

Laws of His Majesty's Province of Upper Canada, passed in the year 1828. York: Robert Stanton, 1828.

9 George IV – Chapter 22

An Act to alter and amend an Act for enabling His Majesty to grant to a Company, to be Incorporated by Charter, to be called “The Canada Company,” certain Lands in the Province of Upper Canada. 15th July, 1828.

Whereas by an Act of Parliament passed in the Sixth year of the Reign of His present Majesty, entituled, “*An Act to enable His Majesty to grant to a Company, to be Incorporated by Charter, to be called, ‘The Canada Company,’ certain Lands in the Province of Upper Canada, and to invest the said Company with certain Powers and Privileges, and for other purposes relating thereto,*” it was enacted that in case His Majesty shall within three years after the passing of this Act, be pleased by Charter of Incorporation under the Great Seal of Great Britain and Ireland to declare and grant that such and so many persons as shall be named therein, and all and every such other person or persons as from time to time shall be duly admitted members into their corporation, shall be a body politic and corporate, by the name of “The Canada Company,” and to declare that the said corporation so to be made and created shall be established for the purpose herein before mentioned, and for such other lawful purposes as to His Majesty may seem meet, then and in that case it shall and may be lawful for the said corporation to hold, to them and their successors, such Lands Tenements and Hereditaments, within the said Provinces as shall or maybe granted by His Majesty to them and their successors within the said Provinces, or as, subject to the restrictions hereinafter mentioned, shall be contracted for and purchased or acquired by them therein, and to hold, alienate, sell and dispose, of all such Lands, Tenements, and Hereditaments, upon, under, and subject to such conditions, provisions, limitations and restrictions, as His Majesty by such His Charter, may impose, direct, or prescribe; and it was thereby enacted, that all conveyances which were made by the said Canada Company to any individual or individuals, of any part of the Lands to be so granted or to be so purchased or held by the said company, should be made according to a certain form for that purpose provided: And whereas by Letters Patent under the Great Seal, bearing date at Westminster on the Nineteenth day of August, in the Seventh Year of His Majesty’s Reign, His Majesty, in pursuance of the said Act, was graciously pleased to give, grant, make, ordain, constitute, declare and appoint, that Charles Bosanquet Esquire, William Williams Esquire, Robert Biddulph Esquire. Richard Blanchard Esquire, Robert Downie Esquire, John Easthope Esquire, Edward Ellice Esquire, James William Freshfield Esquire, John Fullarton Esquire, John Galt Esquire, Charles David Gordon Esquire, William Hibbert the younger Esquire, John Hodgson Esquire, John Hullett Esquire, Hart Logan Esquire, Simon McGillivray Esquire, James McKillop Esquire, John Masterman Esquire, Martin Tucker Smith Esquire, and Henry Osborne Esquire together with such and so many other person or persons, bodies politic or corporate, as had become, or should at any time thereafter become, subscribers or shareholders of or for the capital stock thereinafter mentioned, in manner thereinafter provided, and their respective successors, executors, administrators and, assigns, and such other person or persons, bodies

politic or corporate, as should from, time to time be possessed of or entitled to such shares as are thereafter provided, should be one body politic and corporate in deed and in name, by the name of "The Canada Company," and by that name should and might sue and be sued, implead and be impleaded, in all courts, whether of law or equity, and should have perpetual succession, with a common seal, which might by them be changed or varied at their pleasure; and by the said letters patent provision was made for the Government of the said company: And whereas the said letters patent are in all respects in pursuance of and in conformity with the provisions of the said act of parliament; but adequate provision was not made for rendering valid and effectual, within the said Province of Upper Canada, the conveyances to be made as aforesaid by the said company of the lands to be granted or to be purchased by the said company, whereby the operations of the said company in settling such their lands may be impeded: Be it therefore enacted, and it is hereby enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful for the said company by warrant of attorney or written instrument under their corporate seal, to constitute and appoint two or more persons, being in Upper Canada, to make and execute conveyances in the name and on the behalf of the said company, to any individual or individuals, of any part of the lands to be granted to or purchased or held by the said company, in the manner and subject to the restrictions in the said Act of Parliament contained, and which conveyances shall be made under the signatures of the said attornies, and under such seal as hereinafter mentioned, and according to the form following, or as near thereto as the circumstances of the case will admit; that is to say,

We A. B. and C. D., the Attornies of the Canada Company, incorporated under and by virtue of an Act made and passed in the sixth year of the reign of His Majesty King George the Fourth, intituled An Act to enable His Majesty to grant to a company, to be incorporated by charter, to be called "The Canada Company," certain Lands in the Province of Upper Canada, and to invest the said company with certain powers and privileges, and for other purposes relating thereto, being constituted and appointed such Attornies by virtue and in pursuance of an Act passed in the ninth year of the reign of His Majesty King George the Fourth, intituled [here insert the Title of this Act,] do hereby, in consideration of the sum of _____ to us as such Attornies as aforesaid paid, grant and release to _____ all _____ and all the right, title, and interest of the said Canada Company to and in the same and every part thereof, to have and to hold unto the said _____ and his heirs for ever.

(Signed) A. B.

C. D."

II. And be it further enacted, That it shall and may be lawful for the said company from time to time, as occasion may require, and as to them may seem meet, to revoke any such warrant of Attorney or instrument as aforesaid, and again to make and grant any other

warrant or warrants of Attorney, instrument or instruments for the like purpose, provided that such warrants of Attorney or instruments as aforesaid be not addressed to fewer than two persons, and be made to take effect only when and so long as the persons thereby appointed shall actually be within the said Province; and it shall also be lawful for the said company to appoint and commit to the custody of such their Attornies for the time being a Seal, for the purpose of executing such conveyance as aforesaid, and such Seal from time to time to break, alter, or renew, as to them may seem meet; and every conveyance to be made and executed in manner aforesaid, by such Attornies for the time being as aforesaid of the said company, shall be valid and effectual in law to all intents and purposes whatsoever.

III. And be it further enacted, That conveyances to be made by the said company within the United Kingdom, in pursuance of the said Act, of Lands situate in Upper Canada, shall not be subject to any duty of Stamps; and that the Seal of the said company affixed to any conveyance, deed, or instrument in writing, or to any memorial or memorials thereof, for the purpose of the registration of the said conveyance, deed, or instrument in writing, in the proper office for registering the same in Upper Canada, shall of itself be sufficient evidence of the due execution of such conveyance, deed, or instrument in writing, or the memorial thereof, by the said company, for all purposes respecting the said registration, and no further evidence or verification of such execution, nor any evidence or verification of the signatures of the directors who shall attest the sealing of such conveyance, deed, or instrument in writing, or the memorial thereof, shall be required for the purpose of such registry; any law or custom now in force in the said Province of Upper Canada notwithstanding.

IV. And be it further enacted, That it shall and may be lawful for any artificer, clerk, handicraftsman, mechanic, gardener, servant in husbandry, or other labourer, not being under the age of seventeen years, by indenture duly executed, and without a stamp, to contract with the said Canada Company faithfully to serve or to proceed to and faithfully to serve the said company in the Province of Upper Canada, for any period not exceeding the full term of seven years, to be computed from the day of the date of such indenture; and it shall be lawful for the said company, within any part of His Majesty's dominions, to maintain an action against any person or persons who shall employ, retain, harbor, or conceal any such artificer, clerk, handicraftsman, mechanic, gardener, servant in husbandry, or other labourer, with intent to deprive the said Company, or any Agent of the said Company, of his, her, or their services, or otherwise with intent to defraud or injure the said Company or their Agents; and in case the said Company shall in any such action recover a verdict, they shall, in addition to the damages found by such verdict, or assessed under the same, recover and have treble costs.

V. And be it further enacted, That it shall and may be lawful to and for any two or more Justices of the Peace in His Majesty's dominions to punish by fine not exceeding fifty pounds, or by imprisonment not exceeding three calendar months, or both, any wilful violation of such indentures as aforesaid, by any ill-behaviour of such artificer, clerk, handicraftsman, mechanic, gardener, servant in husbandry, or other labourer, in such his or

her service or employment as aforesaid; and also to hear and determine all complaints, differences, and disputes, which shall happen and arise between any such artificer, clerk, handicraftsman, mechanic, gardener, servant in husbandry, or other labourer, and the said Company, or their Agents, and to make such order or award in every such case as to such Justices shall seem just, and every such order or award to enforce by execution against the goods, effects, or other property of the party or parties against whom such order or award shall be made, or by arrest of the person, and imprisonment not exceeding three calendar months.

VI. And be it further enacted and declared, That nothing in this Act or in the said former Act of Parliament contained shall extend or be construed to extend to prevent His Majesty, his heirs and successors, from altering, amending, or adding to the provisions of the said Letters Patent, by Letters Patent to be hereafter issued under the Great Seal, as to His Majesty, his heirs and successors, shall seem meet.