

SCHEDULE (J.)—SECTION 56.

FORM OF SUMMONS.

We, whose names are hereunto set and seals affixed, being two of the Visitors appointed under or by virtue of an Act passed in the Session held in the fourteenth and fifteenth years of the Reign of Her Majesty, Queen Victoria, intituled, *An Act for the regulation of private Lunatic Asylums*, do hereby summon and require you personally to appear before us at _____, in _____, on _____ the day of _____, at the hour of _____ in the _____ noon of the same day, and then and there to be examined, and to testify the truth touching certain matters relating to the execution of the said Act.

Given under our Hands and Seals, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____

C A P. L X X X V.

An Act to exempt Firemen in Cities from the payment of Statute Labour Tax.

[30th August, 1851.]

BE it 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 from and after the passing of this Act, it shall and may be lawful for the Municipal Corporation of any City within this Province, by any By-law, to enact and provide, that when any Member of any Company of Firemen which is or may be regularly enrolled in such City wherein the formation of Companies of Firemen is by law authorized and regulated, has regularly and faithfully served for the space and term of seven years consecutively in the same, the said Member shall be entitled to receive, upon producing due proof of his having served seven years consecutively as aforesaid, a Certificate from the Clerk of the Common Council of the City in which he resides, or the Clerk of the Corporate Body under whose authority the said Company shall have been established, that he has been regularly enrolled and served as a Member of the said Fire Company for the space of seven years, which Certificate shall exempt the individual named therein from the payment of any personal Statute Labour Tax thereafter, and from serving as a Juror on the trial of any cause in any Court of Law within this Province; any law, custom or usage to the contrary notwithstanding.

Firemen having served a certain time exempt from serving as Jurors.

C A P. L X X X V I.

An Act to provide for the incorporation and better Management of Library Associations and Mechanics' Institutes.

[30th August, 1851.]

WHEREAS it is expedient to encourage the establishment of Library Associations and Mechanics' Institutes, and for that purpose to provide for the incorporation of such Institutions, and to grant them certain powers enabling them better to protect their property and manage their affairs: 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

Preamble.

Declaration to be subscribed for forming a Library Association or a Mechanics' Institute, or both, under this Act.

Case of existing Institutions wishing to take advantage of the same.

Copy of Constitution and By-laws of such bodies, to be filed with declaration and statement.

Declaration and Registrar's certificate to be *prima facie* evidence.

Corporate powers.

To what extent real property may be held.

Affairs to be managed by Directors or Trustees, with power to make By-laws, subject to certain restrictions.

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 any number of persons, not less than ten, having subscribed, or holding together not less than Twenty-five Pounds in money or money's worth, for the use of their intended Institution, may make and sign a Declaration (in duplicate) of their intention to establish a Library Association or a Mechanics' Institute, or both, (as the case may be,) at some place to be named in such Declaration, in which they shall also state the corporate name of the Institution, its purpose, the amount of money or money's worth subscribed by them respectively, or held by them for the use thereof, the names of those who are to be the first Trustees for managing its affairs, and the mode in which their successors are to be appointed, or new Members of the Corporation admitted, or in which Bye-laws are to be made for such appointment or admission, or for any other purpose, or for all purposes, and generally such other particulars and provisions as they may think necessary, not being contrary to this Act or to Law: or in case of a Mechanics' Institute or Library Association (or both united) already established or in existence, then, that the Directors, Trustees or the Office Bearers and Committee thereof for the time being, may make and sign a Declaration as aforesaid, of their wish or determination to become incorporated, according to the provisions of this Act, stating in such Declaration the Corporate Name to be assumed by such Institution or United Institutions,—and also with such Declaration, to file in the manner hereinafter provided, a copy of the Constitution and Bye-laws of such Institution or United Institutions, together with a general statement of the nature and amount of all the property, real or personal, held by or in trust for such Institution or United Institutions: and one duplicate of such Declaration shall then be filed in the Office of the Registrar of Deeds for the County by one of the subscribing parties, who shall, before such Registrar, acknowledge the execution thereof by himself, and declare the same to have been executed by the other parties thereto, either in person or by their Attorneys; and the Registrar shall then keep one of the said duplicates, and deliver the other to the person filing the same, with a Certificate of the same having been so filed, and the execution attested before him, and such duplicate, or any copy thereof certified by such Registrar, shall be *prima facie* evidence of the facts alledged in such Declaration and Certificate.

II. And be it enacted, That when the formalities aforesaid have been complied with, the persons having signed such Declaration as aforesaid, or the Directors, Trustees or the Office Bearers and Committee for the time being, of any such Institution or United Institutions now established or in existence as aforesaid, and their successors, shall be a body corporate and politic, and shall have the powers, rights and immunities, vested in such bodies under the Interpretation Act and by Law, with power to such Corporation, in their corporate name, from time to time, and at all times hereafter, to have, take, acquire, hold, possess and enjoy to them, and to their successors, to and for the uses and purposes of such Corporation, any messuages, lands, tenements or hereditaments, of what nature or kind soever, situate within this Province; but the yearly value of the real property to be held by any such Corporation, shall never exceed One Hundred Pounds currency.

III. And be it enacted, That the affairs of such Corporation shall be managed by the Directors or Trustees thereof for the time then being, appointed as hereinafter, or by any By-law of such Corporation provided, who, or a majority of whom, shall have full power to exercise all the powers of the Corporation, and to act in its name and on its behalf, and to use its Seal, subject always to any provisions limiting the exercise of such powers in the Declaration aforesaid, or in any By-law of the Corporation; and such Trustees, or a majority of them, shall have power to make By-laws binding the Members and Officers thereof, and such others as shall agree to be bound by them, for all purposes relative to the affairs and business of the Corporation, except as to matters touching which it is provided by the Declaration aforesaid, that By-laws shall be made in some other manner.

IV. And be it enacted, That the Members of such Corporation, at their Annual Meeting, to be held on such day as may be provided by any By-law of the said Corporation, may choose from among themselves a President, and may appoint (except in so far as it may be otherwise provided in the Declaration or By-laws) a Librarian, Treasurer, Secretary, Lecturer, and such other Officers and servants of the Corporation as they may think necessary, and fix and pay their remuneration; and also a Board of Directors or Trustees of such Corporation, who shall hold office for one year, or such further time as may be hereinafter limited or permitted.

Members to appoint a president and other officers, who may be remunerated;

And a Board of Directors, &c.

Their term of office.

V. And be it enacted, That a failure to elect Trustees on any day appointed for that purpose by the Declaration aforesaid, or by any By-laws, shall not operate the dissolution of the Corporation, but the Trustees then in office shall remain in office until their successors are elected, which they may be (if no other provision be made therefor by the Declaration or By-laws) at any Meeting of the Members of the Corporation at which a majority of such Members shall be present, in whatever way such Meeting may be called.

Trustees to remain in office till their successors are appointed, &c.; and as to when they may be elected.

VI. And be it enacted, That any such Corporation shall have power by its By-laws to impose a fine not exceeding One Pound, on any Member contravening the same, or on any person not being a Member of the Corporation, who shall in writing have agreed to obey the By-law for the contravention whereof it is imposed; and any such fine, if incurred, and any subscription or other sum of money which any Member or other person may have agreed to pay to the said Corporation, for his subscription to the funds of the Corporation for any certain time, or for the loan of any book or instrument, or for the right of entry to the rooms of the Corporation, or of attending any lectures, or for any other privilege or advantage afforded him by such Corporation, may be recovered by the Corporation by action in any Court having jurisdiction in civil matters to the amount, on allegation and proof of the signature of defendant to some writing by which he shall have undertaken to pay such subscription, or to obey such By-law, and of this breach of such undertaking, which breach shall be presumed until the contrary be shewn, as regards any promise to pay any sum of money, and may be proved by the oath of any one credible witness, as regards the contravention of any such By-law; and in any such action, or any other to which such Corporation may be a party, any Member or Officer of the Corporation shall be a competent witness, and any copy of any By-law bearing the signature of the defendant, or bearing the Seal of the Corporation, and the signature of some person purporting to have affixed such Seal by authority of the Corporation, shall be *prima facie* evidence of such By-law; and all fines so recovered shall belong to the Corporation for the use thereof.

Corporation may impose fine on members, &c., contravening By-laws, and enforce payment of same, and all other dues, &c.

VII. And be it enacted, That any such Corporation may, if it be so stated in the said Declaration, be at the same time a Mechanics' Institute and a Library Association, or either of them, and their business shall accordingly be the ordinary and usual business of a Mechanics' Institute or of a Library Association, or both, as the case may be, and no other, but may embrace all things necessary and useful for the proper and convenient carrying on of such business; and their funds and property shall be appropriated and used for purposes legitimately appertaining to such business, and for no other.

Corporation may, if provided in declaration, be a Mechanics' Institute and Library Association, or either.

Funds how to be used.

VIII. And be it enacted, That if it be provided in such Declaration as aforesaid, or by the By-laws of the Corporation, that the shares of the Members, or of any class of Members, in the property of the Corporation, shall be transferable, then they shall be transferable accordingly, in such way, and subject to such conditions, as shall be mentioned in such Declaration, or in the By-laws of the Corporation, if by such Declaration, such transfers are to be regulated by them; and all such shares shall be personal property, and by such Declaration or By-laws provision may be made for the forfeiture of such shares in cases to be therein named, or for preventing the transfer thereof to others than persons of some certain description, or resident within some certain locality.

Shares may be made transferable in certain cases;

To be personal property;—When liable to forfeiture.

Power of transfer regulated.

IX. And be it enacted, That provision may be made for the dissolution of such Corporation, by the Declaration aforesaid, or it may be therein provided, that such provision may be made by the By-laws of the Corporation to be hereafter passed:

How dissolution of corporation may be provided for.

Provided

Proviso: as to their liabilities.

How this Act shall apply.

Provided that no such dissolution shall take place until all the liabilities of the Corporation are discharged.

X. And be it enacted, That nothing in this Act contained shall prevent any Mechanics' Institute or Library Association (or both united) from being and becoming incorporated by a separate Act of Parliament, as if this Act had not been passed; nor shall this Act be held in any way to affect or extend to any Mechanics' Institute, or Library Association already incorporated.

C A P . L X X X V I I .

An Act to amend the Laws regulating the Election of Members of the Legislative Assembly in certain Counties, in so far as relates to the Return of Writs.

[30th August, 1851.]

Preamble,

WHEREAS the Magdalen Islands in the Gulf of Saint Lawrence, which are included in and form part of the County of Gaspé, as well as certain other parts of the said County, are inaccessible at certain periods of the year and with difficulty accessible at any season; and whereas certain parts of the said County, and of the County of Saguenay, are situate at great distances from the public place most central and most convenient for the great body of the Electors in each of the said Counties, at which the Returning Officer is by law bound to proceed to the election of a Member to serve in the Legislative Assembly of this Province, whenever a Writ of Election is issued for that purpose, and it is therefore expedient and proper to provide for such Writs being made returnable so as to obviate the possibility of either of the said Counties being at any time unrepresented for want of a sufficient delay between the issuing of any such Writ and the period at which the same may be made returnable, or for want of time to give the necessary notices in pursuance 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 for and notwithstanding any thing to the contrary contained in the said Act of the Parliament of the United Kingdom, any Writ which may hereafter issue for the election of a Member to serve in the Legislative Assembly of this Province for the County of Gaspé, or for the County of Saguenay, may be made returnable at any time within ninety days from the day on which the same shall bear date.

Period for the return of Writs for the Counties of Gaspé and Saguenay, extended.

Time allowed for certain purposes by 12 Vict. c. 27. extended, as regards the said Counties,

II. And be it enacted, That for and notwithstanding any thing to the contrary contained in the Act of the Parliament of this Province passed in the twelfth year of Her Majesty's Reign, chaptered Twenty-seven, and intituled, *An Act to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act the several statutory provisions now in force for the regulation of Elections of Members to represent the people of this Province in the Legislative Assembly thereof*, every Proclamation issued by a Returning Officer of the County of Gaspé, or of the County of Saguenay, fixing the place, day and hour at which he will proceed to hold the election under any Writ of Election directed to him, shall be posted up at least twenty days before the day which by such Proclamation he shall have fixed for holding such election, and that there shall be at least fifteen days, and not more than thirty days, between the days respectively fixed by any such Returning Officer in and by any such Proclamation for opening the election as aforesaid, and for opening the Poll at separate places in the said Counties respectively; and that the delay between the closing of the Polls and the day on which the result of the polling shall be announced by the Returning Officer, shall not exceed thirty days,