

Resumption by His Majesty,

on payment of the shares and 20 per cent, with 6 per cent interest,

if tolls shall not have paid so much.

Provisions of this Act may be altered by Legislature.

XVII. *And be it further enacted by the authority aforesaid,* That at any time before or after the making and completing of the said Harbor it shall and may be lawful for His Majesty, His Heirs and Successors, to assume the possession and property of the same, and of all and every the works and dependencies thereunto belonging or in anywise appertaining, upon paying to the said Company of proprietors, their successors and assigns, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards making and completing the said Harbor, and the works connected therewith, together with such further sum as will amount to twenty per centum upon the monies so advanced and paid, as a full indemnification to the Stockholders, allowing moreover, six per centum per annum interest upon the stock paid in, provided the tolls that shall have been received have not yielded that rate of interest, or allowing what may be necessary, in addition to the tolls received, to make up that rate of interest, as the case may require; and the said Harbor, and all the works and dependencies thereunto belonging, shall from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforward be substituted in the place and stead of the said Company of proprietors, their successors and assigns, for all and every the purposes of this Act, in so far as regards the said Harbor or undertaking.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall remain in the power of the Legislature to make any alterations in the provisions of this Act, or any addition thereto, which may seem to them expedient.

## CHAP. XXXIII.

*An Act to Incorporate certain persons by the name of the Bath School Society, and for other purposes therein mentioned.*

[Passed, 6th March, 1834.]

Preamble:  
Reciting bargain and sale of 1st November 1811 of land in the village of Bath to Trustees in trust for the Ernestown Academy.

WHEREAS by Indenture of Bargain and Sale, bearing date the first day of November, in the year of our Lord one thousand eight hundred and eleven, Peter Davy, of Ernestown, in the Midland District, did grant, bargain, sell and convey unto Robert McDowall, William Fairfield the younger, Benjamin Fairfield, Stephen Fairfield, Solomon Johns, William Willcox, Samuel Neilson, George Baker, and William McKee,

a certain parcel or tract of land, being part of the east half of Lot number Ten, in the first concession of the Township of Ernestown, in the said Midland District, the said tract or parcel of land being composed of Town Lots numbers Twenty-one and Twenty-six, in the Village of Bath, in said District, containing half an acre and eighteen rods of land, and particularly described in the said Indenture, to be held by the aforesaid Grantees, and the survivors of them, as Trustees of a certain School called the Ernestown Academy, the building for which had been before that time erected on the said parcel of land, by private subscription, such Academy being thereby declared to be under the care and inspection of the said Trustees and their successors in the said trust, forever: *And whereas* the said Trustees, and others, are desirous that the persons who contributed to the original erection of the said Seminary, or to the recent repairs thereof, or who may contribute to the future support thereof, to the amount of two pounds ten shillings annually, either for tuition or as a donation, should be incorporated as hereinafter provided: *And whereas* a compliance with their wishes may be important to the prosperity of the said School, and to the encouragement and advancement of Learning in the said Village of Bath: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That all such persons as contributed by subscription to the original building and erection, or to the recent repairs of the School, Academy or Seminary of learning, so erected and built as aforesaid upon the parcel of land hereinbefore mentioned, together with all such persons as now do, or hereafter shall aid in and contribute to the support of the said School, to the amount of two pounds ten shillings annually, either for tuition or as donations, so long as they shall pay and contribute such annual sum of two pounds ten shillings, but no longer, together with such other persons as shall hereafter contribute by subscription, donation or advances for tuition, to the erection or support, (as the case may be) of any future Academy to be erected and built upon the said parcel of land, to the amount of the aforesaid sum of two pounds ten shillings annually, shall be, and they are hereby declared to be, one Body Corporate and Politic in deed and in law, by the name of the "Bath School Society;" and shall have perpetual succession, and a common Seal, with power to change, alter or make anew the same; and they and their successors, by

That the said Trustees and others were desirous of being incorporated.

Subscribers to the amount of two pounds ten shillings, incorporated.

Style of "Bath School Society."

Common Seal.

Authorised to take conveyance of School land in trust for benefit of Society,

and receive all monies paid or bequeathed to the Society.

No person to be considered a member who shall not have paid his subscription before the first election of President, &c.

Present Trustees empowered to convey the School Lands to the Society.

Affairs of the Society to be conducted by a President, Secretary and three Trustees.

Vacancies, how supplied.

the name aforesaid, may sue and be sued, implead and be impleaded, answer and be answered unto, in all or any Court or Courts of record and places of jurisdiction within this Province; and that they and their successors by the name aforesaid shall be able and capable in law to accept a conveyance or surrender of, and to have, hold, receive, enjoy, possess and retain, for the ends and purposes of this Act, and in trust and for the benefit of the said Society, the parcel or tract of land hereinbefore mentioned with the aforesaid building erected thereon, with the appendages and appurtenances thereunto belonging; and also all such sum and sums of money as have been paid or given, or shall at any time or times hereafter be paid, given, devised or bequeathed, by any person or persons to and for the uses and support of the said Society and School: *Provided always*, that no person shall on account of any subscription to the original erection, or recent repairs of the said building be considered a member of the said Society who shall not have paid his subscription on or before the first election of President, Secretary and Trustees, according to this Act.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for a majority of the Trustees hereinbefore named, or of the survivors of them, by Indenture under their respective hands and seals, to be duly enregistered in the Register's office of the proper County, according to the laws in that behalf now in force, to grant, bargain, sell, transfer, surrender and convey, to the said Society by the name aforesaid, the said parcel or tract of land hereinbefore mentioned, with the Academy erected thereon, and all other the appendages and appurtenances thereunto belonging, to hold the same to the said Society and their successors forever in trust for the uses of the said School, and the purposes of this Act.

III *And be it further enacted by the authority aforesaid*, That the affairs of the said Society shall be conducted by a President, a Secretary and three Trustees, to be chosen as hereinafter provided at the end of every year out of the Members for the time being of the said Society, and who shall in all things superintend and manage the said School: *Provided always*, that in case it shall happen that the President, Secretary or either of the said Trustees, shall during his office cease by the terms of this Act to be a Member of the said Society, or die, or leave this Province to reside permanently abroad, his place shall be supplied by some other Member, to be nominated by the President, Secretary and Trustees, (or the majority of them) for the time being, exclusive of the person ceasing to be such Member of the said Society dying, or leaving the Province as aforesaid.

IV. *And be it further enacted by the authority aforesaid,* That on the first Monday in May next, and on the first Monday in May annually, at the end of each succeeding year from the said first day of May next, there shall be held a Meeting of the Members of the said Society in the said building, at which Meeting a President, Secretary and three Trustees, any two of whom, with the President, shall be a quorum for transacting business, shall be chosen from among the Members of the said Society, by a majority of such Members then there personally present, each Member being entitled to one vote and no more.

Meeting for election of President, &c. on first Monday in May annually.

Quorum.

Each member entitled to one vote.

V. *And be it further enacted by the authority aforesaid,* That after the first election of President, Secretary and Trustees under this Act, public notice of such Meetings for the election of Officers of the said Society be given in one or two of the Newspapers published in the Midland District, signed by the President for the time being, at least one calendar month before the period of such Meeting and election.

Public notice of election of Officers,

one calendar month before the meeting.

VI. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an election of President, Secretary and Trustees, should not be made on any day when pursuant to this Act it ought to be made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any subsequent day, notice thereof, signed by at least five Stockholders, having been affixed on some come conspicuous place on the said building, and a copy thereof printed in one or more of the Newspapers published in said District, for at least thirty days previously, to make and hold an election of President, Secretary and Trustees, in the same manner as if the election had been held on the day appointed by this Act: *Provided,* that when two or more notices shall be given as aforesaid, naming different days for an election as aforesaid to take place, the earliest day named in either of said notices, of which thirty days notice shall be given, shall be the day for proceeding to the election in manner aforesaid.

Corporation not dissolved by non-election of President, &c. on appointed day.

Election may be held on any subsequent day, on giving thirty days notice.

If more than one notice, the earliest named day to be the day of election.

VII. *And be it further enacted by the authority aforesaid,* That the President, Secretary and Trustees so to be elected and chosen as aforesaid, or a quorum as aforesaid, shall and may transact and manage all and singular the affairs and business of the said Society, of what nature and kind soever, and shall have the full and absolute superintendance of the said School or Academy, and shall and may select and appoint, or dismiss and remove the Teacher or Teachers thereof, and shall and may make and establish such rules and regulations for the good government of the said School, with respect to the Teachers, Scholars,

Authority of President, Secretary, &c. or a quorum.

To appoint Teachers, &c.

to make rules and regulations.

books used, subjects taught, and all other matters whatsoever, as to them shall seem expedient.

Record to be kept.

VIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the President, Secretary and Trustees aforesaid, to keep a plain, distinct and accurate record of all their proceedings, and to deliver over the same, with all books or records belonging to said Society, to their successors.

None but British subjects eligible to be President, &c.

IX. *And be it further enacted by the authority aforesaid,* That no person shall be eligible to the office of President, Secretary, or Trustee in the said Society, or be capable of being chosen or appointed to be a Teacher in any School or Academy under their superintendance, who is not a natural born subject of His Majesty, or a subject naturalized by Act of the British Parliament, or by an Act of the Legislature of this Province.

Limitation of stock.

X. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Corporation to hold stock, property or effects, for the purposes aforesaid, to a larger amount than five thousand pounds.

Future alteration of this Act.

XI. *And be it further enacted by the authority aforesaid,* That the Legislature of this Province may, at any time hereafter, make such alterations in this Act, as to them may seem expedient.

## CHAP. XXXIV.

*An Act to authorize the construction of a Road from Hamilton, in the Gore District, to Port Dover in the London District.*

[Passed, 6th March, 1834.]

Preamble.

**WHEREAS** a direct Road, connecting the Eastern parts of the District of London with Burlington Bay, at the head of Lake Ontario, would manifestly tend to the advantage of all Settlers in that part of the Province: *And whereas* it appears from actual survey, that such Road might be laid out on a line at least twenty miles shorter than the one at present travelled: *And whereas* divers Inhabitants of that part of the country have, by Petition, set forth their desire that such Road should be laid out and established by law: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, con-