, for the time being, shall be *ex-officio*, one; and the said commissioners shall have all the powers necessary to enable them to build the water works hereinafter mentioned; or to purchase, and after purchase to add thereto, or otherwise deal with the water works of any other company, and to improve, secure, maintain, and enlarge any of the said works, from time Commissioners of the works incorporated;  
Powers.

to time, as to the said commissioners may seem meet, and to carry out all and every the other powers conferred upon them by this Act.

**Duty of Commissioners.**

**3.** And 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, by the means contemplated, by this Act, with a sufficient quantity of pure and wholesome water for the use of its inhabitants; and also to provide, build, or construct the necessary water works, buildings, machinery and other appliances requisite for the said object.

**Powers.**

**4.** The said commissioners shall have power to employ and appoint engineers, surveyors, officers, and other persons; and to rent or purchase such lots, works, buildings, privileges and yards, as in their opinion may be necessary to enable them to fulfil their duties under this Act.

**Powers.**

**5.** And 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

**Entry on lands**

authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the city of Toronto, or within thirty miles of the said city; 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 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 water works 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, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned—namely, the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall, within ten days after their appointment, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the Judge of the County Court of the County of York, shall, on application by either party, appoint such third arbitrator. In case any such owner or occupier, shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his behalf, then, the Judge of the County Court of the County of York, on application being made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators. The arbitrators to be appointed as hereinbefore mentioned, shall 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, and the award of the majority of the said arbitrators 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 city, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, then and

**Appropriate streams;  
Contract.**

**Arbitration.**

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 York, or the said city, 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, or Common Pleas, 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 calendar months from the date of the award or determination of any motion to annul the same; and in default of such payment the proprietor may resume 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; Provided always, that upon the application of any person injuriously affected by the works of the said company by the withdrawal thereby of the the water from any river, stream or lake, so as to leave an insufficient quantity for the agricultural or other purposes of the proprietors or occupants of the lands through, or on which such rivers, streams or lakes may pass or be, the Court of Chancery may grant injunctions to restrain the said company from the use of the water of such river, stream or lake for such time, and upon such conditions as the Court shall direct.

6. The lands, privileges and water, which shall be ascertained, set out or appropriated by the said commissioners for the purposes thereof as aforesaid, shall thereupon and forever thereafter be vested in the Corporation 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 in and 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 City of Toronto, by one or more lines of pipes, as may from time to time be found necessary; and for 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 in, upon, over, under and through the highways, railways, and roads of and in the townships of Etobicoke, York and Scarboro', and the incorporated village of Yorkville, in the county of York, and in, through, over and under the public ways, streets, street railways, lanes, or other passages of the said city of Toronto, and in, upon, through, over 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 the opening of new streets required for the same;

Lands appropriated vested in the city.  
Powers to convey water.

Enter on lands.

and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, 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, 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 this 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; and all such water works, pipes, erections and machinery requisite for the said undertaking, shall likewise be vested in, and be the property of the Corporation of the City of Toronto.

Works vested  
in the city.

Penalties for  
injury to.

7. 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 injurious, noisome or offensive matter into the said water or water works, or upon the ice, 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, on conviction thereof, before any justice of the peace, having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence the sum of twenty dollars, together with the costs of conviction, one-half to be applied to the use of the commissioners, for water works purposes, and the other half to him or her who shall lay the information; and in case the parties suing for the same shall be commissioners themselves, or any of their servants, officers, agents, or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water works purposes; and such justice may also, in his discretion, further condemn such person to be confined in the common gaol of the City of Toronto or County of York for a space of time not exceeding one calendar month, as to such justice shall seem meet; and such person or persons so offending shall be liable to an action at law, at the suit of the commissioners, to make good any damage done by him, her or them.

Materials for  
work exempted  
from execution

8. All materials procured or partially procured under contract with the commissioners, and upon which the said Commissioners shall have made advances in accordance with such contract, shall be exempt from execution.

Accounts to be  
kept by Com-  
missioners.

9. That the said commissioners shall be, and they are hereby required to keep, or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the said water works, distinct from the books and accounts relating to the other property, funds or assets belonging to the said water works; and all such books shall be open to the examination of any person or persons appointed for that purpose

Returns to the  
city.

by the Corporation of the City of Toronto, or any member of the said corporation; and shall annually on or before the first day of December in each and every year, cause a return to be made to the council of the Corporation of the City of Toronto, shewing a statement of the affairs of the said water works, wherein shall be stated the amount of the rents, issues and profits arising from the said water works, the number of tenants supplied with water, the extent and value of the moveable and immoveable property thereunto belonging, the amount of debentures then issued and remaining unredeemed and uncanceled, and the interest paid thereon or yet due and unpaid, and the state of the sinking fund; the expenses of collection and management, and all other contingencies; salaries of officers and servants, the costs of repairs, improvements and alterations, the prices paid for the acquisition of any real estate that may be acquired for the use of the said water works, and generally such a statement of the revenue and expenditure of the said water works as will at all times afford to the citizens of the said City of Toronto a full and complete knowledge of the state of affairs of the said water works, and such information as may be required by the Corporation of the City of Toronto, and in order that all the accounts relating to the said water works may be audited by the auditors of the said Corporation in regular course.

**10.** The said commissioners and the clerks employed in their revenue shall be sworn before a justice of the peace to the faithful performance of their duties, and they shall keep a book for the purpose of recording the whole of their official proceedings; which said book shall be open for inspection, as the books in the preceding section mentioned.

Oaths of Office  
Records of proceedings.

**11.** 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 purpose the same shall be used, all which they may change at their discretion; Provided always that all hydrants, conduits or other appliances which the Corporation of the City of Toronto may require under this Act for the purpose of extinguishment of fires shall be placed as the Corporation of the City of Toronto shall direct, and shall be under their exclusive control and direction when erected.

Powers as to  
use of water.

**12.** The commissioners shall have power and authority, and it shall be their duty, from time to time, to fix the price, rate, or rent which any owner or occupant of any house tenement, lot, or part of a lot, or both, in, through, or past which the water pipes shall run, shall pay as water rate or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment and to any special benefit and advantage derived by such owner or occupant, or conferred upon him or her or their property by the water works, and the locality in which the same is situated: and such water rate or rent as shall be assessed by such commissioners upon such owner or occupant, shall be, and continue a lien or charge, unless paid, upon such real estate; and the water commissioners shall also have power and authority, from time to

Water rates.

Lien for rates.

Water rates.

time, to fix the rate or rent to be paid for the use of the water by hydrants, fire-plugs and public buildings; Provided always, unless the existing works of the Metropolitan Water Works Company or the City of Toronto Water Works Company, shall be purchased from the said company, or otherwise obtained by the said Corporation of the City of Toronto, no compulsory rate or rent shall be levied or collected in any portions of the city, where the pipes of the said water works are now laid.

Rates paid to  
be paid to  
Chamberlain.  
Powers teen-  
force by-laws.

**13.** All water rents and water rates, when collected, less disbursements by the commissioners, shall be paid over monthly by the said commissioners to the chamberlain of the City of Toronto, and by him placed to the credit of the water works account: And the commissioners shall have power, from time to time, to make and enforce all necessary by-laws, rules and regulations for the general maintenance or the management and conduct of the said water works, officers and others employed by them, not inconsistent with this Act, and for the collection of the said water rent and water rate, and for fixing the time and times, (which shall be quarterly) when, and the places where, the same shall be payable; also for allowing a discount for pre-payment, and, in case of default in payment, to enforce payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods or chattels in his possession, wherever the same may be found within the City of Toronto and County of York, or of any goods or chattels found on the premises, the property of, or in the possession of, any other occupant of the premises; such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of city taxes, and the costs chargeable shall be those payable to bailiffs under the Division Court Act; Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises.

To enforce  
payment.

Powers to em-  
ploy city col-  
lectors and  
others.

**14.** The commissioners shall have power, with the consent of the Corporation of Toronto, to employ the city collectors, assessors and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices under the commissioners, at the pleasure of the commissioners, or as they shall determine by by-law in that behalf, and shall give such security as the commissioners shall from time to time require; and such collectors or assessors shall have as full power in the performance and enforcement of the matters to them committed as the collectors and assessors in the cities of the Province of Ontario do now possess and enjoy.

Penalty for  
drawing off  
water.

**15.** If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water works, or in any way obtain or use any water thereof without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water works purposes the sum of one hundred dollars, and also a further sum of five dollars for each day such pipe or main shall so remain, which said sum, together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

**16.** If any person shall bathe or wash or cleanse any cloth wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of three miles from the source of supply for such water works, in any lake, river, pond, source or fountain from which the water of the said water works is obtained; or shall convey or cast, cause or throw, or put any filth, dirt, dead carcasses or other noisome or offensive things therein, or within the distance as above set out, or cause, permit or suffer the water of any sink, sewer or drain to run or to be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any wise tainted or fouled, every such person shall on conviction thereof before any justice of the peace, on the oath of one credible witness, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty dollars, together with costs, one half to be applied for water works purposes, and the other half to him or her who shall lay the information, and in case the party laying such information be the commissioners themselves or any of their officers or servants, then the whole of the said penalty shall be applied to the uses of the commissioners for water works purposes, and each justice shall also in his discretion further condemn such person to be confined in the common gaol for a space of time not exceeding one calendar month, with or without hard labour, as to him may seem meet.

Penalty for  
fouling water.

**17.** It shall and may be lawful for the commissioners, and they are hereby authorized and empowered to make such by-laws as to them shall seem requisite and necessary for prohibiting by fine not exceeding twenty dollars for water works purposes, or imprisonment not exceeding one calendar month (the amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment, with or without hard labour, being always in the discretion of the justice of the peace before whom any proceeding may be taken for enforcement thereof,) any person being occupant, tenant or inmate of any house supplied with water from the said water works from vending, selling or disposing of the water thereof, from giving it away or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than to his, her or their own use and benefit, or from increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing relating to or connected therewith, which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the city, a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners with regard to the water so supplied.

Penalty for  
wrongfully using  
water.

**18.** In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken the commissioners are empowered to lay the service-pipe across such vacant space and charge the cost of the same to the owners of the premises, such charge to be payable with the first payment of water rates and to be collected in the same manner from the said owners.

Vacant spaces  
chargeable.

Service pipes,  
stop cocks, etc.

**19** The service-pipe from the line of the street to the interior face of the outer wall of the building supplied together with all branches, couplings, stopcocks and apparatus placed thereon by the commissioners shall be under their control; and if any damage be done to this portion of the service-pipe or its fittings either by neglect or otherwise the commissioners may repair the same and charge the same to the occupant or owner of the premises; the stopcock placed by the commissioners inside of the wall of the building shall not be used by the water tenant except in cases of accident or for the protection of the building or the pipes and to prevent flooding of premises.

Taps.

**20** All parties supplied with water by the commissioners may be required to place only such taps for the drawing and the shutting off the water as may be approved of by the commissioners.

Non-liability  
for breakage.

**21** Neither the water commissioners nor the corporation of the city shall be liable for damages caused by the breaking of any service-pipe or attachment or for any shutting off of the water to repair mains or to tap the pipes, provided notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.

Right of access.

**22** It shall be lawful for the officers of the water commissioners and every person authorized by them for that purpose to have free access at proper hours of the day and upon reasonable notice given and request made for that purpose to all parts of every building in which water is delivered and consumed.

Penalty for injuries.

**23** If any person or persons not being in the employment of the water commissioners or not being a member of the fire brigade of the said city and duly authorized in that behalf shall wilfully open or close any hydrant or obstruct the free access to any hydrant, stopcock, chamber or hydrant chamber by placing on it any building material, rubbish or otherwise, every such person shall on conviction before any of Her Majesty's justices of the peace forfeit and pay for each offence a sum not exceeding twenty dollars for water works purposes, or in default of payment be imprisoned in the gaol of the county for a term not to exceed thirty days, and each time the said hydrants are so interfered with and each day said obstruction shall continue shall be considered a separate offence.

Quorum.

**24** A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act.

Powers to manage,  
prosecute, etc

**25** The said commissioners shall have the full, entire and exclusive possession, control and management of the said lands and water works and all things appertaining thereto; and shall and may in the name of the commissioners of water works for the City of Toronto prosecute or defend any action or actions, suit or suits, or process at law or in equity 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, damage, trespass, spoil, nuisance or other wrongful act done, committed or suffered to the said lands, works, water courses, sources of water supply, pipes, machinery or any ap-



paratus belonging to or connected with any part of the works, or for any improper use or waste of the water or for anything otherwise arising out of their said office as commissioners.

**26.** The water commissioners are hereby empowered to arrange with the corporation or with individuals for the extension of pipes in suburbs or partially built portions of the city by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit on the cost of the said pipes when laid by the parties under the direction of the commissioners and subject to their approval, or the commissioners may lay the pipes charging the said parties in addition to the usual water rate a yearly interest upon the cost of such extension, which interest or such portion thereof as shall then be due shall be paid at the same time and collected in the same manner as the water rates.

Powers of extension in suburbs.

**27.** The water commissioners shall have power and authority to supply any corporation, person or persons with water, although not being resident within the City of Toronto, and may exercise all other powers necessary to the carrying out of their agreements with such corporations or persons as well within the Townships of York, Scarborough and Etobicoke, as within the City of Toronto; and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory provided that no power or authority shall be exercised under this clause without the consent and approbation of the Corporation of the City of Toronto.

Powers to supply outside Toronto.

**28.** 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 now have under the laws of this Province.

Protection in exercise of office.

**29.** For the purpose of constructing the said water works, and paying the interest on the said debentures during the progress of the works and expenses attendant thereon, or for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the Corporation of the City of Toronto shall have power to issue debentures of the said Corporation of the City of Toronto to be called Water Works Debentures, for a sum of money not exceeding five hundred thousand dollars, of lawful money of Canada, in such sums not less than one hundred dollars, or twenty pounds sterling money, as shall to the said corporation seem expedient, which debentures shall be made payable in manner and at the times following, that is to say: within a period of thirty years from the date of the respective issues thereof, and shall bear interest after the rate of five, six or seven per centum per annum, such interest to be payable half yearly, and such debentures shall be signed by the mayor and chamberlain of the said city for the time being, and may be made payable either in sterling or currency in this Province, Great Britain, or elsewhere, as to the council of the Corporation of the City of Toronto shall seem expedient or necessary, and the said council of the Corporation of the City of Toronto and their successors shall, for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on same semi-annually, raise annually after the completion of the said works, or at the expiration of three years from the date of the first issue of such debentures such sum as may be necessary to pay the interest upon and provide a sinking fund to meet the

Power to issue debentures.

whole of such debentures in full as the same shall become due respectively, and shall order a rate for that purpose to be settled, imposed and levied in each and every year to pay said principal and interest on such debentures, and it shall not be necessary to obtain the consent or approval of the Lieutenant-Governor of this Province in council, before contracting the said debt, but the said debentures to be issued hereunder shall be valid and effectual and binding to all intents and purposes on the Corporation of the City of Toronto, notwithstanding any of the provisions of the Municipal Act, or of any other Act or Acts in that behalf, have not been complied with.

Dealing with debentures.

**30.** Such debentures, when issued, shall be deposited in some of the chartered banks having an office at Toronto, and the proceeds of such debentures shall be paid into some chartered bank and kept separate from any other funds of the said city, and the same shall only be paid out on the cheque of the mayor and chamberlain, for the time being, of the City of Toronto, and the chairman, for the time being, of the said board of water commissioners as 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 for the payment of interest accruing due on the said debentures during the period of the erection and completion of the said water works; Provided also that nothing herein contained shall prevent the commissioners, should they deem it advantageous so to do from paying the contractor or contractors or others in debentures, either at par or at such rate of discount as the commissioners, shall, in their judgment, deem advisable, with the assent of the Corporation of the City of Toronto thereto, nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the City of Toronto.

Preferential lien.

**31.** 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 have a preferential pledge, mortgage, hypothec or privilege on the said lands, water works and property appertaining thereto for securing the payment of the said debentures and the interest thereon.

Application of revenue.

**32.** That after the construction of the works all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said water works to be acquired by this said corporation or commissioners under this Act shall, after providing for the expenses attendant upon the maintenance of the said water works be paid over to and deposited monthly with the chamberlain of the said Corporation of the City of Toronto, as hereinbefore provided, and shall make part of the general funds of the corporation, and may be applied accordingly.

Power of the City to borrow not diminished

**33.** That nothing in this Act contained shall extend or be construed to extend to diminish the power and authority of

the corporation aforesaid hereafter to borrow on the credit of the said city, for the general uses and purposes of the said city, as fully and effectually as though the said city were not indebted for the building of the water works as aforesaid, or that debentures had not been issued by them for the amount, or as if this Act had not been passed, any Act, statute or law or provision thereof to the contrary notwithstanding.

**34.** The lands, buildings, machinery, reservoirs, pipes and all other real or personal property connected with, or appertaining or belonging to the water works, shall, from henceforth, be exempt from taxation. Taxation, exemption from

**35.** If any action or suit shall be brought against any person or persons, for anything done in pursuance of this Act the same shall be brought within six calendar months next after the Act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising. Actions, limitations for.

**36.** The watchman and other officers of the water commissioners, when in discharge of their duty, shall be *ex-officio* possessed of all the powers and authority of officers of the peace. Officers to be officers of the peace.

**37.** This Act shall not have any force or effect until the council of the Corporation of the City of Toronto shall pass a by-law authorizing the construction of the said water works; and on the said by-law being finally passed it shall be lawful for the mayor of the said city, and he is hereby authorized and required, within fifteen days after the passage of said by-law, to issue his warrant, under the corporate seal, requiring the senior returning officer for each ward in the said city appointed to hold the last municipal election for each of the said wards, or any other person duly appointed to that office to hold an election of the water commissioners for each electoral division of the said city, each of whom who shall be possessed in his own right or in right of his wife of a legal or equitable freehold within the City of Toronto of the value of three thousand dollars, over and above all incumbrances, or six thousand dollars in leasehold estate, and who shall, before taking office, make oath to such qualification before some justice of the peace of the City of Toronto or in the County of York, and those persons only who would be, by the municipal law, authorized to vote at municipal election for Alderman, shall be entitled to vote for the said Water Commissioner in their electoral division; the returning officer shall hold such election at furthest within eight days after receiving the warrant, and shall at least four days before the election post up a public notice thereof, under his hand, in at least four of the most public places in each ward for the electoral division in which the election is to be held, and the proceedings at any such election shall otherwise be in accordance with the requirements of the Municipal Institutions Act in case of Municipal Elections. By-law for construction to be submitted to electors.

**38.** There shall be five commissioners, of whom the mayor of the City of Toronto shall be *ex-officio* one, and four of whom shall be elected by the citizens, two from each electoral division of the City of Toronto, as at present defined, in manner and for the term hereinafter mentioned and provided, and each of whom during the construction of the said works shall receive the sum Commissioners, number of, salary, etc.

of one thousand two hundred and fifty dollars per annum, except the president or chairman of such commissioners, who shall receive the sum of two thousand dollars per annum, and who shall be elected from amongst the said commissioners at the first meeting after their appointment or election, by a vote of the majority of the said commissioners; and after the completion of the said works, the remuneration of the said commissioners shall be such as the Council of the Corporation of the City of Toronto may by by-law determine.

Term of office and election of Commissioners

**39.** The said water commissioners, except as herein otherwise provided, shall hold office for the term of two years, and shall be elected to the said office at the same time and in the same manner as aldermen; and all the provisions and remedies of the several Municipal Acts, and any amendments thereto, shall apply in all particulars, not inconsistent with this Act, as to elections, unseating, filling vacancies, grounds of disqualification and such other provisions as may be contained in such Acts; Provided that the commissioners first elected and appointed, as above provided, shall hold office until the third Monday in January, A.D. one thousand eight hundred and seventy-four, and thereafter shall be elected every second year, except the mayor for the time being, who shall thereafter be appointed *ex-officio* from year to year, and any alderman shall be eligible for election as a water commissioner, and any water commissioner for alderman.

Time for completion.

**40.** The said works shall be constructed, completed or finished within three years from the passing of said by-law by the said Corporation of the City of Toronto.

Work to be by contract.

**41.** All work under the commissioners shall be performed by contract.

No Commissioner to be interested.

**42.** No commissioner or alderman shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them.

**43.** The said commissioners shall not purchase or acquire any existing water works, or make any other purchase where the amount involved shall exceed one hundred thousand dollars, without the consent of the Council of the Corporation of the City of Toronto.

135

An Act to authorize the Corporation of the City of Toronto to construct water works in the City of Toronto.

First Reading	5th February, 1872.
Second	" 21st " 1872.
Third	" 22nd " 1872.

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

2nd Parliament, 1st Session, 35 Victoria, 1872.

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No. 136.

**BILL.**

[1872.

An Act to amend "The Assessment Act of 1869."

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That sections thirty-one and thirty-two of "The Assessment Act of 1869" be and the same are hereby repealed.

32 Vic. c. 32  
s. s. 31 and 36  
repealed.

BILL

“An Act to amend the Assessment Act of  
1869.”

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First Reading, 6th February, 1872.

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MR. RYKERT,

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

## An Act to amend "the Assessment Act of 1869."

**W**HEREAS it is expedient, except in cities, towns, and villages, to postpone, beyond the period now allowed by law, the time for making and completing assessment rolls, and for the final revision thereof, and deciding on petitions regarding the same, and the returns to be made after hearing of appeals from the decision of the court of revision :—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 10** **1.** Section forty-nine of the said Act, chaptered thirty-six of the Acts passed in the session of Parliament held in the thirty-second year of the reign of Her Majesty, is hereby amended by erasing the first five lines thereof, and by inserting in lieu of such five lines the following words, namely :—" the assessors shall make and complete their rolls in every year as follows, namely :—in incorporated villages, between the first day of February and such day, not later than the fifteenth day of April, as the municipal council thereof may appoint ; and in cities and towns, between the first day of February and such day, not later than the first day of May, as the municipal council thereof may appoint ; and in townships, between the first day of April and such day, not later than the fifteenth day of May, as the municipal council thereof may appoint, and the assessors shall";
- 25** **2.** Section fifty-nine of the said Act is hereby amended, by adding thereto the words following, namely :—" except in townships, and therein, before the first day of July in every year";
- 30** **3.** Section sixty-two of the said Act is hereby amended, by inserting after the word "also" in the first line, the following words, namely :—" in townships, before or after the first day of July, and in other municipalities, except counties ;"
- 4.** Clause six of section sixty-three is hereby amended, by adding the following words, namely :—" in municipalities other than townships, and therein, before the fifteenth day of August".

BILL.

An Act to amend the Assessment Act of  
1869.

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First Reading, 7th February, 1872.

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Mr. WOOD (*Victoria*).

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.



An Act to amend the Act respecting the granting of Charters of Incorporation to Manufacturing, Mining, and other companies.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 5 **1.** The following section is hereby added as the eleventh sub-section of the first section of the Act chaptered twenty-three of the Act passed by the Parliament of the late Province of Canada in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, and shall be read and construed as part of the said first section, that is to say:—
- 10 (11.) Carrying on of the business of elevating and storing wheat, grain and other produce, and the construction, owning, leasing or hiring of the necessary elevator or elevators, with the requisite engines, machinery and appliances therefor, and of forwarding the same and any other goods, wares, merchandise and effects, and the construction, owning, leasing or hiring of sheds, stores and warehouses for the reception and storage of wheat, grain and other produce, goods, wares, merchandise and effects, and of sailing or steam vessels, wharves, roads, engines, cars, trucks and other rolling stock or other property
- 20 required for the purpose of carrying on such elevating, storing, and forwarding business.

27 and 28 V.,  
c. 23, s. 1, sub.  
s. 11.

BILL

To amend the Act respecting the granting of Charters of Incorporation to manufacturing, mining and other companies.

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First Reading, 7th February, 1872.

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MR. CUMBERLAND.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Act respecting the granting of Charters of Incorporation to Manufacturing, Mining, and other companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following section is hereby added as the eleventh sub-section of the first section of the Act chaptered twenty-three of the Act passed by the Parliament of the late Province of Canada in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, and shall be read and construed as part of the said first section, that is to say:—

(11.) Carrying on within the Province of Ontario of the business of elevating and storing wheat, grain and other produce, and the construction, owning, leasing or hiring of the necessary elevator or elevators, with the requisite engines, machinery and appliances therefor, and of forwarding the same and any other goods, wares, merchandize and effects, and the construction, owning, leasing or hiring of sheds, stores and warehouses for the reception and storage of wheat, grain and other produce, goods, wares, merchandize and effects, and of sailing or steam vessels, wharves, roads, engines, cars, trucks and other rolling stock or other property required for the purpose of carrying on such elevating, storing, and forwarding business.

An Act to amend the Act respecting the granting of Charters of Incorporation to Manufacturing, Mining, and other companies.

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First Reading,	7th February,	1872.
Second	“ 27th	“ 1872.
Third	“ 1st March,	1872.

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Mr. CUMBERLAND.

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TORONTO :

PRINTED BY HUNTER, ROSE & COMPANY.

An Act relative to arrears due upon Common School Lands sold previously to 1st July 1867.

- W**HEREAS it is represented that certain Common School Lands in this Province were sold at prices beyond their fair value, which prices remain unpaid, and that large arrears of interest have accumulated upon the unpaid instalments of the purchase money thereof, and that it would be unjust to enforce payment of the prices aforesaid or of all the arrears of interest aforesaid; and it is expedient that power should be given to grant relief in such cases as hereinafter provided. Preamble.
- Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—
1. The Lieutenant-Governor in Council shall have authority to reduce the price of any Common School Land sold by the Crown previously to the first day of July in the year one thousand eight hundred and sixty-seven, when it shall appear that such land has been sold at a price beyond its fair value, and that such price remains unpaid. Price of certain Common School Lands may be reduced.
  2. The Lieutenant-Governor in Council shall also have authority to make such abatement as may appear equitable and just of the arrears of interest upon the unpaid instalments of the purchase money of any Common School Land sold by the Crown previously to the first day of July aforesaid; Provided that such reductions and abatements be made only in respect of and in proportion to the share or interest of this Province in such lands and the price thereof, and do not in any-wise extend to or affect the share or interest of the Province of Quebec, in such lands or the price thereof. Abatement of interest.  
Proviso.
  3. That each such reduction and abatement should be effected by paying out of the Consolidated Revenue Fund the amount thereof to the party entitled thereto on his paying the full amount of the purchase money and interest. Reduction and abatement how effected.
  4. Before any such reduction or abatement as aforesaid is made, the land in respect of which such reduction or abatement is proposed shall be examined and valued by one or more inspector or inspectors appointed for that purpose by the Lieutenant-Governor in Council, or by the Commissioner of Crown Lands. Inspection of lands.
  5. Such reduction and abatement shall be confined to cases in which the purchaser from the Crown or person claiming under him is in occupation of such land and is an actual settler thereon or on land adjacent thereto. Persons entitled to a reduction or abatement.

Authority of  
Commissioner  
of Crown  
Lands to make  
reduction or  
abatement.

6. The Lieutenant-Governor may, by an order in Council confer upon the Commissioner of Crown Lands authority to make such reduction or abatement as aforesaid, subject to the provisions of this Act, and subject also to such other provisions, if any, not inconsistent with this Act as may be embodied in any order in Council.

5

1st 2nd Session, Parliament, 35 Vic., 1871.

BILL.

An Act relative to arrears due upon Common School Lands, sold previously to 1st July 1867.

First Reading, 9th February, 1872.

Hon. Mr. SCOTT.

An Act relative to arrears due upon Common School Lands sold previously to 1st July 1867.

**W**HEREAS it is represented that certain Common School Lands in this Province were sold at prices beyond their fair value, which prices remain unpaid, and that large arrears of interest have accumulated upon the unpaid instalments of the purchase money thereof, and that it would be unjust to enforce payment of the prices aforesaid or of all the arrears of interest aforesaid; and it is expedient that power should be given to grant relief in such cases as hereinafter provided.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The Lieutenant-Governor in Council shall have authority to reduce the price of any Common School Land sold by the Crown previously to the first day of July in the year one thousand eight hundred and sixty-seven, when it shall appear that such land has been sold at a price beyond its fair value, and that such price remains unpaid.

Pr amble.

Price of certain Common School Lands may be reduced.

**2.** The Lieutenant-Governor in Council shall also have authority to make such abatement as may appear equitable and just of the arrears of interest upon the unpaid instalments of the purchase money of any Common School Land sold by the Crown previously to the first day of July aforesaid: Provided that such reductions and abatements be made only in respect of, and in proportion to, the share or interest of this Province in such lands and the price thereof, and do not in any-wise extend to or affect the share or interest of the Province of Quebec, in such lands or the price thereof.

Abatement of interest.

Proviso

**3.** That each such reduction and abatement shall be effected by paying out of the Consolidated Revenue Fund the amount thereof to the party entitled thereto on his paying the full amount of the purchase money and interest.

Reduction and abatement how effected.

**4.** Before any such reduction or abatement as aforesaid is made, the land in respect of which such reduction or abatement is proposed shall be examined and valued by one or more inspector or inspectors appointed for that purpose by the Lieutenant-Governor in Council, or by the Commissioner of Crown Lands.

Inspection of lands.

**5.** Such reduction and abatement shall be confined to cases in which the purchaser from the Crown or person claiming under him is in occupation of such land, and is an actual settler thereon, or on land adjacent thereto.

Persons entitled to a reduction.

Authority of  
Commissioner  
of Crown  
Lands to make  
reduction.

6. The Lieutenant-Governor may, by an order in Council confer upon the Commissioner of Crown Lands authority to make such reduction or abatement as aforesaid, subject to the provisions of this Act, and subject also to such other provisions, if any, not inconsistent with this Act as may be embodied in any order in Council.

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An Act relative to arrears due upon Common School Lands sold previously to 1st July, 1867.

First Reading,	9th February,	1872.
Second	"	13th "
Third	"	22nd "
		1872.

Hon. Mr. SCOTT.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1872.



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No. 140.]

**BILL.**

[1872.

An Act to amend chapter twenty of the Acts passed in the thirty-first year of Her Majesty's reign intituled, "An Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to lands in Ontario."

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. That section seventy-five of the Act passed in the thirty-<sup>31 v., c. 20, s.</sup> first year of Her Majesty's reign, and chaptered twenty, be <sup>75, amended.</sup> amended by striking out the words "and magnetic bearings" in the thirteenth line, and by inserting the words "and magnetic bearing" after the word "names" in the twelfth line of said section.

BILL.

An Act to amend chapter twenty of the Acts passed in the thirty-first year of Her Majesty's reign intituled "An Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to lands in Ontario."

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First Reading, 13th February, 1872.

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Mr. BYRNE.

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TORONTO:

An Act to amend chapter twenty of the Acts passed in the thirty-first year of Her Majesty's reign intituled, "An Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to lands in Ontario."

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. That section seventy-five of the Act passed in the thirty-first year of Her Majesty's reign, and chaptered twenty, be amended by striking out all the words between the word "same" in the tenth line and the word "and" in the fourteenth line of said section, and by inserting in lieu thereof the following words, "in a scale of not less than one inch to every four chains, shewing the number of the township or town lots, and range or concession, the numbers or letters of town or village lots, and names of streets, with the magnetic bearing of the same."

<sup>31</sup> V. c. 20, s.  
<sup>75</sup>, amended.

An Act to amend chapter twenty of the Acts passed in the thirty-first year of Her Majesty's reign intitled, "An Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to lands in Ontario."

First Reading	13th February, 1872.
Second "	27th " 1872.
Third "	28th " 1872.

Mr. BYRKE.

An Act to establish Municipal Institutions in the Districts of Parry Sound, Muskoka, Nipissing, and Thunder Bay.

**W**HEREAS it is expedient and necessary to grant to the inhabitants of the District of the privileges now enjoyed by the remainder of the Province of Ontario, by the establishment of Municipal Institutions in such portions of the said District as are warranted by the population :

*Preamble.*

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It shall be lawful for the inhabitants of any township in the Districts of Parry Sound, Muskoka, Nipissing, and Thunder Bay, having a population of not less than two hundred persons, to organize themselves into a township municipality. *Municipalities may be organized.*
2. In order to constitute and establish a municipality as above provided, it shall be lawful for the stipendiary magistrate of the district in which such township is situate, upon the receipt of a petition signed by not less than fifty in any township in the said district, to call a meeting by public notice of said inhabitants, to consider the expediency of erecting a municipality. *District Judge upon petition, to call a public meeting to form municipality.*
3. Before the said stipendiary magistrate shall call said meeting, it shall be the duty of those petitioning for said municipality, to deposit with him a sum sufficient to meet the expense of said meeting, as also of the election to be held as hereafter provided. *Petitioners to make a deposit to meet expenses of the meeting and election.*
4. The said stipendiary magistrate shall name some fit and competent person to preside at said meeting, who shall forthwith report the result of the same to said stipendiary magistrate. *Judge to appoint chairman.*
5. Upon receiving the report of said meeting the stipendiary magistrate shall fix a time and place for holding the first election in said proposed municipality, and shall in the notice providing for said election, name the returning officer who shall preside at said election. *Judge to provide for first election.*
6. The said election shall be conducted in the same manner as is provided for municipal elections in Ontario ; and the persons qualified to vote at said election shall be the male British subjects of the full age of twenty-one years, and being householders. *First election, how conducted. Who to vote*
7. At said election there shall be elected one reeve and four councillors, with the same qualification as voters, who shall *Five councillors to be elected.*

constitute the council of said township, the reeve being the head thereof.

- Declaration.**      **8.** After the said election the said returning officer shall return to the said stipendiary magistrate the result of the same, and the said stipendiary magistrate shall, as soon as may be 5 convenient thereafter, by public notice, declare the names of the persons so elected, who shall forthwith enter upon the duties of their office; and the said municipality shall from thenceforth be known as "The Corporation of the Township of ?" and the said reeve and councillors shall 10 hold and continue in office until their successors are elected, as hereinafter provided.
- Name of Municipality. Tenure of office of councillors.**
- First meeting of council.**      **9.** The first meeting of the council shall be held at a time and place to be fixed by the stipendiary magistrate.
- Appointment and remuneration of clerk, treasurer and collector.**      **10.** The said council shall, at their first meeting, or as early 15 as possible thereafter, appoint a clerk, treasurer, and collector, who shall hold office until removed or dismissed by said council; and the said council shall also fix the remuneration to be paid said officers, by by-law to be passed for that purpose.
- Appointment of assessors. Assessment rolls.**      **11.** The said council shall, as early as convenient after their 20 first meeting, appoint one or more assessors, who shall enter upon a roll, to be provided for that purpose, the names of all the freeholders and householders in said municipality, and the amount of all the real and personal property owned by them respectively, and the actual value thereof, and at the same time 25 entering on said roll whether the owners are resident or not; and the said assessor or assessors shall duly notify the person or persons so assessed by leaving a notice at his or her place of abode, or if a non-resident, by leaving the same at the nearest post office, stating in such notice the particulars of said assessment. 30
- Rolls to be returned to clerk.**      **12.** The said roll shall be returned to the clerk of the municipality within such time as shall be provided for by a by-law to be passed by said council.
- Appeal against assessment.**      **13.** The person or persons so assessed, if he shall complain 35 of his assessment, shall, within one month after the time fixed for returning said roll, notify, in writing, the clerk of his grounds of complaint.
- Council to hear and determine appeals.**      **14.** The said council shall, within two months after the time fixed for returning the roll, appoint a time and place for 40 hearing said complaints, and shall, after hearing the parties complaining, as well as the assessor or assessors, and such evidence as may be adduced, alter or amend the roll accordingly, and such decision shall be considered as final.
- Revised roll to be the roll of the municipality.**      **15.** The said roll, so finally revised, shall be taken and held 45 as the roll of the municipality, for all purposes, until a new roll shall have been made and returned as hereinafter provided.
- Council to fix time for making assessment**      **16.** The said council shall, by by-law, fix the time for making the assessment in the municipality at periods of not less than one nor more than three years; Provided always that the 50 year for the purposes of this Act shall be considered as commencing on the first day of July in each and every year.

**17.** The council may, in each and every year after the final revision of the roll, pass a by-law for levying a rate on all the real and personal property on said roll of not more than two cents on the dollar, to provide for all the necessary expenses of said municipality, and also such sum or sums as may be found expedient for the purposes mentioned in the next section of this Act.

Council to levy rates.

**18.** The said council shall have power to pass by-laws for such purposes as are provided for regarding townships under the Municipal Institutions Acts of Ontario, and the provisions of the said Acts relating to township municipalities and their officers shall apply to the township municipalities erected under this Act except where inconsistent with this Act.

Council to pass certain by-laws.

**19.** The said council shall, by by-law, fix the time for the collector making his return, and the said collector shall have the same powers as are conferred on collectors by the said Municipal Institutions Acts of Ontario.

The Collector, his returns and powers.

**20.** The second election of the council shall take place on the first Monday in July in the second year after the first election, and every subsequent election on the first day of July in each and every year thereafter; and the said council shall, by by-law, fix the place for holding the said election, and shall also name the returning officer to preside at said election, and the said election shall be conducted in the same manner as is provided for township elections in Ontario.

Second election of Councillors.

**21.** The person qualified to vote at every election after the first shall be the resident male freeholders and householders of said municipality whose names appear in the last revised assessment roll, of the full age of twenty-one years, and naturalized or natural born subjects of Her Majesty, and the said roll shall be taken to be final and conclusive, so far as the qualification of electors is concerned.

Who qualified to vote.

**22.** The persons qualified to be elected as members of the council in said municipality after said first election, shall, in addition to the qualification required for voters, be assessed in the said assessment rolls for at least two hundred dollars freehold or four hundred dollars leasehold.

Qualification of Councillors.

**23.** In case the seat of any member of the council shall become vacant by death, resignation or a continued absence from meetings of the council for a period of six months, it shall be the duty of the council to direct a new election to be held, for the purpose of supplying such vacancy.

Vacancy in Council, how filled.

**24.** The reeve of the said council shall preside at all meetings thereof, and, in the event of his absence, the council shall choose, from among their number, a person to preside, and, in such case, the said person so presiding shall have all the powers and exercise all the functions appertaining to the reeve.

Who to preside at meetings of the Council.

**25.** The reeve and councillors of the municipality shall be *ex officio* justices of the peace, and shall have the like powers as are exercised by justices of the peace in the Province of Ontario.

Councillors to be Justices of the Peace.

- 26.** The council shall have the power to pass by-laws regulating and limiting the number of licenses for the sale of intoxicating liquors, for appointing an inspector, and for enforcing their said by-laws and regulations. 5
- 27.** The said council may establish and maintain a lock-up house within the municipality, and may establish and provide for the salary or fees to be paid the constable to be placed in charge of such lock-up house ; provided always that the appointment of said constable shall be ratified by the stipendiary magistrate of the district ; and the said council shall have power to remove or suspend such constable for neglect of duty or other misconduct. 10
- 28.** The council shall have the power to appoint one or more constables, within the municipality, whose duty it shall be to enforce and maintain law and order, and who shall perform all duties appertaining to constables in Ontario ; and the said council shall have the power, from time to time, to remove the same, for any misconduct in their office, and shall also regulate the fees to be paid said constables ; Provided always that such appointment and tariff of fees shall be subject to the approval and ratification of the stipendiary magistrate of the said district. 15
- 31.** When an unincorporated village in said district, with its immediate neighbourhood contains more than five hundred inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated village, then, on petition by not less than one hundred resident freeholders and householders of the village and neighbourhood, of whom not fewer than fifty shall be freeholders, the Lieutenant-Governor in Council may, by proclamation, erect the village and neighbourhood into an incorporated village apart from the township or townships in which the same are situate by a name and with boundaries to be respectively declared in such proclamation, and shall also name the place for holding the first election and the returning officer who is to hold the same : the limits of the said incorporated village shall be governed by the provisions of the said Municipal Institutions Act. 20
- 32.** The electors and members of the council of any such incorporated village shall be required to have the same qualification in respect to such village as the electors and council respectively of the said township municipalities ; and the election shall be held on the same days and in the same manner as the elections for councillors. The council of the said incorporated villages shall have the same powers as the councils of incorporated villages under the Municipal Institutions Act of Ontario, and all the provisions of such Act respecting incorporated villages or the officers thereof or proceedings in reference thereto, or to the by-laws or elections held for any member of the council or proceedings to be taken in respect thereto, unless when inconsistent with this Act shall apply to an incorporated village established under this Act, as if the same were repeated in this Act. 25
- 33.** The reeve of any incorporated village shall ex-officio be justice of the peace for the district in which such village is situate 30

Council to regulate tavern licenses.

Council may establish a lock-up house.

Appointment of a Constable thereto.

Appointment and removal of Constables.

Incorporated villages, how erected.

Qualification of electors and councillors.

Powers of council.

Reeve to be a justice of the peace.

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**34.** On the petition of any of the inhabitants of an unincorporated village, the council or councils of the township or townships within which the village is situate, may by by-law erect the same into a police village, and assign thereto such limits as may seem expedient. Erection of police villages.

**35.** The provisions of the Municipal Acts of Ontario, relating to police villages or their officers shall apply to the police villages erected under the preceding section, except when inconsistent with this Act. Municipal Acts to apply to police villages.

**36.** The electors of any such police village shall be required to have the same qualification in respect to such village as the electors of the said township, municipalities; and the elections for police trustees shall be held on the same days and in the same manner as elections for councillors. Qualification of electors and elections in police villages.

**37.** Any elector of such police village resident therein may be elected as a police trustee, unless disqualified on account of holding an office inconsistent with the position of police trustee. Police trustees.

**38.** In addition to the powers conferred upon said township or village municipalities by this Act, the following sections, with their sub-sections of the Municipal Institutions Act passed in the session held in twenty-ninth and thirtieth years of the reign of Her Majesty, and chaptered fifty-one, shall be applicable to the said municipality, so far as they can be adapted to the same, viz : "Sections one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty-five, one hundred and sixty, one hundred and sixty-one, one hundred and sixty-two, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy one, one hundred and seventy two, one hundred and seventy-three, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and ninety-three, one hundred and ninety-four, one hundred and ninety-eight, one hundred and ninety-nine, two hundred, two hundred and one, two hundred and two, two hundred and three, two hundred and four, two hundred and five, two hundred and six, two hundred and seven, two hundred and eight, two hundred and nine, two hundred and ten, two hundred and eleven, two hundred and eighteen, two hundred and forty-six, three hundred and thirty-eight, three hundred and thirty-nine. Certain sections of 29 & 30 Vic., c. 51, to apply.

**BILL.**

An Act to establish Municipal Institutions  
in the Districts of Parry Sound, Muskoka,  
Nipissing and Thunder Bay.

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First Reading, 13th February, 1872.

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Hon. Mr. Gow.

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**TORONTO:**

PRINTED BY HUNTER, ROSE & CO., KING ST.

An Act to establish Municipal Institutions in the Districts of Parry Sound, Muskoka, Nipissing and Thunder Bay.

**WHEREAS** it is expedient and necessary to grant to the inhabitants of the Territorial Districts of Parry Sound, Muskoka, Nipissing and Thunder Bay the privileges now enjoyed by the remainder of the Province of Ontario, by the establishment of Municipal Institutions in such portions of the said Districts as are warranted by the population :

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** It shall be lawful for the inhabitants of any locality in the Districts of Parry Sound, Muskoka, Nipissing, and Thunder Bay, having a population of not less than one hundred persons, within an area of ten thousand acres at least, to organize themselves into a township municipality, in respect of such area of ten thousand acres.

Municipalities may be organized.

**2.** In order to constitute and establish a municipality as above provided, it shall be lawful for the stipendiary magistrate of the district in which such locality is situate, upon the receipt of a petition in which the limits of the said proposed municipality are defined, and signed by not less than thirty inhabitants of such locality, to call a meeting by public notice of said inhabitants, to consider the expediency of erecting a municipality.

Stipendiary Magistrate upon petition, to call a public meeting to form municipality.

**3.** Before the said stipendiary magistrate shall call said meeting, it shall be the duty of those petitioning for said municipality, to deposit with him a sum sufficient to meet the expense of said meeting, as also of the election to be held as hereafter provided.

Petitioners to make a deposit to meet expenses of the meeting and election.

**4.** The said stipendiary magistrate shall name some fit and competent person to preside at said meeting, who shall forthwith report the result of the same, with the votes given thereat, to said stipendiary magistrate, under oath, which may be administered by any justice of the peace.

Judge to appoint chairman.

**5.** Upon receiving the report of said meeting for the establishment of a municipality, the stipendiary magistrate shall fix a time and place for holding the first election in said proposed municipality, and shall in the notice providing for said election, name the returning officer who shall preside at said election. but no such municipality shall be established unless at such meeting at least thirty freeholders or householders shall have voted in favor thereof.

Judge to provide for first election.

**6.** The said election shall be conducted in the same manner as is provided for municipal elections in Ontario ; and the persons qualified to vote at said election shall be the male British

First election, how conducted. Who to vote

subjects of the full age of twenty-one years, and being householders.

Five council-  
lors to be  
elected.

**7.** At said election there shall be elected one reeve and four councillors, with the same qualification as voters, who shall constitute the council of said township, the reeve being the head thereof.

Declaration.

**8.** After the said election the said returning officer shall return to the said stipendiary magistrate the result of the same, and the said stipendiary magistrate shall, as soon as may be convenient thereafter, by public notice, declare the names of the persons so elected, who shall forthwith enter upon the duties of their office; and the said municipality shall from thenceforth be known as "The Corporation of the municipality of \_\_\_\_\_, in the district of \_\_\_\_\_:" and the said reeve and councillors shall hold and continue in office until their successors are elected, as hereinafter provided.

Name of Muni-  
cipality.  
Tenure of  
office of  
councillors.

First meeting  
of council.

**9.** The first meeting of the council shall be held at a time and place to be fixed by the stipendiary magistrate.

Appointment  
and remunera-  
tion of clerk,  
treasurer and  
collector.

**10.** The said council shall, at their first meeting, or as early as possible thereafter, appoint a clerk, treasurer, and collector, who shall hold office until removed or dismissed by said council; and the said council shall also fix the remuneration to be paid said officers, by by-law to be passed for that purpose.

Appointment  
of assessors.  
Assessment  
rolls.

**11.** The said council shall, as early as convenient after their first meeting, appoint one or more assessors, who shall enter upon a roll, to be provided for that purpose, the names of all the freeholders and householders in said municipality, and the amount of all the real and personal property owned by them respectively, and the actual value thereof, and at the same time entering on said roll whether the owners are resident or not; and the said assessor or assessors shall duly notify the person or persons so assessed by leaving a notice at his or her place of abode, or if a non-resident, by leaving the same at the nearest post office, stating in such notice the particulars of said assessment.

Rolls to be re-  
turned to  
clerk.

**12.** The said roll shall be returned to the clerk of the municipality within such time as shall be provided for by a by-law to be passed by said council.

Appeal  
against assess-  
ment.

**13.** The person or persons so assessed, if he shall complain of his assessment, shall, within one month after the time fixed for returning said roll, notify, in writing, the clerk of his grounds of complaint.

Council to  
hear and de-  
termine ap-  
peals.

**14.** The said council shall, within two months after the time fixed for returning the roll, appoint a time and place for hearing said complaints, and shall, after hearing the parties complaining, as well as the assessor or assessors, and such evidence as may be adduced, alter or amend the roll accordingly, and such decision shall be considered as final.

Revised roll to  
be the roll of  
the muni-  
cipality.

**15.** The said roll, so finally revised, shall be taken and held as the roll of the municipality, for all purposes, until a new roll shall have been made and returned as hereinafter provided.

**16.** The said council shall, by by-law, fix the time for making the assessment in the municipality at periods of not less than one nor more than three years; Provided always that the year for the purposes of this Act shall be considered as commencing on the first day of July in each and every year.

Council to fix time for making assessment

**17.** The council may, in each and every year after the final revision of the roll, pass a by-law for levying a rate on all the real and personal property on said roll of not more than two cents on the dollar, to provide for all the necessary expenses of said municipality, and also such sum or sums as may be found expedient for the purposes mentioned in the next section of this Act.

Council to levy rates.

**18.** The said council shall have power to pass by-laws for such purposes as are provided for regarding townships under the Municipal Institutions Acts of Ontario; and the provisions of the said Acts relating to township municipalities and their officers shall apply to the municipalities erected under this Act except where inconsistent with this Act.

Council to pass certain by-laws.

**19.** The said council shall, by by-law, fix the time for the collector making his return, and the said collector shall have the same powers as are conferred on collectors by the said Municipal Institutions Acts of Ontario.

The Collector, his returns and powers.

**20.** The second election of the council shall take place on the first Monday in July in the second year after the first election, and every subsequent election on the first day of July in each and every year thereafter: and the said council shall, by by-law, fix the place for holding the said election, and shall also name the returning officer to preside at said election, and the said election shall be conducted in the same manner as is provided for township elections in Ontario.

Second election of Councillors.

**21.** The person qualified to vote at every election after the first shall be the resident male freeholders and householders of said municipality whose names appear in the last revised assessment roll, of the full age of twenty-one years, and naturalized or natural born subjects of Her Majesty, and the said roll shall be taken to be final and conclusive, so far as the qualification of electors is concerned.

Who qualified to vote.

**22.** The persons qualified to be elected as members of the council in said municipality after said first election, shall, in addition to the qualification required for voters, be assessed in the said assessment rolls for at least two hundred dollars freehold or four hundred dollars leasehold

Qualifications of Councillor

**23.** In case the seat of any member of the council shall become vacant by death, resignation or a continued absence from meetings of the council for a period of six months, it shall be the duty of the council to direct a new election to be held, for the purpose of supplying such vacancy.

Vacancy in Council, how filled.

**24.** The reeve of the said council shall preside at all meetings thereof, and, in the event of his absence, the council shall choose, from among their number, a person to preside, and, in such case, the said person so presiding shall have all the powers and exercise all the functions appertaining to the reeve.

Who to preside at meetings of the Council.

**Councillors to be Justices of the Peace.** **25.** The Reeves of the various municipalities shall be *ex officio* justices of the peace, and shall have the like powers as are exercised by justices of the peace in the Province of Ontario.

**Council to regulate tavern licences.** **26.** The council shall have the power to pass by-laws regulating and limiting the number of licenses for the sale of intoxicating liquors, for appointing an inspector, and for enforcing their said by-laws and regulations.

**Council may establish a lock-up house.** **27.** The said council may establish and maintain a lock-up house within the municipality, and may establish and provide for the salary or fees to be paid the constable to be placed in charge of such lock-up house; provided always that the appointment of said constable shall be ratified by the stipendiary magistrate of the district; and the said council shall have power to remove or suspend such constable for neglect of duty or other misconduct.

**Appointment and removal of Constables.** **28.** The council shall have the power to appoint one or more constables, within the municipality, whose duty it shall be to enforce and maintain law and order, and who shall perform all duties appertaining to constables in Ontario; and the said council shall have the power, from time to time, to remove the same, for any misconduct in their office, and shall also regulate the fees to be paid said constables; Provided always that such appointment and tariff of fees shall be subject to the approval and ratification of the stipendiary magistrate of the said district.

**Erection of police villages.** **29.** On the petition of thirty of the inhabitants of a village, in any of the said Territorial Districts containing one hundred inhabitants at least, the Lieutenant-Governor in Council may, by proclamation erect the same into a police village, and assign thereto such limits as may seem expedient.

**Municipal Acts to apply to police villages.** **30.** The provisions of the Municipal Acts of Ontario, relating to police villages or their officers shall apply to the police villages erected under the preceding section, except when inconsistent with this Act.

**Qualification of electors and elections in police villages.** **31.** The electors of any such police village shall be required to have the same qualification in respect to such village as the electors of the said township municipalities; and the elections for police trustees shall be held on the same days and in the same manner as elections for councillors.

**Police trustees.** **32.** Any elector of such police village resident therein may be elected as a police trustee, unless disqualified on account of holding an office inconsistent with the position of police trustee.

**Certain sections of 29 & 30 Vic., c. 51, to apply.** **33.** In addition to the powers conferred upon said township or village municipalities by this Act, the following sections, with their sub-sections of the Municipal Institutions Act passed in the session held in twenty-ninth and thirtieth years of the reign of Her Majesty, and chaptered fifty-one, shall be applicable to the said municipality, so far as they can be adapted to the same, viz: "Sections one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty-five, one hundred and sixty, one hundred and sixty-one, one hundred-

red and sixty-two, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy one, one hundred and seventy two, one hundred and seventy-three, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, one hundred and eighty-six, one hundred and ninety-three, one hundred and ninety-four, one hundred and ninety-eight, one hundred and ninety-nine, two hundred, two hundred and one, two hundred and two, two hundred and three, two hundred and four, two hundred and five, two hundred and six, two hundred and seven, two hundred and eight, two hundred and nine, two hundred and ten, two hundred and eleven, two hundred and eighteen, two hundred and forty-six, three hundred and thirty-eight, three hundred and thirty-nine.

An Act to establish Municipal Institutions  
in the Districts of Parry Sound, Muskoka,  
Nipissing and Thunder Bay.

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First Reading,	13th February,	1872.
Second	“	20th “
Third	“	27th “

---

Hon. Mr. Gow.



An Act to amend the Law as to the Fees of Registrars.

WHEREAS the number of registrations, extracts and searches has become so large in divers registry offices that the income therefrom is now excessive; And whereas the like result may be expected in other registry offices; And whereas  
 5 it is expedient to make some provision in the premises;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 10 **1.** Each Registrar shall be entitled to retain to his own use that year up to two thousand five hundred dollars. Registrar's emolument when fees don't exceed \$2,500.
- 2.** Of the further fees and emoluments received by each Registrar in each year, in excess of two thousand five hundred dollars up to three thousand dollars, he shall be entitled to re-  
 15 tain to his own use ninety per cent. and no more. When fees are between \$2,500 and \$3,000.
- 3.** Of the further fees and emoluments received by each Registrar in each year, in excess of three thousand dollars up to three thousand five hundred dollars, he shall be entitled to retain to his own use eighty per cent. and no more. When fees are between \$3,000 and \$3,500.
- 20 **4.** Of the further fees and emoluments received by each Registrar in each year, in excess of three thousand five hundred dollars up to four thousand dollars, he shall be entitled to retain to his own use seventy per cent. and no more. When fees are between \$3,500 and \$4,000.
- 25 **5.** Of the further fees and emoluments received by each Registrar in each year, in excess of four thousand dollars up to four thousand five hundred dollars, he shall be entitled to retain to his own use sixty per cent. and no more. When fees are between \$4,000 and \$4,500.
- 30 **6.** Of the further fees and emoluments received by each Registrar in each year in excess of four thousand five hundred dollars, he shall be entitled to retain to his own use fifty per cent. and no more. When fees are between \$4,500 and \$5,000.
- 35 **7.** On the fifteenth day of January in each year each Registrar shall transmit to the treasurer or chamberlain of the county or city for which, or for a riding of which he is Registrar, a duplicate of the return required by the Registration of Titles (Ontario) Act; and shall also pay to such treasurer or chamberlain for the uses of the municipality such proportion of the fees and emoluments received by him during the preceding year, as under this Act he is not entitled to retain to his own use. Application of surplus fees.

When this Act to apply. 8. This Act shall not apply to any fees or emoluments actually received by any Registrar before the first day of January, A. D. one thousand eight hundred and seventy-three.

BILL.

An Act to amend the law as to the Fees of Registrars.

First Reading, 13th February, 1872.

Hon. Mr. BLAKE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

**An Act to amend the Law as to the Fees of Registrars.**

**WHEREAS** the number of registrations, extracts and searches Preamble.  
has become so large in divers registry offices that the  
income therefrom is now excessive; And whereas the like  
result may be expected in other registry offices; And whereas  
it is expedient to make some provision in the premises;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

**1.** Each Registrar shall be entitled to retain to his own use Registrar's  
emolument  
when fees  
do not exceed  
\$2,500.  
in each year all the fees and emoluments received by him in  
that year up to two thousand five hundred dollars.

**2.** Of the further fees and emoluments received by each When fees are  
between \$2,500  
and \$3,000.  
Registrar in each year, in excess of two thousand five hundred  
dollars not exceeding three thousand dollars, he shall be entitled  
to retain to his own use ninety per cent. and no more.

**3.** Of the further fees and emoluments received by each When fees  
are between  
\$3,000 and  
\$3,500.  
Registrar in each year, in excess of three thousand dollars not  
exceeding three thousand five hundred dollars, he shall be en-  
titled to retain to his own use eighty per cent. and no more.

**4.** Of the further fees and emoluments received by each When fees are  
between \$3,500  
and \$4,000.  
Registrar in each year, in excess of three thousand five hundred  
dollars not exceeding four thousand dollars, he shall be entitled  
to retain to his own use seventy per cent. and no more.

**5.** Of the further fees and emoluments received by each When fees are  
between \$4,000  
and \$4,500.  
Registrar in each year, in excess of four thousand dollars not  
exceeding four thousand five hundred dollars, he shall be en-  
titled to retain to his own use sixty per cent. and no more.

**6.** Of the further fees and emoluments received by each Re- When fees  
exceed \$4,500.  
gistrar in each year in excess of four thousand five hundred  
dollars he shall be entitled to retain to his own use fifty per  
cent. and no more.

**7.** On the fifteenth day of January in each year each Regis- Application of  
surplus fees.  
trar shall transmit to the treasurer or chamberlain of the county  
or city for which, or for a riding of which, he is Registrar, a  
duplicate of the return required by the Registration of Titles  
(Ontario) Act; and shall also pay to such treasurer or chamber-  
lain for the uses of the municipality such proportion of the fees  
and emoluments received by him during the preceding year, as  
under this Act he is not entitled to retain to his own use; Pro- Proviso.  
vided that in cases in which the county or riding includes a city

or town separated from the county for municipal purposes, the amount aforesaid shall be paid to the treasurer of the county and to the treasurer or chamberlain of the city or town for the uses of the municipality in the same proportions in which the gross fees and emoluments are derived from extracts, searches, registrations and other charges in respect of lands situate in the county, and in respect of lands situate in the city or town; Provided further, that in the fees and emoluments mentioned in this Act, shall not be included any sums receivable from the municipality for the preparation of abstract indices, or for work done under the twenty-fifth, twenty-eighth, or twenty-ninth sections of the registration of Titles, (Ontario) Act.

When this Act  
to apply.

8. This Act shall not apply to any fees or emoluments actually received by any Registrar before the first day of January, in the year of our Lord one thousand eight hundred and seventy-three.

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1st Session, 2nd Parliament, 35 Victoria, 1872.

An Act to amend the Law as to the Fees  
of Registrars.

First Reading,	13th February,	1872.
Second	" 20th	" 1872.
Third	" 27th	" 1872.

Hon. Mr. BLAKE.

TORONTO:

An Act respecting the seizure and attachment of  
Equitable Interests.

**W**HEREAS the existing law is defective in not providing **Preamble.**  
adequate means for enabling judgment creditors to obtain satisfaction from the property of their debtors; and where-  
as it is desirable that all the property of such debtors, save such  
5 as is specially exempted by law, should be chargeable with the  
payment of the just claims of the said creditors;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

- 10 **1.** If any judgment debtor against whose goods and chattels  
a writ of execution has been issued, and placed in the hands of  
a sheriff, or other officer, for execution, is, or shall become, en-  
titled to any government, municipal or other securities, or  
moneys, shares, or funds, or in the dividends, interest, income  
15 or annual produce of the same, or in any debt, interest, income,  
rent, annuity, legacy money, contract or other property of any  
nature or kind whatsoever or to any share or interest therein,  
and whether the amount thereof be or be not liquidated or as-  
certained, and whether due or to become due at a future time,  
20 or whether the same be an interest in realty to be converted  
into personalty, whether vested or contingent, and whether  
standing in his own name or in the name of any person or of  
any officer of any court of law or equity for or in trust for such  
debtor, and whether for his own life or for the life of another, or  
25 for years, and over which any such debtor shall have any dis-  
posing power, or which he might without the assent of another  
exercise for his own benefit, or which the said debtor has the  
sole right of enforcing, as a debt against another person, or  
which he is entitled to enforce as a charge against or recover  
30 out of, any real or personal property, it shall be lawful for the  
court or judge, having jurisdiction in the matter, on the appli-  
cation of the judgment creditor, to order that such government,  
municipal or other securities, or moneys, shares or funds, or the  
dividends, interest, income or annual produce of the same, or  
35 in such interest, income, rent, annuity, legacy money, contract,  
or other property or the share or interest of such debtor therein  
as aforesaid or such of them, or such part thereof respectively as  
he shall think fit, shall stand charged with the payment of the  
amount due upon such writ of execution; Provided that noth-  
40 ing in this section shall be construed to apply to claims or ac-  
tions founded on a tort.

Certain inter-  
ests &c., of a  
judgment  
debtor liable  
to be charged  
by order of  
court, at  
instance of  
judgment  
creditor.

Exception as  
to claims  
founded on  
tort.

**2.** Such order may in the first instance be made *ex parte*; but  
it shall provide that such judgment debtor may, within such  
time after service as such order may limit, apply to discharge  
Order, how  
obtained and  
discharged.

the same, and such time may be enlarged as the court or judge may think reasonable.

**Order,  
effect of.**

3. Such order shall restrain such judgment debtor from transferring, alienating, encumbering, releasing or in any way intermeddling with such government, municipal or other securities, moneys, shares or funds, or the dividends, interest, income or annual produce of the same, or in such interest, income, rent, annuity, legacy money, contract or other property, or the share or interest of such debtor therein as aforesaid; and shall bind the interest of such judgment debtor therein; and shall entitle the said judgment creditor to all such remedies, in respect of the same, as he would be entitled to if such charge had been made by such debtor by an instrument in writing in favour of such judgment creditor. 5 10

**Order, effect  
of after  
service.**

4. Such order, when served upon the said judgment debtor, and upon the person liable to pay the same, and upon the trustee or other person in whose name the same may be standing, and upon the proper officer having the right to transfer or approve of the transfer of the same, or on the proper or person paying the same, or upon the proper officer of the court of law or equity in which the same may be deposited, shall restrain the dealings of all such parties and officers with the same, until such order is discharged or the said execution is paid or satisfied. 15 20

**Persons  
served with  
order may  
apply for  
relief.**

5. Any person so served with such order may forthwith, on notice to all proper parties, apply to the said court or judge for leave to pay, or to bring that which is attached into court, to abide the final decision of the matter, or may apply for such further or other relief as the said court or judge may adjudge such person entitled to, in respect of that which may have been attached as aforesaid, and the order authorizing such payment or bringing into court, shall declare the terms upon which such person shall be relieved from further responsibility in regard to the subject matter of such attaching order. 25 30

**Order when  
subject matter  
thereof  
recoverable in  
Equity.**

6. In case the subject matter of such attaching order is only recoverable in equity, the court or judge making such order may order such proceedings to be taken in the Court of Chancery, or a bill to be filed to ascertain or realize the value of the same, and may give such directions for the prosecution of the same as will ensure the speedy disposal of the same. 35 40

**Order for  
examination  
ex parte, and  
discharge  
thereof.**

7. The order for the examination of a judgment debtor, in the superior courts of law and equity and the county court, under any of the Acts at present in force, may in the first instance be made *ex parte*; but such order shall provide that such judgment debtor, may within such time after service as such order may limit, apply to discharge the same; and such time may be enlarged as the court or judge may think reasonable. 45

**Corporations  
brought within  
this Act and  
other Acts as  
to examinations,  
&c.**

8. The provisions of this Act, and of the Acts relating to the examination of judgment debtors, and the attachment of debts shall apply to corporations; and the court or judge making the order shall designate the officers of such corporation, who shall be liable and be bound to submit to examination, under such order. 50

- 9.** The sheriff, or officer to whom the proper writ of execution in that behalf is directed, may seize the equitable estate or interest of the debtor, named in such writ, in any freehold or leasehold lands within his bailiwick, and whether the same is or is not charged with other lands, with one or more liens, mortgages, or other incumbrances, and may sell such equitable estate or interest subject to the liens, mortgages or other incumbrances, or the proper proportion of the same, chargeable thereon.
- 10.** The purchaser at such sheriff's sale shall, as between himself and the party liable to pay, or to procure a discharge of the said liens, mortgages, or other incumbrances, or the proportion thereof chargeable on the lands, or the equitable estate or interest therein purchased by him, be bound to pay or procure a discharge of the same, or to indemnify the said party against all liability, in respect of such liens, mortgages, or other incumbrances, or the proportion chargeable on such lands or equitable estate or interest therein.
- 11.** In case the mortgagee, or other person entitled to all or some of the liens, mortgages, or other incumbrances, charged upon the said freehold or leasehold lands, or the equitable estate or interest of the debtor therein, purchases some or all of the said lands, or the equitable estate or interest therein, at such sheriff's sale, he shall give to the mortgagor, or party liable to pay or procure a discharge of the said liens, mortgages or other incumbrances, a release of the same, or so much thereof as he is entitled to collect, or as is properly chargeable against the parcel of land so purchased by him as aforesaid, and he shall pay off, remove, or satisfy any other liens, mortgages, or other incumbrances thereon, or such proportion of the same as is properly chargeable against the parcel of land so purchased by him, at such sheriff's sale.
- 12.** The sheriff or other officer to whom the proper writ of execution in that behalf is directed, may seize and sell the equitable estate or interest of the judgment debtor, named in such writ, in any crown lands vested in such judgment debtor, by any agreement for sale to him made with the Crown Lands Department, or by any title whatsoever, and the purchaser at such sale, upon registering his sheriff's deed in the said Crown Lands Department, shall stand in the same position as if the judgment debtor had assigned all his estate, right, title or interest in such lands to such purchaser.
- 13.** The sheriff, or other officer to whom the proper writ of execution in that behalf is directed, may seize and sell the estate or interest of the judgment debtor, named in such writ, in any lands of or to which such debtor may be entitled at law or in equity, whether in possession, reversion, remainder, or expectancy, or over which such debtor has any disposing power, and which he might, without the assent of any other person then or thereafter, exercise for his own benefit; and the sheriff's sale of the said estate or interest shall bind the said debtor and all persons claiming under him, and shall be binding upon all other persons whom he might without the assent of any other person cut off and debar from the remainder, reversion, or other interest in the said lands; but nothing in this section shall be construed to declare that such sheriff's sale shall operate so as to bar an estate tail.

Any equity in lands may be sold under execution subject to charges.

Purchasers to indemnify judgment debtor against charges, &c.

Case of the owner of a charge buying.

Equitable interest in Crown Lands saleable under execution.

Any legal or equitable interest saleable under execution, except estates tail.

Plaintiff's Attorney and Sheriff to procure and give information as to value, &c. **14.** It shall be the duty of the attorney for the execution creditor, and of the sheriff, before selling any estate or interest under this Act, to procure a statement of the title of the debtor in the same, and of the estimated value of the same, or of the estate or interest of the debtor therein, for the information of intending purchasers. **5**

When this Act operates. **15.** This Act shall take effect upon and after the first day of May next; and thereupon all Acts and portions of Acts inconsistent with this Act shall be repealed, but no Act previously repealed shall be thereby revived. **10**

**BILL.**

An Act respecting the seizure and attachment of equitable interests.

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First Reading, 13th February, 1872.

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Mr. HODGINS.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.



An Act to amend the Act intituled An Act respecting the Municipal Institutions of Upper Canada.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Clause five of section sixty-six of the Acts, passed in the 29 & 30 V., c. 5 session held in the twenty-ninth and thirtieth years of the reign of Her Majesty, chaptered fifty-one, is hereby repealed and the following substituted in lieu thereof, namely : 51, s. 66, cl. 5, amended.

(5) The council of every township shall consist of a reeve, who shall be the head thereof, and of four councillors, and if the then last revised assessment roll contained the names of one thousand resident qualified electors, then the council shall, from the councillors, elect one to be a deputy-reeve, and for every additional one thousand names of qualified electors on such roll, the council shall in like manner elect one of the remaining councillors to be a deputy-reeve.

2. Section ninety-three of the said Act is hereby repealed, and the following substituted in lieu thereof, namely : Sec. 93 amended.

(93) Townships and incorporated villages shall be divided by by-law of the councils thereof respectively (which may be repealed or varied from time to time) into four electoral divisions ; and one councillor shall be elected for each division, and the election of reeve shall be by general vote ; and the elections shall be held at the place or places where the last meeting of the council was held, or at such other place or places as may be from time to time fixed by by-law.

BILL.

An Act to amend the Act intituled An Act  
respecting the Municipal Institutions of  
Upper Canada.

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First Reading, 13th February, 1872.

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Mr. TOOLEY.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO., KING ST.

An Act to enable certain Railway Companies to provide the necessary accommodations for traffic over their Railways and to amend the Railway Act of the late Province of Canada.

**W**HEREAS it may happen that a railway company may require at certain stations or places, more ample space for the proper accommodation of their traffic and of the public, than they now possess, or than they can take or acquire under the Act or Acts incorporating or applying to such company; and it is necessary in the public interest that the most ample accommodation should be furnished for such traffic: And whereas it is also expedient to make certain amendments to The Railway Act of the late Province of Canada :

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** Whenever any railway company subject to the Legislative authority of the Legislative Assembly of the Province of Ontario, requires at any station or place on the line of such railway, more ample space for the convenient accommodation of the public and of the traffic on the railway than they then possess, or can take without the consent of the proprietors thereof, the company may cause a plan to be made of the additional ground required at such station or place for the purposes aforesaid, not being in actual use for similar purposes by any other railway company, (and for the purpose of making such plan shall have the powers granted to railway companies for making surveys by the ninth section of The Railway Act), and may transmit such plan to the Commissioner of Agriculture and Public Works, with an application (supported by affidavit) on behalf of the company, referring to such plan and stating that certain ground shewn thereon is necessary for the purposes aforesaid, and that no other ground suitable for the purpose can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the commissioner to authorize the taking thereof for such purposes under this Act, of which application ten days' notice shall be given to the owner or possessor of such property, and the correctness of the plan and the truth of the allegations in such application shall be certified by the president or one of the directors of the company, and by their engineer, and such plan and statement shall be made and transmitted to the commissioner in duplicate.

Proceeding when more space is required for the accommodation of the traffic at any station or place.

**2.** The Commissioner of Agriculture and Public Works shall inquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest, that the ground shewn on such

Certificate of Commissioner of Agriculture and Public Works required.

plan, or any less quantity, should be acquired by the company : and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the office of the commissioner.

Effect of such certificate, and application of certain provisions of The Railway Act to the land certified as necessary.

3. Upon the granting of such certificate as aforesaid by the 5  
Commissioner of Public Works, and by virtue thereof, the com-  
pany shall have power to take the ground shewn on the said  
plan as required for the purposes aforesaid, without the consent  
of the proprietors, and the company and all corporations or  
parties who could not otherwise convey the same to the com- 10  
pany, shall have, with respect to any such ground all the pow-  
ers granted by the eleventh section of The Railway Act of the  
late Province of Canada, headed "lands and their valuation,"  
to railway companies, corporations, and parties who could not  
otherwise convey the same, with respect to lands which may 15  
be taken without the consent of the proprietors thereof; And  
the enactments and provisions of the said section, except such  
as refer to the map or plan and book of reference therein men-  
tioned, or as limit the extent of land to be taken, shall apply  
and are hereby extended to the ground mentioned in the said 20  
certificate of the Commissioner of Agriculture and Public Works,  
and to all the proceedings connected with or consequent upon  
the acquiring or taking of such ground or any part thereof,  
with or without the consent of the proprietors; and if at any  
time thereafter the company shall not require the whole or 25  
any portion of the land acquired under this Act for railway  
purposes, then such land as is not so required shall be sold by  
auction after thirty days' notice thereof in any local news-  
paper,

Sale of land taken and not afterwards required.

Proof of certificate.

4. Any such certificate as aforesaid, purporting to be signed 30  
by the said commissioner, shall be received as authentic in all  
courts of law or equity, without proof of such signature or other  
evidence, unless its authenticity be called in question on behalf  
or the Crown.

Arbitrators to consider increased value of remaining lands.

5. The arbitrators mentioned in the eleventh section of The 35  
Railway Act of the late Province of Canada, headed "lands and  
their valuation," in deciding on such value or compensation, are  
authorized and required to take into consideration the increas-  
ed value that would be given to any lands or grounds through  
or over which the railway will pass by reason of the passage of 40  
the railway through or over the same, or by reason of the con-  
struction of the railway, and to set off the increased value that  
will attach to the said lands or grounds, against the inconveni-  
ence, loss or damage that might be suffered or sustained by  
reason of the company taking possession of or using the said 45  
lands or grounds as aforesaid.

To what railways this Act applies.

6. The provisions of this Act shall apply to every railway  
company heretofore, or which may be hereafter incorporated,  
under the authority of the Legislative Assembly of the Province  
of Ontario 50

## BILL.

An Act to enable certain Railway Companies to provide the necessary accommodations for traffic over their Railways and to amend the Railway Act of the late Province of Canada.

1st Reading, 14th February, 1872.

An Act to enable certain Railway Companies to provide the necessary accommodations for traffic over their Railways and to amend the Railway Act of the late Province of Canada.

**WHEREAS** it may happen that a railway company may require at certain stations or places, more ample space for the proper accommodation of their traffic and of the public, than they now possess, or than they can take or acquire under the Act or Acts incorporating or applying to such company; and it is necessary in the public interest that the most ample accommodation should be furnished for such traffic: And whereas it is also expedient to make certain amendments to The Railway Act of the late Province of Canada :

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Whenever any railway company subject to the Legislative authority of the Legislative Assembly of the Province of Ontario, requires at any station or place on the line of such railway, more ample space for the convenient accommodation of the public and of the traffic on the railway than they then possess, or can take without the consent of the proprietors thereof, the company may cause a plan to be made of the additional ground required at such station or place for the purposes aforesaid, not being in actual use for similar purposes by any other railway company, (and for the purpose of making such plan shall have the powers granted to railway companies for making surveys by the ninth section of The Railway Act), and may transmit such plan to the Commissioner of Agriculture and Public Works, with an application (supported by affidavit) on behalf of the company, referring to such plan and stating that certain ground shewn thereon is necessary for the purposes aforesaid, and that no other ground suitable for the purpose can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the commissioner to authorize the taking thereof for such purposes under this Act; of which application ten days' notice shall be given to the owner or possessor of such property, and the correctness of the plan and the truth of the allegations in such application shall be certified by the president or one of the directors of the company, and by their engineer; and such plan and statement shall be made and transmitted to the commissioner in duplicate.

Proceeding when more space is required for the accommodation of the traffic at any station or place.

2. The Commissioner of Agriculture and Public Works shall inquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest, that the ground shewn on such plan, or any less quantity, should be acquired by the company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the office of the commissioner.

Certificate of Commissioner of Agriculture and Public Works required.

Effect of such certificate, and application of certain provisions of The Railway Act to the land certified as necessary.

**3.** Upon the granting of such certificate as aforesaid by the Commissioner of Public Works, and by virtue thereof, the company shall have power to take the ground shewn on the said plan as required for the purposes aforesaid, without the consent of the proprietors; and the company and all corporations or parties who could not otherwise convey the same to the company, shall have, with respect to any such ground all the powers granted by the eleventh section of The Railway Act of the late Province of Canada, headed "lands and their valuation," to railway companies, corporations, and parties who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof; and the enactments and provisions of the said section, except such as refer to the map or plan and book of reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the said certificate of the Commissioner of Agriculture and Public Works, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground or any part thereof, with or without the consent of the proprietors; and if at any time thereafter the company shall not require the whole or any portion of the land acquired under this Act for railway purposes, then such land as is not so required shall be sold by auction after thirty days' notice thereof in any local newspaper.

Sale of land taken and not afterwards required.

Proof of certificate.

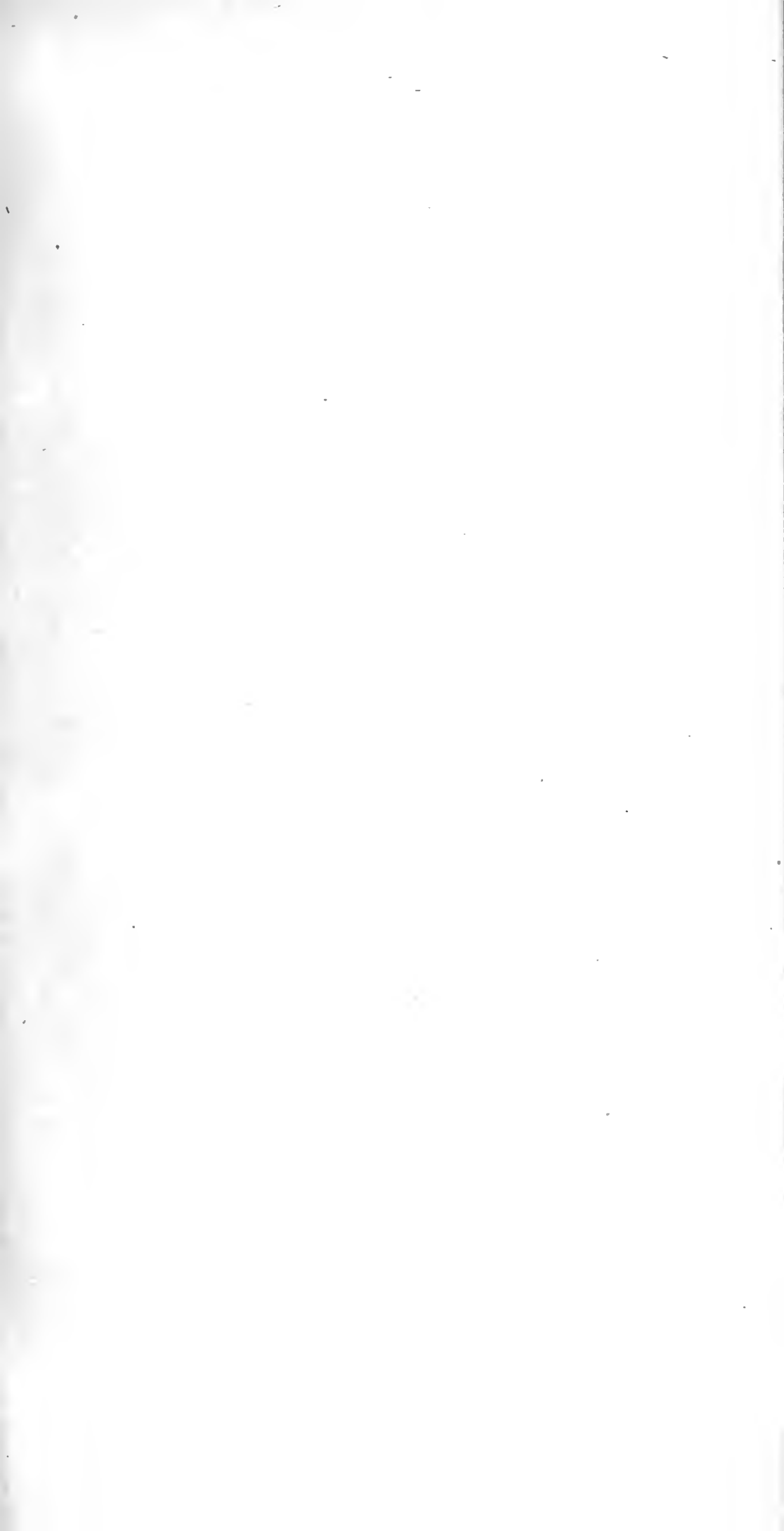
**4.** Any such certificate as aforesaid, purporting to be signed by the said commissioner, shall be received as authentic in all courts of law or equity, without proof of such signature or other evidence, unless its authenticity be called in question on behalf of the Crown.

Arbitrators to consider increased value of remaining lands.

**5.** The arbitrators mentioned in the eleventh section of The Railway Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

To what railways this Act applies.

**6.** The provisions of this Act shall apply to every railway company heretofore, or which may be hereafter incorporated, under the authority of the Legislative Assembly of the Province of Ontario



An Act to enable certain Railway Companies to provide the necessary accommodations for traffic over their Railways and to amend the Railway Act of the late Province of Canada,

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First Reading,	14th February,	1872.
Second	“ 28th	“ 1872.
Third	“ 28th	“ 1872.

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Mr. PARDEE.



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No. 146]

**BILL.**

[1872.

An Act to make temporary provision as to the Regulations of the Council of Public Instruction.

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 5     **1.** The Lieutenant-Governor in Council shall have power to cause inquiry to be made into the working of any rules, regulations or instructions which have been, or may be made or issued by the Council of Public Instruction, or by the Chief Superintendent of Education, and to abrogate, suspend or modify any such rules, regulations or instructions. Powers of Lieut.-Governor over rules &c., of council of public instruction.
- 10     **2.** This Act shall remain in force until the end of the next ensuing session of the Legislative Assembly, and no longer. Duration of this Act.

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1st Session, 2nd Parliament, 35 Victoria, 1872.

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BILL.

An Act to make temporary provision as  
to the Regulations of the Council of Pub-  
lic Instruction.

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1st Reading, 16th February, 1872.

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Hon. Mr. BLAKE.

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No. 146.]

**BILL.**

[1872.

An Act to make temporary provision as to the Regulations of the Council of Public Instruction.

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council shall have power to cause inquiry to be made into the working of any rules, regulations, instructions or recommendations which have been, or may be made or issued by the Council of Public Instruction, or by the Chief Superintendent of Education, and to abrogate, suspend or modify any such rules, regulations, instructions or recommendations.

Powers of  
Lieut.-Governor over rules  
&c., of council of public instruction.

2. This Act shall remain in force until the end of the next ensuing session of the Legislative Assembly, and no longer

Duration of this Act.

An Act to make temporary provision as to the regulations of the Council of Public Instruction.

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First Reading, 16th February, 1872.		
Second	“ 27th	“ 1872.
Third	“ 28th	“ 1872.

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Hon. Mr. BLAKE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to provide for the construction of Drainage Works, and to authorize the investment of certain moneys in debentures to be issued for the construction of such works.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In case the majority in number of the owners, resident <sup>Municipal Councils may pass by-laws,</sup> on the property to be benefited in any part of any municipality, do petition the council for the deepening of any stream, creek, or watercourse, or for draining of the property (describing it), the council may procure an examination to be made by an engineer, or other competent person, of the stream, creek, or water-course proposed to be deepened, or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or other competent person; if the council be of opinion that the deepening of such stream, creek, or water-course, or the draining of the locality described, or a portion thereof, would be desirable, the council may pass by-laws—

(1.) For providing for the deepening of the stream, creek or water-course, or the draining of the locality; <sup>for deepening streams, and drainage,</sup>

(2.) For borrowing, on the credit of the municipality, the <sup>for borrowing requisite funds,</sup> funds necessary for the work, and for issuing the debentures of the municipality to the requisite amount, in sums of not less than each and payable within years from date, with interest at a rate of not less than five per centum per annum;

(3.) For assessing and levying in the same manner as taxes <sup>for levying rate for payment,</sup> are levied, upon the real property to be benefited by the deepening or draining, a special rate sufficient for the payment of the principal and interest of the debentures, including a sinking fund for the payment of the principal thereof, and for so assessing and levying the same, as other taxes are levied, by an assessment and rate on the real property so benefited, as nearly as may be to the benefit derived by each lot or portion of lot and road in the locality: Provided always, that any person whose property has been assessed for such deepening or drainage may pay the amount of such assessment, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionally reduced; and provided further, that any agreement on the part of any tenant, to pay the rates or taxes of the demised property, shall not apply to, or include the charges or assessments for draining

under this Act, unless such agreement shall in express terms mention or refer to such charges or assessments ;

for providing how assessment be paid, for ascertaining the property liable to the rate.

(4.) For regulating the times and manner in which the assessment shall be paid ;

(5.) For ascertaining and determining, through the engineer or person aforesaid, what real property will be benefited by the deepening or draining, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case to an appeal to the council and the County Court Judge.

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Notice before passing of by-law.

2. Before the final passing of the by-law it shall be published once or oftener in every week for six weeks, in some newspaper in the municipality, or if no newspaper be published therein, then in some newspaper published in the nearest municipality in which a newspaper is published, together with a notice that any one intending to apply to have such by-law, or any part thereof, quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Law at Toronto, during the term next ensuing the final passing of the by-law.

Court of appeal.

3. The council shall, on some day not earlier than twenty, nor later than thirty days from the day on which the by-law was first published, hold a Court of Appeal, notice of which shall be published with the by-law during the first four weeks of its publication; and in case of an appeal to the County Judge, he shall hear and determine the matter in dispute not later than ten days from the day on which the council held their Court of Appeal.

Appeal to County Judge.

By-law to be valid though informal, if not quashed.

4. In case no application to quash a by-law be made within the time limited for that purpose in the second section, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, shall, notwithstanding any want of substance or form either in the by-law itself, or in the time or manner of passing the same, be a valid by-law.

When work may be extended into other municipalities.

5. Whenever it is necessary to continue the deepening or drainage aforesaid beyond the limits of any municipality, the engineer or other person employed by the council of such municipality, may continue the survey and levels into the adjoining municipality, until he finds fall enough to carry the water beyond the limits of the municipality in which the deepening or drainage was commenced.

When lands in an adjoining municipality may be charged, though works not carried into such municipality.

6. When the deepening and drainage do not extend beyond the limits of the municipality in which they are commenced, but in the opinion of the engineer or other person aforesaid, benefit lands in an adjoining municipality, or greatly improve any road lying within any municipality, or between two or more municipalities, then the engineer or other person aforesaid, shall charge the lands to be so benefited, and the corporation or corporations whose road or roads are improved, with such proportion of the costs of the works as he may deem just; and the amount so charged for roads, or agreed upon by the arbitrators shall be paid out of the general funds of such municipality.

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7. The engineer or other person aforesaid, shall determine and report to the Council by which he was employed, whether the deepening or drainage shall be constructed and maintained solely at the expense of such municipality, or whether it shall be constructed and maintained at the expense of both municipalities, and in what proportion.

Report as to which municipality shall pay.

8. The engineer or other person aforesaid, when necessary, shall make plans and specifications of the deepening or drainage to be constructed, and charge the lands to be benefited by the work as provided herein.

Plans, &c.

9. The Council of the municipality in which the deepening or drainage is to be commenced, shall serve the head of the Council of the municipality into which the same is to be continued, or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the report, plans and specifications of the engineer or other competent person aforesaid, when necessary, so far as they affect such last mentioned municipalities: and unless the same is appealed from as hereinafter provided, it shall be binding on the Council of such municipality.

Council of municipality wherein work begun to notify municipality to be benefited.

10. The Council of such last mentioned municipalities shall, within four months from the delivery to the head of the corporation, of the engineer's or other competent person's report, as provided in the next preceding section, pass a by-law in the same manner as if a majority of the resident owners of the lands to be taxed had petitioned as provided in the first section of this Act, to raise such sum as may be named in the engineer's report, or in case of an appeal, for such sum as may be determined by the arbitrators.

Council of municipality wherein work not begun to pass by-law.

11. The council of the municipality into which the deepening or drainage is to be continued, or whose lands, road or roads are to be benefited without the deepening or drainage being carried within its limits, may, within thirty days from the day in which the report was served on the head of the municipality, appeal therefrom; in which case they shall serve the head of the corporation from which they received the report, with a written notice of appeal, such notice shall state the ground of appeal, the name of an engineer or other person as their arbitrator and calling upon such corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice, and in default thereof it shall be lawful for the council of the municipality appealing therefrom to appoint such second arbitrator, and the two arbitrators so appointed shall forthwith appoint a third arbitrator in the matter: Provided always, that in no case shall the engineer or other competent person aforesaid, employed to make surveys, plans and specifications, or a member or officer of any council concerned, be appointed or act as arbitrator.

Council of municipality wherein work not begun may appeal; arbitration thereon.

12. If after the arbitrators have been appointed as aforesaid they fail or neglect for the space of six days to appoint a third arbitrator, the Judge of the County Court of the county in which the municipality appealing is situated, shall within four days after a request in writing made upon him by either of the two arbitrators appointed as above, appoint a third arbitrator.

Appointment of third arbitrator by County Judge.

Oath by  
arbitrators.

**13.** The arbitrators before proceeding to try the matter of the arbitration shall take and subscribe the following oath (or in case of those who affirm, make and subscribe the following affirmation) before any justice of the peace :

I, *A, B.*, do swear (*or affirm*) that I will well and truly try the matter referred to me by the parties, and a true and impartial award make in the premises according to the evidence and my skill and knowledge. So help me God ; which oath or affirmation shall be filed with the award. 5

Award.

**12.** The arbitrators shall, within ten days after the appointment of the third arbitrator, meet at such place as they may agree upon, and shall then hear and determine the matter in dispute and make their award in triplicate, which shall be binding on all parties, and one copy thereof shall be filed with the Clerk of each of the municipalities interested, and one shall be filed with the Registrar of Deeds for the county in which either of the municipalities is situate. 10 15

Decision of  
majority of  
arbitrators.

**13.** In case of difference between the arbitrators, the decision of any two of them shall be conclusive.

Repairs and  
maintenance  
of work after  
completion.

**14.** After such deepening or drainage is fully made and completed, it shall be the duty of each municipality, in the proportion determined by the engineer or arbitrators, (*as the case may be*) or until otherwise determined by the engineer or arbitrators, under the same formalities as near as may be, as provided in the preceding sections, to preserve, maintain and keep the same within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and the municipality, as the Council, upon the report of the engineer or other competent person, may seem just ; and any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be compelled by *mandamus* to be issued from any Court of competent jurisdiction to make from time to time the necessary repairs to preserve and maintain the same, and shall be liable to pecuniary damage to any person who or whose property shall be injuriously affected by reason of such neglect or refusal. 20 25 30 35

Case of a drain  
being used by  
another municipality.

**15.** Should a drain already constructed, or hereafter constructed, by a municipality, be used as an outlet, or otherwise by another municipality, company, or individual, such municipality, company or individual using the same as an outlet or otherwise, may be assessed for the construction and maintenance thereof in such proportion and amount as shall be ascertained by the engineer or arbitrators, under the formalities provided in the preceding sections. 40 45

Deposit with  
Commissioner  
of Public  
Works of  
copies of  
plans, &c.

**16.** Any Township Municipality proposing to undertake works under the provisions of this Act may, after the expiration of the time limited for an application to quash the by-law, deposit with the Commissioner of Public Works authenticated copies of the plans, specifications and estimates of the works and of the by-law ; and may apply for the purchase of the debentures authorized thereby. 50

Commissioner

**17.** The Commissioner of Public Works shall investigate and



report to the Lieutenant Governor in Council, as to the propriety of the investments proposed in such applications, in the order of time in which they are deposited; and such reports shall be disposed of by the Lieutenant-Governor in Council in the order of time in which the same are made.

of Public Works to report as to investment.

18. The Lieutenant-Governor in Council may from time to time in his discretion invest any surplus of the Consolidated Revenue Fund, not exceeding in the whole at any one time the sum of two hundred thousand dollars in the purchase of any debentures issued under any by-law so deposited as aforesaid in respect of which the Commissioner of Public Works shall certify to the propriety of the investment.

Purchase out of Cons. Rev. Fund of debentures.

19. On any such investment not more than eighty-five per centum of the par value of the debentures shall be advanced until after the Commissioner of Public Works has reported that the works have been inspected and are completed; and any expenses in connection with the investigation and inspection made under this Act shall be deducted from the amount retained.

Per centage to be advanced on debentures.

20. 20. After any such investment has been made, the debentures shall not be questioned and shall be deemed to be valid to all intents and purposes.

When Debentures unquestionable.

21. The Commissioner of Public Works shall not certify to the propriety of the investment in any case in which the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality and the interest and principal of the debts contracted by the municipality shall exceed the aggregate value of three cents in the dollar on the whole value of the ratable property within its jurisdiction, or in any case in which the debentures to be issued under the by-law shall exceed twenty thousand dollars.

When the Commissioner shall not report propriety of investment.

22. The amount payable in any year under any such by-law or debentures, for principal, interest and sinking fund, shall be remitted by the treasurer to the treasurer of Ontario, within the space of one month after the same shall have become exigible, together with interest at the rate of seven per centum per annum, during the time of default in payment; and in case of the continuance of such default, the council of the municipality shall, in the next ensuing year, assess and levy on the whole ratable property within its jurisdiction, in the same manner in which taxes are levied for the general purposes of the municipality, a sufficient sum to enable the treasurer, over and above the other valid debts of the corporation falling due within the year, to pay over to the treasurer of Ontario the amount in arrear, together with the interest thereon at the rate of seven per cent. per annum, during the time of default in payment, whether the same may have been previously recovered from the parties or lands chargeable, under the by-law, with the same or not; and the amount so in arrear and interest shall be the first charge upon all the funds of the municipality, for whatever purpose, or under whatever by-law they may have been raised; and no treasurer or other officer of the municipality shall, after such default, pay any sum whatsoever, except for the ordinary current disbursements, and salaries of clerks and other employees of such municipality, out of any funds of

Amount payable under By-law to be remitted to Treasurer of Ontario.

Consequences of neglect.

Duty and liability of Municipal Treasurer after default.

the municipality in his hands, until the amount so in arrear and interest shall have been paid to the treasurer of Ontario; and if any such treasurer or municipal officer shall pay any sum out of the funds of his municipality, except as aforesaid, contrary to the provision hereinbefore made, he shall be deemed guilty of a misdemeanor, and shall, moreover, be liable to the treasurer of Ontario for every sum so paid, as for money received by him for the Crown; and any reeve or councillor wilfully or negligently omitting to see the foregoing provisions carried into effect shall also be personally and individually liable to the treasurer of Ontario for the full amount so in arrear and interest, to be recovered with costs by the said treasurer of Ontario, in any suit as for money had and received for Her Majesty's behoof: Provided always, that no assessment, levy or payment, made under this clause, shall in anywise exonerate the persons or lands chargeable under the by-law from liability to the municipality.

Liability of  
Reeves and  
Councillors.

1st Session, 2nd Parliament, 35 Vic., 1872.

BILL.

An Act to provide for the construction of Drainage Works, and to authorize the investment of certain moneys in debentures to be issued for the construction of such works.

First Reading, 16th February, 1872.

Hon. Mr. MCKELLAR.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to provide for the construction of Drainage Works, and to authorize the investment of certain moneys in debentures to be issued for the construction of such works.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In case the majority in number of the owners, as shewn by the last revised assessment roll to be resident on the property to be benefited in any part of any municipality, do petition the council for the deepening of any stream, creek, or watercourse, or for draining of the property (describing it), the council may procure an examination to be made by an engineer, or other competent person, of the stream, creek, or water-course proposed to be deepened, or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or other competent person, and an assessment to be made by such engineer or person of the real property to be benefited by such deepening or drainage, stating as nearly as may be in the opinion of such engineer or person, the proportion of benefit to be derived by such deepening or drainage by every road and lot, or portion of lot: and if the council be of opinion that the deepening of such stream, creek, or water-course, or the draining of the locality described, or a portion thereof, would be desirable, the council may pass by-laws—

Municipal Councils may pass by-laws.

(1.) For providing for the deepening of the stream, creek, or water-course, or the draining of the locality ;

for deepening streams, and drainage,

(2.) For borrowing, on the credit of the municipality, the funds necessary for the work, and for issuing the debentures of the municipality to the requisite amount, in sums of not less than one hundred dollars each and payable within ten years from date, with interest at a rate of not less than five per centum per annum ;

for borrowing requisite funds,

(3.) For assessing and levying in the same manner as taxes are levied, upon the real property to be benefited by the deepening or draining, a special rate sufficient for the payment of the principal and interest of the debentures, including a sinking fund for the payment of the principal thereof, and for so assessing and levying the same, as other taxes are levied, by an assessment and rate on the real property so benefited, (including roads held by joint stock companies or private individuals,) as nearly as may be to the benefit derived by each lot or portion of

for levying rate for payment,

lot and road in the locality : Provided always, that any person whose property has been assessed for such deepening or drainage may pay the amount of such assessment, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionally reduced ; and provided further, that any agreement on the part of any tenant, to pay the rates or taxes of the demised property, shall not apply to, or include the charges or assessments for draining under this Act, unless such agreement shall in express terms mention or refer to such charges or assessments, and as payable in respect of drainage works ; but in cases of contracts of purchase or of leases giving the lessee a right of purchase, the said charges or assessments shall be added to the price, and shall be paid (as the case may be) by the purchaser, or by the lessee in case he exercises such right of purchase ;

for providing how assessment be paid. (4) For regulating the times and manner in which the assessment shall be paid :

for ascertaining the property liable to the rate. (5) For determining, what real property will be benefited by the deepening or draining, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case of complaint, by the owner or person interested in any property assessed, whether of overcharge, or of undercharge of any other property assessed, or that property that should be assessed has been wrongfully omitted to be assessed, to proceedings for trial of such complaint, and appeal therefrom, in like manner as nearly as may be as on proceedings for the trial of complaints, as set forth in the sixtieth, sixty-first, sixty-third, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth and seventieth sections of "The Assessment Act of 1869."

Court of appeal. 2. Trial of such complaints shall be had in the first instance by and before a Court of Revision, which the Council shall, from time to time as occasion may require hold, on some day not earlier than twenty nor later than thirty days from the day on which the by-law shall be first published, notice of which shall be published with the by-law during the first four weeks of its publication ; and such court shall be constituted and have the powers referred to in sections numbered from fifty-one to fifty-eight, both inclusive, of the said Act ; and in case of appeal to the judge, junior or acting judge of the County Court, he shall have the same powers and duties, and the clerks of the Municipality and Division Court respectively, shall have the same powers and duties, as nearly as may be, as contained in sections numbered from sixty-three to seventy, both inclusive, of the said Act.

Notice before passing of by-law. 3. Before the final passing of the by-law it shall be published once or oftener in every week for four weeks, in some newspaper in the municipality, or if no newspaper be published therein, then in some newspaper published in the nearest municipality in which a newspaper is published, together with a notice that any one intending to apply to have such by-law, or any part thereof, quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Law at Toronto, during the term next ensuing the final passing of the by-law.

By-law to be valid though informal, if not quashed. 4. In case no application to quash a by-law be made within the time limited for that purpose in the third section, the

by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, shall, notwithstanding any want of substance or form either in the by-law itself, or in the time or manner of passing the same, be a valid by-law.

5. Whenever it is necessary to continue the deepening or drainage aforesaid beyond the limits of any municipality, the engineer or other person employed by the council of such municipality, may continue the survey and levels into the adjoining municipality, until he finds fall enough to carry the water beyond the limits of the municipality in which the deepening or drainage was commenced.

When work may be extended into other municipalities.

6. When the deepening and drainage do not extend beyond the limits of the municipality in which they are commenced, but in the opinion of the engineer or other person aforesaid, benefit lands in an adjoining municipality, or greatly improve any road lying within any municipality, or between two or more municipalities, then the engineer or other person aforesaid, shall charge the lands to be so benefited, and the corporation or corporations or company whose road or roads are improved, with such proportion of the costs of the works as he may deem just; and the amount so charged for roads, or agreed upon by the arbitrators shall be paid out of the general funds of such municipality or company.

When lands in an adjoining municipality may be charged, though works not carried into such municipality.

7. The engineer or other person aforesaid, shall determine and report to the Council by which he was employed, whether the deepening or drainage shall be constructed and maintained solely at the expense of such municipality, or whether it shall be constructed and maintained at the expense of both municipalities, and in what proportion.

Report as to which municipality shall pay.

8. The engineer or other person aforesaid, when necessary, shall make plans and specifications of the deepening or drainage to be constructed, and charge the lands to be benefited by the work as provided herein.

Plans, &c.

9. The Council of the municipality in which the deepening or drainage is to be commenced, shall serve the head of the Council of the municipality into which the same is to be continued or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the report, plans and specifications of the engineer or other competent person aforesaid, when necessary, so far as they affect such last mentioned municipality; and unless the same is appealed from as hereinafter provided, it shall be binding on the Council of such municipality.

Council of municipality wherein work begun to notify municipality to be benefited.

10. The Council of such last mentioned municipality shall, within four months from the delivery to the head of the corporation of the report of the engineer or other competent person, as provided in the next preceding section, pass a by-law in the same manner as if a majority of the owners resident on the lands to be taxed had petitioned as provided in the first section of this Act, to raise such sum as may be named in the report, or in case of an appeal, for such sum as may be determined by the arbitrators.

Council of municipality wherein work not begun to pass by-law.

Council of municipality wherein work not begun may appeal; arbitration thereon.

**11.** The council of the municipality into which the deepening or drainage is to be continued, or whose lands, road, or roads are to be benefited without the deepening or drainage being carried within its limits, may, within ten days from the day in which the report was served on the head of the municipality, appeal therefrom; in which case they shall serve the head of the corporation from which they received the report, with a written notice of appeal; such notice shall state the ground of appeal, the name of an engineer or other person as their arbitrator and calling upon such corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice; and in default thereof it shall be lawful for the council of the municipality appealing therefrom to appoint such second arbitrator, and the two arbitrators so appointed shall forthwith appoint a third arbitrator in the matter: Provided always, that in no case shall the engineer or other competent person aforesaid, employed to make surveys, plans and specifications, or a member or officer of any council concerned, be appointed or act as arbitrator.

Appointment of third arbitrator by County Judge

**12.** If after the arbitrators have been appointed as aforesaid they fail or neglect for the space of six days to appoint a third arbitrator, the judge of the county court of the county in which the municipality appealing is situated, shall within four days after a request in writing made upon him by either of the two arbitrators appointed as above, appoint a third arbitrator.

Oath by arbitrators.

**13.** The arbitrators before proceeding to try the matter of the arbitration shall take and subscribe the following oath (or in case of those who affirm, make and subscribe the following affirmation) before any justice of the peace; which oath or affirmation shall be filed with the award.

I, *A. B.*, do swear (*or affirm*) that I will well and truly try the matter referred to me by the parties, and a true and impartial award make in the premises according to the evidence and my skill and knowledge. So help me God.

Award.

**14.** The arbitrator shall, within ten days after the appointment of the third arbitrator, meet at such place as they may agree upon, and shall then hear and determine the matter in dispute and make their award in triplicate, which shall be binding on all parties; and one copy thereof shall be filed with the clerk of each of the municipalities interested, and one shall be filed with the registrar of deeds for the county in which either of the municipalities is situate.

Decision of majority arbitrators.

**15.** In case of difference between the arbitrators, the decision of any two of them shall be conclusive.

Repairs and maintenance of work after completion.

**16.** After such deepening or drainage is fully made and completed, it shall be the duty of each municipality, in the proportion determined by the engineer or arbitrators, [*as the case may be*] or until otherwise determined by the engineer or arbitrators, under the same formalities as near as may be, as provided in the preceding sections, to preserve, maintain and keep in repair the same within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and the municipality, as to the

council, upon the report of the engineer or other competent person may seem just; and any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be compelled by *mandamus* to be issued from any court of competent jurisdiction to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who or whose property shall be injuriously affected by reason of such neglect or refusal: and in any case wherein after such deepening or drainage is fully made and completed, the same has not been continued into any other municipality than that in which the same was commenced, or wherein the lands or roads of any such other municipality are not benefited by such deepening or drainage, it shall be the duty of the municipality making such deepening and drainage, to preserve, maintain, and keep in repair the same at the expense of the lots, parts of lots and roads, as the case may be, as agreed upon and shown in the by-law when finally passed; Provided always, that the council may from time to time change such assessment on the report of an engineer, appointed by them to examine and report on such drain deepening and repairs.

**17.** Should a drain already constructed, or hereafter constructed, by a municipality, be used as an outlet, or otherwise by another municipality, company, or individual, such municipality, company or individual using the same as an outlet or otherwise, may be assessed for the construction and maintenance thereof in such proportion and amount as shall be ascertained by the engineer or arbitrators, under the formalities provided in the preceding sections.

Case of a drain being used by another municipality.

**18.** Any Township Municipality proposing to undertake works under the provisions of this Act may, after the expiration of the time limited for an application to quash the by-law, deposit with the Commissioner of Public Works authenticated copies of the plans, specifications and estimates of the works and of the by-law; and may apply for the purchase of the debentures authorized thereby.

Deposit with Commissioner of Public Works of copies of plans, &c.

**19.** The Commissioner of Public Works shall investigate and report to the Lieutenant Governor in Council, as to the propriety of the investments proposed in such applications, in the order of time in which they are deposited; and such reports shall be disposed of by the Lieutenant-Governor in Council in the order of time in which the same are made.

Commissioner of Public Works to report as to investment.

**20.** The Lieutenant-Governor in Council may from time to time in his discretion invest any surplus of the Consolidated Revenue Fund, not exceeding in the whole at any one time the sum of two hundred thousand dollars, in the purchase of any debentures issued under any by-law so deposited as aforesaid in respect of which the Commissioner of Public Works shall certify to the propriety of the investment.

Purchase out of Cons. Rev. Fund of debentures.

**21.** On any such investment not more than eighty-five per centum of the par value of the debentures shall be advanced until after the Commissioner of Public Works has reported that the works have been inspected and are completed; and any expenses in connection with the investigation and inspection

Per centage to be advanced on debentures.

made under this Act shall be deducted from the amount retained.

When Debentures unquest-ionable.

**22.** After any such investment has been made, the debentures shall not be questioned and shall be deemed to be valid to all intents and purposes.

When the Commission-er shall not report propriety of investment.

**23.** The Commissioner of Public Works shall not certify to the propriety of the investment in any case in which the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality and the interest and principal of the debts contracted by the municipality shall exceed the aggregate value of three cents in the dollar on the whole value of the ratable property within its jurisdiction, or in any case in which the debentures to be issued under the by-law shall exceed twenty thousand dollars.

Amount payable under By-law to be remitted to Treasurer of Ontario.

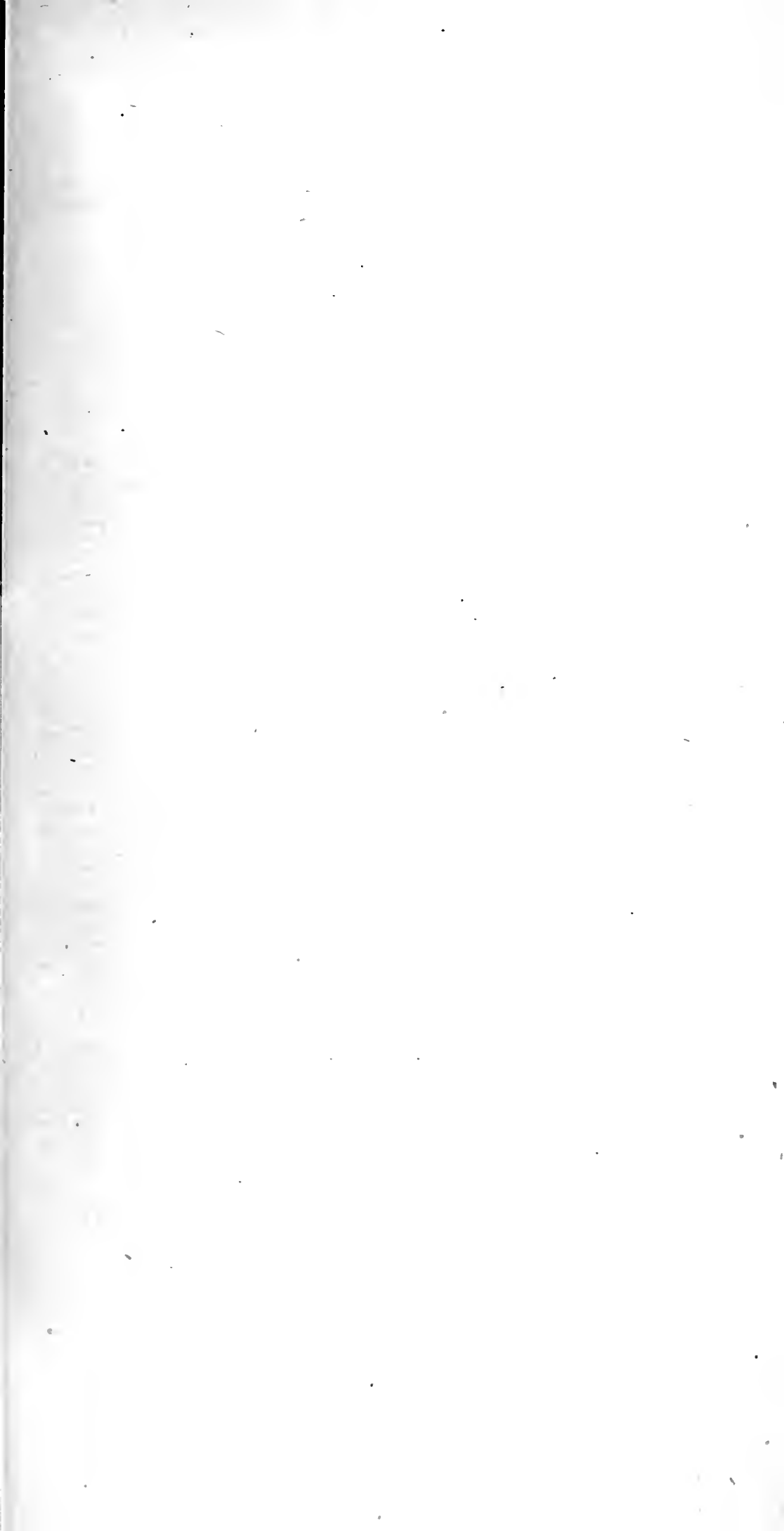
**24.** The amount payable in any year under any such by-law or debentures, for principal, interest and sinking fund, shall be remitted by the treasurer to the treasurer of Ontario, within the space of one month after the same shall have become exigible, together with interest at the rate of seven per centum per annum, during the time of default in payment; and in case of the continuance of such default, the council of the municipality shall, in the next ensuing year, assess and levy on the whole ratable property within its jurisdiction, in the same manner in which taxes are levied for the general purposes of the municipality, a sufficient sum to enable the treasurer, over and above the other valid debts of the corporation falling due within the year, to pay over to the treasurer of Ontario the amount in arrear, together with the interest thereon at the rate of seven per centum per annum, during the time of default in payment, whether the same may have been previously recovered from the parties or lands chargeable, under the by-law, with the same or not; and the amount so in arrear and interest shall be the first charge upon all the funds of the municipality, for whatever purpose, or under whatever by-law they may have been raised; and no treasurer or other officer of the municipality shall, after such default, pay any sum whatsoever, except for the ordinary current disbursements, and salaries of clerks and other employees of such municipality, out of any funds of the municipality in his hands, until the amount so in arrear and interest shall have been paid to the treasurer of Ontario; and if any such treasurer or municipal officer shall pay any sum out of the funds of his municipality, except as aforesaid, contrary to the provision hereinbefore made, he shall be deemed guilty of a misdemeanor, and shall, moreover, be liable to the treasurer of Ontario for every sum so paid, as for money received by him for the Crown; and any reeve or councillor wilfully or negligently omitting to see the foregoing provisions carried into effect shall also be personally and individually liable to the treasurer of Ontario for the full amount so in arrear and interest, to be recovered with costs by the said treasurer of Ontario, in any suit as for money had and received for Her Majesty's behoof: Provided always, that no assessment, levy or payment, made under this clause, shall in anywise exonerate the persons or lands chargeable under the by-law from liability to the municipality.

Consequences of neglect.

Duty and liability of Municipal Treasurer after default.

Liability of Reeves and Councillors.





An Act to provide for the construction of Drainage Works, and to authorize the investment of certain moneys in debentures to be issued for the construction of such works.

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First Reading,	16th February,	1872.
Second	“	27th “
Third	“	28th “

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Hon. Mr. MCKELLAR.

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TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to amend an Act respecting Companies for the Establishment of Cemeteries in Upper Canada.

WHEREAS it has been found difficult to procure a sufficient subscription and payment of capital stock of cemetery companies formed under the said Act to enable the company to pay the purchase money of the land acquired by them, without obtaining time for such payment and also to make such a present expenditure in enclosing, laying out, improving and embellishing the said lands as is desirable;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything in the said Act contained, it shall be lawful for companies, formed under the provisions of the said Act, from and out of the proceeds of the sales of burial sites made by the company, to pay to shareholders of the company, who may not desire to take land in the cemetery to the full extent of the stock subscribed for and paid by them, interest on their paid up stock not represented by land in the cemetery at such rate as may be agreed on, not exceeding per cent. per annum, and also to repay to such shareholders the amount of paid up stock held by them not represented by land in the cemetery.

Shareholders may receive interest on stock not represented by land.

2. Every such shareholder of the said company shall be taken to be a shareholder, and shall be entitled to all the rights of shareholders in respect of the shares of the capital stock of the company held by him and fully paid up and which are not represented by land in the cemetery until such shares shall be repaid to him by the company; and upon the repayment to him of any share he shall cease to be a shareholder in respect of such share.

Rights of shareholders with stock not represented by land.

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1st Session 2nd Parliament, 35 Victoria, 1872.

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BILL

An Act to amend an Act respecting Companies for the Establishment of Cemeteries in Upper Canada.

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First Reading, 15th February, 1872.

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Mr. WILLIAMS, (*Durham*).

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TORONTO:

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An Act to amend an Act respecting Companies for  
the Establishment of Cemeteries in Upper Canada.

**W**HEREAS it has been found difficult to procure a sufficient subscription and payment of capital stock of cemetery companies formed under the Act of the Consolidated Statutes for Upper Canada, chaptered sixty-seven, to enable the company to pay the purchase money of the land acquired by them, without obtaining time for such payment, and also to make such a present expenditure in enclosing, laying out, improving and embellishing the said lands as is desirable ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Notwithstanding anything in the said Act contained, it shall be lawful for companies, formed under the provisions of the said Act, from and out of the proceeds of the sales of burial sites made by the company, to pay to shareholders of the company, who may not desire to take land in the cemetery to the full extent of the stock subscribed for and paid by them, interest on their paid up stock not represented by land in the cemetery at such rate as may be agreed on, not exceeding eight per centum per annum, and also to repay to such shareholders the amount of paid up stock held by them not represented by land in the cemetery.

**2.** Every such shareholder of the said company shall be taken to be a shareholder, and shall be entitled to all the rights of shareholders in respect of the shares of the capital stock of the company held by him and fully paid up and which are not represented by land in the cemetery, until such shares shall be repaid to him by the company ; and upon the repayment to him of any share he shall cease to be a shareholder in respect of such share.

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1st Session, 2nd Parliament, 35 Vic., 1872.

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An Act to amend an Act respecting Companies for the Establishment of Colonies in Upper Canada.

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First Reading,	15th February,	1872.
Second	“ 27th	“ 1872.
Third	“ 1st March,	1872

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Mr. WILLIAMS (Durham).

An Act to provide for the Interdiction of Habitual Drunkards.

**W**HEREAS the drunkenness of certain heads of families and other persons in this Province has been in many instances the cause of ruin to themselves and their families, and of great loss to their creditors; and whereas, in the interest of society, it is deemed advisable to provide a remedy :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. An habitual drunkard is liable to be interdicted, and any person who has the reputation, in the community in which he resides, of being a drunkard shall, *prima facie*, be taken to be an habitual drunkard. Liability to interdiction.
2. The habitual drunkard shall in this Act be called the respondent. Respondent.
3. The interdict shall deprive the respondent of the entire management of his estate, and he shall not sell, mortgage or otherwise dispose of any part of his real or personal estate so long as the interdict continues in force. Interdict, effect of.
4. The Surrogate Court of the County within which the respondent resides shall have jurisdiction under this Act, and the judge of the said court shall have full power, either in term or vacation, to exercise the said jurisdiction. Jurisdiction.
5. The parent, wife, child, relation by blood or affinity, creditor or friend of the respondent may be petitioner. Petitioner, who may be.
6. The order for interdiction may be made upon petition filed by any of the said persons, and the petition may be in the form in schedule A to this Act annexed, and shall be verified by the affidavit of the petitioner. Petition, form of, etc.
7. The petition shall be filed in the office of the Registrar of the Court, and an office copy thereof shall be served on the respondent at least eight clear days before a day, to be endorsed on the said office copy, and on the said office copy shall also be endorsed a notice according to the form in schedule B. Petition, filing of, etc.
8. In default of appearance by the respondent at the time and place named in the notice, the judge, upon proof of service of the office copy and notice upon the respondent, and upon proof that the respondent is an habitual drunkard, shall make an order for his interdiction. Order and default of appearance.

- Proceedings on appearance. **9.** If the respondent appears the judge shall, if both parties are ready to proceed with the hearing of the petition forthwith, proceed with the same, and if both parties are not ready for the hearing he shall adjourn it to a time to be fixed by him, and at such time shall proceed to hear the same. 5
- Practice. **10.** Upon the hearing of the petition the practice shall be the same, as nearly as possible, as on the hearing of a cause at examination and hearing term in the Court of Chancery.
- Order, form of. **11.** The order of interdiction may be in the form in schedule C to this Act. 10
- Allowing defence after default. **12.** In case the order for interdiction be made upon default of the respondent to appear the judge may let the respondent in to defend the petition upon such terms as to him may seem just.
- Order after appearance in force for 12 months. **13.** In case an order for interdiction has been made after the appearance of the respondent the same shall continue in force for the period of twelve months. 15
- Petition after 12 months to vacate order. **14.** The respondent may, at the expiration of twelve months from the date of such order of interdiction, petition the judge to remove the same, and if it be proved that the respondent has become a person of sober habits the judge shall have power to set the order for interdiction aside. 20
- Wife, evidence of. **15.** The wife of the respondent shall, in all cases, be a competent and compellable witness against him on the hearing of any petition. 25
- Registry of interdict. **16.** Such interdict may be registered in the registry office for the county within which the respondent resides, and the registration thereof shall constitute notice of the interdict to all persons dealing with the respondent as to his estate.
- Wife may be guardian of estate. **17.** The judge may appoint the wife of the respondent guardian of his estate, and she shall have full authority to take any steps necessary for the protection thereof, and may prosecute and defend all actions in his name. 30
- Another than the wife may be guardian. **18.** Any other person may be appointed guardian of the estate of the respondent upon giving such security for the performance of his duty as the judge shall order. 5
- Guardian, jurisdiction over. **19.** The guardian shall at all times be subject to the summary jurisdiction of the judge, who may at any time remove him or her, and appoint another person.
- Prohibition to give liquors. **20.** No person shall, after notice of the order of interdiction, sell or give to the respondent any spirituous or fermented liquor except under the direction of a duly qualified medical practitioner. 40
- Penalty. **21.** Any person violating the twentieth section of this Act shall pay a penalty of one hundred dollars, to be recovered by any person upon a summary application to the judge of the county court of the county within which the offence has been committed. 45



22. The person suing, who shall be called the plaintiff, may file with the said judge an affidavit in the form of schedule D to this Act, and if, from the said affidavit, there is reason to believe that the defendant has been guilty of a violation of the twentieth section of this Act the judge shall issue his summons, calling upon the person from whom the penalty is sought to be recovered, who shall be called the defendant, to show cause why the plaintiff should not recover the said penalty.

Summons to recover penalty.

23. Upon the return of the summons the judge shall hear and determine the question in the same way as if the summons were a summons in the Division Court, and shall make an order, if the defendant be found guilty, for the recovery of the penalty together with costs, to be taxed by the clerk of the court, and if the defendant be not found guilty shall dismiss the said summons with or without costs as may seem just, and shall return his order and all evidence taken therein into the county court; and an execution may issue from the county court upon the order of the judge as if the same were a rule of court, and when recovered the penalty shall form part of the estate of the respondent.

Proceedings on summons.

24. If the defendant be found guilty of a violation of the twentieth section in addition to any other penalty, he shall forfeit his license, if he be a license holder, for the sale of liquor, and shall not be able to procure a license for the next succeeding year.

Forfeiture of license for violation of s. 20.

25. Any order for interdiction made by the judge shall be subject to be set aside by the Court of Chancery, upon appeal; which shall be conducted as nearly as practicable in the same way as an appeal from the Surrogate Court in ordinary cases.

Appeal from order.

26. The costs of the proceedings under this Act, except when otherwise provided, shall be in the discretion of the judge; but in all cases on the application of the wife they shall be paid by the respondent; and the judge shall not order a petitioner to pay any costs in any case in which the judge shall be of opinion that there was probable ground for the presentation of the petition, and that it was presented in good faith.

Costs.

SCHEDULE A.

In the Surrogate Court of the County  
 Between \_\_\_\_\_ petitioner  
 And \_\_\_\_\_ respondent.  
 To \_\_\_\_\_ the judge of this honourable court.

The petition of *(here set out the name, place of abode, occupation or addition of the petitioner.)*

Sheweth as follows *(the above named respondent who resides at)* is and hath for some time been an habitual drunkard; your petitioner is *(set out the character in which the petitioner claims to have the right to interdict the respondent.)*

Wherefore your petitioner prays that the said respondent may be interdicted under the statute in that behalf, and your petitioner will ever pray.

Date

\_\_\_\_\_  
*Signature of petitioner*

## SCHEDULE B.

To *(the respondent giving his name, place of residence, and addition or occupation.)*

You are to appear at the chambers of the judge of this Court in the \_\_\_\_\_ on \_\_\_\_\_ day the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_ to shew cause, if any you have, why an order of interdiction should not be made against you as an habitual drunkard, and take notice that, on default of your so appearing, an order of interdiction may be made which will remove your estate from your management and disposition.

## SCHEDULE C.

In the Surrogate Court of the County  
Between \_\_\_\_\_ petitioner  
And \_\_\_\_\_ respondent.

Upon hearing the above named parties by their attorneys or counsel, and upon hearing the evidence adduced in support of and in opposition to the petition in this cause *(or where the defendant fails to appear, upon hearing evidence of the service of an office copy of the petition in this cause, endorsed in accordance with the statute in that behalf and upon hearing the evidence adduced by the petitioner)* it is ordered that the said respondent, who resides at \_\_\_\_\_ whose occupation or addition is \_\_\_\_\_ is hereby interdicted under the provisions of the statute *(setting out the title and chapter of the Statute.)*

*(Seal)*

A. B.,  
*(Registrar of the County)*

## SCHEDULE D.

In the County Court

\_\_\_\_\_ plaintiff,  
vs. \_\_\_\_\_ defendant.

I, \_\_\_\_\_ make oath and say as follows :  
A. B. was by order of \_\_\_\_\_ interdicted on or  
about *(date)* \_\_\_\_\_  
on or about the \_\_\_\_\_ day of \_\_\_\_\_ the  
defendant sold or gave, as I am informed and have  
reason to believe, spirituous or fermented liquor to the said

I have reason to believe, and do believe, that the defendant was, at and before the time of such sale or gift, aware of the said interdict.

Sworn &c.

## FORM OF SUMMONS.

In the County Court

plaintiff,

vs.

defendant.

Whereas the above named defendant was this day charged before me with a violation of section of the Statute (*describing it*) on or about the , by selling or giving, as the case may be, intoxicating liquor to , a person interdicted as an habitual drunkard, well knowing the said to have been so interdicted; let the above named defendant appear before me at , in the Court of on the day of A. D. 1 , to show cause why he should not be ordered to pay the penalty of \$ for the said offence, together with such costs as may be taxed and awarded against him.

Dated

*(Signature of Judge.)*

1st Session, 2nd Parliament, 35 Victoria, 1872.

An Act to provide for the Interdiction of  
Habitual Drunkards.

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First Reading, 20th February, 1872.

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Mr. BETHUNE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act passed in the Sixteenth year of the Reign of Her Majesty, Queen Victoria, and chaptered eighty-nine, relating to the University of Toronto.

**W**HEREAS it is expedient that a change in the Corporation of the University of Toronto be made, and in the composition of the senate of the said university, and in the number and manner of the appointment of the members of the said senate, and also that a change be made in the manner of the appointment of the chancellor and of the vice-chancellor of the said university :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

**1.** The fourth, fifth, sixth, seventh and eighth sections of the Act of the late Province of Canada, passed in the sixteenth year of the reign of Her Majesty Queen Victoria, chaptered eighty-nine, and intituled "Toronto University Amendment Act," are hereby repealed.

Certain sections of 16 V. c. 89 repealed.

**2.** Until their successors shall have been appointed under this Act the present chancellor, vice-chancellor and members of the Senate shall hold office, and continue with all their respective duties and powers unimpaired, as if the said fourth, fifth, sixth, seventh and eighth sections had not been repealed ; and all statutes, by-laws, resolutions, rules and regulations of the senate at present existing, or which shall be passed or adopted by the present senate until their said successors are so appointed as aforesaid, except so far as the same are or shall be inconsistent with this Act, shall remain in full force and effect until altered by the senate, to be appointed as hereinafter provided for.

Present senate,

and statutes, &c., continued.

**3.** The Corporation of the University of Toronto shall hereafter consist of one chancellor, one vice-chancellor, the members of the senate for the time being, and all registered graduates of the university.

Corporation, how composed.

**4.** The chancellor, vice-chancellor, and, exclusive of *ex-officio* members, seventeen other members of the senate shall constitute the senate of the university, and of the said senate, exclusive of the chancellor and of the said *ex-officio* members, nine shall be appointed by the Lieut.-Governor of this Province, under his hand and seal at arms, and nine shall be elected by the graduates of the university, in manner hereinafter provided.

Senate.

*Ex-officio* members of Senate.

5. The President of University College for the time being; the Chief Superintendent of Education for this Province for the time being; the Treasurer of the Law Society of Ontario for the time being; the Principal of Upper Canada College for the time being; the Bursar of the University and Colleges at Toronto for the time being; the President or other Chief Executive Officer for the time being, of each college in this Province in actual affiliation with the university, and any retired chancellor or chancellors of the university, shall respectively *ex-officio* be members of the senate. 5 10

Chancellor.

6. The office of chancellor of the said university shall be a triennial one—that is to say, the term of office of each chancellor shall expire on the election of his successor, in the year next but two after that in which he shall have been elected, and the day on which the chancellor (except the first chancellor to be elected under this Act, and for whose election provision is hereinafter made) shall be elected, shall be appointed by statute of the university, and the members of the corporation entitled to vote shall on that day, of which notice shall be given in such a manner as shall be directed by statute, elect a fit and proper person to be chancellor, and thereupon the term of office of the then chancellor shall expire, and so from time to time triennially; or in the case of the death, resignation or other vacancy in the office of any such chancellor before the expiration of his term of office, then, at a special election to be holden for that purpose, of which election notice shall be given in such manner as shall be provided by statute, the members of the corporation entitled to vote shall elect a chancellor for the remainder of the term in which such death, resignation or other avoidance shall happen. 15 20 25 30

Vice-Chancellor.

7. The office of vice-chancellor of the said university shall be a biennial one, that is to say, the term of office of such vice-chancellor shall expire on the election of his successor, in the year next but one after that in which he shall have been appointed, and the day on which the vice-chancellor (except the first vice-chancellor to be appointed under this Act, for whose election provision is hereinafter made) shall be elected shall be appointed by statute of the university, and the members of the senate shall, at a meeting then to be held, elect some one of the then members of the senate to be vice-chancellor when the term of office of the then vice-chancellor shall expire, and so from time to time biennially; or in case of the death, resignation or other vacancy in the office of such vice-chancellor before the expiration of his term of office, the then members of the senate shall, at a meeting to be holden by them for that purpose, as soon as conveniently may be, of which meeting notice shall be given in manner aforesaid, elect one of the said members of the senate to be vice-chancellor for the remainder of the term in which such death, resignation or other avoidance shall happen. 35 40 45 50

How first Chancellor to be elected.

8. The election of the first chancellor to be appointed under this Act, and of the first nine elective members of the senate to be appointed under this Act, shall be held in Toronto, on the eighth day of May, one thousand eight hundred and seventy-two. 55

How first Vice-Chancellor to be elected.

9. The first vice-chancellor to be appointed under this Act shall be elected at the first meeting of the senate of the uni-

versity appointed and elected under this Act, when the members of the senate then present shall elect one of the then members thereof to be vice-chancellor for the then ensuing two years.

5 **10.** For the purpose of any election authorized by this Act, Qualification of Voters. each registered graduate of the university of the standing of at least one year, may vote for one person to be chancellor, and for such number of persons as are then to be elected as members of the senate.

10 **11.** The votes shall be separately given for the chancellor, How votes are to be given. and for the members of the senate, by closed voting papers, in the form in schedules "A" and "B" of this Act, or to the like effect, being delivered to the registrar of the university at such time and place, prior to the closing of such election, as may be  
15 prescribed by statute, and any voting papers received by the said registrar by post during the time of such election, or during the preceding week, shall be deemed as delivered to him for the purposes of such election.

**12.** The registrar of the university shall, at least one month Election register.  
20 previous to the time of any election under this Act, make out an alphabetical list or register, to be called "The Election Register," of the names and known addresses of the members of the corporation, being graduates of the university as aforesaid, who are entitled to vote at such succeeding election, and such  
25 register may be examined by any member of the corporation at all reasonable times at the office of the said registrar, and no person whose name is not inserted in the said list shall be entitled to vote at such election; Provided always, that in case  
30 any member of the corporation complains to the said registrar in writing of the improper omission or insertion of any name in the said list, it shall be the duty of the said registrar forthwith to examine into the said complaint and rectify such error if any there be, and in case any such person so complaining is  
35 dissatisfied with the decision of such registrar, he may appeal to the scrutineers of the election, whose decision shall be final, and the list shall remain or be altered in accordance with such decision.

**13.** It shall be the duty of the registrar to send to each List of voters to be sent to graduates.  
40 graduate of the university whose name is on the register or list of persons entitled to vote, one copy of the form or forms of voting papers in Schedules "A" and "B" of this Act, as the same may respectively apply to the election or elections then next to be held, and such forms shall be sent in such manner and at such time before the holding of such election as shall  
45 be directed by statute of the university.

**14.** It shall be the duty of the said registrar to send with List of members of Senate to be sent with list of voters.  
the said forms of voting papers to each graduate of the university whose name is on the list of those persons entitled to vote, a list of the names of those persons appointed by the  
50 Lieutenant-Governor, next preceding the day of such election to sit as members of the senate, together with a list of those other persons then already members of the senate, and of those whose retirement has created the vacancies to be filled at the then ensuing election.

55 **15.** The said voting papers shall, upon the appointed day Opening voting papers. of election, and at an hour to be stated by the statute, be

opened by the registrar of the university in the presence of the scrutineers to be appointed as hereinafter mentioned, who shall scrutinize and count the votes, and keep a record thereof in a proper book to be provided by the Senate.

**Election of chancellor.** **16.** The person who shall have the highest number of votes for chancellor by voting papers in the form of schedule "A," shall be chancellor of the university for the three years then next ensuing. 5

**Election of members of senate.** **17.** The nine persons who shall have the highest number of votes for members of the senate by voting papers in the form of schedule "B," shall be the nine elective members of the senate of the said university. 10

**Who may be present at opening of papers.** **18.** Any person entitled to vote at such election shall be entitled to be present at the opening of the said voting papers.

**Equality of votes.** **19.** In case of an equality of votes between two or more persons which leaves the election of the chancellor, or of one or more members of the senate undecided, then the said scrutineers shall forthwith put into a ballot-box a number of papers with the names of the candidates respectively having such equality of votes written thereon one for each such candidate, and the registrar of the university shall draw by chance from such ballot-box in the presence of the said scrutineers, one of such papers in the election of chancellor, and one or more of such papers in the case of the election of members of the senate, sufficient to make up the required number, and the persons whose names are upon such papers so drawn, shall be respectively the chancellor and such members of the senate. 15 20 25

**Declaration of result of election.** **20.** Upon the completion of the counting of the votes and of the scrutiny, the vice-chancellor, or other person acting as and for him, shall forthwith declare the result of the election to the senate of the university; and shall, as soon as conveniently may be, report the same in writing, signed by himself and by the scrutineers, to the senate and to the Secretary of this Province for the time being. 30

**Appointment of scrutineers.** **21.** The senate of the university shall, at least two months previous to such election, appoint two persons who, with the vice-chancellor, shall act as scrutineers at the next ensuing election; and the said senate shall also, at the same time, appoint a third person, who shall act for and as the vice-chancellor should he be absent from such election. 40 45

**Informal voting papers.** **22.** In the event of any elector placing more than one name on his voting paper for chancellor, or more than the required number on his voting paper for members of the senate, the first name only shall be taken for chancellor, and the first names not exceeding the required number shall only be taken for the members of the senate. 50

**Tenure of office of members of senate after first election.** **23.** At the first meeting of the senate next after the first election of members thereto, as provided in this Act, the chancellor, vice-chancellor, or other presiding officer, shall put into a ballot box nine papers with the names of the nine persons elected as members of the senate, one name upon each paper; and the registrar, or other officer to be appointed to act as and for him in his absence, shall draw by chance from such ballot- 50



box, and in the presence of the senate, the nine papers in succession, and the persons whose names are upon the first three papers so drawn, shall serve as members of the senate for three years from the date of the election, and the persons whose names shall in like manner be drawn by the second series of three shall serve for two years, and the three remaining shall serve for one year from the date of the said election.

**24.** After the first election of members of the senate, as directed by this Act, the vacancies in the senate, by expiry of term of service, shall be three in each year; the rotation of retirement being first determined by ballot, as hereinbefore provided; and on such day in each year thereafter, as shall be appointed by Statute, three persons shall be elected in manner aforesaid, to fill the vacancies thus arising, and to be members of the senate for the three years then next ensuing such election.

Vacancies,  
how filled.

**25.** At all meetings of the corporation in convocation, the chancellor, or in his absence, the vice-chancellor shall preside as chairman, or in the absence of both, a chairman shall be chosen by the members present, or a majority of them.

Who to preside  
at meetings.

**26.** The Corporation of the University in convocation assembled, shall have power to adjourn from time to time by resolution to discuss all questions relating to the government and working of the university and of the colleges affiliated therewith, so far as affects the same; and to adopt memorials to the visitor or to the senate, within such limitations and restrictions as may be provided by statute; but no discussion or action by convocation, excepting only in relation to the elections authorized by this Act, shall be in order, unless at least, twenty-four members of the corporation shall be present.

Powers of  
convocation.

**27.** The chancellor or vice-chancellor shall have power to call a meeting of the corporation upon the requisition of at least twelve of the members of the said corporation, not being members of the senate of the university.

Special meet-  
ings.

**28.** The Lieutenant-Governor of this Province, may at least one month before the day appointed for the election of the first nine elective members, appoint nine persons to be members of the senate of the said university, and thereupon the Secretary of the Province for the time being, shall forthwith communicate the names of the persons so appointed to the registrar of the university, to the end that the same may be announced to the members of the corporation as directed by section fourteen

Appointments  
by the crown.

**29.** The nine persons so appointed by the Lieutenant-Governor shall retire in rotation by seniority, that is to say, the first three named by the Lieutenant-Governor shall retire in one year from the date of their appointment, the second three in two years from such date, and the remaining three in three years from such date, and the vacancies in the senate respectively created by such retirements in each year, shall be filled by appointment by the Lieutenant-Governor, at least one month before the day appointed for the election in that year of the three or more elective members, and so on in each succeeding year, the members so appointed holding office for three years and retiring by rotation on expiry of the said term.

Appointees by  
crown, their  
term of office.

Retirement of  
Crown appoint-  
ees to be noti-  
fied to the  
registrar.

**30.** And whenever any such appointment shall be so made by the Lieutenant-Governor to fill vacancies whether on retirement by rotation, or from other cause arising, the Secretary of the Province for the time being, shall forthwith communicate the names of the person so appointed to the registrar of the university. 5

Provision  
when vacan-  
cies are not  
filled by Lieut.  
Governor.

**31.** If at any time by death or otherwise, the number of the said appointed members of the senate shall be reduced below the number of nine and shall so remain reduced for three months, then and in such case, and as often as the same shall happen, if the Lieutenant-Governor do not think proper to complete the said number by appointment, the members of the senate may at a meeting to be holden for that purpose, of which notice shall be given to the Provincial Secretary, and to the members of the senate, in such manner as shall be provided by statute, elect one or more fit and proper persons to be members of the senate in addition to the then remaining appointed members thereof to the end, that by means of such election the number of nine appointed members of the senate may thus be completed, and such members so elected to vacancies by the senate shall hold office for the term or for the remainder of the term pertaining to each such vacancy respectively. 10 15 20

Vacancies, how  
filled.

**32.** If any time by death or resignation, or otherwise than by retirement by rotation, the number of the members of the senate elected thereto by the corporation, shall be reduced below the number of nine, then at the next ensuing annual election to be held as directed by section twenty-one of this Act, such additional persons shall be elected in manner therein provided, as may be necessary to complete the number of elected members of the senate to the number of nine. 25 30

Former chan-  
cellors, &c.,  
re-eligible for  
election.

**33.** At all elections to take place under this Act, all retiring chancellors or members of the senate shall be re-eligible.

## SCHEDULE "A."

### UNIVERSITY OF TORONTO.

#### ELECTION OF CHANCELLOR, 187 .

I, \_\_\_\_\_ M. A., (*or other degree,*) of the University of Toronto, resident at \_\_\_\_\_ in the County of \_\_\_\_\_ do hereby declare :—

I. That the signature affixed hereto, is my proper handwriting.

II. That I vote for the following person as Chancellor of the University of Toronto, viz., \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_

III. That I have signed no other voting paper at this election.

IV. That this voting paper was executed on the day of the date hereof.

Witness my hand this                      day of                      A. D. 187 .

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SCHEDULE "B."

UNIVERSITY OF TORONTO.

ELECTION OF MEMBERS OF SENATE, 187 .

I,                      M. A., (*or other degree*), of the University of Toronto, resident at                      in the County of do hereby declare:—

I. That the signature affixed hereto, is my proper handwriting.

II. That I vote for the following persons as members of the Senate of the University of Toronto, viz.

A. B. of	in the County of	.
C. D. of	" "	.
E. F. of	" "	.

III. That I have signed no other voting paper at this election.

IV. That this voting paper was executed on the day of the date hereof.

Witness my hand this                      day of                      187.

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1st Session, 2nd Parliament, 35 Victoria, 1872.

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An Act to amend the Act passed in the sixteenth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-nine, relating to the University of Toronto.

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First Reading, 23rd February, 1872.

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Mr. CUMBERLAND.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

## An Act to amend the Ontario Medical Act.

WHEREAS it is expedient to amend the Ontario Medical Act:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 11 is hereby amended by striking out the words "by a notice" in the thirteenth line down to the words "such election" in the fifteenth and sixteenth lines, and the following hereby substituted "in such manner as shall be provided for by by-law of the council."  
Ontario Medical Act, s. 11 amended.

2. Section thirteen is hereby amended by striking out the word "Wednesday," fifth line, and substituting the word "Tuesday" therefor.  
S. 13 amended.

3. Section fourteen is hereby amended by striking out all the words after "in" in the third line and substituting the words "the manner provided for by by-law of the council."  
S. 14 amended.

4. Section twenty-five is hereby amended by adding the following clause, "whenever any registered practitioner of the general school shall signify his wish to become registered as a homœopathic or eclectic member of the College of Physicians and Surgeons of Ontario, he shall signify such wish to the Registrar in writing, and shall appear at the next regular examination of the Board of Examiners and be examined in the branches hereinbefore mentioned by the examiners approved of by the representatives in the Council of the body to which he has signified his wish to join; and upon such examination being reported to be satisfactory the Board shall report his name as having passed as a homœopathic or eclectic member of the College of Physicians and Surgeons of Ontario; and the Registrar shall register his name upon the payment of such fee as the council may appoint; and all persons so registered shall be entitled to vote for homœopathic or eclectic representatives in the council, as the case may be."  
S. 25 amended.

5. Sections forty, forty-one, forty-two and forty-three are hereby repealed, and the following sections and sub-sections are substituted in lieu thereof:—  
S.-s. 40, 41, 42, & 43 amended.

6. Any person who shall wilfully procure, or attempt to procure, himself to be registered under the said Act, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, shall, on conviction thereof before any Justice of the Peace, incur a penalty not exceeding one hundred dollars, and  
Penalty for providing wrongful registration.

every person knowingly aiding or assisting him therein shall on conviction thereof, incur a penalty of not less than twenty, nor more than fifty dollars.

Erasure from register.

7. If any person shall procure, or cause to be procured, his registration under the said Act by means of any false or fraudulent representation or declaration, either verbally or in writing, it shall be lawful for the registrar, upon the receipt of evidence which shall be satisfactory to him of the falsity or fraudulent character of said representation or declaration, to erase the name of the said person from the Register, and to make known the fact and cause of such erasure by notice to be published once in the *Ontario Gazette*; and after such notice has appeared, the person whose name has been so erased as aforesaid shall cease to be a member of the said College of Physicians and Surgeons of Ontario, and shall cease to enjoy any of the privileges of registration under the said Act, and shall be disqualified from registering under the said Act at any future time without the express sanction of the council. 5 10 15

Unregistered persons not to practise.

8. It shall not be lawful for any person not registered under the said Act to practise Physic, Surgery or Midwifery in Ontario for hire, gain or hope of reward. 20

Penalty on unregistered persons practising.

9. If any person not registered under the said Act, shall, for hire, gain or hope of reward, practise or profess to practise Physic, Surgery or Midwifery, or advertise to give advice or medicine, he shall, upon a summary conviction before any Justice of the Peace for any and every such offence, pay a penalty not exceeding one hundred dollars, nor less than twenty dollars; Provided always that nothing in this clause contained, shall prevent any person licensed under the Pharmacy Act from compounding medicines when prescribed by a registered practitioner, nor from selling any medicine in the ordinary course of trade. 25 30

Penalty on wrongful pretence or assumption of title.

10. Any person who shall wilfully and falsely pretend to be a Physician, Doctor of Medicine, Licentiate in Medicine, Surgery or Midwifery, Master of Surgery, Bachelor of Medicine, Surgeon or General Practitioner, or shall assume any title, addition or description other than he actually possesses and is legally entitled to, shall be liable on conviction before a Justice of the Peace, to a penalty not exceeding fifty dollars. 35 40

Penalty on wrongfully assuming to be registered, &c.

11. Any person not registered under the said Act, who shall take or use any name, title, addition or description implying or calculated to lead people to infer that he is registered under the said Act, or that he is recognized by law as a Physician, Surgeon, Accoucheur, or a Licentiate in Medicine, Surgery, or Midwifery, shall, upon a summary conviction before any Justice of the Peace, pay a penalty not exceeding one hundred dollars, nor less than twenty-five dollars. 45

Burden, of proof as to registry.

12. In any trial under the said Act as hereby amended, the burden of proof as to registration shall lie upon the person charged, provided always that the register in force for the time being, shall be *prima facie* evidence that the persons named therein are legally entitled to the diplomas mentioned opposite their respective names. 50

**13.** All prosecutions under this Act, or the Act amended by it, may be brought and heard before and by any one or more of Her Majesty's Justices of the Peace having jurisdiction in the locality where any such offence has been committed ; and such Justice shall have power to award the payment of costs in addition to the penalty ; and in case the penalty and costs awarded by him be not paid forthwith upon conviction, to commit the offender to the common gaol, there to be imprisoned for any term not exceeding three months, unless such penalty and costs be sooner paid.

Prosecutions  
and enforcing  
penalties.

**14.** All penalties recoverable under this Act, or under the Act hereby amended, shall be paid to the convicting Justice, and be by him paid to the Treasurer of the Council : all penalties so recovered shall form a part of the general fund of the Council.

Application of  
penalties.

**15.** Any person convicted under this Act, or under the Act hereby amended, who shall give notice of appeal against the decision of the convicting Justice, shall be required, before being released from custody, to give to said Justice satisfactory security for the amount of the penalty and costs of conviction and appeal.

Security to be  
given on ap-  
peal.

**16.** Any person may be prosecutor or complainant under this Act, or under the Act hereby amended ; provided always that every prosecution under this Act and the Act amended thereby, shall be commenced within one year from the date of the alleged offence.

Who may pro-  
secute.

**17.** This Act shall be read as part of the Act hereby amended.

This Act part  
of amended  
Act.

1st Session, 2nd Parliament, 35 Vic., 1872.

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BILL.

An Act to amend the Ontario Medical Act.

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First Reading, 23rd February, 1872.

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Mr. BAXTER.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co.



## An Act to make further Provision in Aid of Railways.

**W**HEREAS the Legislature having established a scheme for aiding in the construction of railways it is right that the public funds, appropriated for that purpose, should be adequate to the granting of aid to all proper enterprises, so far as that can be accomplished consistently with the retention of such a proportion of the public funds as may be requisite to do justice to all sections of the country, and whereas it is therefore expedient to make further Provision in Aid of Railways,

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The sum of Four Hundred Thousand Dollars shall be set apart from and out of the Consolidated Revenue Fund of this Province, and shall be added to and form part of the fund designated and known as the Railway Fund, established under the Act in Aid of Railways. Railway fund augmented.
2. The sum of One Hundred Thousand dollars yearly, for twenty years, shall be set apart from and out of the Consolidated Revenue Fund of this Province, and shall form a Fund to be designated and known as the Railway Subsidy Fund. Railway subsidy fund established.
3. The provisions of the Act in Aid of Railways, and of any Act amending the same, shall, save in so far as they may be inconsistent with the provisions of this Act, apply to the authorization and payment of any grant out of the Railway Subsidy Fund. Act in aid of railways to apply.
4. The sum to be granted to any Railway Company out of the Railway Subsidy Fund shall not be less than one hundred and twenty dollars, or more than two hundred and forty dollars per mile per annum for twenty years on the portion aided. Grants out of fund.
5. Scrip or certificates may be issued in respect of any grant out of the Railway Subsidy Fund after payment thereof has been duly authorized, and the Commissioner of Agriculture and Public Works has duly reported as provided by the Act in Aid of Railways. Scrip.
6. No railway company of whose line any portion is aided from the Railway Fund, shall be entitled to aid from the Railway Subsidy Fund in respect of such portion. Railways not to get aid from both funds.
7. No railway company which does not come within the terms and provisions, and comply with the conditions of the Act in Aid of Railways, and any Act amending the same, shall be entitled to aid from the Railway Subsidy Fund. Railway companies to comply with conditions.

BILL.

An Act to make further provisions in Aid  
of Railways.

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First Reading,    th February, 1872.

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The Hon. Mr. BLAKE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

## An Act to make further Provision in Aid of Railways.

**W**HEREAS the Legislature having established a scheme Preamble.  
for aiding in the construction of railways, it is right that the public funds, appropriated for that purpose, should be adequate to the granting of aid to all proper enterprises, so far as that can be accomplished consistently with the retention of such a proportion of the public funds as may be requisite to do justice to all sections of the country and to an extent not greater than is provided by this Act, and whereas it is therefore expedient to make further provision in aid of Railways,

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

**1.** The sum of Four Hundred Thousand Dollars shall be set apart from and out of the Consolidated Revenue Fund of this Province, and shall be added to and form part of the fund designated and known as the Railway Fund, established under the Act in Aid of Railways. Railway fund augmented.

**2.** The sum of One Hundred Thousand dollars yearly, for twenty years, shall be set apart from and out of the Consolidated Revenue Fund of this Province, and shall form a Fund to be designated and known as the Railway Subsidy Fund. Railway subsidy fund established.

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**6.** No railway company of whose line any portion is aided from the Railway Fund, shall be entitled to aid from the Railway Subsidy Fund in respect of such portion. Railways not to get aid from both funds.

Railway companies to comply with conditions.

7. No railway company which does not come within the terms and provisions, and comply with the conditions of the Act in Aid of Railways, and any Act amending the same, shall be entitled to aid from the Railway Subsidy Fund.

When Railway subsidy fund shall not be applied to aid.

8. No portion of the Railway Subsidy Fund, provided by this Act, shall be applied in aid of Railways until such time as Orders in Council shall have been passed exhausting the whole of the Railway Fund appropriated by this Act, and the Act passed in the thirty-fourth year of the reign of Her Majesty, Queen Victoria, and chaptered two.

152

No. 152.

First Session, Second Parliament, 35 Vic., 1872.

An Act to make further Provision in Aid of Railways.

First Reading	24th February,	1872.
Second	“ 27th	“ 1872.
Third	“ 28th	“ 1872.

Hon. Mr. BLAKE.

An Act to provide for the remission of sums due to the Crown by settlers in certain Free Grant Townships.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Lieutenant-Governor in Council may remit the sums 5 due to the Crown, in respect of their lands, by *bona-fide* settlers still in occupation of their lands, in all the Free Grant Townships (save and except the Townships of Alice, Grattan, Wilberforce and Minden), and place such settlers in the same position as those who settled in the Free Grant Townships under the Free Grant Regulations.

Lt.-Governor may remit sums due by settlers in Free Grant Townships.

2. The Lieutenant-Governor in Council may confer upon the Commissioner of Crown Lands authority to make the remissions in the first clause mentioned, subject to the provisions thereof and of any Order in Council not inconsistent therewith.

May confer powers to Commissioner of Crown Lands.

BILL.

An Act to provide for the remission of sums due to the Crown by settlers in certain Free Grant Townships.

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1st Reading February, 1872.

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The Hon. Mr. BLAKE.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Lieutenant-Governor in Council may remit the sums due to the Crown, in respect of their lands, by *bona-fide* settlers still in occupation of their lands, in all the Free Grant Townships (save and except the Townships of Alice, Grattan, Wilberforce and Minden), and place such settlers in the same position as those who settled in the Free Grant Townships under the Free Grant Regulations.

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May confer  
powers to  
Commissioner  
of Crown  
Lands.

An Act to provide for the remission of sums due to the Crown by settlers in certain Free Grant Townships.

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First Reading,	24th February,	1872.		
Second	“	27th	“	1872.
Third	“	27th	“	1872.

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Hon. Mr. Scott.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co., KING ST.



An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and seventy-two, and to provide for certain sums expended for the Public Service in the years one thousand eight hundred and seventy and one thousand eight hundred and seventy-one.

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from His Excellency Preamble.  
the Honourable William Pearce Howland, C. B., Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in schedules  
5 "A" and "B," in this Act, are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes, for the year one thousand eight hundred and seventy-two, and to make good certain expenditures made in the years one thousand eight  
10 hundred and seventy and one thousand eight hundred and seventy-one; May it therefore please your Majesty, that it may be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as  
15 follows :—

1. From and out of the Consolidated Revenue Fund of this Province there shall and may be paid and applied a sum (not exceeding in the whole) of two million three hundred and thirty-two thousand eight hundred and eighty-seven dollars and seventy-  
20 three cents for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and seventy two, as set forth in Schedule "A" to this Act. \$2,332,887.73 appropriated for expenses of Civil Government for 1872.
2. The sum of fifty-nine thousand one hundred and eighty-five  
25 dollars and seventy-three cents shall be charged to the Consolidated Revenue Fund of this Province to make good payments and expenditures by the Treasurer on account of the Public Service as set forth in Schedule "B" to this Act. \$59,185.13 charged to Con. Rev. Fund for Services of 1870 and 1871.
3. Accounts in detail of all moneys received on account of  
30 this Province, and of all expenditures under this Act shall be laid before the Legislative Assembly at its next sitting. Accounts to be laid before L. Assembly at next sitting.
4. Any part of the money appropriated by this Act, which shall be unexpended on the thirty-first day of December, of the year one thousand eight hundred and seventy-two shall not be  
35 expended thereafter. Appropriations to lapse on December 30th.
5. The due application of all moneys expended under this Act shall be accounted for to Her Majesty. Expenditures to be accounted for.

## SCHEDULE "A."

SUMS granted to Her Majesty by this Act for the year 1872, and the purposes for which they are granted.

S E R V I C E.	Amount.	Total.
<b>CIVIL GOVERNMENT.</b>		
<i>To Salaries and Contingencies of the several Departments at Toronto: -</i>		
Government House .....	4,902 00	
Lieutenant-Governor's Office .....	2,500 00	
Executive Council and Attorney-General's Office .....	10,165 00	
Treasurer's Department.....	14,935 00	
Secretary and Registrar, and Registrar-General's Office.....	21,165 00	
Department of Public Works and Agriculture.....	18,957 00	
Crown Lands Department.....	40,180 00	
Miscellaneous .....	15,700 00	
Total Civil Government .....		128,504 00
<b>LEGISLATION.</b>		
Total for Salaries, Contingencies, and other Expenses, as per details given in Estimates for 1872 .....	116,940 60	
Do. for Returning Officers, Wages of Messengers, and other Expenses, as per details given in Supplementary Estimate for 1872.....	3,800 00	
Total Legislation .....		120,740 60
<b>COLONIZATION ROADS.</b>		
Total for Construction and Repairs.....		79,705 40
<b>ADMINISTRATION OF JUSTICE.</b>		
Court of Chancery .....	18,595 00	
Court of Queen's Bench .....	8,010 00	
Court of Common Pleas .....	4,450 00	
Court of Error and Appeal.....	10,050 00	
Criminal Justice .....	121,000 00	
Law Reform Commission .....	5,000 00	
Miscellaneous Justice .....	34,100 00	
Total Administration of Justice .....		201,205 00
<b>PUBLIC WORKS AND BUILDINGS.</b>		
<i>Capital Account.</i>		
Central Prison .....	200,432 00	
London Lunatic and Idiot Asylums .....	36,195 96	
Deaf and Dumb Institute .....	14,350 00	
Blind Institute .....	33,387 00	
Toronto Lunatic Asylum .....	5,000 00	
Reformatory, Penetanguishene .....	1,919 26	
Agricultural College .....	97,424 00	
Technological College .....	11,490 66	
Normal and Model Schools .....	3,318 00	
Lock on Rosseau River .....	1,600 00	
Lock at Young's Point .....	900 00	
Lock at Balsam Riv r .....	6,250 88	
Senegog River Works .....	5,224 79	
Cut between Lakes Joseph and Rosseau .....	238 20	
Kaministaquia River Works .....	11,802 90	
Washago and Gravenhurst Road .....	1,400 00	
Pigeon River Works.....	3,472 60	
<i>Carried forward</i> .....	434,406 25	530,155 00

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	434,406 25	530,155 00
<b>PUBLIC WORKS AND BUILDINGS (Capital Account).—Continued.</b>		
Sydenham River Works.....	1,625 24	
Nottawasaga River Works.....	4,291 18	
Drainage of Swamp Lands.....	75,427 60	
Bridge at Portage du Fort.....	4,000 00	
Roads in Township of Ryerson.....	4,000 00	
Parliamentary and Departmental Buildings.....	3,000 00	
Court House, Sault Ste. Marie.....	600 00	
Government House.....	1,500 00	
Total Public Works and Buildings (capital account),		528,850 27
<b>MISCELLANEOUS PUBLIC WORKS.</b>		
Settler's Homestead Fund.—To encourage settlement of Free Grant Lands, to be re-imbursed by actual settlers; revote unexpended balance.....	16,317 97	
Surveys, inspections, arbitrations, awards, and charges, not otherwise provided for.....	5,000 00	
Maintenance of Locks.—Salaries of Lock-masters at Lindsay, Young's Point, Port Carling, and on Balsam River.....	1,000 00	
Repairs, tools, &c. ....	500 00	
Total Miscellaneous Public Works.....		22,817 97
<b>ASYLUM MAINTENANCE.</b>		
Asylum for the Insane, Toronto.....	81,545 00	
Do London, and Idiot Asylum, branch of same.....	65,234 00	
Do Kingston.....	47,190 00	
Institution for the Deaf and Dumb, Belleville.....	25,432 00	
Institution for the Blind, Brantford.....	15,000 00	
Total for Asylum Maintenance.....		234,401 00
<b>REFORMATORY.</b>		
Total for Maintenance, as per details in Estimates for the year 1872.....		21,710 00
<b>AGRICULTURE AND ARTS.</b>		
Electoral Division Societies, 73 at \$700.....	51,100 00	
Do 1 at 550.....	550 00	
Do 7 at 350.....	2,450 00	
Fruit Growers' Association.....	500 00	
Entomological Society.....	500 00	
Agricultural Association.....	10,000 00	
Mechanics' Institutes.....	15,000 00	
For sundry services in connection with Agriculture and Arts,—such as investigations of diseases in animals and crops, and of ravages of insects; and for agricultural instruction, dairy products, and other charges not otherwise provided for.....	1,000 00	
Total for Agriculture and Arts.....		81,100 00
<b>IMMIGRATION.</b>		
Agencies in British Isles, lectures, and printing.....	10,000 00	
Agencies in Ontario and Quebec City, and expenses.....	8,000 00	
Carriage of Immigrants in Canada.....	7,000 00	
Assistance to promote Immigration.....	50,000 00	
Incidental expenses.....	5,000 00	
Total for Immigration.....		80,000 00
<i>Carried forward</i> .....		1,499,034 24

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....		1,499,034 24
<b>HOSPITALS AND CHARITIES.</b>		
(Upon condition that each Institution shall have returned to the Provincial Secretary such particulars for the year 1871, as may be required in the form furnished by him.)		
<i>Details.</i>		
Aid to Toronto Hospital .....	6,400 00	
“ Do for County patients .....	4,800 00	
“ House of Industry, Toronto .....	2,900 00	
“ Protestant Orphans' Home and Female Aid Society, Toronto .....	640 00	
“ Roman Catholic Orphan Asylum, Toronto.....	640 00	
“ Lying-in-Hospital do .....	480 00	
“ Magdalen Asylum do .....	480 00	
“ House of Providence do .....	320 00	
“ Girls' Home and Public Nursery do .....	320 00	
“ Boys' Home do .....	320 00	
“ Eye and Ear Infirmary do .....	1,000 00	
“ General Hospital, Kingston .....	4,800 00	
“ House of Industry and Refuge for Indigent Sick, Kingston	2,400 00	
“ Orphans' Home do .....	640 00	
“ Hotel-Dieu Hospital do .....	800 00	
“ General Hospital, London .....	2,400 00	
“ Roman Catholic Orphan Asylum, London.....	640 00	
“ City Hospital, Hamilton.....	4,800 00	
“ Roman Catholic Orphan Asylum, Hamilton.....	640 00	
“ Orphan Asylum and Ladies' Benevolent Society, Hamilton	640 00	
“ House of Refuge do .....	720 00	
“ Protestant Hospital, Ottawa .....	1,200 00	
“ Roman Catholic Hospital, Ottawa .....	1,200 00	
“ St. Patrick's Orphan Asylum, Ottawa .....	480 00	
“ Protestant Orphan Asylum do .....	480 00	
“ St. Joseph's Orphan Asylum do .....	480 00	
“ Magdalene Asylum, Ottawa .....	480 00	
“ General Hospital, St. Catharines .....	1,000 00	
Total for Hospitals and Charities .....		42,100 00
<b>LITERARY AND SCIENTIFIC INSTITUTIONS.</b>		
Aid to Canadian Institute, Toronto .....	750 00	
do do Ottawa .....	300 00	
do Athenæum do .....	300 00	
do to promote scientific research .....	500 00	
Total for Literary and Scientific Institutions .....		1,850 00
<b>EDUCATION.</b>		
Public and Separate Schools.....	200,000 00	
Poor Schools .....	6,000 00	
For Encouragement of Agricultural Instruction.....	3,000 00	
Normal and Model Schools, Salaries .....	14,845 00	
Do Contingencies .....	8,800 00	
High Schools .....	72,000 00	
Libraries, Apparatus and Prizes .....	38,500 00	
Depository, Salaries.....	3,670 00	
Do Contingencies .....	2,330 00	
Superannuated Teachers .....	8,000 00	
Do Additional, as per detail in Supplemen- tary Estimate .....	4,000 00	
Museum (including fuel).....	3,850 00	
Journal of Education .....	2,530 00	
High School Inspection .....	4,000 00	
Public School Inspection .....	26,550 00	
Collegiate Institutes.....	6,000 00	
Education Office, Salaries .....	12,313 00	
Do Contingencies and repairs.....	5,630 00	
Total for Education .....		422,018 00
<i>Carried forward</i> .....		1,965,002 24

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....		1,965,002 24
<b>UNFORESEEN AND UNPROVIDED.</b>		
To meet unforeseen and unprovided expenses.....		50,000 00
<b>MISCELLANEOUS.</b>		
To pay money wrongfully estimated. Queen vs. Clark.....	458 00	
To pay for alterations in Lindsay Jail, made necessary by erroneous approval of the Government Inspector.....	2,700 00	
Collecting Revenue from sale of Law Stamps.....	300 00	
“ “ Tavern and Shop Licenses.....	200 00	
“ “ Marriage Licenses.....	1,000 00	
“ “ Municipal Loan Fund.....	1,500 00	
“ “ Algoma Land Tax.....	800 00	
Printing and Postage, Municipalities Fund.....	200 00	
Payment of School Land deductions.....	20,000 00	
Expenses of award.....	15,000 00	
Reward for apprehension of the murderers of Thomas Scott, Red River Settlement.....	5,000 00	
	47,158 00	
<i>Additional—Supplementary Estimates, 1872.</i>		
To aid the Ontario Rifle Association.....	500 00	
To pay Insurance on Public Buildings.....	5,000 00	
<b>Total Miscellaneous</b> .....		52,658 00
<b>MUNICIPALITIES FUND.</b>		
Collections from sales of Clergy Reserves in 1871..... \$85,038 20		
Less—20 per cent cost of management..... 17,007 64		
	68,030 56	
<b>Total for Municipalities Fund</b> .....		68,030 56
<b>CROWN LANDS EXPENDITURE.</b>		
Board of Surveyors.....	400 00	
Agents' Salaries and Disbursements.....	30,000 00	
Do do arrears of 1871.....	2,315 66	
Inspectors valuing lands.....	10,000 00	
Do for services in 1871.....	1,000 00	
Amount of accounts not rendered.....	30,000 00	
Refunds.....	5,000 00	
Claims for lands twice sold.....	3,000 00	
Survey as follows:—		
Township of Effingham.....	3,000 00	
Do Lyell.....	3,000 00	
Do Sabine.....	3,000 00	
Do Brown.....	2,500 00	
Do McKenzie.....	2,400 00	
Do Fergusson.....	1,000 00	
Do Carling.....	2,000 00	
Do Brougham.....	2,500 00	
Do Southampton Park Lots.....	400 00	
Defining and surveying lines between Licensed Territory and the Crown Domain.....	7,500 00	
Two Townships, Lake Superior.....	7,000 00	
Balance required to complete surveys now in progress.....	5,000 00	
	118,015 66	
<i>Additional—Supplementary Estimates, 1872.</i>		
To pay Inspectors valuing Lands.....	10,000 00	
<b>Total for Crown Lands Expenditure</b> .....		128,015 66
<i>Carried forward</i> .....		2,263,706 46

SERVICE.	Amount:	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....		2,263,706 46
<b>TECHNOLOGICAL COLLEGE.</b>		
Salaries .....	5,000 00	
Gas .....	600 00	
Fuel .....	400 00	
Water .....	200 00	
Ordinary repairs and incidentals .....	200 00	
Housekeeper .....	600 00	
Total for Technological College .....		7,000 00
<b>LAND IMPROVEMENT FUND AND COMMON SCHOOL FUND.</b>		
Moneys collected from the sale of Crown Lands, subject to the Land Improvement Fund, for the year ending 30th June, 1871.....	850,828 59	
Less— $\frac{4}{5}$ , leaving $\frac{1}{5}$ to the Land Improvement Fund.....	40,662 87	
	10,165 72	
Less—6 per cent. for cost of Collection and Management .....	609 94	
		9,555 78
Moneys collected from the sale of Common School Lands, subject to the Land Improvement Fund, for the year ending 30th June, 1871.....	53,880 33	
Less—6 per cent. for Collection and Management...	3,232 81	
	50,647 52	
To be distributed as follows, viz.—		
$\frac{1}{4}$ to the Land Improvement Fund .....	12,661 88	
$\frac{3}{4}$ to the Dominion Government, to be added to the Common School Fund.....	37,985 64	
Moneys collected from the Sale of Grammar School Lands, subject to the Land Improvement Fund, from the 1st July, 1867, to the 30th June, 1871 .....	8,416 87	
Less—6 per cent. for Collection and Management..	505 01	
	7,911 86	
Less— $\frac{3}{4}$ , leaving $\frac{1}{4}$ to the Land Improvement Fund.....	5,933 89	
		1,977 97
Total for Land Improvement and Common School Fund .....		62,181 27
Total.....		2,332,887 73

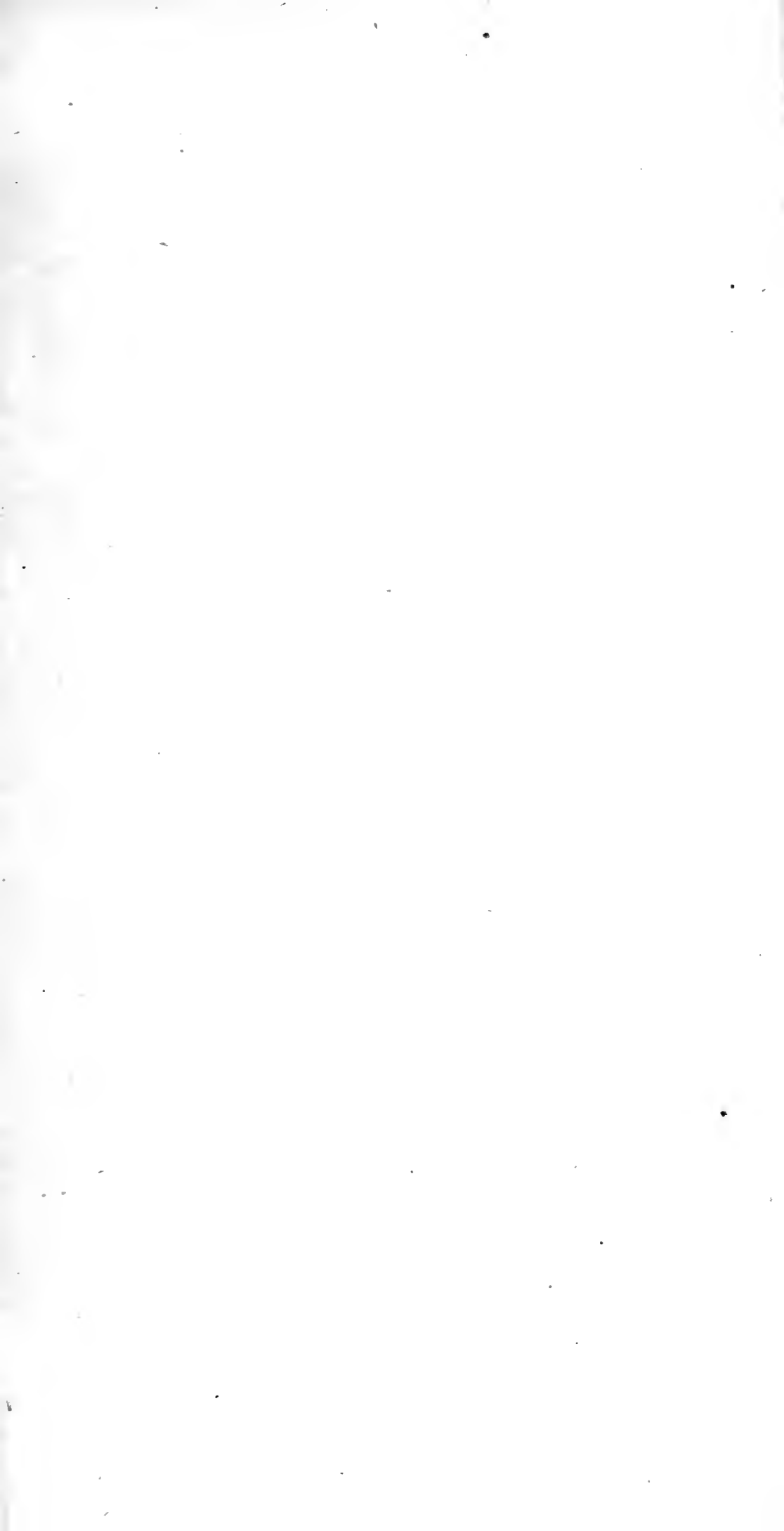
## SCHEDULE " B. "

Sums granted to Her Majesty by this Act to make good certain Payments and Expenditures for the years 1870 and 1871, and a statement of the purposes for which they were granted.

SERVICE.	Amount.	Total.
<b>SERVICES OF 1871.</b>	\$ cts.	\$ cts.
<i>Civil Government.</i>		
Government House.....	160 97	
<i>Legislation.</i>		
Parliament Buildings, repairs, &c.....	538 16	
<i>Administration of Justice.</i>		
Miscellaneous Justice.—For Registry Offices, Lock-up Houses and purchase of ground at Parry Sound and Thunder Bay ....		
Re-vote, unexpended balance.....	289 95	
Additional required to complete service of 1871 .....	1,710 05	
	2,000 00	
<i>Public Works and Buildings.</i>		
London Lunatic Asylum Building .....	2,477 41	
Furniture and fixtures .....	3,529 39	
	6,006 80	
Deaf and Dumb Institute Building .....	2,587 37	
Furniture and fixtures .....	458 00	
	3,045 37	
Asylum for Adult Idiots .....	1,848 44	
Model School building .....	7,261 77	
Lock on Rosseau River, Re-vote, unexpended balance .....	481 93	
Additional required to complete service of 1871.....	371 47	
	853 40	
Lock at Young's Point .....	120 15	
Roads in the Township of Ryerson .....	891 00	
London Lunatic Asylum—Maintenance .....	1,351 73	
Deaf and Dumb Institution—Maintenance .....	2,776 86	
<i>Agriculture and Arts.</i>		
Mechanics' Institutes .....	2,591 14	
<i>Education.</i>		
To pay Examiners of Public School Teachers arrears.....	300 00	
	300 00	29,745 79
<b>SERVICES OF 1870.</b>		
<i>To cover amounts expended in excess of appropriation, as per Public Accounts.</i>		
Balance to be provided for in 1872, to complete the services of 1870, as per Statement No. 27, Public Accounts of 1870.....		
<b>REGISTRAR-GENERAL'S DEPARTMENT.</b>		
Joseph Lesslie, Postages, Registrar-General's Office, to 31st Dec., 1870.....	122 05	
H. S. Crewe, services as Clerk in Registrar-General's Office, to 31st December, 1870 .....	669 17	
	791 22	29,745 79
<i>Carried forward.....</i>		

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	791 22	29,745 79
REGISTRAR-GENERAL'S DEPARTMENT—Continued.		
Hunter, Rose & Co., Printing for Registrar-General's Office .....	971 66	
Hon. E. B. Wood, to pay Registrars of births, deaths and marriages..	3,700 00	
H. S. Crewe, Cab hire and express charges, <i>re do. do.</i>	90 59	
W. Firstbrook, boxes supplied for Forms, <i>re do. do.</i>	13 64	
Hon. M. C. Cameron, to pay Registrars of <i>do. do.</i>	108 63	
J. R. Armstrong & Co., stove for Registrar-General's vault .....	10 08	
John Notman, Stationery for <i>do.</i>	26 65	
AUDITOR'S OFFICE.		
W. R. Nursey, services as Clerk in Auditor's Office, to 31st Dec., 1870.....	734 00	
Robertson & Cook, Printing Circulars.....	3 00	
		6,447 47
SERVICES OF 1871.		
Balance to be provided for in 1872, to complete the services of 1871, as per Statement No. 27, Public Accounts of 1871.....		
CIVIL GOVERNMENT.		
Government House.....	516 17	
Lieutenant-Governor's office—Contingencies.....	5 80	
Attorney-General's office <i>do.</i>	151 74	
Secretary and Registrar's office <i>do.</i>	31 31	
Public Works Department <i>do.</i>	199 82	
Inspector of Prisons' office <i>do.</i>	65 55	
<i>Do.</i> Clerk.....	84 00	
Queen's Printer's Office—Contingencies .....	22 17	
LEGISLATION.		
Sessional Writers, &c. ....	2,212 85	
Contingencies and Repairs .....	1,656 85	
ADMINISTRATION OF JUSTICE.		
Court of Chancery—Salaries .....	1,273 66	
<i>Do.</i> Contingencies.....	261 56	
Court of Queen's Bench <i>do.</i>	283 21	
PUBLIC WORKS AND BUILDINGS.		
London Lunatic Asylum.....	1,581 79	
Deaf and Dumb Institute, Belleville .....	551 88	
Young's Point Lock .....	2 07	
Normal and Model Schools .....	1,013 50	
Washago and Gravenhurst Road .....	177 91	
ASYLUM MAINTENANCE.		
Deaf and Dumb Asylum, Belleville .....	1,068 06	
EDUCATION.		
Preparing Examination Papers—Public School Teachers.....	600 00	
CHARGES ON REVENUE.		
Refunds.....	8,098 82	
MISCELLANEOUS .....		
	3,131 75	
		29,439 94
Total.....		59,185 73





**BILL.**

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and seventy-two, and to provide for certain sums expended for the Public Service in the years one thousand eight hundred and seventy and one thousand eight hundred and seventy-one.

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First Reading, 24th February, 1872.

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Mr. MACKENZIE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and seventy-two, and to provide for certain sums expended for the Public Service in the years one thousand eight hundred and seventy and one thousand eight hundred and seventy-one.

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from His Excellency the Honourable William Pearce Howland, C. B., Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in schedules "A" and "B," in this Act, are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes, for the year one thousand eight hundred and seventy-two, and to make good certain expenditures made in the years one thousand eight hundred and seventy and one thousand eight hundred and seventy-one; May it therefore please your Majesty, that it may be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

**1.** From and out of the Consolidated Revenue Fund of this Province there shall and may be paid and applied a sum (not exceeding in the whole) of two million three hundred and thirty-two thousand eight hundred and eighty-seven dollars and seventy-three cents for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and seventy two, as set forth in Schedule "A" to this Act. \$2,332,887.73 appropriated for expenses of Civil Government for 1872.

**2.** The sum of fifty-nine thousand one hundred and eighty-five dollars and seventy-three cents shall be charged to the Consolidated Revenue Fund of this Province to make good payments and expenditures by the Treasurer on account of the Public Service as set forth in Schedule "B" to this Act. \$59,185.73 charged to Con. Rev. Fund for Services of 1870 and 1871.

**3.** Accounts in detail of all moneys received on account of this Province, and of all expenditures under this Act shall be laid before the Legislative Assembly at its next sitting. Accounts to be laid before L. Assembly at next sitting.

**4.** Any part of the money appropriated by this Act, which shall be unexpended on the thirty-first day of December of the year one thousand eight hundred and seventy-two shall not be expended thereafter. Appropriations to lapse on December 30th.

**5.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty. Expenditures to be accounted for.

## SCHEDULE "A."

SUMS granted to Her Majesty by this Act for the year 1872, and the purposes for which they are granted.

S E R V I C E.	Amount.	Total.
<b>CIVIL GOVERNMENT.</b>		
<i>To Salaries and Contingencies of the several Departments at Toronto:—</i>		
Government House .....	4,902 00	
Lieutenant-Governor's Office .....	2,500 00	
Executive Council and Attorney-General's Office .....	10,165 00	
Treasurer's Department .....	14,935 00	
Secretary and Registrar, and Registrar-General's Office .....	21,165 00	
Department of Public Works and Agriculture .....	18,957 00	
Crown Lands Department .....	40,180 00	
Miscellaneous .....	15,700 00	
Total Civil Government .....		128,504 00
<b>LEGISLATION.</b>		
Total for Salaries, Contingencies, and other Expenses, as per details given in Estimates for 1872 .....	116,940 60	
Do. for Returning Officers, Wages of Messengers, and other Expenses, as per details given in Supplementary Estimate for 1872 .....	3,800 00	
Total Legislation .....		120,740 60
<b>COLONIZATION ROADS.</b>		
Total for Construction and Repairs .....		79,705 40
<b>ADMINISTRATION OF JUSTICE.</b>		
Court of Chancery .....	18,595 00	
Court of Queen's Bench .....	8,010 00	
Court of Common Pleas .....	4,450 00	
Court of Error and Appeal .....	10,050 00	
Criminal Justice .....	121,000 00	
Law Reform Commission .....	5,000 00	
Miscellaneous Justice .....	34,100 00	
Total Administration of Justice .....		201,205 00
<b>PUBLIC WORKS AND BUILDINGS.</b>		
<i>Capital Account.</i>		
Central Prison .....	200,432 00	
London Lunatic and Idiot Asylums .....	36,195 96	
Deaf and Dumb Institute .....	14,350 00	
Blind Institute .....	33,387 00	
Toronto Lunatic Asylum .....	5,000 00	
Reformatory, Penetanguishene .....	1,919 26	
Agricultural College .....	97,424 00	
Technological College .....	11,490 66	
Normal and Model Schools .....	3,318 00	
Lock on Rosseau River .....	1,600 00	
Lock at Young's Point .....	900 00	
Lock at Balsam River .....	6,250 88	
Scugog River Works .....	5,224 79	
Cut between Lakes Joseph and Rosseau .....	238 20	
Kaministaquia River Works .....	11,802 90	
Washago and Gravenhurst Road .....	1,400 00	
Pigeon River Works .....	3,472 60	
Carried forward .....	434,406 25	530,155 00

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	434,406 25	530,155 00
<b>PUBLIC WORKS AND BUILDINGS (Capital Account).—Continued.</b>		
Sydenham River Works .....	1,625 24	
Nottawasaga River Works .....	4,291 18	
Drainage of Swamp Lands .....	75,427 60	
Bridge at Portage du Fort .....	4,000 00	
Roads in Township of Ryerson .....	4,000 00	
Parliamentary and Departmental Buildings .....	3,000 00	
Court House, Sault Ste. Marie .....	600 00	
Government House .....	1,500 00	
Total Public Works and Buildings (capital account), .....		528,850 27
<b>MISCELLANEOUS PUBLIC WORKS.</b>		
Settler's Homestead Fund.—To encourage settlement of Free Grant Lands, to be re-imbursed by actual settlers: revote unexpended balance .....	16,317 97	
Surveys, inspections, arbitrations, awards, and charges, not otherwise provided for .....	5,000 00	
Maintenance of Locks.—Salaries of Lock-masters at Lindsay, Young's Point, Port Carling, and on Balsam River .....	1,000 00	
Repairs, tools, &c. ....	500 00	
Total Miscellaneous Public Works .....		22,817 97
<b>ASYLUM MAINTENANCE.</b>		
Asylum for the Insane, Toronto .....	81,545 00	
Do London, and Idiot Asylum, branch of same .....	65,234 00	
Do Kingston .....	47,190 00	
Institution for the Deaf and Dumb, Belleville .....	25,432 00	
Institution for the Blind, Brantford .....	15,000 00	
Total for Asylum Maintenance .....		234,401 00
<b>REFORMATORY.</b>		
Total for Maintenance, as per details in Estimates for the year 1872 .....		21,710 00
<b>AGRICULTURE AND ARTS.</b>		
Electoral Division Societies, 73 at \$700 .....	51,100 00	
Do 1 at 550 .....	550 00	
Do 7 at 350 .....	2,450 00	
Fruit Growers' Association .....	500 00	
Entomological Society .....	500 00	
Agricultural Association .....	10,000 00	
Mechanics' Institutes .....	15,000 00	
For sundry services in connection with Agriculture and Arts,—such as investigations of diseases in animals and crops, and of ravages of insects; and for agricultural instruction, dairy products, and other charges not otherwise provided for .....	1,000 00	
Total for Agriculture and Arts .....		81,100 00
<b>IMMIGRATION.</b>		
Agencies in British Isles, lectures, and printing .....	10,000 00	
Agencies in Ontario and Quebec City, and expenses .....	8,000 00	
Carriage of Immigrants in Canada .....	7,000 00	
Assistance to promote Immigration .....	50,000 00	
Incidental expenses .....	5,000 00	
Total for Immigration .....		80,000 00
<i>Carried forward</i> .....		1,499,034 24

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....		1,499,034 24
<b>HOSPITALS AND CHARITIES.</b>		
(Upon condition that each Institution shall have returned to the Provincial Secretary such particulars for the year 1871, as may be required in the form furnished by him.)		
<i>Details.</i>		
Aid to Toronto Hospital .....	6,400 00	
“ Do for County patients .....	4,800 00	
“ House of Industry, Toronto .....	2,900 00	
“ Protestant Orphans' Home and Female Aid Society, Toronto .....	640 00	
“ Roman Catholic Orphan Asylum, Toronto.....	640 00	
“ Lying-in-Hospital do .....	480 00	
“ Magdalen Asylum do .....	480 00	
“ House of Providence do .....	320 00	
“ Girls' Home and Public Nursery do .....	320 00	
“ Boys' Home do .....	320 00	
“ Eye and Ear Infirmary do .....	1,000 00	
“ General Hospital, Kingston .....	4,800 00	
“ House of Industry and Refuge for Indigent Sick, Kingston	2,400 00	
“ Orphans' Home do .....	640 00	
“ Hotel-Dieu Hospital do .....	800 00	
“ General Hospital, London .....	2,400 00	
“ Roman Catholic Orphan Asylum, London.....	640 00	
“ City Hospital, Hamilton.....	4,800 00	
“ Roman Catholic Orphan Asylum, Hamilton.....	640 00	
“ Orphan Asylum and Ladies' Benevolent Society, Hamilton	640 00	
“ House of Refuge do .....	720 00	
“ Protestant Hospital, Ottawa .....	1,200 00	
“ Roman Catholic Hospital, Ottawa .....	1,200 00	
“ St. Patrick's Orphan Asylum, Ottawa .....	480 00	
“ Protestant Orphan Asylum do .....	480 00	
“ St. Joseph's Orphan Asylum do .....	480 00	
“ Magdalen Asylum, Ottawa .....	480 00	
“ General Hospital, St. Catharines .....	1,000 00	
Total for Hospitals and Charities .....		42,100 00
<b>LITERARY AND SCIENTIFIC INSTITUTIONS.</b>		
Aid to Canadian Institute, Toronto .....	750 00	
do do Ottawa .....	300 00	
do Atheneum do .....	300 00	
do to promote scientific research .....	500 00	
Total for Literary and Scientific Institutions .....		1,850 00
<b>EDUCATION.</b>		
Public and Separate Schools.....	200,000 00	
Poor Schools .....	6,000 00	
For Encouragement of Agricultural Instruction.....	3,000 00	
Normal and Model Schools, Salaries .....	14,845 00	
Do Contingencies .....	8,800 00	
High Schools .....	72,000 00	
Libraries, Apparatus and Prizes .....	38,500 00	
Depository, Salaries.....	3,670 00	
Do Contingencies .....	2,330 00	
Superannuated Teachers .....	8,000 00	
Do Additional, as per detail in Supplemen- tary Estimate .....	4,000 00	
Museum (including fuel).....	3,850 00	
Journal of Education .....	2,530 00	
High School Inspection .....	4,000 00	
Public School Inspection.....	26,550 00	
Collegiate Institutes .....	6,000 00	
Education Office, Salaries .....	12,313 00	
Do Contingencies and repairs.....	5,630 00	
Total for Education .....		422,018 00
<i>Carried forward</i> .....		1,965,002 24

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	\$ cts.	\$ cts. 1,965,002 24
UNFORESEEN AND UNPROVIDED.		
To meet unforeseen and unprovided expenses.....		50,000 00
MISCELLANEOUS.		
To pay money wrongfully estimated. Queen vs. Clark.....	458 00	
To pay for alterations in Lindsay Jail, made necessary by erroneous approval of the Government Inspector.....	2,700 00	
Collecting Revenue from sale of Law Stamps.....	300 00	
"    "    Tavern and Shop Licenses.....	200 00	
"    "    Marriage Licenses.....	1,000 00	
"    "    Municipal Loan Fund.....	1,500 00	
"    "    Algoma Land Tax.....	800 00	
Printing and Postage, Municipalities Fund.....	200 00	
Payment of School Land deductions.....	20,600 00	
Expenses of award.....	15,000 00	
Reward for apprehension of the murderers of Thomas Scott, Red River Settlement.....	5,000 00	
	47,158 00	
<i>Additional—Supplementary Estimates, 1872.</i>		
To aid the Ontario Rifle Association.....	500 00	
To pay Insurance on Public Buildings.....	5,000 00	
Total Miscellaneous.....		52,658 00
MUNICIPALITIES FUND.		
Collections from sales of Clergy Reserves in 1871..... \$85,038 20		
Less—20 per cent cost of management..... 17,007 64		
	68,030 56	
Total for Municipalities Fund.....		68,030 56
CROWN LANDS EXPENDITURE.		
Board of Surveyors.....	400 00	
Agents' Salaries and Disbursements.....	30,000 00	
Do    do    arrears of 1871.....	2,315 66	
Inspectors valuing lands.....	10,000 00	
Do    for services in 1871. }.....	1,000 00	
Amount of accounts not rendered. }		
Refunds.....	30,000 00	
Claims for lands twice sold.....	5,000 00	
Survey as follows :—		
Township of Eftingham.....	3,000 00	
Do    Lyell.....	3,000 00	
Do    Sabine.....	3,000 00	
Do    Brown.....	2,500 00	
Do    McKenzie.....	2,400 00	
Do    Fergusson.....	1,000 00	
Do    Carling.....	2,000 00	
Do    Brougham.....	2,500 00	
Do    Southampton Park Lots.....	400 00	
Defining and surveying lines between Licensed Territory and the Crown Domain.....	7,500 00	
Two Townships, Lake Superior.....	7,000 00	
Balance required to complete surveys now in progress.....	5,000 00	
	118,015 66	
<i>Additional—Supplementary Estimates, 1872.</i>		
To pay Inspectors valuing Lands.....	10,000 00	
Total for Crown Lands Expenditure.....		128,015 66
<i>Carried forward</i> .....		2,263,706 46

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....		2,263,706 46
TECHNOLOGICAL COLLEGE.		
Salaries.....	5,000 00	
Gas.....	600 00	
Fuel.....	400 00	
Water.....	200 00	
Ordinary repairs and incidentals.....	200 00	
Housekeeper.....	600 00	
Total for Technological College.....		7,000 00
LAND IMPROVEMENT FUND AND COMMON SCHOOL FUND.		
Moneys collected from the sale of Crown Lands, subject to the Land Improvement Fund, for the year ending 30th June, 1871.....	\$50,828 59	
Less— $\frac{4}{5}$ , leaving $\frac{1}{5}$ to the Land Improvement Fund.....	40,662 87	
	10,165 72	
Less—6 per cent. for cost of Collection and Management.....	609 94	
		9,555 78
Moneys collected from the sale of Common School Lands, subject to the Land Improvement Fund, for the year ending 30th June, 1871.....	53,880 33	
Less—6 per cent. for Collection and Management.....	3,232 81	
	50,647 52	
To be distributed as follows, viz.—		
$\frac{1}{4}$ to the Land Improvement Fund.....	12,661 88	
$\frac{3}{4}$ to the Dominion Government, to be added to the Common School Fund.....	37,985 64	
Moneys collected from the Sale of Grammar School Lands, subject to the Land Improvement Fund, from the 1st July, 1867, to the 30th June, 1871.....	8,416 87	
Less—6 per cent. for Collection and Management..	505 01	
	7,911 86	
Less— $\frac{3}{4}$ , leaving $\frac{1}{4}$ to the Land Improvement Fund.....	5,933 89	
		1,977 97
Total for Land Improvement and Common School Fund.....		62,181 27
Total.....		2,332,887 73



## SCHEDULE "B."

Sums granted to Her Majesty by this Act to make good certain Payments and Expenditures for the years 1870 and 1871, and a statement of the purposes for which they were granted.

SERVICE.	Amount.	Total.
SERVICES OF 1871.	\$ cts.	\$ cts.
<i>Civil Government.</i>		
Government House.....	160 97	
<i>Legislation.</i>		
Parliament Buildings, repairs, &c.....	538 16	
<i>Administration of Justice.</i>		
Miscellaneous Justice.—For Registry Offices, Lock-up Houses and purchase of ground at Parry Sound and Thunder Bay ...		
Re-vote, unexpended balance.....	289 95	
Additional required to complete service of 1871 .....	1,710 05	
	2,000 00	
<i>Public Works and Buildings.</i>		
London Lunatic Asylum Building .....	2,477 41	
Furniture and fixtures .....	3,529 39	
	6,006 80	
Deaf and Dumb Institute Building .....	2,587 37	
Furniture and fixtures .....	458 00	
	3,045 37	
Asylum for Adult Idiots .....	1,818 44	
Model School building .....	7,261 77	
Lock on Rosseau River, Re-vote, unexpended balance .....	481 93	
Additional required to complete service of 1871.....	371 47	
	853 40	
Lock at Young's Point .....	120 15	
Roads in the Township of Ryerson .....	891 00	
London Lunatic Asylum—Maintenance .....	1,351 73	
Deaf and Dumb Institution—Maintenance .....	2,776 86	
<i>Agriculture and Arts.</i>		
Mechanics' Institutes .....	2,591 14	
<i>Education.</i>		
To pay Examiners of Public School Teachers arrears.....	300 00	
	300 00	29,745 79
SERVICES OF 1870.		
<i>To cover amounts expended in excess of appropriation, as per Public Accounts.</i>		
Balance to be provided for in 1872, to complete the services of 1870, as per Statement No. 27, Public Accounts of 1870.....		
REGISTRAR-GENERAL'S DEPARTMENT.		
Joseph Leslie, Postages, Registrar-General's Office, to 31st Dec., 1870 .....	122 05	
H. S. Crewe, services as Clerk in Registrar-General's Office, to 31st December, 1870 .....	669 17	
	791 22	29,745 79
<i>Carried forward</i> .....		

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	\$ cts. 791 22	\$ cts. 29,745 79
REGISTRAR-GENERAL'S DEPARTMENT— <i>Continued.</i>		
Hunter, Rose & Co., Printing for Registrar-General's Office.....	971 66	
Hon. E. B. Wood, to pay Registrars of births, deaths and marriages..	3,700 00	
H. S. Crewe, Cab hire and express charges, <i>re</i> do. do.	90 59	
W. Finstbrook, boxes supplied for Forms, <i>re</i> do. do.	13 64	
Hon. M. C. Cameron, to pay Registrars of do. do.	108 63	
J. R. Armstrong & Co., stove for Registrar-General's vault.....	10 08	
John Notman, Stationery for do. ....	26 65	
AUDITOR'S OFFICE.		
W. R. Nursey, services as Clerk in Auditor's Office, to 31st Dec., 1870.....	734 60	
Robertson & Cook, Printing Circulars.....	3 09	
SERVICES OF 1871.		
Balance to be provided for in 1872, to complete the services of 1871, as per Statement No. 27, Public Accounts of 1871.....		
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Government House.....	516 17	
Lieutenant-Governor's office—Contingencies.....	5 80	
Attorney-General's office do. ....	151 74	
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Public Works Department do. ....	199 82	
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Do. Clerk.....	84 00	
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Contingencies and Repairs .....	1,656 85	
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Court of Chancery—Salaries .....	1,273 66	
Do. Contingencies.....	261 56	
Court of Queen's Bench do. ....	283 21	
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Deaf and Dumb Institute, Belleville .....	551 88	
Young's Point Lock .....	2 07	
Normal and Model Schools.....	1,013 56	
Washing and Gravenhurst Road .....	177 91	
ASYLUM MAINTENANCE.		
Deaf and Dumb Asylum, Belleville.....	1,068 06	
EDUCATION.		
Preparing Examination Papers—Public School Teachers.....	600 00	
CHARGES ON REVENUE.		
Refunds.....	8,098 82	
MISCELLANEOUS .....		
	3,131 75	
<b>Total</b> .....		29,439 94
		59,185 73



An Act for granting to Her Majesty certain sums of money for defraying the expenses of Civil Government for the year one thousand eight hundred and seventy-two, and to provide for certain sums expended for the Public Service in the years one thousand eight hundred and seventy and one thousand eight hundred and seventy-one.

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First Reading	24th February, 1872.
Second	“ “ 28th 1872.
Third	“ “ 28th 1872.

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HON. MR. MCKENZIE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act respecting Apprentices and Minors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section four of the Act respecting apprentices and minors, chaptered seventy-six of the Consolidated Statutes for Upper Canada is hereby repealed, and the following shall be substituted for the said section, and shall be taken and read as part of the said Act :—

In a city or town, the mayor, judge of the County Court or police magistrate, and in a county the judge of the county court of the county may put and bind for the like period to any person mentioned in the several sections of this Act, with the consent of such person and of the minor, any minor who is an orphan or has been deserted by his or her parents or guardian, or whose parents or guardian have been for the time committed to a common gaol or house of correction, or any minor who is dependent upon public charity for support; and such apprentice and the master of such apprentice shall be held in the same manner as if the apprentice had been bound by his or her parent; and no minor who has been or shall hereafter be abandoned by his or her parent or guardian, or who is dependent upon charity for support, shall hereafter be removed from any public or private charitable institution, or from the custody or control of any private person who may charitably be taking care of such minor, by the father or mother or guardian of such minor against the will of the head of such public or private charitable institution, or of such private person without an order for such removal from a judge of the superior court of law or equity, or from the judge of the county court of the county, or mayor or police magistrate of the city or town where such minor may be; and such judge or other person hereby empowered to make such order for removal, may, notwithstanding the strict legal right of the applicant to the custody and control of such minor, refuse to grant an order for the removal of such minor unless he shall be satisfied that such removal will tend to the benefit and advantage of such minor.

Con. Stat. U.  
C., c. 76, s. 4,  
amended.

Certain minors  
may be  
apprenticed.

Parents and  
guardians of  
certain minors  
not to control  
their custody  
in certain cases  
except on  
order.

No. 155.

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1st Session, 2nd Parliament, 35 Victoria, 1872.

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BILL.

An Act to amend the Act respecting Apprentices and Minors.

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1st Reading, 26th February, 1872.

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Hon. MR. CAMERON.

An Act to amend the Act respecting Apprentices and Minors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section four of the Act respecting apprentices and minors, chaptered seventy-six of the Consolidated Statutes for Upper Canada is hereby repealed, and the following shall be substituted for the said section, and shall be taken and read as part of the said Act :—

Con. Stat. U.  
C., c. 76, s. 4,  
amended.

(4.) In a city or town, the mayor, judge of the County Court or police magistrate, and in a county the judge of the county court of the county may put and bind for the like period to any person mentioned in the several sections of this Act, with the consent of such person and of the minor, any minor who is an orphan or has been deserted by his or her parents or guardian, or whose parents or guardian have been for the time committed to a common gaol or house of correction, or any minor who is dependent upon public charity for support; and such apprentice and the master of such apprentice shall be held in the same manner as if the apprentice had been bound by his or her parent; and no minor who has been or shall hereafter be abandoned by his or her parent or guardian, or who is dependent upon charity for support, shall hereafter be removed from any public or private charitable institution, or from the custody or control of any private person who may charitably be taking care of such minor, by the father or mother or guardian of such minor against the will of the head of such public or private charitable institution, or of such private person, without an order for such removal from a judge of one of the superior courts of law or equity, or from the judge of the county court of the county, or mayor or police magistrate of the city or town where such minor may be; and such judge or other person hereby empowered to make such order for removal, may, notwithstanding the strict legal right of the applicant to the custody and control of such minor, refuse to grant an order for the removal of such minor unless he shall be satisfied that such removal will tend to the benefit and advantage of such minor.

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An Act to amend the Act respecting Apprentices and Minors.

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First Reading,	26th February,	1872.
Second	“ 27th	“ 1872.
Third	“ 1st March,	1872.

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Hon. Mr. CAMERON.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co.



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No. 156.]

**BILL.**

[1872.

An Act to amend the Act respecting County Attorneys.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In the County of York, the offices of Clerk of the Peace  
5 and of County Crown Attorney may respectively be held and  
enjoyed by different persons ; and in the said county, notwith-  
standing any statute to the contrary, the Clerk of the Peace  
shall not be *ex-officio* County Attorney for said county, nor the  
said County Attorney *ex-officio* Clerk of the Peace.

In County of  
York, offices  
of Clerk of the  
Peace and  
Crown Attor-  
ney may be  
held by differ-  
ent persons.

1st Session, 2nd Parliament, 35 Victoria, 1872.

BILL.

An Act to amend the Act respecting County  
Attorneys.

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1st Reading, 27th February, 1872.

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Hon. Mr. CROOKS.

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TORONTO:

**BILL.**

An Act to amend the Act respecting County Attorneys.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In the County of York, the offices of Clerk of the Peace and of County Crown Attorney may respectively be held and enjoyed by different persons ; and in the said county, notwithstanding any statute to the contrary, the Clerk of the Peace shall not be *ex-officio* County Attorney for said county, nor the said County Attorney *ex-officio* Clerk of the Peace.

In County of York, offices of Clerk of the Peace and Crown Attorney may be held by different persons.

An Act to amend the Act respecting County Attorneys.

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First Reading,	27th	February,	1872.
Second	"	28th	"
Third	"	28th	"

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HON. ATTY.-GEN. CROOKS.

TORONTO:

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