

Interpretation
of certain
words.

XII. And be it enacted, That in this Act the following words and expressions shall have the meanings hereinafter assigned to them, unless such meanings be repugnant to or inconsistent with the context, that is to say : the words " Governor of this Province," or " His Excellency " shall mean the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being ; the words " Governor of this Province in Council," shall mean the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, acting by and with the advice and consent of the Executive Council of this Province ; the words " two Justices," shall mean two or more Justices of the Peace acting for the place where the matter, or any part of the matter, as the case may be, requiring the cognizance of such two Justices, arises, assembled or acting together ; the word " place," shall mean a City, Town, Borough, Village, Township, Parish, or any other territorial division recognized or designated by law as a separate Municipality or municipal division ; the word " Street," shall include every Highway, Road, Square, Row, Lane, Mews, Court, Alley and Passage, whether a thorough-fare or not ; the word " person," and words applying to any person or individual, shall apply to and include Corporations, whether aggregate or sole ; words importing the singular number or the masculine gender only, shall include more persons, parties or things of the same kind, than one, and females as well as males, and the converse.

C A P. I X.

An Act to explain and amend an Act of the Parliament of the late Province of Upper-Canada, passed in the second year of Her Majesty's Reign, intituled, *An Act for the protection of the Lands of the Crown in this Province from trespass and injury*, and to make further provision for that purpose.

[25th April, 1849.]

Preamble.

Act of U. C.
2 Vict. c. 15.
cited.

Part of sect. 1.
repealed.

And the Act
extended to
all lands in U.
C. not granted,

WHEREAS it is expedient to explain and amend a certain Act of the Parliament of the late Province of Upper Canada, passed in the second year of Her Majesty's Reign, intituled, *An Act for the protection of the Lands of the Crown in this Province from trespass and injury*, and to make further provision for the protection of such Lands in that part of this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, That so much of the first Section of the said Act as doth or may in any wise limit or restrain the provisions thereof, or the jurisdiction of the Commissioners appointed or to be appointed under the authority of the same, to Lands for the cession of which to Her Majesty no agreement hath been made with the Tribes occupying the same, and who may claim title thereto, shall be and the same is hereby repealed; and that the said Act and all the provisions thereof shall extend and shall be construed to extend to all Lands in that part of this Province called Upper Canada, whether such Lands be surveyed or unsurveyed, for which no Grant, Lease, Ticket

Ticket either of Location or Purchase, or Letter of License of Occupation hath been or shall have issued, either under the Great Seal, or by or from the proper Department of the Provincial Government, to which the issuing of the same at the time belonged, and whether such Land be part of those usually known as Crown Reserves, Clergy Reserves, School Lands or Indian Lands, or by or under any other denomination whatsoever, and whether the same be held in trust or in the nature of a trust for the use of the Indians or of any other parties whomsoever.

leased, located,
&c.

II. And be it enacted, That if upon investigation before the said Commissioners, or any one or more of them appointed under the said Act, against any one under the second Clause of the said Act, it shall appear to the said Commissioners that any person or persons hath or have been actually in possession of any such Lands or of any part thereof, or that any person or persons have at any time within twelve calendar months next before such investigation claimed to be in possession of any of such Lands, or of any part thereof, or claimed or pretended to have a right to such possession, but it shall nevertheless appear uncertain to such Commissioners who the party or parties may be who shall then be in actual possession of such Lands, or whether the persons in such possession claim or pretend to be in such possession in their own right, or merely as tenants, bailiffs, or servants of others, then and in every such case, it shall and may be lawful for the said Commissioners, or any one of them, to give a Notice to quit, similar to that required to be given by the said Act, but directed generally to all persons having or claiming possession of the Land in question, and to their tenants, bailiffs and servants, and all others whom it shall or may in any wise concern: which Lands shall be described in such Notice to quit and in every other Notice to quit under the said Act, with the same certainty as would be necessary in a Deed of Conveyance thereof from party to party, and shall require such persons to quit and remove from the possession and occupation of such Lands within not less than thirty days from the day of the service of such Notice: and if all persons whomsoever, except such as shall have a written authority from such Commissioners, or one of them, to remain upon such Lands, shall not quit and remove from the possession and occupation of the same within the time specified in such Notice, it shall and may be lawful for the said Commissioners, or any one of them, to issue a Warrant of Removal under their hands and seals, or under the hand and seal of one of them, directed to the Sheriff of the County wherein such Lands are situate, setting forth such Lands with the same certainty as required in the said Notice to quit as aforesaid, and commanding him to eject and remove all persons whomsoever from such Lands, so unlawfully possessed or occupied, or claimed to be possessed or occupied as aforesaid, which Warrant the Sheriff to whom the same is directed, shall have full power and authority to execute, and shall execute and carry into effect, in the same manner as by law he is authorized to execute and carry into effect Writs issued by Her Majesty's Courts of Law, for restoring and delivering possession of Lands recovered in any action of trespass and ejectment in that part of this Province.

Commis-
sioners under
the said Act
may in cases
of doubt issue
a general no-
tice to quit.

As to the
description of
the lands in
such notice.

Persons dis-
obeying the
notice may be
removed, on
an order of
the Commis-
sioners direct-
ed to the pro-
per Sheriff.

III. And be it enacted, That the Summons to appear issued upon any complaint made under the said Act shall in all cases contain such a description of the parcels of Lands with respect to which the proceeding is adopted, as would be necessary in a Deed of Conveyance thereof from party to party: and that henceforth it shall not be necessary that either the said Summons or the said Notice to quit shall be personally served upon the parties concerned, but it shall be sufficient to enable the Commissioners

As to the des-
cription of the
lands in any
Summons un-
der the said
Act.

As to service
of such Sum-
mons,
to

to proceed upon any such Summons or Notice, if the same shall have been served either by personally delivering the same to the person or persons in the actual possession or occupation of the Lands mentioned therein, or by leaving such Notice with the wife of such person, on the said premises, or by leaving the same with any grown person found on such premises, and in such last case putting up a duplicate of such Notice in some conspicuous place on the same premises, or where no grown person is found on the said premises, then by putting up duplicates of such Notice in four conspicuous places on such premises: Provided always, that no fine shall be imposed upon any party under the said Act, except upon personal service of such Summons, or service thereof on such person's wife as aforesaid.

Proviso:
where a fine
is imposed.

If the parties
removed re-
turn or are ex-
pected by the
sheriff to re-
turn, a Writ of
Removal by
Continuance
may be ob-
tained from the
court of Q.
B. for U. C.

IV. And be it enacted, That if after the execution of any Warrant of Removal, whether such Warrant be issued by such Commissioners, or any one of them, specially for the removal of particular parties, or generally for the removal of all parties found trespassing or intruding upon such Lands, the party or parties removed, or any other person or persons whomsoever, shall return or enter into or upon the premises with respect to which such Warrant of Removal was so executed, or if the Sheriff to whom such Warrant shall have been directed shall have reason to believe that any such person or persons or any others, will so return or enter into or upon such Lands, or any part thereof, unless the same be protected from such entry or intrusion, by the issue of process for the prevention thereof, it shall and may be lawful for such Sheriff, and he is hereby required to make a Special Return of such Warrant of Removal into Her Majesty's Court of Queen's Bench for Upper Canada, setting forth the return, entry or intrusion of such person or persons, or his belief that such return, entry or intrusion into or upon such Lands, will take place unless the same be protected by the issue of process for the prevention thereof, and upon such Return to the said Warrant being so made as aforesaid, it shall and may be lawful to sue out of the said Court of Queen's Bench a Writ of Removal by Continuance, as nearly as may be in the form to this Act prefixed marked A, and upon the Sheriff making a similar Return to such Writ of Removal by Continuance, an *Alias*, and after that upon similar Returns, *Pluries* Writs of a similar description shall and may be issued as often as it may be necessary for the protection of such premises against such intruders.

Such Writ of
Removal by
Continuance
may be super-
seded upon
causes shewn.

Proceedings if
the party
again intrude.

V. Provided always, and be it enacted, That upon a Rule to shew cause, to be obtained by any party concerned in such proceedings, or shewing an interest entitling him, her or them to be heard in that behalf, and which Rule shall be served personally, on at least one of the Commissioners for the time being, appointed for the protection of such Lands as aforesaid, the said Court of Queen's Bench shall and may order a *Supersedeas* to any such Writ *Alias* or *Pluries* Writ as aforesaid, whereupon no further proceedings shall be had upon any such Writ of Removal by Continuance, or upon the proceedings of the said Commissioners upon which the same was founded, but in the event of its being deemed necessary to proceed against such party or any other for intrusion or trespass into or upon any such Lands, resort shall be had to the like proceedings of Notice to quit and Warrant of Removal as at the first.

Conviction be-
fore the com-
missioners
may be re-
moved as of
course by *Cer-
tiorari*.

VI. And be it enacted, That in the case of any summary conviction of any party by the said Commissioners, or any one of them, for returning and unlawfully resuming the occupation of any such Lands, or any part thereof, or for trespass committed upon any such Lands, it shall and may be lawful to remove as of course such conviction by *Certiorari*,

Certiorari, into Her Majesty's said Court of Queen's Bench for Upper Canada, and thereupon for the satisfaction of the fine set or imposed by such conviction, to issue into any of the Districts of Upper Canada one or more Writs of *Fieri Facias* and *Capias ad Satisfaciendum*, in the nature of the Exchequer Long Writ, as nearly as may be in the form to this Act prefixed, marked B, with an *Alus* and as many *Pluries* and *Testatum* Writs of the like description as may be necessary, till the amount of such fine be levied and made as in the case of other debts due to Her Majesty: Provided always, that if at the time of the removal of any such conviction by *Certiorari* as aforesaid, the party convicted shall be in custody under the Warrant of the Commissioners, or any one of them, for non-payment of such fine, he or they shall not be discharged from such imprisonment at the end of the time prescribed in such Warrant, if the said Sheriff shall then have a Writ of *Fieri Facias* and *Capias ad Satisfaciendum* for the levying of such fine, and shall have been unable to make the amount thereof of the goods and chattels, lands or tenements of such party, but such party shall in every such case remain charged in custody upon such Writ until the said fine be fully paid or satisfied, as in the case of other Crown Debtors similarly charged.

And proceedings had for the satisfaction of any fine imposed by such conviction.

Proviso: if the party convicted be imprisoned for non-payment of such fine, when the Writ of Execution issues.

VII. And be it enacted, That the Commissioners appointed or to be appointed under the authority of the said Act, when engaged in the execution of their office, and each of such Commissioners when so engaged, shall have the same power and authority to commit for any contempt committed against them or him, as is now by law vested in Justices of the Peace in similar cases for contempts against them in the execution of their office.

Commissioners may commit for contempt.

A.

WRIT OF REMOVAL BY CONTINUANCE.
UPPER CANADA.

Victoria by the Grace of God, &c.

To the Sheriff of

Greeting:

Whereas by a certain Warrant of Removal made by one (or two, as the case may be) of the Commissioners appointed under the Great Seal of Our Province of Canada, for the receiving information and enquiry into complaints against persons for illegally possessing themselves of Lands of Our Crown ungranted and not under location, and Lands not ceded to Us or Our Predecessors by the Indian Tribes occupying the same, you were formerly commanded that (*here recite Commissioners' Warrant of Removal*) which said Warrant you lately returned to Us into Our Court of Queen's Bench before Us, at Toronto, and thereupon certified to Us that (*here insert the Sheriff's Return, setting forth the return of the party or parties, or his belief that he or they would return unless the Land be protected by the issue of Process for the protection thereof*) according to the form of the Statute in such case made and provided: Therefore, We command you, that immediately after receipt hereof you proceed to the said Lands and premises, and remove or cause to be removed all and singular such person and persons, if any, whom you shall find in or upon the same, from the possession thereof, and give and cause to be given to such person or persons as shall for that purpose be appointed by Our said Commissioners, or any one of them, under their or his hand and seal, the full, quiet, and peaceable possession of the said premises

premises and every part and parcel thereof, and that such person or persons, and all others having from time to time a similar Warrant from Our said Commissioners, or any one of them, in such quiet and peaceable possession of the said premises, that you support, help and maintain from time to time, as often as occasion shall and may require; and what you shall do in the premises you certify to Us in Our said Court of Queen's Bench, before Us, at Toronto, on the _____ day of _____ Term next, together with this Writ; and herein fail not at your peril.

Witness the Honorable
other Writs issued out of the said Court.

Chief Justice, &c. (*as in*

B.

WRIT OF FIERI FACIAS AND CAPIAS AD SATISFACIENDUM.
UPPER CANADA.

Victoria by the Grace of God, &c.

To the Sheriff of

Greeting:

Whereas by a certain conviction had before two of Our Commissioners appointed under the Great Seal of Our Province of Canada, for receiving informations and enquiring into complaints against persons illegally possessing themselves of Lands of Our Crown, ungranted and not under location, and Lands not ceded to Us or Our Predecessors by the Indian Tribes occupying the same, it was considered by the said Commissioners (*here set out the conviction*) which said conviction for certain reasons We caused to be certified to Us in Our Court of Queen's Bench before Us, at Toronto, according to the form of the Statute in such case made and provided: We, therefore, being willing to be satisfied the said fine so by the said Commissioners set and imposed upon the said _____ do hereby command you that you levy of the goods and chattels of the said _____ in your Bailiwick, the amount of the said fine so set and imposed upon him as aforesaid, so that you may have that money in Our said Court of Queen's Bench before Us at Toronto, on the _____ day of _____ next: and if it shall happen that sufficient goods and chattels of the said _____ shall not be found in your Bailiwick for payment of the said fine, then, We command you that you levy of the Lands and Tenements of the said _____ in your Bailiwick, the amount of the said fine so set and imposed on him as aforesaid, and have that money in Our said Court before Us on the day and at the place aforesaid; and if it shall happen that sufficient neither of goods or chattels, Lands or Tenements of the said _____ shall be found in your Bailiwick for payment of the said fine, then, We command you that you take the Body of the said _____ wheresoever he shall be found in your Bailiwick, and him safely keep in your prison until he hath fully satisfied Us the said fine so set and imposed upon him as aforesaid: and in what manner you shall have executed this Our Command, make appear to Us in Our said Court before Us, on the day and at the place aforesaid, and have then there this Writ.

Witness the Honorable
issued out of the same Court.

Chief Justice (*as in other Writs*

CAP. X.

An Act for putting a legislative Interpretation upon certain terms used in Acts of Parliament, and for rendering it unnecessary to repeat certain provisions and expressions therein, and for ascertaining the date and commencement thereof, and for other purposes.

[25th April, 1849.]

WHEREAS it is desirable to avoid, by the establishment of some general rules for the interpretation of Acts of the Provincial Parliament, the continual repetition therein of words, phrases and clauses, which are rendered necessary solely by the want of such rules, and also to provide for the date and commencement of such Acts being known with certainty: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the government of Canada*, and it is hereby enacted by the authority of the same, That this Act shall be known, cited and referred to as "The Interpretation Act," and that each provision thereof shall extend and apply to each Act passed in this present Session or in any future Session of the Provincial Parliament, except in so far as any such provision shall be inconsistent with the intent and object of such Act, or the interpretation which such provision would give to any word, expression or clause shall be inconsistent with the context; and except in so far as this Act or any provision thereof shall in any such Act be declared not applicable thereto; nor shall the omission in any Act of a declaration that this Act shall apply thereto, be construed to prevent its so applying, although such express declaration may be inserted in some other Act or Acts of the same Session.

Preamble.

By what name this Act shall be known, and to what Acts it shall apply.

II. And be it enacted, That the Clerk of the Legislative Council shall endorse on every Act of the Parliament of this Province which shall pass during the present and every future Session thereof, immediately after the title of such Act, the day, month and year when the same shall have been by the Governor of this Province assented to in Her Majesty's name, or reserved for the signification of Her Majesty's pleasure thereon, and in the latter case he shall also endorse thereon the day, month and year when the Governor of this Province shall have signified either by speech or message to the Legislative Council and Assembly of this Province, or by Proclamation, that the same has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same; and such indorsement shall be taken to be a part of such Act, and the date of such Assent or Signification, as the case may be, shall be the date of its commencement if no later commencement be therein provided.

Date of Royal Assent, &c. to any Act to be indorsed thereon, and to make part thereof, &c.

III. And be it enacted, That any Act of the Parliament of this Province passed or to be passed during the present or during any future Session thereof, may be amended, altered or repealed by any Act to be passed in the same Session thereof; any law, usage or custom to the contrary notwithstanding.

Any Act may be amended during the same Session.

IV.

Governor and His Successors in office to be a Corporation sole.

IV. And be it enacted, That the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, and His Successors, shall be and He and they are hereby declared to be a Corporation sole; and all bonds, recognizances, and other instruments now by law required to be taken to Him in His public capacity, or which shall or may hereafter be required to be so taken, shall be taken to Him and His Successors, by His name of office, and shall and may be sued for and recovered by Him or His Successors, the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, by His or Their name of office as such; and the same shall not in any case go to or vest in the personal representatives of such Governor, Lieutenant-Governor, or person administering the Government of this Province during whose government thereof the same shall have been so taken.

How certain expressions shall be construed.

V. And be it enacted, That in every Act of the Parliament of this Province, passed or to be passed as aforesaid:

Her Majesty, &c.

First. The words "Her Majesty," "the Queen," or "the Crown," shall mean Her Majesty, Her Heirs and Successors, Sovereigns of the United Kingdom of Great Britain and Ireland.

Governor, &c

Secondly. The words "Governor," "Governor of this Province," "Governor-General," or "Governor in Chief," shall mean the Governor, Lieutenant-Governor, or person administering the government of this Province for the time being.

Governor in Council.

Thirdly. The words "Governor in Council," shall mean the Governor, Lieutenant-Governor, or person administering the government of this Province for the time being, acting by and with the advice of the Executive Council thereof.

Lower Canada.

Fourthly. The words "Lower Canada," shall mean all that part of this Province which formerly constituted the Province of Lower Canada.

Upper Canada.

Fifthly. The words "Upper Canada," shall mean all that part of this Province which formerly constituted the Province of Upper Canada.

Names of Countries, places, societies or things.

Sixthly. The words "the United Kingdom," shall mean the United Kingdom of Great Britain and Ireland; and the words "the United States," shall mean the United States of America; and generally, the name commonly applied to any country, place, body, corporation, society, officer, functionary, person, party or thing, shall mean such country, place, body, corporation, society, officer, functionary, person, party or thing, although such name be not the formal and extended designation thereof.

Singular number or masculine gender.

Seventhly. Words importing the singular number or the masculine gender only, shall include more persons, parties or things of the same kind than one, and females as well as males, and the converse.

Person,

Eighthly. The word "person," shall include any body corporate or politic, or party, and the heirs, executors, administrators or other legal representatives of such person, to whom the context can apply according to the law of that part of the Province to which such context shall extend.

Ninthly.

Ninthly. The words "writing," "written," or any term of like import, shall include words printed, painted, engraved, lithographed, or otherwise traced or copied.

Writing.
Written.

Tenthly. The words "now" or "next," shall be construed as having reference to the time immediately before the commencement of the Session in which the Act shall have been presented for the Royal Assent.

Now—next—
hereafter.

Eleventhly. The word "month" shall mean a calendar month.

Month.

Twelfthly. The word "holiday" shall include Sundays, New Year's Day, the Epiphany, the Annunciation, Good-Friday, the Ascension, *Corpus Christi*, St. Peter and St. Paul's Day, all Saints Day and Christmas Day,—and any day appointed by Proclamation for a General Fast or Thanksgiving.

Holiday.

Thirteenthly. The word "oath" shall be construed as meaning a solemn affirmation whenever the context shall be applied to any person and case by whom and in which a solemn affirmation may be made instead of an oath: and in every case where an oath or affirmation is directed to be made before any person or officer, such person or officer shall have full power and authority to administer the same and to certify its having been made; and the wilful making of any false statement in any such oath or affirmation, shall be wilful and corrupt perjury, and the wilful making of any false statement in any declaration required or authorized by any such Act as aforesaid, shall be a misdemeanor punishable as wilful and corrupt perjury.

Oath.

Power to ad-
minister.

False state-
ments to be
perjury.

Fourteenthly. The words "Registrar" or "Register" in any such Act, applying to the whole Province, shall mean and include indifferently both Registrars in Lower Canada and Registers in Upper Canada, and their Deputies, respectively.

Registrar.
Register.

Fifteenthly. Any wilful contravention of any such Act as aforesaid, which is not made any offence of some other kind, shall be a misdemeanor, and punishable accordingly.

Contravention
of Acts.

Sixteenthly. Whenever any wilful contravention of any such Act shall be made an offence of any particular kind or name, the person guilty of such contravention shall, on conviction thereof, be punishable in the manner in which such offence is by law punishable.

Contravention
to which a
legal name is
assigned.

Seventeenthly. Whenever any pecuniary penalty or any forfeiture is imposed for any contravention of any such Act as aforesaid, then if no other mode be prescribed for the recovery thereof, such penalty or forfeiture shall be recoverable with costs by civil action or proceeding at the suit of the Crown only, or of any private party suing as well for the Crown as for himself, in any form allowed in such case by the law of that part of the Province where it shall be brought, before any Court having jurisdiction to the amount of the penalty in cases of simple contract, upon the evidence of any one credible witness other than the Plaintiff or party interested; and if no other provision be made for the appropriation of such penalty or forfeiture, one half thereof shall belong to the Crown, and the other half shall belong to the private plaintiff, if any there be, and if there be none, the whole shall belong to the Crown.

Recovery and
distribution of
penalties and
forfeitures.

Eighteenthly.

Monies levied for the Crown to make part of Consolidated Revenue Fund.

Eighteenthly. Any duty, penalty or sum of money, or the proceeds of any forfeiture, which shall by any such Act as aforesaid be given to the Crown, shall, if no other provision be made respecting it, form part of the Consolidated Revenue Fund of this Province, and be accounted for and otherwise dealt with accordingly.

Monies appropriated how payable and accounted for.

Nineteenthly. If any sum of the public money be by any such Act as aforesaid, appropriated for any purpose or directed to be paid by the Governor, then, if no other provision be made respecting it, such sum shall be payable under Warrant of the Governor directed to the Receiver General, out of the Consolidated Revenue Fund of this Province, and the due application thereof shall be accounted for to Her Majesty, through the Lords Commissioners of the Treasury for the time being, in such manner and form as Her Majesty shall direct; and all persons entrusted with the expenditure of any such sum or any part thereof shall account for the same in such manner and form, with such vouchers, at such periods, and to such Officer, as the Governor shall direct.

Magistrate, Justices, &c.

Twentiethly. The word "Magistrate" shall mean a Justice of the Peace; the words "two Justices," shall mean two or more Justices of the Peace, assembled or acting together; and if any thing be directed to be done by or before a Magistrate or a Justice of the Peace, or other Public Functionary or Officer, it shall be done by or before one whose jurisdiction or powers extend to the place where such thing is to be done: and whenever power is given to any person, Officer or Functionary to do or to enforce the doing of any act or thing, all such powers shall be understood to be also given as shall be necessary to enable such person, Officer or Functionary to do or enforce the doing of such act or thing.

Power to do any act.

Twenty-firstly. If in any such Act as aforesaid, any party be directed to be imprisoned or committed to prison, such imprisonment or committal shall, if no other place be mentioned, be in or to the common gaol of the locality in which the order for such imprisonment shall be made, or if there be no common gaol there, then in or to that common gaol which shall be nearest to such locality; and it shall be lawful for the keeper of any such common gaol, to receive such person, and him safely to keep and detain in such common gaol under his custody until discharged in due course of Law, or bailed in cases in which bail may by Law be taken.

Imprisonment and detention in gaol.

Power of appointing to include power of removing.

Twenty-secondly. Words authorizing the appointment of any public Officer or Functionary, or any Deputy, shall be construed to include the power of removing him, re-appointing him or appointing another in his stead, in the discretion of the authority in whom the power of appointment is vested.

Public Officer to include his Successor or Deputy.

Twenty-thirdly. Words directing or empowering a public Officer or Functionary to do any act or thing or otherwise applying to him by his name of Office, shall include his Successors in such Office, and his or their lawful Deputy.

Words creating a corporation.

Twenty-fourthly. Words making any association or number of persons a corporation or body politic and corporate, shall be construed to vest in such corporation, power to sue and be sued, contract and be contracted with, by their corporate name, to have a common seal, and to alter or change the same at their pleasure, and to have perpetual succession, and power to acquire and hold personal property or moveables for the purposes for which the Corporation is constituted, and to alienate the same at pleasure; and also

also to vest in any majority of the members of the Corporation, the power to bind the others by their acts; and also to exempt the individual members of the Corporation from personal liability for its debts or obligations or acts, provided they do not contravene the provisions of the Act incorporating them; but it shall not be lawful for any Corporation to carry on the business of banking unless when such power shall be expressly conferred on them by the Act creating such Corporation.

As to Banking.

Twenty-fifthly. No provision or enactment in any such Act, as aforesaid, shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her Heirs or Successors, unless it be expressly stated therein that Her Majesty shall be bound thereby; nor the rights of any person or of any body politic, corporate or collegiate, such only excepted as are therein mentioned, unless such Act be a Public General Act.

Rights of the Crown saved.

And of other parties.

Twenty-sixthly. Every such Act as aforesaid shall be so construed as to reserve to the Legislature the power of repealing or amending it, and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person or party, whenever such repeal, amendment, revocation, restriction or modification shall be deemed by the Legislature to be required for the public good; and unless it shall be otherwise expressly provided in any Act already passed or to be passed for chartering any Bank, it shall be in the discretion of the Legislature at any time thereafter to make such provisions and impose such restrictions with respect to the amount and description of notes which may be issued by such Bank, as may to them appear expedient.

Power to amend the Act.

And if it be a Bank act.

Twenty-seventhly. If any such Act as aforesaid be declared to be a Public Act, such declaration shall be construed as an enactment that such Act shall be judicially noticed by all Judges, Justices of the Peace and others without being specially pleaded: and every such Act which shall not, either by its nature or by express provision, be a Public Act, shall be deemed a Private Act, and shall be judicially noticed only when specially pleaded; and all copies of any such Acts, public or private, printed by the Queen's Printer, shall be evidence of such Acts and of their contents, and every copy purporting to be printed by the Queen's Printer shall be deemed to be so printed, unless the contrary be shewn.

Public Act.

Private Act.

Printed copies of Acts.

Twenty-eighthly. The Preamble of every such Act as aforesaid shall be deemed a part thereof intended to assist in explaining the purport and object of the Act; and every such Act and every provision or enactment thereof, shall be deemed remedial, whether its immediate purport be to direct the doing of any thing which the Legislature may deem to be for the public good or to prevent or punish the doing of any thing which it may deem contrary to the public good, and shall accordingly receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the object of the Act and of such provision or enactment, according to their true intent, meaning and spirit.

Preamble.

All Acts remedial.

Twenty-ninthly. Nothing in this Act shall be construed to exclude the application to any such Act as aforesaid, of any Rule of Construction applicable thereto, and not inconsistent with this Act, or to exclude the application of any Rule of Construction in this Act to any Act passed in any Session before the present, if without this Act such Rule would have been applicable thereto.

Application of Rules of Construction inserted or not inserted in this Act.

Thirtiethly.

Provisions applicable to words, &c. in this Act.

This Act may be amended in this Session.

Thirtiethly. The provisions of this Act shall apply to the construction thereof and of the words and expressions used therein.

VI. And be it enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present Session of Parliament.

CAP. XI.

An Act to confirm the erection of certain Townships, and for other purposes relative to the erection of Townships.

[25th April, 1849.]

Preamble.

Section 58 of the Union Act cited.

Erection of Townships in U. C. confirmed, although the provisions of the said section of the Union Act may not have been strictly complied with.

WHEREAS by the fifty-eighth section of the Act of the Imperial Parliament, passed in the session held in the third and fourth years of Her Majesty's Reign, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, it is enacted, That it shall be lawful "for the Governor, " by an Instrument or Instruments to be issued by Him for that purpose under the Great " Seal of the Province, to constitute Townships in those parts of the Province of " Canada in which Townships are not already constituted, and to fix the metes and " bounds thereof, and to provide for the election and appointment of Township Officers " therein, who shall have and exercise the like powers as are exercised by the like " Officers in the Townships already constituted in that part of the Province of Canada " now called Upper Canada; and every such Instrument shall be published by " Proclamation, and shall have the force of law from a day to be named, in each case, " in such Proclamation;" And whereas since the time when the said Act came into force, divers Townships have been set apart and erected in that part of this Province which formerly constituted the Province of Upper Canada, in the manner formerly practised in that part of the Province before the Union, but without any Proclamation having been issued for the erection of the same in the manner by the said section provided, and it is expedient to confirm the setting apart and erection of the same: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all such tracts of land in that part of this Province called Upper Canada, as since the Union of the Provinces, have been set apart, erected and named as Townships, in the manner formerly practised in that part of the Province before the Union, shall, by the several names by which the same are now designated on the original maps thereof in the office of Her Majesty's Commissioner of Crown Lands, be and be deemed to have been Townships, by the names aforesaid respectively, and with the several metes and boundaries designated on such maps, and by the other records of the said office upon which such maps were framed, as fully and effectually to all intents and purposes whatsoever, as if the same and each of them had been set apart, erected and named by Proclamation under the Great Seal of this Province, as directed by the provisions of the said Act; and to all such Townships, the laws in force in Upper Canada,