

in law as if the same had been kept by any Minister or Clergyman in Lower Canada now authorized to keep registers, any law to the contrary notwithstanding; but no such Minister or Pastor shall be entitled to the benefit hereby granted, unless he shall have taken the oath of allegiance before a Judge of the Superior Court in the District in which he shall reside, which oath the said Judge is authorized and required to administer, and the same to certify in duplicate under his signature, whereof one copy shall be filed in the Office of the Prothonotary of the said Court, the cost of which filing shall not exceed five shillings, and the other copy shall remain in the possession of the said Minister; nor unless such Minister or Pastor shall, at the time of taking such oath, produce to the Judge the certificate of his ordination and of his call to become such Minister or Pastor by the said Congregation, or legally attested copies of such documents respectively; And provided also, that the registers which have been so kept, and the several entries therein, according to the laws of Lower Canada aforesaid, as well as authentic copies of such entries, shall, to all intents and purposes, be good and available in law, as if the said registers had been kept pursuant to any Act, Statute or Law of or in Lower Canada previous hereto, in relation to registers of births, baptisms or deaths; Provided further, that all and every the regulations and requirements of Acts, Statutes or Laws with respect to the registers therein mentioned, be also observed with respect to the registers to be kept pursuant to this Act.

Conditions to be complied with.

Proviso: Validity of Registers.

Proviso.

III. Provided always, That whenever the connection between any such Minister or Pastor and any Congregation shall cease, the duplicate of the registers kept by the said Minister or Pastor shall be the property of the said Congregation, and shall be deposited with the Trustees thereof, to be kept by the successor of such Minister or Pastor for the use of the said Congregation.

Provision when the Minister shall change his Congregation.

IV. The said Ministers or Pastors shall, in all respects, comply with and be governed by the Acts, Statutes and Laws at present in force, in the keeping of the said registers, and shall, in case of disobedience to the requirements thereof, be liable to the penalties in like cases thereby imposed, which penalties shall be recoverable, paid, applied and accounted for, in the same manner as the penalties imposed by them are therein directed to be paid, applied and accounted for.

Laws touching Registers to be observed.

V. This Act shall be deemed a Public Act.

Public Act.

## CAP. LIX.

An Act for the relief of a Religious Congregation at Montreal, denominated *The German Evangelical Church*.

[Assented to 18th December, 1854.]

Preamble.

**W**HEREAS certain persons at Montreal, being subjects of Her Majesty, of German origin or descent, have, by their petition to the Legislature, represented that they have constituted themselves into a Religious Congregation, under the denomination of *The German Evangelical Church*, and have prayed that the Reverend George Werner, their selected Minister, and his successors in such ministry, may be authorized to keep in due form of law, registers of all baptisms, marriages and burials, which shall by such Ministers respectively be performed; and further, that the said Congregation may be enabled to receive, take and hold the land required for the site of a Church and for a Dwelling House, for the use of their Minister, and it is expedient to grant the prayer of the said petition: 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 intitled, *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, as follows:

Ministers of the said persuasion may keep Registers.

I. It shall and may be lawful for the said Reverend George Werner, or any regularly ordained Minister, for the time being, of the said Congregation, to have and keep registers of baptisms, marriages and burials, subject always to the penalties of law in this behalf provided, according to the laws of that part of the Province of Canada heretofore Lower Canada; and the said registers, the necessary formalities as by law already provided in Lower Canada aforesaid, in relation to registers of like nature being observed, shall to all intents and purposes have the same effect in law as if the same had been kept by any Minister in Lower Canada aforesaid; any law to the contrary notwithstanding.

Conditions to be previously complied with.

II. Provided always, That no such Minister shall be entitled to the benefit of this Act, unless he shall have taken the Oath of Allegiance before a Judge of the Superior Court, sitting in the District of Montreal, which oath the said Judge is authorized and required to administer, and the same to certify in duplicate under his signature, whereof one copy shall be filed in the Office of the Prothonotary of the said Court, the cost of which filing shall not exceed two shillings and six pence, and the other copy shall remain in the possession of the said

Minister;

Fees.

Minister ; nor unless such Minister shall at the time of taking such oath produce to the said Judge the certificate of his Ordination and of his call to become such Minister by the said Congregation, or legally attested copies of such documents respectively.

III. Provided always, That whenever the connection between any such Minister and the said Congregation shall cease, the duplicate of the register shall be the property of the said Congregation, and shall be deposited with the Trustees thereof, to be kept by the successor of such Minister for the use of the said Congregation.

Provision when a Minister shall leave his Congregation.

IV. The registers which have been so kept, and the several entries therein, according to the laws of Lower Canada aforesaid, as well as authentic copies of such entries, shall to all intents and purposes be good and available in law as if the said registers had been kept pursuant to any Act, Statute or Law of or in Lower Canada previous hereto, in relation to registers of births, baptisms or deaths : Provided always, that all and every the regulations and requirements of Acts, Statutes or Laws, with respect to the registers therein mentioned, be also observed with respect to the registers to be kept pursuant to this Act.

Legal effect of Registers kept under this Act.

Proviso.

V. The said Ministers shall in all respects comply with and be governed by the Acts, Statutes and Laws in the keeping of the said registers, and shall in case of disobedience to the requirements thereof, be liable to the penalties in like cases therein imposed, which penalties shall be recoverable, paid, applied and accounted for in the same manner as the penalties imposed by them are therein directed to be paid, applied and accounted for.

Laws touching Registers to be complied with.

VI. The said Congregation and their successors for the purposes of this Act, shall be a body politic and corporate, under the name of *The German Evangelical Congregation of Montreal*, and shall and may acquire, receive, take, have and hold to them and their successors to and for the uses of the said Congregation, any lands, tenements or hereditaments, and real and immoveable property lying within the City of Montreal as a site for their Church and Minister's House, and the same to sell, alienate and dispose of, and acquire others in their stead for the purposes above mentioned.

Congregation incorporated.

Name and powers.

VII. The said Corporation shall assemble for the first time, for the purpose of their organization, the Minister to preside at such meetings, within one month after this Act shall come into force, and shall then appoint eight Trustees, one of whom shall be by themselves appointed as President, and in each succeeding year thereafter, the annual meeting of the said Congregation shall be held ; at which annual meeting the election of Trustees

Meetings of Corporation.

Election of Trustees.

Trustees

Proviso :  
By-laws to be  
made.

Trustees shall be had for the ensuing year ; Provided always, that By-laws, Rules and Regulations for the government of the Congregation shall, by the Trustees, within one month after their appointment, be framed and submitted for the approval of the Congregation, which shall not be thereafter altered and changed, except at the said annual meeting or at a special general meeting of the Corporation, which shall be called by the Trustees at their discretion, or at the requisition, and within ten days thereafter, of any five Members of the said Corporation, or on refusal of the said Trustees, then within the same delay, at the requisition of the said five Members.

Powers of  
Trustees.

VIII. The said Trustees shall have the administration of the moveable and immoveable property of the said Corporation, and shall render a report of their administration at such annual meeting, with a detailed statement of the affairs of the Corporation, and shall make By-laws, Rules and Regulations for the good government of the Corporation, the same not being repugnant to this Act nor to the laws of the Province, and being moreover of no effect, except from and after the day on which the same shall have been approved at such annual or special general meeting.

Public Act.

IX. This Act shall be a Public Act, and the Interpretation Act shall apply thereto.

## C A P . L X .

An Act to amend the Act incorporating the Mutual Assurance Associations of the *Fabriques* of the Dioceses of Quebec and Three-Rivers, and of Montreal and St. Hyacinthe.

[Assented to 18th December, 1854.]

Preamble.

16 V. c. 149.

WHEREAS the Mutual Assurance Association of the *Fabriques* of Montreal and St. Hyacinthe have prayed for amendments to the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to incorporate the Mutual Assurance Associations of the Fabriques of the Dioceses of Quebec and of Three-Rivers, and of Montreal and St. Hyacinthe*, and it is expedient to grant the said prayer : 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, as follows :

Expertise  
when any loss

I. That whenever the said Mutual Assurance Association of the *Fabriques* of Montreal and St. Hyacinthe shall find it necessary

necessary to ascertain any loss occasioned by fire, the Board of the said Association, established in conformity with the provisions of the first above cited Act, shall, provided a rule or regulation to the effect shall have been made by them, have power to refer to *experts* the claim of the parties who shall have suffered loss by such fire, and the said Board and any party interested as aforesaid, and every such *expert*, shall be authorized to obtain the deposition upon oath of any witness whom they may think capable of giving information respecting such fire and the loss suffered thereby.

shall happen  
by fire: powers  
of *experts*.

II. Any of Her Majesty's Justices of the Peace, may and he is hereby authorized and required to swear any such *expert* or witness whenever he shall be called upon to do so.

Swearing  
*experts* and  
witnesses.

III. This Act shall be a Public Act.

Public Act.

## C A P . L X I .

### An Act to incorporate the University Lying-in Hospital in the City of Montreal.

[Assented to 18th December, 1854.]

**W**HEREAS an Association hath existed for several years in the City of Montreal, in this Province, under the name of the University Lying-in Hospital, the object whereof is charitable and to afford the means of furthering the acquisition of obstetrical science, and supply scientific aid to destitute females at a critical period; And whereas the said Association is composed of the persons hereinafter named and others, who have set forth in their Petition, that the Incorporation of the said Association would greatly increase and secure the advantages resulting therefrom, and have prayed that they and their successors may be incorporated in conformity with the regulations and provisions hereinafter mentioned: 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 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, as follows:

Preamble.

I. Margaret Lunn, Mary Fulford, Eleanor Ostell, Directresses; Augusta Durnford, Secretary, of the said University Lying-in Hospital; Andrew F. Holmes, M. D., G. W. Campbell, M. D., O. Bruneau, M. D., W. Sutherland, M. D., James Crawford, M. D., William E. Scott, M. D., William Wright, M. D., Robert Palmer Howard, M. D., and William Fraser, M. D., Consulting Physicians to the same; Archibald Hall, M. D., Physician

Institution incorporated: and of whom to consist.

Corporate  
name and  
powers.

Limitation of  
property.

Transfer of  
property, and  
liabilities of  
present Asso-  
ciation.

Present Offi-  
cers and By-  
laws con-  
tinued until  
others are  
made and  
appointed.

Public Act.

Physician in Attendance, and Benjamin Workman, M. D., Medical Registrar, also Officers of the said Lying-in Hospital, and such other persons as now are or shall, under the provisions of this Act and the By-laws of the said Association, be or become Members thereof, shall be, and they are hereby constituted a Corporation, under the name of "The University Lying-in Hospital," and shall be entitled to acquire, hold, possess, take and receive for the purposes of the said Corporation, but for the use and occupation only of the said Corporation, any real or immoveable property, and stocks and securities of any description not exceeding in yearly value the sum of one thousand pounds currency, and the same to sell, alienate and dispose of, and acquire others in their stead for the purposes above mentioned.

II. All and every the estates, real and personal, belonging to the said Association, and which the said Association, or the Members thereof as such, may hereafter acquire, and all debts, claims and demands due to the said Association, shall be, and they are hereby vested in the said Corporation hereby constituted, and the said Corporation shall be liable for all debts due by, or claims against, the said Association.

III. The By-laws, Rules and Regulations of the said Association, in force at the time of the passing of this Act, shall be, and continue to be, the By-laws, Rules and Regulations of the said Corporation: and the Officers of the said Association, at the time of the passing of this Act, and each of them, shall continue to fulfil their respective duties as Officers of the said Corporation, and to manage and conduct the affairs thereof, until others shall be appointed in their stead, under the said By-laws, Rules and Orders.

IV. This Act shall be deemed a Public Act.

## C A P . L X I I .

### An Act to incorporate the Montreal Dispensary.

[Assented to 18th December, 1854.]

Preamble.

**W**HEREAS a number of persons residing in Montreal, have been associated together for some time past, under the name of the "Montreal Dispensary," for the purpose of affording relief, by advice, medical and surgical aid, to the sick poor of that City; And whereas the persons hereinafter named being members of the Association, have by their Petition represented, that in order to carry out more fully the benevolent designs of its founders, and to increase its usefulness, it is desirable that this Institution should be incorporated under proper regulations, and have prayed to be incorporated accordingly, and it is expedient to grant the prayer of their Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by  
and

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 is hereby enacted by the authority of the same, as follows :

I. That C. Dorwin, R. S. Tylee, James Gilmour, Benjamin Lyman, George H. Frothingham, J. W. Hopkins, Henry Mulholland, T. Esdaile, J. S. Hunter, P. D. Brown, A. Laframboise and such other persons as are now, or shall hereafter become Members of the said Association, shall be and are hereby declared to be a Body Politic and Corporate, in deed and in name, by the name of the Montreal Dispensary, and by that name shall have perpetual succession and a common seal, and shall have power from time to time to alter and renew or change such common seal at their pleasure, and shall, by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive to them and their successors, but for the use and occupation only of the said Corporation, any real or immoveable property and estate, lying and being within this Province, not exceeding in yearly value the sum of five hundred pounds currency, and the same to sell, alienate and dispose of, and to purchase others in their stead for the same purpose ; and by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of Law and places whatsoever, in as large, ample and beneficial a manner as any other Body Politic or Corporate, or as any persons may or can do, in any manner whatsoever, and shall have power and authority to make and establish such Rules, Orders and Regulations, not being contrary to this Statute or to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation, or for the management thereof, and for the admission of Members into the said Corporation, and from time to time to alter and amend, repeal or change the said Rules, Orders and Regulations or any of them, and shall and may do, execute and perform all and singular other the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto, subject nevertheless to the Rules, Regulations, Stipulations and Provisions hereinafter prescribed and established.

Institution incorporated : of whom to consist.

Corporate name and powers.

Real property limited.

Making By-laws.

Further powers.

II. An Annual General Meeting of the Members of the said Corporation shall be held on the Second Tuesday of the month of May in each and every year, (or if such day be a holiday, or if the election hereinafter mentioned be not for any cause then held, then on such day as shall be appointed in the manner hereinafter mentioned) for the Annual Election of a Committee of Management, Secretary, Treasurer, and such other

General Meetings of Members.

Election of  
Committee of  
Management,  
&c.

Proviso:  
for Special  
Meetings.

Powers of  
Special Meet-  
ings.

Officers of the said Corporation as to the said Corporation shall seem meet, by and through the majority of the Members present at such General Meeting, and for the transaction of all other matters and things relating to the affairs of the said Corporation for the year preceding such Annual Meeting, and for the adjustment and settlement of the accounts and business of the said Corporation for the then preceding year: Provided always, that the said Corporation, on a requisition signed by not less than five of the Members thereof, shall, by a notice to be inserted for not less than seven days in one or more of the newspapers published in the City of Montreal, call a General Meeting of the Members of the said Corporation, specifying the hour, day, place and object of the said meeting; and the Members aforesaid, or the majority thereof, at such General Meeting, shall have power and authority to revise, alter or rescind any Rules, Orders and Regulations for the management of the Corporation after notice of such repeal or alteration shall have been given at a General Meeting next immediately preceding that at which such application shall be made and considered, and to admit new Members, and to fill up all vacancies which may occur among the said Committee of Management, Secretary, Treasurer and other Officers aforesaid, and generally to do and perform all such matters and things as may be conducive to the well-being of the said Corporation.

Transfer of  
property and  
liabilities of  
present Asso-  
ciation.

III. All and every the estate and property, real and personal, belonging to, or hereafter to be acquired by the said Members of the said Association as such, and all debts, claims and rights whatsoever due to them in that quality shall be, and are hereby vested in the Corporation hereby established; and the Committee of management, Secretary, Treasurer and other Officers of the said Corporation, shall remain in office until others in their stead, or the same shall be elected at such Annual General Meeting in the manner herein provided.

Public Act.

IV. This Act shall be deemed a Public Act.

## CAP. LXIII.

An Act further to amend the Act incorporating the Quebec Friendly Society.

[Assented to 18th December, 1854.]

Preamble.

WHEREAS the President and Vice-President of the Quebec Friendly Society, acting for and on behalf and in the name of the said Society, have prayed for certain alterations and amendments to the Act of the Parliament of the late Province of Lower Canada, passed in the tenth and eleventh years of the Reign of His late Majesty King George the Fourth, intituled: *An Act to incorporate certain persons under the name of the Quebec Friendly Society*; And whereas it is desirable for the advantage of the said Society that the said alterations and amendments

Act of Lower  
Canada 10 &  
11 Geo. 4,  
c. 49.



amendments should be made : 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-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows :

I. The concluding portion of the seventh section of the Act first above mentioned, which is in these words, to wit : " And unless the party or parties to whom such advances shall be so made, shall procure a co-surety who shall enter into an obligation jointly and severally with the party or parties to whom such advance shall be made, for securing the payment of all such moneys and the accruing interest thereof," shall be, and the same is hereby repealed : Provided however, that all suretyships or *cautionnements* entered into previous to the passing of this Act, and which are in force and existence at the last mentioned time, under the provisions of the said portion of the said seventh section hereby repealed, shall be and remain valid and binding as though this Act had never been passed.

Part of section 7 of the said Act repealed.

Proviso: as to sureties under it.

II. In addition to the means and power of investment of moneys allowed to the said Society under the provisions of the said first mentioned Act, and under the provisions of the Act of the Parliament of this Province passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to amend the Act to incorporate certain persons under the name of the Quebec Friendly Society*, it shall and may be lawful to and for the said Quebec Friendly Society to lay out and dispose of all such sums of money as have been collected or which hereafter may be collected and paid to and for the purposes of the said Society, the immediate application or expenditure of which is not required for the exigencies of the said Society, in the investment and purchase of stock and shares in all or any of the incorporated Banks, Companies or Public Bodies of this Province, and such stock and shares shall be taken in the names of the President and Vice-President of the said Society for the time being ; and the interest and proceeds arising therefrom shall be accounted for and applied in the same manner as is provided by the said first mentioned Act for the other moneys invested by the said Society ; and all restrictions, provisions and enactments of law contrary to the provisions of this section shall be and are hereby repealed.

Additional modes of investing moneys of the Society.

16 v. c. 64.

Accounts.

III. This Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

## C A P . L X I V .

## An Act to incorporate the Members of The British American Friendly Society of Canada.

[Assented to 18th December, 1854.]

Preamble.

**W**HEREAS an Association hath been formed in this Province, under the name of "The British American Friendly Society," for the purpose of securing by voluntary subscription or contribution of the members thereof, funds for the mutual relief and maintenance of the said members during old age, sickness and infirmity, or any other natural state or contingency whereof the occurrence is susceptible of calculations by way of average, and also for a provision at death; and whereas such an association is likely to be attended with very beneficial results, by promoting the happiness of individuals, and at the same time diminishing the public burdens, and by the contribution of the savings of many persons to one common fund, the most effectual provisions may be made for the casualties affecting all the contributors; and whereas the benefits derivable from such a society to the members thereof, would not only be secured by the incorporation of the members thereof, but be greatly enhanced; and whereas the said Association have prayed to be so incorporated, and it is expedient to grant the prayer of the said petitioners, subject to the provisions and enactments hereinafter set forth and made in their behalf: 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, as follows:

Institution incorporated, and of whom to consist.

I. Wolfred Nelson, M. D., the Honorable Charles Wilson, George Brown, James Harvey Phillips, J. B. Bibaud, M. D., Ovide LeBlanc, Aaron Locoock Graveley, Louis Prévost, John Gilmour, Robert Aspinall, James Garven, Eugène Lamoureux, Thos. R. Browne, Louis Papin, John Boyd, Robert Weir, Charles Garth, Moses Beauchamp, James Knapp, Daniel Longprès, Joseph White, J. B. Tison, Geo. Swinburn, Vital Tétu, A. H. Powell, John P. Mackay, A. Dufresne, with all such other persons as now are or may be hereafter associated with them for the purposes hereinbefore mentioned, and their successors for ever, shall be one body politic and corporate, in deed and in name, by the name and style of The British American Friendly Society, and shall by that name have perpetual succession and a common seal, and shall have power from time to time to alter, change or renew such common seal at pleasure, and shall by the same name, from time

Corporate name and general powers.

to

to time, and at all times hereafter be able and capable to have, receive, purchase, acquire, hold, possess and enjoy, to them and their successors aforesaid, to and for the uses of the said Corporation, any messuages, lands, tenements and hereditaments, of whatever nature, quality or kind, situate, lying and being within this Province, to an amount not exceeding the annual value of five hundred pounds currency, and also to take, receive, purchase, acquire, have, hold and possess, to and for the same uses and purposes, any goods and chattels, gifts or benefactions whatsoever, and shall and may by the same name be able and capable to sue in law and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law and places whatsoever, in all and singular actions, causes, pleas, suits, matters and demands whatsoever, in as large, ample and beneficial a manner and form as any other body politic or corporate, or any persons able and capable in law may or can sue, implead or answer, or be sued, impleaded or answered in any manner whatsoever.

Real property  
limited.

II. A meeting of the Members of the said Society shall be held the first Monday in October in every year, for the election of not less than five nor more than seven Directors, and seven Members shall form a quorum at such meeting, and should it so happen that an election should not be made on the day designated, the said Corporation shall not thereby be dissolved, but an election may be made on any convenient day within thirty days thereafter, to be designated by the Secretary; after such election of Directors they shall proceed to elect from their own body a President and a Secretary and General Manager, and appoint such subordinate Officers as may in the opinion of the Directors be deemed necessary, and define their powers and prescribe their duties; the Directors shall also fill all vacancies occurring by death, resignation or otherwise, and shall be eligible for re-election indefinitely.

Yearly Meetings of Members.

Election of Directors.

Appointment of President and Officers.

III. It shall be lawful for the Directors of the said Association to make, and from time to time to amend or repeal such By-laws and Regulations as may be deemed necessary effectually to carry out the objects contemplated by the Society, and clearly to define the rights and privileges of Members, and to raise from time to time, by subscriptions of the several Members, or by voluntary contributions or donations, a Capital Stock or Fund for the effectual relief and maintenance of all and every the Members thereof, their children, relatives or nominees, in sickness, old age and infirmity, widowhood or any other natural state or contingency, whereof the occurrence is susceptible of calculation by way of average, and for making a provision at the death of any member to any amount not exceeding one thousand pounds currency.

Making By-laws, and for what purposes.

IV. In case any Member shall decease or become disabled, he shall be dealt with as prescribed in the By-laws, and in case any Member

Payment of money due on Member

decease of  
Members.

Member of the said Society shall be rendered disabled or die, who shall be entitled to any sum agreeably with the rules of said Corporation, not exceeding two thousand five hundred pounds currency, it shall be lawful for the Directors of the said Corporation to pay the same at any time after the decease of such Member, according to the By-laws of the said Society; and whenever the Directors of the said Society at any time after the decease of any Member shall have paid and divided any sum of money to the next of kin of such deceased Member, or amongst any person or persons who shall at the time of such payment appear to the Directors to be legally entitled to the amount due any deceased member, the payment of any such sum shall be valid and effectual.

Entry and  
Record of By-  
laws, and  
proof thereof.

V. All the rules for the proper management of the said Society shall be entered in a book to be kept by an Officer of the said Society, which book shall be open at all reasonable times for the inspection of Members, and all rules from time to time made and in force for the management of the said Society, shall be binding on the several Members and Officers of the said Society, and the several contributors thereto and their representatives, all of whom shall be deemed to have taken full notice thereof by such entry and contribution aforesaid; and the entry of such rules in such book aforesaid, or a true copy thereof, certified by the President and Secretary, shall be received as *prima facie* evidence of such rules respectively, in all cases.

Yearly state-  
ment to be  
made and sub-  
mitted to the  
Legislature.

VI. The Secretary of the Society shall prepare or cause to be prepared a yearly general statement of the whole number of Members, their ages, number of deaths, amount of sickness experienced, together with a full statement of the funds, and of the effects of or belonging to the said Society, with an account of all and every the various sums of money received and expended by or on account of the said Society, duly attested, and every member shall be entitled to receive a copy of such periodical statement: and a copy of such periodical statement shall be annually furnished to the Legislature, within the first fifteen days of each Session thereof; and such statement shall also be furnished to the Governor in Council at such other times as the said Society may be required so to do.

Reserve fund,  
and its appli-  
cation.

VII. All surplus funds on hand at the expiration of each year after paying all claims for benefits and expenses of management, shall be set aside as a reserve fund, until such surplus amounts to twenty thousand pounds, from which time the subsequent annual surplus shall be divided among the Members in proportion to their annual deposits.

Corporation  
not to be dis-  
solved except

VIII. The said Society shall not be dissolved so long as the intents or purposes declared, or any of them, remain to be carried into effect, without obtaining the votes or consent of  
three

three fourths in value of the then existing Members, to be ascertained in the manner hereinafter specified, and for the purpose of ascertaining the votes of such three fourths in value, every Member shall be entitled to one vote, and an additional vote for every five years that he may have been a member, and in case of dissolution the intended appropriation or division of the funds or other property of the said Society, shall be fairly and distinctly stated in the proposed plan of dissolution, prior to such consent being given; and the division or distribution of the stock or funds, or any part thereof, shall be in strict accordance with the general intents and purposes of the said Society.

by votes of  
three fourths  
of Members.

IX. This Act shall be held to be a Public Act.

Public Act.

C A P . L X V .

An Act to enable the Trustees and Members of Zion Church in Montreal, to alienate and hypothecate certain property of the said Church, and for other purposes.

[Assented to 18th December, 1854.]

**W**HEREAS the Trustees and Members of Zion Church, in the City of Montreal, have by their Petition to the Legislature represented, that they have disposed of certain real property, upon which their former Church was erected, and have acquired other property and erected a new Church thereon, in place of their former Church, but cannot legally perfect the conveyance of their former property, nor hypothecate their present property for security of advances made for the same; and that they are moreover desirous to borrow a sum of money for the re-payment of the same advances and the completion of their present Church, and to dispose of the same, and purchase other more convenient property for the same purpose if required, and it is expedient to grant the prayer of the said Petition: 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, as follows:

Preamble.

I. The Reverend Henry Wilkes, D. D., Pastor of the said Church, and Thomas M. Taylor, John Leeming, Alexander F. Sabine, David Lewis, William Rodden, Alfred Savage and Henry Lyman, all of Montreal, Trustees of the said Church, and Henry Vennor, John Dougall, Charles Alexander, John Wood, J. W. Howes, John Birks, Sibley Forester, James C. Beers, also

Who shall be  
Members of  
the Church  
for the pur-  
poses of this  
Act.

also of Montreal, and such other persons as are now members of Zion Church, together with such persons as shall become members of the said Church, according to its rules of government, shall be for all the purposes of this Act, held to be members of said Church: the certificate of the Pastor of the Church, for the time being, to be held to be legal proof of such membership.

Trustees being thereunto authorized by a vote of the Members of the Church, may make or confirm a Deed of Alienation of certain property.

2 V. c. 26.

II. Whenever the said Thomas M. Taylor, John Leeming, Alexander F. Sabine, David Lewis, William Rodden, Alfred Savage and Henry Lyman, Trustees aforesaid of Zion Church, or their successors in office, appointed to act as such in accordance with the provisions of a certain Trust Deed, passed before Joseph Belle and Colleague, Notaries, on the thirteenth day of August, in the year of our Lord, one thousand eight hundred and forty-five, and insinuated in the Office of the Prothonotary of the District of Montreal, as provided by the Ordinance of the heretofore Province of Lower Canada, passed in the second year of Her Majesty's Reign, intituled, *An Ordinance to suspend an Act passed in the tenth and eleventh years of the Reign of His late Majesty George the Fourth, intituled, 'An Act for the relief of certain Religious Congregations therein mentioned,' and to make other Legislative provision in the place thereof,* shall be authorized by a vote of two thirds of the members of the said Church, in Church Meeting assembled, or by written authorization to that effect, (the certificate of the Pastor and Secretary of the Church, for the time being, to be held to be legal proof of such vote and authorization), it shall be lawful for the said Trustees, or their successors in office as aforesaid, to sell, alienate and convey, by good and sufficient title, or to ratify, confirm and give effect to any such title heretofore made by them, as fully and effectually as if the Trustees, for the time being, had been legally authorized thereto and therefor, to a certain emplacement situate, lying and being in the Saint Joseph Suburb, Montreal, bounded in front by Saint Maurice Street, on one side by the property of Charles Austin, on the rear by the heirs of the late Emery Cushing, and on one side by Longueuil Lane, together with a stone building thereon erected, formerly used as a place of Worship, and a brick addition or vestry thereto attached, together with all and every the members and appurtenances thereto belonging.

Being so authorized, they may borrow money and mortgage certain estate.

III. It shall be lawful for the said Trustees, or their successors in office, whenever authorized to that effect, by a vote of two thirds of the members of said Church, to borrow any sum or sums of money, not exceeding Three Thousand Pounds current money of the Province, for the use and relief of the said Church, and to give security by mortgage or hypothec on the real estate of the said Church, and to sign such Act or Deed of Mortgage, as such Trustees, which shall thereupon, to all intents and purposes, be a valid mortgage and security upon the said real estate.

IV.

IV. It shall be lawful for the said Trustees, or their successors in office, whenever duly authorized to that effect, by a vote of two thirds of the members of the said Church, to sell, alienate and convey, by a good and sufficient title, under their signatures, all or any part or portion of the real estate of the said Church, provided that the proceeds or avails of such sale shall be forthwith re-invested for the religious purposes of the said Church, and for the maintenance of the ordinances of Public Worship therein.

Being so authorized, they may sell certain other estate.

V. Nothing herein contained shall be construed to affect in any manner or way the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned and provided for.

Rights of the Crown, &c., saved.

VI. This Act shall be deemed a Public Act.

Public Act.

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

An Act to enable the Reverend William Ritchie to sell and convey, or to demise, certain Lands held by him in trust.

[Assented to 18th December, 1854.]

**W**HEREAS before the intermarriage of Charles Sibbald, then of the Township of Georgina, in the Province of Upper Canada, Gentleman, and now of the Township of Whitechurch, in the County of York, in Upper Canada, with Isabella Robinson, then of the Township of East Gwillimbury, in Upper Canada, a certain lot of land, being lot number thirty-five in the second Concession of the Township of Whitechurch aforesaid, containing one hundred and ninety acres, more or less, and then being the property of the said Isabella Robinson, was, by Indenture made on the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty-nine, conveyed by the said Isabella Robinson in fee to Thomas Henderson, late of the Township of East Gwillimbury, Esquire, now deceased, and to the Reverend William Ritchie, of the said Township of Whitechurch, upon certain trusts, for the use and benefit of the said Charles Sibbald and Isabella his said intended wife and of the survivor of them, and after their decease for the benefit of the child or children of the said intended marriage, in such manner as by the said Indenture was settled and appointed; And whereas in the Deed of Settlement aforesaid, no provision was made for enabling the Trustees under any circumstances to alienate the said land or any part thereof, or to demise the same for any term of years; And whereas the said lot of land being immediately adjacent to one of the Depots of the Ontario, Simcoe and Huron Railway, it would greatly promote the objects of the said Trust, and would also be convenient to the public, if the surviving Trustee were empowered to dispose by sale of a part of the said lot

Preamble.

Recital.

lot near to the said Depot, or to lease the same in village lots for a long term of years, and the said Reverend William Ritchie, the surviving Trustee, and the said Charles Sibbald and Isabella Sibbald, have petitioned that an Act may be passed for that purpose : 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, as follows :

Reverend W. Ritchie, as surviving Trustee, enabled to convey or lease certain portion of the said property.

I. It shall and may be lawful for the said Reverend William Ritchie, as such surviving Trustee as aforesaid, or for his heirs from time to time according to his or their best judgment and discretion to sell such parts or portions of the front part of the said lot of land not exceeding in the whole fifty acres, either by public auction or by private sale, as he or they may think most for the benefit of the said Trust, and for the best prices that can be reasonably gotten for the same, or to lease the same or any part thereof, not exceeding in the whole fifty acres as aforesaid, for the best rent or rents that can be reasonably gotten for the same, for any time not exceeding in the first instance twenty-one years, but with conditions for renewal for a further term of twenty-one years at a rent to be settled by arbitration according to the provision usually made in that behalf, and to execute such deeds and conveyances as may be required for carrying into effect such contract of sale or leasing.

Investment of money arising from any such sale.

II. In case of any sales being made, all the principal moneys arising from every such sale shall be by the said surviving Trustee or his heirs, invested in some public securities or upon mortgage of Real Estate in the Province of Canada, to be held upon the same Trusts on which the said lot of land was settled and conveyed as aforesaid, and the interest only of such moneys so invested, and in case of lease, the accruing rents, shall be paid over and applied during the lifetime of the said Charles Sibbald and Isabella Sibbald, or the survivor of them, and so long thereafter as the remainder of the said lot of land shall continue to be held in Trust, in the manner and to the uses settled and appointed by the said Deed of Trust.

Saving of rights of parties.

III. Nothing in this Act contained shall in any manner prejudice or affect the interest or estate of any person or persons having any title or claim in or to the said land or any part thereof, otherwise than under the said deed of settlement.

Public Act.

IV. This Act shall be held to be a Public Act.



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

An Act to authorize the sale of certain Lands described as Lots numbers Five and Six in Division A of the Township of Guelph, and the re-investment of the proceeds for the objects of the Trust.

[Assented to 18th December, 1854.]

**W**HEREAS the Lands described in the Deed of Conveyance set forth in the Schedule marked Schedule A to this Act annexed, as Lots numbers Five and Six, in division A of the Township of Guelph, were heretofore by virtue of such Deed of Conveyance vested in the names of the Reverend Arthur Palmer and of George John Grange and Adam Johnston Fergusson, Esquires, upon the Trusts in the said Deed of Conveyance contained, but none of the said Trustees have acted or intend or desire to act in that capacity ; And whereas it would be highly advantageous for all parties interested in the said Trust if the said Lands should be sold and the proceeds of the sale thereof re-invested for the objects of the said Trust : 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, as follows :

I. The said Lands with the appurtenances, being the Lands described in the said Deed of Conveyance as Lots numbers Five and Six in division A of the said Township of Guelph as aforesaid, are hereby vested in fee simple in William Hewat and Alfred Alexander Baker, both of the Town of Guelph, Esquires, as joint tenants and not as tenants in common, upon Trust, from time to time, and in such manner by public sale or sales, or by private contract or contracts as to them or the survivor of them, or the heirs of such survivor, may seem best, to alienate, sell, and convey by all necessary deeds and instruments, the whole or any part of the said Lands with the appurtenances, and to re-invest the proceeds of such sale or sales when received, in such securities, public, municipal or private, as to them or the survivor of them, or the heirs of such survivor, may seem best, to be held and applied to and for the objects and purposes of the Trusts contained in the said Deed of Conveyance set forth in the said Schedule marked Schedule A to this Act annexed as aforesaid.

II. The receipt or receipts of the said Trustees appointed by this Act or the survivor of them, or the heirs of such survivor, shall be a sufficient discharge to any party or parties for any moneys

Preamble.

Recital.

Lands aforesaid vested in Trustees, with power to sell and invest proceeds for Trust purposes.

Receipts of Trustees to be sufficient.

moneys to be paid by such party or parties in execution of such Trust, and such party or parties shall not be held liable to see to the application of such moneys or be responsible for the mis-application or non-application thereof.

Public Act.

III. This Act shall be a Public Act.

## SCHEDULE A.

Know all Men by these presents, that I, George Sylvester Tiffany, of the City of Hamilton in the District of Gore and Province of Canada, Esquire, of the first part, in consideration of an arrangement made with respect to the disposition of certain Lands belonging or at one time belonging to the estate of the late Henry Strange, of Guelph, Esquire, deceased, do, by these presents, for the farther consideration of the sum of five shillings of lawful money of Canada, to me in hand paid at or before the sealing and delivery hereof, the receipt whereof I do hereby acknowledge, grant, release, convey and quit claim unto the Reverend Arthur Palmer, of the Town of Guelph, in the District of Wellington, Rector, George John Grange, of the same place, Esquire, and Adam Johnston Fergusson, of the same place, Esquire, and the survivor of them and his heirs, as joint tenants, the following described Lands and premises, that is to say: Lots numbers Five and Six in Division A of the Township of Guelph aforesaid, containing Fifty acres, be the same more or less, together with the hereditaments and appurtenances thereto belonging: To Have and to Hold the same to the said party of the second part and the survivor of them, and his heirs as joint tenants, upon Trust and confidence nevertheless to receive the rents of the same, and yearly and every year to apply said rents to the use and benefit of and at the direction of Clara Piggott Powell, wife of William Dummer Powell, of Guelph aforesaid, Esquire, during her natural life, and at and after her demise then to convey the fee simple in said Land to such of her children as may survive her, as tenants in common: and in case the said husband of the said Clara Piggott Powell, the said William Dummer Powell should survive his said wife and have no children the issue of them, the said Clara Piggott Powell and William Dummer Powell, at the time of the decease of the said Clara Piggott Powell, then in trust, that the said party of the second part shall hold the same to the use and benefit of the said William Dummer Powell, and his heirs and assigns, and to be conveyed to and assured to him, his heirs and assigns in fee simple: and Eliza Ann Tiffany, the wife of the said George Sylvester Tiffany, in consideration of Five Shillings to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, doth by these presents remit, release and convey to the said party of the second part, all her right and title to Dower in the said Lands and Premises.

In witness whereof the said George Sylvester Tiffany and Eliza Ann Tiffany have hereunto set their hands and seals, this twenty-third day of August, in the year of our Lord, One thousand eight hundred and forty-seven.

*(Signed)*, GEO. S. TIFFANY. (L. S.)

*(Signed)*, E. A. TIFFANY. (L. S.)

Signed, sealed and delivered }  
in presence of }

*Signed*, JAMES GEDDES.



# STATUTES

OF THE

# PROVINCE OF CANADA

PASSED IN THE

EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY

## QUEEN VICTORIA

AND IN THE FIRST SESSION OF THE FIFTH PARLIAMENT  
OF CANADA

Begun and holden at Quebec on the Fifth September and adjourned on the  
Eighteenth December, 1854, to the Twenty-third February following:

---

### PART SECOND.

FROM 23RD FEBRUARY, 1855.

---



HIS EXCELLENCY

SIR EDMUND WALKER HEAD, BARONET,  
GOVERNOR GENERAL.

QUEBEC:

PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,  
Law Printer to the Queen's Most Excellent Majesty.

Anno Domini, 1855.





ANNO DECIMO-OCTAVO .

VICTORIÆ REGINÆ .

CAP LXVIII.

An Act to explain an Act intituled, *An Act to amend the Acts imposing duties of Customs.*

[Assented to 3rd April, 1855.]

**W**HEREAS doubts have arisen as to the Duty payable under the Act passed in the eighteenth year of Her Majesty's reign, and intituled, *An Act to amend the Acts imposing Duties of Customs*, on certain kinds of Sugar: Be it therefore declared and 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 declared and enacted by the authority of the same, as follows :

Preamble.  
18 V. c. 5.

I. That all Refined Sugar, whether in loaves or lumps, candied, crushed, powdered or granulated, or in any other form, or other sugar equal to Refined Sugar in quality, is subject, under the said Act, to a duty of twelve shillings the hundred weight.

Duty.  
Refined Sugar.

II. That white clayed sugar, brown clayed sugar and yellow bastard sugar, or sugar of any kind equal in quality to any of the said kinds of sugar, but not equal in quality to refined sugar, is subject, under the said Act, to a duty of eight shillings and six pence the hundred weight.

On White  
Clayed Sugar  
&c.

III. That Raw Sugar and all sugar of any kind, not equal in quality to any of those above mentioned, is, under the said Act, subject to a duty of six shillings and six pence the hundred weight.

On Raw  
Sugar.

CAP.

## CAP. LXIX.

An Act making certain provisions rendered necessary by the separation of the Counties of Halton and Wentworth.

[Assented to 3rd April, 1855.]

Preamble.

WHEREAS the County of Halton, in Upper Canada, was, on the first day of January, in the year of our Lord one thousand eight hundred and fifty-five, in due form of law disunited from the County of Wentworth, and it is necessary to make provision for the organizing of Division Courts and the selection of Jurors, and for confirming certain Municipal proceedings in the said County of Halton: 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, as follows:

Special Session to be held to appoint Divisions.

I. The County Court Judge of the said County of Halton, together with one or more Justices of the Peace for the said County, shall hold, in his said County, a special Session of the Peace, and at such Sessions shall declare and appoint the numbers and limits of the divisions for the holding of Division Courts within the said County of Halton; Provided always that the Justices of the Peace so assembled may do and perform all such other things as may now by law be done and transacted at a General Quarter Sessions of the Peace in any County in Upper Canada: And, provided also, secondly, that until such declaration and appointment shall have been made, the Division Courts prior to the disunion of the said Counties of Wentworth and Halton, whose limits were within the County of Halton, shall be and be deemed to have been from the period of such disunion, Division Courts known by the numbers then affixed to such divisions, of, for and in the said County of Halton; and that all matters and things done since the period of such disunion by or under the authority or supposed authority of such Division Courts, and until the declaration and appointment of new divisions as aforesaid, shall be deemed and be taken to be as valid and effectual to all intents and purposes, as if such divisions for Division Courts respectively had been set apart by the Justices of the said County of Halton in due course of Law; and all actions commenced in the said Division Courts before or since the disunion of the said United Counties of Wentworth and Halton shall and may be continued to final judgment and execution, and the proceedings therein shall be, remain and continue, proceedings of the said Division Courts of the said County of Halton.

Proviso.

Proviso: Present Divisions to remain in the meantime.

Continuance of actions commenced before the Counties were disunited.



II. Whenever the Justices in Special Session aforesaid, shall declare and appoint the numbers and limits of the said Division Courts in the said County of Halton, all proceedings and judgments had and taken in such Division Courts before the day when such declaration and appointment shall take effect, shall nevertheless be continued and prosecuted, and shall be considered proceedings of and in such of the Division Courts of the said County of Halton, as the Judge of such County shall order and direct; and the further prosecution of such proceedings and judgments shall be as valid and effectual as if the same had originated in the Courts to which they shall be so transferred, and the said Judge may order and direct the Clerks, Bailiffs, and other officers of the several Division Courts respectively, to transfer to the proper officers all the books, papers and documents of such Division Courts respectively.

Transfer of pending suits to the Courts in the Divisions appointed under this Act.

III. The Sheriff and other officers within the County of Halton whose duty it is to summon and return Jurors, shall and may for the year one thousand eight hundred and fifty-five, select and return from among the resident inhabitants of the said County, the requisite number of persons to serve as Jurors within such County, without reference to the mode prescribed for selecting, balloting, or returning Jurors by the Upper Canada Jurors Acts; Provided, that Juries *de medietate linguæ* and Juries of a like nature may be ordered by the Court before which any cause may be pending: Provided also, that the Courts, selectors of Jurors, officers, and other persons upon whom the law devolves such duties within the said County, shall in due course take the necessary steps for selecting Jurors and balloting Jury lists, from which the panels of Jurors for the said County for the year one thousand eight hundred and fifty-six, under the provisions of the Upper Canada Jurors Acts, are to be taken.

What Jurors shall be summoned for Halton in 1855.

Proviso.

Proviso: as to Jurors for 1856.

IV. The Jurors balloted for at the Court of General Quarter Sessions of the Peace held in and for the said United Counties of Wentworth and Halton in the month of November, one thousand eight hundred and fifty-four, and entered on the Jury lists accordingly, shall be liable to be summoned and empanelled and to serve on Juries within the now County of Wentworth, to all intents and purposes, as if the said County of Halton had continued united with the said County of Wentworth, and the Sheriff of the County of Wentworth may cause such persons to be summoned to serve as such Jurors, notwithstanding they may reside within the limits of the said County of Halton.

Certain Jurors to be liable to serve notwithstanding the separation of the Counties.

V. And be it enacted for the purpose of preventing injustice to parties, that in any case where a person shall have been heretofore, or shall hereafter be admitted to the limits of any Union of Counties in the manner prescribed by law, and when such

As to persons on bail to keep the limits of a Union of Counties,

such

which shall be or shall have been dissolved.

They shall still have the limits of the two Counties.

Proviso : Pending proceedings against such persons may be continued until costs are paid by the Defendant.

such Union shall have been heretofore or shall hereafter be dissolved, or where any one or more Counties shall have been heretofore or shall hereafter be separated from such Union, after such admission, then and in every such case, the said person shall be held to retain the right to travel and reside in any portion of the said Counties as if no dissolution or separation had taken place, and the said person shall not be held by reason of such travel or residence, to have broken any Bond or condition thereof, or to have forfeited any security given for the purpose of obtaining the benefit of such limits: Provided always, that in any case where proceedings in Law have been instituted before the passing of this Act against any person, or his or her sureties, by reason of such person having travelled from one County into another County of the said Union, or by reason of his or her having continued to reside in one County of the said Union after any such dissolution or separation, such legal proceedings may be continued and prosecuted until the payment by the defendant or defendants of the Plaintiffs' costs of suit, as between Attorney and client, and on such payment the said proceedings shall be discontinued.

## C A P. L X X .

An Act to amend the Act to authorize the construction of a Railway from Galt to Guelph.

[Assented to 3rd April, 1855.]

Preamble.

**W**HEREAS it is highly desirable to allow Municipalities holding Stock in the Galt and Guelph Railway Company to be represented on the Board of Directors thereof, and otherwise to amend the Act of Incorporation of the said Company, and to allow the said Company to construct an extension of their Railway from the Town of Guelph to Owen Sound on the Georgian Bay, at or near the Town of Sydenham, and also to allow the said Company to construct an extension of their said Railway from the Village of Preston to the Town of Berlin: 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 intitled, *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, as follows:

Head of Municipality holding £5,000 of Stock to be a Director.

I. The Mayor, Warden or Reeve, for the time being, of any Municipality, holding, at any time, shares in the Capital Stock of the said Galt and Guelph Railway Company, to an amount of not less than five thousand pounds currency, shall be *ex officio* a Director of the said Company, and need not hold any shares of the said Stock in his own name, in order to qualify him as such Director.

II.

II. It shall and may be lawful to and for the said Galt and Guelph Railway Company, to construct an extension of their Railway from the Town of Guelph to Owen Sound on the Georgian Bay at or near the Town of Sydenham, the line thereof being first approved by the Governor in Council, and also an extension of their said Railway from the Village of Preston to the Town of Berlin, the line thereof being in like manner first approved by the Governor in Council, or any part of such works as the said Company may see fit.

Extensions of the Railway to Owen Sound and Berlin authorized.

III. It shall and may be lawful for the said Galt and Guelph Railway Company, to increase the amount of their Capital Stock, from the sum of one hundred and forty thousand pounds currency, to a sum not exceeding five hundred and fifty thousand pounds currency, and such capital may be raised, either by issuing new shares or borrowing money, or both conjointly, and which capital may be increased if necessary, in the manner provided by the nineteenth section of the Railway Clauses Consolidation Act, which, for such purposes, is incorporated with this Act.

Increase of Capital to £550,000 authorized.

IV. It shall not be lawful for the said Galt and Guelph Railway Company, to commence the said extension of their Railway from Guelph to Owen Sound, without having first obtained for that purpose the subscription of three hundred and fifty thousand pounds of Capital Stock, and the payment of ten per cent thereon. Nor shall it be lawful for them to commence the said extension of their said Railway from Preston to Berlin, without having first obtained for that purpose the subscription of fifty thousand pounds of Capital Stock, and the payment of ten per cent thereon; and the said amounts of three hundred and fifty thousand pounds, and fifty thousand pounds, may, if the Company see fit, be specially raised and applied for the construction of the respective extensions aforesaid, in the proportion of three hundred and fifty thousand pounds for the extension to Owen Sound, and fifty thousand pounds for that to Berlin.

Extensions not to be commenced until a certain amount is subscribed.

V. And whereas the Great Western Railway Company and the Galt and Guelph Railway Company, are desirous of entering into an arrangement for the working and leasing of the road, property, and works of the said last named Company, and for assisting, (by advancing the iron or some part thereof or otherwise) to build and complete the said road and works, and making the amount of such advance or assistance a first charge upon the road, property and effects of the said last named Company; Be it therefore enacted, That it shall be lawful for the Directors for the time being of the said respective Companies, to make and enter into such agreement or agreements as they shall think advisable, (and from time to time to alter or vacate the same, and again to enter into other or different ones,) as well for the working or using of the said road

Recital.

The Company and the Great Western Railway Company may enter into certain arrangements.

road

road and works or any part thereof of the said Galt and Guelph Railway Company, (at their expense or otherwise,) by the said Great Western Railway Company, as also for the leasing to the last named Company, the road and works of the said Galt and Guelph Railway Company, either before or after working the same for any period as aforesaid, and for granting assistance by the said Great Western Railway Company (either by advancing or providing the iron or some part thereof or otherwise) to build or finish the road and works of the said Galt and Guelph Railway Company; and also for making the amount of such advance or assistance a first charge and encumbrance upon the road, property and effects of the said last named Company, or for any one or more of the purposes aforesaid; and such agreements shall be legal, binding and effectual, according to the true intent and meaning thereof; Provided always, that this clause shall be held to extend and be applicable only to the Railway between Guelph and Galt, and not to any extension thereof under the provisions of this Act.

Proviso.

When the extensions must be commenced and completed.

VI. The said extension to Owen Sound shall be commenced within three years, and completed within seven years, and the said extension to Berlin shall be commenced within three years, and completed within seven years, respectively, from the passing of this Act.

Public Act: to form part of 16 V. c. 42.

VII. This Act shall be a Public Act, and shall be incorporated with, and form part and parcel of the said Act of Incorporation of the said Company, being the Act of the Parliament of this Province, passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to authorize the construction of a Railway from Galt to Guelph.*

## C A P . L X X I .

An Act to extend the time for completing the Louth Harbour.

[Assented to 3rd April, 1855.]

Preamble.

Act of U. C. 3 W. 4, c. 22.

**W**HEREAS in and by an Act of the Parliament of Upper Canada, passed in the third year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate a Joint Stock Company, for the construction of a Harbour at the mouth of the Twenty Mile Creek, on Lake Ontario*, certain persons therein named, with others who became Stockholders in the said work, immediately after the passing of the Act, proceeded to expend a large sum of money in the erection of Piers at the mouth of the said Creek, sufficient to secure the reception and shelter of such craft as then commonly navigated the Lake; And whereas the said works have not been completed within the time specified in the said Act; And whereas the Charter of the said Company has thereby become null and void, and it is expedient to revive the

the same, and to extend the time for completing the said works : 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, as follows :

I. That the said Statute of the late Province of Upper Canada, passed in the third year of the Reign of King William the Fourth, and every thing therein contained reserving the rights, privileges and immunities of the Louth Harbour Company, shall be deemed to have been, and is hereby declared to be revived, and shall continue in force ; Provided always that the said works shall be completed within five years from the passing of this Act, otherwise this Act and every matter and thing herein contained shall cease and be utterly null and void.

The said Act  
revived.

Proviso.

II. This Act shall be a Public Act.

Public Act.

## C A P . L X X I I .

An Act to incorporate the Evangelical Society established at La Grande Ligne, in the District of Montreal, for the purposes of education and religious instruction.

[Assented to 3rd April, 1855.]

**W**HEREAS a Society hath for several years existed at La Grande Ligne, in the Parish of St. Valentine, in the District of Montreal, having for its object the diffusion of the benefits of education and the propagation of a knowledge of the Gospel ; And whereas very great benefits have resulted from the exertions of the said Society, and it is desirable to encourage them therein ; And whereas the Members of the said Society have represented that their operations could be more easily and effectually carried on and their success better insured, if the said Society were incorporated, and have prayed for such incorporation, and it is expedient to grant their prayer : 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, as follows :

Preamb'e.

Certain persons incorporated.

Corporate name and general powers.

Real property limited.

Service of process.

Purposes of Incorporation.

Power to make By-laws.

Board of Directors.

Meetings of Board.

Quorum.

President, &c.

I. Louis Roussy, James Thomson, D. Normand, Narcisse Cyr, Thomas Lafleur, James N. Williams, Thomas M. Thomson, Benjamin Davids, James Milne, Toussaint Riendeau, with all such other persons as now are or hereafter may become members of the same, shall be and are hereby constituted a body politic and corporate by the name of the "*Evangelical Society of La Grande Ligne*," and shall by that name have perpetual succession and a common seal, with power to alter, renew, or change such seal at pleasure, and shall by the same name, and at all times hereafter, have power to purchase, acquire, hold, possess and enjoy such lands and tenements only as may be necessary for the actual use and occupation of the said Corporation, not exceeding in annual value the sum of five hundred pounds currency, and the same to sell, alienate, and dispose of, and others in their stead to purchase and acquire and hold for actual use and occupation as aforesaid only, and not for the purposes of revenue: And the said Corporation may by the said name, sue and be sued in all Courts of Law, or other places whatsoever, in as large, ample and beneficial a manner as any other body politic or corporate in this Province; and in all actions and suits at law which may at any time be brought against the said Corporation, service of process at the domicile of the President or Secretary of the said Corporation shall be held to be a sufficient service for all legal purposes; but the powers of the Corporation shall extend only to the purposes and objects mentioned in the Preamble, to which only its property and means shall be applied.

II. The Members of the said Corporation, or any majority thereof, shall have power and authority to make By-laws, Rules and Regulations not contrary to law or to the provisions of this Act, for the government and management of the said Corporation, and of the officers, members, affairs and property thereof, and for the admission, demission and qualification of Members thereof, and for all purposes relating to the well-being and interests of the said Corporation, and the same to amend, alter, or repeal from time to time as shall be deemed necessary or expedient.

III. The affairs of the said Corporation shall be managed by a Board of Directors, consisting of not less than five nor more than nine members, who shall be elected from time to time by the Members of the Corporation, in the manner prescribed by the By-laws of the said Corporation, and who shall remain in office during such term as shall be fixed by the said By-laws.

IV. The said Board of Directors shall have power to meet from time to time for the transaction of the affairs of the said Corporation, and at any such meeting a majority of the whole Board of Directors shall be a *quorum* competent for the transaction of business, and the said Directors shall from time to time elect one of their number to be President of the said Corporation, and another one to be Secretary-Treasurer.

V. All and every the estate and property, real and personal, of the Society mentioned in the Preamble to this Act, and all property held in trust for it at the time of the passing of this Act, and all debts due to, or rights or claims possessed by the said Society, shall be and the same are hereby transferred to, and vested in the said Corporation, which shall be liable in like manner to and for all debts due by or claims upon the said Society.

Property of Society transferred to Corporation.

VI. It shall be the duty of the said Corporation to lay before the Governor, whenever they shall be required so to do, a detailed statement of the number and names of members of the said Corporation, the number of teachers employed in the various branches of instruction, the number of scholars under instruction, and the course of instruction pursued, and of the real or immoveable property or estate held by virtue of this Act.

Statements to be made to Governor when required.

VII. This Act shall be a Public Act.

Public Act.

## C A P . L X X I I I .

### An Act to incorporate the *Collège de Monnoir*.

[Assented to 3rd April, 1855.]

**W**HEREAS the Reverend Edouard Crevier, Vicar-General, and Curé of the Parish of *Ste. Marie de Monnoir*, in the Diocese of St. Hyacinthe, in this Province, hath, by his Petition to the Legislature, represented that he hath established in the said Parish of *Ste. Marie de Monnoir* a College for the education of youth, in which instruction has been imparted in the French and English languages since the month of October last, and being desirous that the said College should have permanent Administrators and Directors, he hath prayed that corporate powers be conferred thereon, and in consideration of the great advantages to be derived from the said establishment, it is expedient to grant the prayer of the said Petition: 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 intitled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

Preamble.

I. The said College, which shall be composed of the Priest and Curé of the said Parish of *Ste. Marie de Monnoir*, of the Church Warden in office of the *Œuvre* and *Fabrique* of the said Parish, of the Rector of the said College, the Prefect of Studies, and the Bursar of the said College, and their successors in office, as they may be called upon and appointed to fill the above duties

How the Corporation shall be constituted.

Corporate name and general powers.

Real property limited.

Further powers.

Making By-laws.

Further powers.

Property to be applied solely to certain purposes.

Certain property transferred.

duties and offices, under the rules and regulations which may be established for the good governing and administration of the affairs of the said College, shall be and is hereby constituted a Body Politic and Corporate in deed and in name, by and under the name of *La Corporation du Collège de Monnoir*, and by that name shall have perpetual succession and a common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure, and shall by the same name from time to time, and at all times hereafter, be able to purchase, acquire, hold, possess and enjoy, and to have, take and receive to them and their successors, to and for the uses and purposes of the said corporation, any lands, tenements and hereditaments and real or immoveable property and estate situate, lying and being within this Province, not exceeding in yearly value the sum of one thousand pounds currency, exclusive of the buildings necessary for the said College, and the ground on which they are or may be erected, and the same to sell, alienate and dispose of, and to purchase others in their stead for the same purpose, and by the said name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of law and places whatsoever, in as large, ample and beneficial a manner as any other body politic or corporate, or as any persons able or capable in law may or can sue and be sued, implead and be impleaded, answer and be answered unto in any matter whatsoever: and any majority of the members of the Corporation for the time being, shall have power and authority to make and establish such By-laws, rules, orders and regulations, not being contrary to this Act or to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation and for the management thereof, and for the admission of members into the said corporation, and from time to time to alter, repeal and change the said By-laws, rules, orders and regulations, or any of them, and shall and may do, execute and perform all and singular other the matters and things relating to the said corporation and the management thereof, or which shall or may appertain thereto, subject nevertheless to the rules, regulations, restrictions and provisions hereinafter prescribed and established.

II. Provided always, That the rents, revenues, issues and profits of all property, real or personal, held by the said corporation, shall be appropriated and applied solely to the advancement of education by the instruction of youth, and for objects legitimately connected with or depending on the purposes aforesaid.

III. All and every the estate and property, real and personal, belonging to the said College or proceeding from or which may have been acquired by the said *Curé of Ste. Marie de Monnoir* for himself and his successors in office, in trust for the purposes of the said College, shall be and are hereby vested in the corporation hereby established.



IV. It shall be the duty of the said corporation to lay before the Governor, when required, a detailed statement of the number of members of the said corporation, the number of teachers employed in the various branches of instruction, the number of scholars under instruction and the course of instruction pursued, and of the real or immoveable property or estate, and of all personal estate or property, held by virtue of this Act, and of the revenue arising therefrom.

Certain statements to be laid before the Governor when required.

V. This Act shall be deemed to be a Public Act.

Public Act.

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

An Act to vest in Edward Shortis, of Toronto, Esquire, the road or concession allowance between lots numbers fifteen and sixteen in the sixth concession of the Township of Thorah.

[Assented to 3rd April, 1855.]

**W**HEREAS Edward Shortis, of Toronto, Esquire, has granted two Roads on and over Lots fifteen and sixteen in the sixth Concession of the Township of Thorah, and in consequence thereof the Road or Concession allowance between the said Lots is no longer required; And whereas the Municipality of the said Township of Thorah has adopted the said Roads, and consented that the said Road or Concession allowance should be vested in the said Edward Shortis, in lieu of the said Roads so granted by him as aforesaid: 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, as follows:

Preamble.

I. For and notwithstanding any thing in any Act of the Parliament of Upper Canada, or of Canada, contained, the Road or Concession allowance between Lots numbers fifteen and sixteen in the sixth Concession of the said Township of Thorah, shall be and is hereby vested in the said Edward Shortis, his heirs and assigns for ever.

The said Road allowance vested in E. Shortis.

II. This Act shall be deemed a Public Act.

Public Act.

## C A P . L X X V .

An Act to enable the Farmers of Lower Canada more easily to obtain Seed for the present year.

[Assented to 19th May, 1855.]

Preamble.

**W**HEREAS by reason of the failure of the crops in many parts of Lower Canada in the year one thousand eight hundred and fifty-four, the inhabitants are without Seed to sow their lands, and it is expedient to facilitate their obtaining 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, intituled, *An Act to rewrite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

Debts not exceeding £10 to be contracted before 15th July, 1855, for Seed in L. C., to be privileged debts?

I. Every debt contracted in Lower Canada between the passing of this Act and the fifteenth day of July next thereafter in good faith, and for the purpose of obtaining or paying for any Seed Wheat, or other Grain or Seed, Peas or Potatoes, for sowing any land in Lower Canada, and evidenced by any deed, agreement, or other instrument in writing, made either before Notaries or before a Notary, or a Justice of the Peace, or the Rector (Curé) of the Parish, or the Captain of Militia for the place where such land is situate, and one credible witness, for a sum not exceeding ten pounds currency for any one purchaser or borrower, shall be a privileged debt, for which the creditor shall be preferred to every other creditor of the debtor, and shall have a privileged hypothec upon all his lands and real property, having preference over every other hypothec whatever, subject to the provisions hereinafter made, that is to say: the said privilege shall cease and determine at the end of two years from the passing of this Act unless an action shall before that time be brought and effectively prosecuted for the recovery of the debt secured by such privilege, and the said privilege shall also cease and determine if any action be brought for the recovery of the sum thereby secured before the first day of June, one thousand eight hundred and fifty-six.

Conditions of such privilege.

Registration not requisite.

II. It shall not be necessary to register any deed, agreement or instrument made under this Act in order to preserve the privilege hereby given for securing the same.

## CAP. LXXVI.

## An Act to amend the Parliamentary Representation Act of 1853.

Assented to 19th May, 1855.]

**W**HEREAS it is expedient, for greater convenience, to amend the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to enlarge the Representation of the People of this Province of Parliament*: 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-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

I. The County of Yamaska, in addition to the several places now comprised therein, shall hereafter also include the Gore of Upton in the Parish of St. Thomas de Pierreville, hereby detached from the County of Drummond.

Preamble.

16 V. c. 152.

Alterations in the boundaries of the Counties of—  
Yamaska.

II. The County of Drummond shall comprise all the places now included therein, except the said Gore of Upton annexed as aforesaid to the County of Yamaska, and the eighth Range of the Township of Upton hereby annexed to the County of Bagot.

Drummond.

III. The County of Bagot, in addition to the several places now comprised therein, shall also include the eighth range of the Township of Upton.

Bagot.

IV. The County of Two Mountains, in addition to the several places now comprised therein (except as hereinafter excepted), shall hereafter also include the Parishes of Sainte Placide and of St. Hermas hereby detached from the County of Argenteuil, but shall not hereafter include those parts of the Township of Morin and of the Parish of Saint Jérôme which are hereby annexed to the County of Argenteuil.

Two Mountains.

V. The County of Argenteuil, in addition to the several places now comprised therein (except as hereinafter excepted), shall hereafter also include that part of the Township of Morin which lies to the South-west of the line between lots numbers twenty-four and twenty-five of all the ranges thereof, and that part of the Parish of Saint Jérôme which comprises the Côte Saint Joseph, Saint Eustache, Sainte Marguerite and Sainte Angelique, but shall not hereafter include the Parishes of Sainte Placide and of St. Hermas hereby annexed to the County of Two Mountains.

Argenteuil.

- Soulanges. VI. The County of Soulanges shall hereafter comprise all the places now included therein, except that part of the Township of Newton and the augmentation adjacent, which are hereby annexed to the County of Vaudreuil.
- Vaudreuil. VII. The County of Vaudreuil, in addition to all the places now comprised therein, shall hereafter also include the fifth, sixth, seventh and eighth ranges of the Township of Newton and the adjacent augmentation, so that all the said Township of Newton and its augmentations shall be hereafter included in the said County of Vaudreuil.
- Laval. VIII. The County of Laval shall hereafter comprise all the places now included therein except Isle Bizard, designated in the Act hereinbefore cited as *Isle Bizarre*, and hereby annexed to the Jacques Cartier Riding of the County of Montreal.
- Montreal (Jacques Cartier Riding.) IX. The Jacques Cartier Riding, of the County of Montreal, in addition to the places now comprised therein, shall hereafter also include the said Isle Bizard.
- Name of Cty. Tadousac changed. X. The County now called the County of Tadousac shall hereafter be known and designated as the County of Saguenay.
- Name of Cty. of Saguenay changed. XI. The County now called the County of Saguenay shall hereafter be known and designated as the County of Charlevoix.
- Name of Cty. of Sherbrooke changed. XII. The County now called the County of Sherbrooke shall hereafter be known and designated as the County of Richmond.
- County of Brome. XIII. The East Riding of the County of Missisquoi shall hereafter form a separate Electoral County under the name and designation of the County of Brome. •
- County of Missisquoi. XIV. The West Riding of the County of Missisquoi shall hereafter form a separate Electoral County under the name and designation of the County of Missisquoi.
- County of Jacques Cartier. XV. The Jacques Cartier Riding of the County of Montreal shall hereafter form a separate Electoral County under the name and designation of the County of Jacques Cartier.
- County of Hochelaga. XVI. The Hochelaga Riding of the County of Montreal shall hereafter form a separate Electoral County under the name and designation of the County of Hochelaga.
- Short Titles of this and amended Act. XVII. In citing the Act hereby amended in other Acts of Parliament, or in any Instrument, Document or Proceeding, it shall be sufficient to use the expression "The Parliamentary Representation Act of 1853," and in citing in like manner the present Act, it shall be sufficient to designate it as "The Parliamentary Representation Amendment Act of 1855."

## CAP. LXXVII.

An Act to regulate the Militia of this Province, and to repeal the Acts now in force for that purpose.

[Assented to 19th May, 1855.]

**W**HEREAS it is expedient to repeal the Acts relative to the Militia of this Province, with a view to their amendment and adaptation to the actual position and circumstances of the Country, and to their re-enactment as so amended: 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, as follows:

I. The Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Laws therein mentioned, to provide for the better defence of this Province, and to regulate the Militia thereof*; and the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to continue for a limited time therein mentioned, the Act for the better defence of the Province, and to regulate the Militia thereof*; and the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to amend the Militia Law of that part of this Province formerly constituting the Province of Upper Canada*; and the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Militia Law of this Province, in so far as regards the enrolment of, and fines imposed upon Quakers, Mennonists and Tunkers*; and the Act passed in the year of Her Majesty's Reign last aforesaid, and intituled, *An Act to alter the day on which the Militia shall annually assemble for muster and discipline in Upper Canada*, shall be and the said Acts are hereby repealed; but all Acts and Laws repealed by the said Acts or any of them shall nevertheless remain repealed; and all offences committed against them or any of them before this Act shall come into force, shall and may be prosecuted and punished after this Act shall come into force, under the said Acts and Laws, which shall remain in force as to such offences.

II. The Governor or other person administering the Government of this Province, for the time being, shall, by virtue of his Office, be Commander in Chief of the Provincial Militia.

III. The Provincial Militia shall be divided into two classes, Sedentary and Active.

## SEDENTARY MILITIA.

Of whom to  
be composed.

IV. The Sedentary Militia shall consist of all the male inhabitants of the Province of the age of eighteen years or upwards and under sixty, not exempted or disqualified by law.

Divided into  
Service men,  
and Reserve  
men.

V. The Sedentary Militiamen shall be divided into two classes, to be called respectively Service men and Reserve men; the Service men shall be those of eighteen years of age and upwards, but under forty years, and the Reserve men shall be those of forty years of age and upwards, but under sixty years.

In time of  
Peace Seden-  
tary Militia  
to be enrolled,  
and Service  
men mustered  
once a year.

VI. In time of peace, no actual service or drill shall be required of the Sedentary Militia, but they shall be carefully enrolled from time to time; and the Service men not exempted from muster, shall also assemble for muster annually, at such place and hour, in such manner and for such purposes, as the Commanding Officer of each Battalion shall direct with respect to each Company therein; the muster day being in Lower Canada the twenty-ninth of June, and in Upper Canada the Queen's Birthday, or if that day fall on a Sunday, then the day next thereafter.

Exemptions  
from enrolment  
and service  
in any  
case.

VII. The following persons only between the ages of eighteen and sixty as aforesaid, shall be exempt from enrolment and from actual service in any case:

- The Judges of the Superior Courts of Law or Equity in Upper and Lower Canada;
- The Judge of the Court of Vice-Admiralty;
- The Judges of the Circuit and County Courts;
- The Clergy and Ministers of all Religious denominations;
- The Professors in any College or University, and all teachers in religious orders;
- The Warden, Keepers and Guards of the Provincial Penitentiary.

Exemptions  
from muster  
and from ser-  
vice except in  
case of war,  
&c.

And the following, though enrolled, shall be exempt from attending muster and from actual service at any time except in case of war, invasion or insurrection:

- The Reserve Men;
- The Members of the Executive and Legislative Councils;
- The Members of the Legislative Assembly;
- The Officers of the said Councils and Assembly respectively;
- The Attorneys and Solicitors General;
- The Provincial Secretary and Assistant Secretaries;
- All Civil Officers who shall have been appointed to any Civil Office in this Province under the Great Seal;
- All persons lawfully authorized to practise Physic or Surgery;
- All Advocates, Barristers, Solicitors and Attorneys;
- Notaries

- Notaries in Lower Canada ;  
 Half-pay and Retired Officers of Her Majesty's Army or Navy ;  
 Postmasters and Mail Carriers ;  
 Seafaring Men actually employed in their calling ;  
 Masters of Public and Common Schools actually engaged in teaching ;  
 Ferrymen ;  
 One Miller for each run of stones in every Grist Mill ;  
 Keepers of public Toll-Gates ;  
 Lock Masters and Labourers employed in attending to Locks and Bridges on public Canals ;  
 The Engine Drivers, Conductors and Switchmen connected with the several Railways actually in use in this Province ;  
 Members of Fire Companies and of Hook and Ladder Companies ;  
 Jailors, Constables and Officers of Courts of Justice, not being such solely by virtue of their being non-commissioned Officers of Militia ;  
 Students attending Seminaries, Colleges, Schools and Academies, who have been attending such at least six months previous to the time at which they claim such exemption ;  
 All Persons disabled by bodily infirmity.

All persons bearing Certificates from the Society of Quakers, Men-  
 Quakers, Mennonists and Tunkers, or any Inhabitant of this nonists, &c.  
 Province, of any Religious denomination, otherwise subject to Military duty in time of peace, but who from the doctrines of his Religion, shall be averse to bearing arms, and shall refuse personal Military Service, shall be exempt therefrom.

But such exemption shall not prevent any person from serving or holding a Commission in the Militia, if he desire it and be not disabled by bodily infirmity : And no person shall have the benefit of such exemption, unless he shall, at least one month before he shall claim such benefit, have filed his claim thereto, with his affidavit before some Magistrate of the facts on which he rests his claim, with the Commanding Officer of the Company within the limits whereof he resides : And whenever exemption is claimed, whether on the ground of age or otherwise, the burden of proof shall always be upon the claimant.

Exemption not to be disqualification.  
How to be claimed.  
Burden of proof to be on claimant.

VIII. With a view to actual service in case of war, invasion or insurrection, the Service men shall be divided into two classes, to be called respectively, first class Service men and second class Service men ; the first class to consist of unmarried men and widowers without children, and the second class of married men and widowers with children.

Service men divided into two classes.

IX. When the Sedentary Militia are called out in case of war, invasion or insurrection, those first taken for actual service, shall be volunteers from the Service men, then the first class Service men,

Order in which they shall be taken for actual service.

men, then the second class service men, and lastly the Reserve men.

Eighteen Military Districts to be formed.

X. The Commander in Chief shall have power from time to time, by any Militia General Order, to divide the Province into eighteen Military Districts, to be designated as he shall see fit, nine to be in Upper Canada and nine in Lower Canada.

Also Regimental and Battalion divisions.

XI. The Commander in Chief shall have power from time to time, by any Militia General Order, to divide the Military Districts respectively into Regimental divisions, and the Regimental divisions into Battalion divisions, and to designate such divisions by such names or numbers as he shall see fit.

What men shall form the Regiments and Battalions.

XII. The Militiamen resident in each Battalion division shall form a Battalion of the Regiment of the Regimental division in which it lies, and all the Battalions in any Regimental division shall form the Regiment thereof.

Officers of Regiments and Battalions.

XIII. To each Military District a Colonel shall be appointed who shall command the Militia in such District, and to each Battalion a Lieutenant Colonel, and such number of Majors and Regimental Staff Officers as may be deemed necessary.

Company divisions to be formed.

XIV. Each Lieutenant Colonel shall have power, by any order made with the approval of the Colonel of the Military District, from time to time to divide his Battalion division into Company divisions, each containing, as nearly as may be conveniently practicable, not less than fifty nor more than seventy-five resident Service men; and the Militiamen resident within each Company division shall form a Company of the Battalion.

Existing divisions to remain unaltered.

XV. All now existing Militia divisions shall remain in force until altered as aforesaid, and such of them as shall be allowed to remain unaltered shall be held to have been made by the proper authority under this Act, and for the purposes thereof.

Officers and non-Commissioned Officers of Companies.

XVI. To each Company of Militia there shall be appointed of Commissioned Officers, a Captain, a Lieutenant, and an Ensign; and of non-Commissioned Officers, three Serjeants and three Corporals.

Enrolment how to be made by Officers.

XVII. The enrolment of the Sedentary Militiamen shall be made in each Company division by the Captain thereof, with the assistance of the Officers and non-commissioned Officers of the Company; and it shall be the duty of the Captain, and, under his orders, of the other Officers and non-commissioned Officers of the Company, by actual enquiry at each house in the Company division, and by every other means in their power, to make and keep at all times a correct Roll of the Company in such form as shall be directed by the Adjutant General.



XVIII. It shall also be the duty of each man liable under this Act to be enrolled in any Company, and not so enrolled, to give in his name, age and place of residence, in writing, to the Captain or Officer commanding such Company, within twenty days after he shall become so liable, whether by the passing of this Act, the alteration of any Militia division, change of residence, or otherwise howsoever.

Militiamen bound to give in their names, &c.

XIX. The Officer commanding a Sedentary Company of the Militia shall within twenty days after the annual muster day for such Company, make out a corrected Roll thereof, and transmit a certified copy thereof to the Officer commanding the Battalion, who, within forty days after such muster, shall forward a correct Return of the Battalion under his command to the Assistant Adjutant General of the Military District, to be laid before the Colonel commanding the same; and the said Return shall then be transmitted by the Assistant Adjutant General, under the orders of the said Colonel, to the Adjutant General at Head Quarters.

Rolls of Companies to be made annually, also Returns of Battalions.

XX. Each Company Roll shall be corrected from time to time as changes occur which affect it; and every householder and resident in the Company division, and every Assessor, Town Clerk, or other Municipal Officer, shall be at all times bound to give to the Commanding Officer or any Officer or non-commissioned Officer of the Company, such information as may be required to make such corrections, and to answer all such questions as any of them may pertinently put to him for the purpose of obtaining such information: and every Militiaman shall be bound to inform the Officer commanding the Company, in writing, of any change of residence or other circumstances affecting such Militiaman, by which the Roll of any Company shall be affected, whether such Militiaman shall come into or leave the Company division for which the Roll is made.

Company Rolls to be corrected from time to time.

Duty of Householders, &c., to give all information requisite.

And of Militiamen.

#### ACTIVE OR VOLUNTEER MILITIA COMPANIES.

XXI. The Active Militia of the Province in time of peace, shall consist of Volunteer Troops of Cavalry, field Batteries, foot Companies of Artillery, and Companies of Infantry armed as Riflemen, to be formed at places to be designated by the Commander in Chief, but not exceeding in the whole sixteen Troops of Cavalry, seven field Batteries of Artillery, five foot Companies of Artillery, and fifty Companies of Riflemen: the total of such Volunteer Corps not exceeding five thousand Officers and Men.

Volunteer Companies to be formed.

Of what to consist.

Total limited.

XXII. Each Volunteer Troop of Cavalry, Company of Foot Artillery, or Company of Riflemen, shall consist of a Captain, a Lieutenant, a Cornet, Second Lieutenant or Ensign, three Sergeants, three Corporals, a Trumpeter or Bugler, and not exceeding forty-three Privates, except in Companies of Riflemen wherein the number of Privates may be any number from forty-three

Force of Volunteer Companies, respectively.

three to seventy-five ; and each Field Battery of Artillery shall consist of a Captain, two first Lieutenants, a Second Lieutenant, a Serjeant Major, three Serjeants, three Corporals, three Bombardiers, a Trumpeter, a Farrier, fifty-nine Gunners and Drivers, including Wheelers, Collarmaker and Shoeing-smith, fifty-six horses, exclusive of Officers' horses, and of four spare horses when the Battery is called into actual service.

Volunteer Marine Companies may be formed at certain places.

XXIII. A Volunteer Marine Company may be formed at each of the following places, Kingston, Cobourg, Toronto, Hamilton, Port Stanley, Dunnville and Oakville : each Company to consist of a Captain, a Lieutenant and fifty men : and a Commodore of Provincial Marine may be appointed to command the whole and to rank as a Lieutenant Colonel of Militia ; Captains in the Provincial Marine shall rank as Majors in the Militia, and Lieutenants as Captains in the same.

How to be armed and drilled.

XXIV. The said Marine Companies shall be armed in such manner as the Commander in Chief shall direct, and shall be trained and drilled as well to the use of small arms, as in the management of gun-boats and vessels, and the working of great guns on board vessels.

Volunteer Company of Engineers.

XXV. In each Militia District there may be formed a Volunteer Company of Engineers, to consist of a Captain, a Lieutenant, a Second Lieutenant, and such number of men not exceeding seventy-five, as the Governor may direct : but such Companies shall not be subject to drill or to service in time of peace.

On what authority formed and disbanded.

XXVI. All Volunteer Companies shall be formed and may be disbanded by authority of the Commander in Chief, as may in his opinion best tend to further the purposes of this Act and the public good.

Arms, &c., of Volunteer Companies.

XXVII. The arms and accoutrements of the officers and men of the several Volunteer Companies, shall be such as the Commander in Chief shall from time to time direct, but of the best and most serviceable kind, without unnecessary ornament ; such arms and accoutrements shall be furnished to the non-commissioned officers and privates of the said Volunteer Corps at the expense of the Province, but shall always remain Provincial property, and the parties receiving them shall be accountable for them ; and the Commander in Chief may direct such security as he may think proper to be taken for the safe-keeping in good order of such Arms and Accoutrements, and the re-delivery thereof to such Officer as may be appointed to receive them, whenever the Commander in Chief shall for any purpose direct such re-delivery.

To be furnished by the Province, except to Officers ;

Security may be taken for safe-keeping, &c.

Repairing of arms, &c.

XXVIII. The said arms and accoutrements shall be renewed and kept in repair at the cost of the Province, whenever such renewal or repair shall become necessary from wear in service or other

other cause than the fault or neglect of the person having charge thereof, in which last named case they shall be renewed or repaired by such person, or, if renewed or repaired at the cost of the Province, the cost may be recovered from such person as a debt due by him to the Crown.

XXIX. The arms and accoutrements of non-commissioned officers and men of Volunteer Companies shall be kept by them, except in cases where the Commander in Chief shall direct them to be kept in Armouries, as he may do; in which case, if there be no Public Armoury in which he shall direct them to be kept, the Captain of the Company shall provide a proper place, and may be allowed annually a sum not exceeding five pounds for so doing and for taking care of such arms and accoutrements.

By whom and where they shall be kept.

XXX. Commissioned officers of the said Companies shall furnish their own arms and accoutrements.

Officers' arms.

XXXI. The Arms and Accoutrements of the officers and men of such Volunteer Companies, and the Horses used by them as such, shall be exempt from seizure in execution and from distress and assessment, nor shall any such horse be disposed of by any officer or man without leave of the Officer Commanding the Company.

Exemption of arms, horses, &c., from seizure.

XXXII. The Volunteer Militia Companies shall be drilled and exercised, at such time in each year and at such places as the Commander in Chief may from time to time appoint; the Volunteer Field Batteries being so drilled and exercised during twenty days in each year, of which twenty days ten shall be continuous, and the other Volunteer Corps once in each year during ten continuous days, (Sundays not reckoned in either case,) and the Companies under drill being encamped during the whole or any part of the period for drill, if the Commander in Chief shall see fit.

How Volunteer Companies shall be drilled and exercised.

XXXIII. The Adjutant General shall draw up, under the direction of the Commander in Chief, a code of instruction, drill and exercise for the said Volunteer Companies, based on that in use in Her Majesty's Regular Army, and each Commissioned Officer of a Volunteer Company shall be furnished with a copy, and shall be governed by the said code in drilling and exercising the corps to which he belongs.

Adjutant General to draw up code of instructions.

XXXIV. For each day on which they shall be so drilled, the officers and men of the said Volunteer Companies shall be paid by the Province the following sums :

Volunteers to be paid while so at drill; and at what rates.

Captains per diem.....	£0	10	6
Lieutenants „ .....	0	7	6
Second do Cornets or Ensigns.....	0	6	6
Non-Commissioned Officers and Privates.	0	5	0

and

and a further sum of five shillings per diem for each horse actually and necessarily present and used for such drill, whether belonging to officers or to privates.

Volunteers may be drilled at other times according to their articles of engagement.

XXXV. Nothing herein contained shall be construed to prevent any such Company from assembling or being ordered out by the Officer Commanding it for drill or exercise, without receiving any pay therefor from the Province, according to any articles of engagement or regulations of such Company, previously approved by the Commander in Chief; and any such articles, in so far as they are not inconsistent with this Act, shall be enforced and the penalties which may be thereby imposed shall, whenever they are incurred, be recoverable in the manner hereinafter mentioned, by the person or officer designated for that purpose in such articles, to such uses as may be therein directed.

Ammunition or practice.

XXXVI. Sufficient ammunition for practice at drill shall be supplied to the Volunteer Companies at the expense of the Province, in such manner as the Commander in Chief shall direct.

Pay of Serjeant Major of Artillery Companies.

XXXVII. Each Serjeant Major of a Volunteer Field Battery of Artillery shall, on account of the great responsibility attached to the office, be paid by the Province at the rate of fifty pounds per annum; and competent persons shall be appointed by the Commander in Chief to drill the other Volunteer Companies, and shall be paid by the Province seven shillings and six pence currency per diem, when so employed.

Volunteers may be called out in aid of the Civil power.

XXXVIII. The said Volunteer Companies shall be liable to be called out in aid of the ordinary Civil power in case of riot or other emergency requiring such services, and shall when so employed receive from the Municipality in which their services shall be required, the rates of pay above mentioned, and a further sum of two shillings and six pence per man per diem for additional expenses, and shall be also provided with proper lodging by such Municipality; and the said sums, and the value of such lodging if not furnished by the Municipality, may be recovered from it by the Captain of the Company, in his own name, and when received or recovered shall be paid over to the Officers and men entitled thereto.

They shall be paid in such cases by the Municipality.

How they may be so called out, and their duty in such cases.

XXXIX. It shall be the duty of the Captain or Officer commanding any such Volunteer Company to call out the same, or such portion thereof as may be necessary, for the purpose of quelling any Riot, when thereunto required in writing by the Mayor, Warden or other Head of the Municipality in which such Riot shall be, or any two Magistrates therein, and to obey such instructions as shall be lawfully given him by any Magistrate in regard to the mode of quelling such Riot: and every Officer, non-Commissioned Officer and man of such Company

Company shall on every such occasion obey the orders of his Commanding Officer; and the Officers and men when so called out shall, without any further or other appointment and without taking any oath of office, be Special Constables, and may and shall act as such so long as they shall remain so called out.

To be sworn  
as Special  
Constables.

XL. The Officers, non-Commissioned Officers and men of Volunteer Companies, shall, while they shall continue such, be exempt from serving as Jurors or Constables; and whenever they shall have served as such in one or more Volunteer Companies during a term of seven years, such exemption shall continue after the expiration of the said term.

Exemptions in  
favor of Vo-  
lunteers.

XLI. No non-Commissioned Officer or Man of any Volunteer Company, shall, in any case, unless legally discharged, leave the same without giving at least one month's notice in writing to the Commanding Officer thereof of his intention to leave the same; nor shall he, at any time, leave the same contrary to the engagement contained in any articles of engagement he shall have signed.

Notice to be  
given before  
leaving any  
Volunteer  
Company:

XLII. The several Volunteer Companies, shall be subject to inspection from time to time by Field Officers to be appointed by the Commander in Chief for that purpose, one for Upper and one for Lower Canada, and paid by the Province, who shall report fully to the Governor on the state of such corps and their arms, and act generally according to the instructions they shall receive from the Commander in Chief, and shall be paid by the Province at the rate of four hundred pounds per annum each, and reimbursed their travelling expenses.

Field Officers  
to inspect  
Volunteer  
Companies.

#### GENERAL PROVISIONS.

XLIII. All Commissions of Officers in the Provincial Militia shall be granted by the Commander in Chief and during pleasure.

Commissions  
by whom  
granted.

XLIV. All non-Commissioned Officers in the Provincial Militia, shall be appointed by the Officer commanding the Battalion to which they belong, except in Volunteer Companies where they shall be appointed by the Captain thereof, and shall hold their rank during pleasure.

Non-Commis-  
sioned Officers.

XLV. No person shall be an Officer of Militia unless he be one of Her Majesty's subjects by birth or naturalization, and shall have taken the oath of allegiance.

Officers must  
be H. M's.  
subjects.

XLVI. Existing Commissions in the Provincial Militia and appointments of non-Commissioned Officers, shall remain in force, such Commissions being subject to be cancelled by the Commander in Chief, and such appointments by the Officer Commanding the Battalion: but no person shall be bound to serve

Existing  
Commissions  
to remain until  
cancelled.

No person bound to serve in a lower grade than he has held.

serve in the Provincial Militia in a lower grade than he has once held, unless he shall have resigned his commission or be reduced by sentence or order of some lawful Court or authority, nor shall any person who has been a non-commissioned Officer in Her Majesty's Army, be bound to serve in the Militia in a lower grade than he has held in the Army, unless he have been reduced as aforesaid.

Adjutant General and Deputies.

Rank.

Pay.

XLVII. There shall be an Adjutant General of Militia for the Province, and two Deputy Adjutants General, one for Upper and the other for Lower Canada: the Adjutant General shall have the rank of Colonel in the Provincial Militia, and each of the Deputy Adjutants General the rank of Lieutenant Colonel therein, and they shall hold their Offices during pleasure: the Adjutant General shall be paid by the Province at the rate of seven hundred and fifty pounds, and each of the Deputy Adjutants General at the rate of five hundred pounds, per annum.

Assistant Adjutants General.

Rank and duties.

XLVIII. There shall be in and for each Military District an Assistant Adjutant General, who shall have the rank of Major in the Militia, and shall act under the orders of the Colonel commanding the District, and of the Adjutant General of the Province, in preparing, obtaining and transmitting all Militia returns and orders required or issued by the Adjutant General, and generally in assisting that Officer in the performance of his duties as regards such Military District.

Pay.

XLIX. Each Assistant Adjutant General shall, in time of peace, be paid by the Province for his services, at the rate of thirty pounds per annum.

Assistant Quarter Master General.

L. There shall be in and for each Military District an Assistant Quarter Master General, whose duty it shall be to make himself thoroughly acquainted with the roads and communications and other matters appertaining to the topography of his District, and to furnish such information on the subject as may be required by the Commander in Chief, in which duty the Officers of the Volunteer Engineer Corps shall assist him with the local information they may acquire.

Militia offences punishable by fine in time of Peace, without Courts Martial.

LI. All contraventions of this Act and of Regulations or Orders lawfully made or given under it, when the Militia or that portion thereof to which the offender belongs, is not called out for actual service, shall be punishable by penalties to be imposed by one or more Justices of the Peace and in a summary manner as hereinafter provided, and Courts Martial shall not be held.

#### CALLING OUT THE MILITIA.

Governor may call out Mili-

LII. The Commander in Chief shall have full power to call out the Militia or any part thereof, whenever it shall in his opinion

opinion be advisable so to do, by reason of war, invasion or insurrection, or imminent danger of any of them.

LIII. The Colonel commanding any Military District, or the Lieutenant Colonel commanding any Battalion division, shall have power upon any sudden emergency of invasion or insurrection, or imminent danger of either, to call out the whole or any part of the Militia within his command, until the pleasure of the Commander in Chief shall be known.

tia in certain cases.

And Colonels or Lieutenant Colonels in their divisions until Governor's pleasure be known.

LIV. The Militia so called out by their Colonel or Lieutenant Colonel, shall immediately obey all such orders as he may give, and march to such place within or without the division as he shall direct.

Militiamen bound to obey.

LV. When the Militia of any local division are called out, in case of war, insurrection or invasion, or imminent danger thereof, all Companies of Volunteers in such division, shall be included in the order and shall obey the Officer issuing it.

Volunteer Companies to be included.

LVI. When the whole Militia of the Province are called out, all the Volunteer Companies shall be included and shall immediately obey the orders they may receive.

And so when the whole Militia is called out.

LVII. Each Sedentary Militiaman called out for actual service shall attend at such time and place as may be directed by the Officer commanding him, with any arms and accoutrements he may have received from the Province, and with such provisions as such officer shall direct.

Sedentary Militiamen to attend with their arms, &c.

LVIII. When the Commander in Chief shall call out the Militia, and the emergency shall not be such as to require that the whole of the Sedentary Militia or of any class thereof, or the whole in any Militia Division or of any class of Militiamen therein, be taken for actual service, he may from time to time direct the number of men to be furnished from the Sedentary Militia of the whole Province or of any Militia Division thereof, over and above the Volunteer Companies therein, which shall always be the first taken for actual service.

When the whole are not taken, a certain number may be directed to be furnished.

LIX. The number of men to be so furnished shall in the first instance be taken from the first class service men in the several Company Divisions in that part of the Province to which the order applies, and in proportion as nearly as may be to the number of such men in each; Volunteers shall be first taken from each Company, but if the number of Volunteers be not sufficient, then such further number as may be required shall be drawn by lot, under the superintendence of the Commanding Officer of the Company, whose certificate that any man has been so drafted, or volunteered, or consented to serve as substitute for a drafted man, shall be evidence of the fact.

How such number shall be taken.

Drafting men.

Militiaman drafted must serve, find a substitute or pay the fine.

LX. No Militiaman drafted for actual service shall be exempt from serving, unless he shall forthwith pay a penalty of ten pounds, which shall be given to any approved man of the same class who is not himself drafted for service, and will serve in the place of the Militiaman paying such penalty, or such Militiaman may provide an approved substitute of the same class and not drafted, to serve in his place; and any volunteer or substitute, by his consent to serve as such, shall become liable in all respects as if drafted.

Infirm persons exempted.

LXI. No man drafted and unfit from bodily infirmity to perform his duty shall be taken for service.

In what cases second class service men may be taken.

LXII. If a greater number of men be required than the whole number of first class service men, then the requisite number shall be taken from the second class service men, in like manner.

How men so taken shall be embodied and commanded.

LXIII. The Sedentary Militiamen so taken or drafted for actual service, shall be marched to such place as the Commander in Chief shall appoint, by such Officers as shall be detailed for that purpose by the Lieutenant Colonel of the Battalion from which they are taken, and shall there be embodied into Companies and Battalions, in such manner as the Commander in Chief shall direct, and being so embodied shall be commanded by such Officers as he shall from their qualification and fitness think proper to appoint.

Volunteer Companies may be embodied.

LXIV. Any Volunteer Companies so called out for actual service, may be embodied into Battalions, if the Commander in Chief shall think fit so to order.

Term of service.

LXV. The Militiamen so taken or drafted for actual service from the Sedentary Militia, shall serve during one year unless sooner disbanded, and may then be replaced by others taken as aforesaid, and shall not be liable to be again taken until all others in the same class shall have been taken; but the men in Volunteer Militia Companies shall serve for the time for which they have engaged to serve, which time shall not be less than five years, subject, however, to be determined on one month's notice as hereinbefore mentioned: Provided that no Volunteer shall leave the service, either with or without notice, at any time when the Militia are called out, unless he be regularly discharged or have served out the time for which he engaged.

To what places they may be marched.

LXVI. The Militia so called out may be marched to any part of the Province, or to any place without the Province but conterminous therewith, where the enemy may be, and from which an attack on this Province may be apprehended.



LXVII. The Militia so called out and every Officer or man belonging to it, from the time he shall be ordered, taken or drafted for actual service, shall be subject to the Articles of war and to the Act for punishing Mutiny and desertion and all other Laws then applicable to Her Majesty's Troops in this Province, and not inconsistent with this Act: except that no Militiaman shall be subject to any corporal punishment except death or imprisonment, for any contravention of such laws; and except also that the Commander in Chief may direct that any provisions of the said laws shall not apply to the Militia.

Militia called out to be subject to articles of war, &c.

Exception.

Exception.

LXVIII. Any body of Militia so called out shall be commanded by the Officer highest in rank then present, or the senior of two or more Officers of equal rank; Officers of Her Majesty's Regular Army shall always be reckoned senior to all Militia Officers of the same rank, whatever be the dates of the respective commissions; and Colonels appointed by Commission signed by the Commander of Her Majesty's Regular Forces in Canada, shall command Colonels of Militia, whatever be the date of their respective Commissions.

Rank and command of Officers as regards Militia.

LXIX. No Militia Officer or Militiaman shall be sentenced to death by any Court Martial except for mutiny, desertion to the enemy, or traitorously delivering up to the enemy any garrison, fortress, post or guard, or traitorous correspondence with the enemy; and no sentence of any General Court Martial shall be carried into effect until approved by the Commander in Chief.

For what offences only Militiemen may be sentenced to death.

Sentence must be first approved.

LXX. No Officer of Her Majesty's regular army shall sit on any Militia Court Martial.

Officer of army not to sit, &c.

#### ARMAMENT OF SEDENTARY MILITIA.

LXXI. The arms and accoutrements for the Sedentary Militia shall, when such Militia is not called out for actual service, be kept in Armouries at the following places: Quebec, Three-Rivers, Rivière-du-Loup (below), Sorel, St. John's, Montreal, the City of Ottawa, Prescott, Kingston, Peterborough, Toronto, Guelph, Hamilton, London and Chatham.

Arms, &c. of Sedentary Militia to be kept in Armouries at certain places.

LXXII. If there be at any such place no building adapted to be used as such Armoury, the Commander in Chief may cause a proper building to be erected, at a cost not exceeding seven hundred and fifty pounds for each such building; or he may cause any public building or part thereof to be altered so as to adapt it for such Armoury at a cost not exceeding one half the said sum.

Buildings for Armouries.

LXXIII. The Commander in Chief may employ a proper person to have charge of each such Armoury and of the arms therein, and may cause such person to be paid at a rate not exceeding seventy-five pounds per annum.

Care of such Armouries.

LXXIV.

Arms, how delivered to Sedentary Militia.

LXXIV. The arms in such Armouries respectively, shall be delivered out to the Sedentary Militia called into actual service, in such way as the Commander in Chief shall appoint.

May be kept by Militiamen in certain cases.

LXXV. If there be any Militia division in which, from its position, it shall not be deemed advisable to have the arms of the Sedentary Militia kept in an Armoury, such arms may be delivered out to the enrolled service men of the first class or of the first and second classes in such division, as the Commander in Chief may order, each man giving a receipt for those received by him and security for their safe keeping and delivery to any Officer authorized to demand them.

BILLETING AND CANTONING TROOPS AND MILITIA WHEN ON ACTUAL SERVICE, AND FURNISHING CARRIAGES, HORSES, &C., FOR THEIR TRANSPORT AND USE.

What shall be furnished by those on whom they shall be billeted.

LXXVI. When Her Majesty's Regular Forces or the Militia, shall be on a march within this Province, and billeted as herein-after mentioned, every householder therein shall, when required, furnish them with house-room, fire and utensils for cooking, and candles; and in cases of emergency, by actual invasion or otherwise, the Officer commanding the Regiment, Battalion or Detachment of Troops or Militia, may direct and empower any Officer or non-commissioned Officer of the same, or other person, after having first obtained a warrant for such purpose from a Justice of the Peace, to impress and take such horses, carriages or oxen as the service may require, the use of which shall be thereafter paid for at the usual rate of hire for such horses, carriages or oxen.

Impressing carriages, &c., on emergency.

Justice of the Peace to billet on requisition of commanding Officer.

LXXVII. When the said Troops of Her Majesty, or the Militia, or any Regiment, Battalion, or Detachment of the same, are on a march as aforesaid, the Officer or non-commissioned Officer commanding them shall require a Justice of the Peace to billet, and such Justice shall immediately thereupon so billet the said Troops or Militia as to facilitate their march, and in such manner as may be most commodious to the inhabitants; and every inhabitant householder shall receive the Troops or Militia, so billeted upon him, and furnish them with the lodging and articles mentioned in the next preceding section.

Lodging of Officers not to be paid for:

Allowance for men billeted.

Proper Officer to settle accounts of Officers and Sol-

LXXVIII. No Officer shall be obliged to pay for his lodging where he shall be regularly billeted; but each householder upon whom such soldiers are billeted shall receive from Government for each non-commissioned Officer, Drummer and Private of Infantry, a daily rate of six pence, and for each cavalry soldier, whose horse shall be also provided with stabling and forage, a daily rate of fifteen pence; and every Officer or non-commissioned Officer to whom it belongs to receive, or who does actually receive the pay for any officers or soldiers, shall, every four

four days, or before they shall quit their quarters if they shall not remain so long as four days, settle the just demands of all householders, victuallers, or other persons upon whom such officers and soldiers are billeted, out of their pay and subsistence money, before any part of the said pay or subsistence money shall be distributed to them respectively, provided such demands do not exceed in amount their pay and subsistence money for the time, credit beyond which is not to be granted.

diers, out of their pay, &c.

LXXIX. When the safety of this Province shall require that the said Troops of Her Majesty or Militia, or any Regiment, Battalion or Detachment of the same should be cantoned in any part of this Province, any Justice of the Peace in the places where such Troops or Militia may be cantoned, upon receiving an order from the Officer commanding them or on a requisition from the Officer commanding any such cantonment, may quarter and billet, and the said Justice is hereby required to quarter and billet the Officers, non-commissioned Officers, Drummers and Privates of the said Troops or Militia, upon the several inhabitant householders, as near as may be to the place of cantonment, avoiding as much as possible to accommodate the said inhabitants, and taking due care to accommodate the said Troops or Militia.

Quartering and billeting Troops, &c. in cantonment.

LXXX. If any inhabitant shall consider himself aggrieved by having a greater number of the said Troops or Militia billeted upon him than he ought to bear in proportion to his neighbours, then on complaint being made to two or more Justices of the locality where such Troops or Militia shall be cantoned, they may and are hereby authorized to relieve such inhabitant, by ordering such and so many of the said Troops or Militia to be removed and quartered upon such other person or persons as they shall see cause, and such other person or persons shall receive such Troops or Militia accordingly.

Complaint of persons aggrieved, and how redressed.

LXXXI. No Justice of the Peace having any Military Office or Commission in the said Troops or Militia, shall directly or indirectly be concerned in the quartering or billeting of any Officer, non-commissioned Officer, Soldier or Soldiers of the Regiment, Corps or Detachment under the immediate command of such Justice or Justices.

No justice being an officer to billet or quarter troops.

LXXXII. Nothing in this Act contained shall be construed to authorize the quartering or billeting of any Troops or Militia either on a march or in cantonment, in any Convent or Nunnery of any Religious Order of Females, or to oblige any such Religious Order to receive such Troops or Militia, or to furnish them with lodging or house room.

Troops not to be billeted upon nuns.

LXXXIII. When any Troops of Her Majesty or Militia or any part of them, shall be so cantoned as aforesaid, any Justice of the Peace where such cantonment is made, upon receiving an order

Justice may require persons to furnish order

carriages &c.  
for troops.

On refusal  
they may be  
impressed.

Limitation of  
travel.

At what rate  
to be paid for.

In cases of  
emergency,  
boats, &c., may  
be required in  
like manner.

Rate of pay  
for the same.

May be im-  
pressed on re-  
fusal to fur-  
nish.

Proviso : as to  
Railway Com-  
panies.

order to that effect from the Officer commanding the said Troops or Militia, or a requisition in writing from the Officer commanding that cantonment, for such and so many carriages as may be requisite and necessary for the said Troops or Militia, is hereby required to issue his Warrant to such person or persons as may be possessed of carriages, horses or oxen, within his jurisdiction, requiring him or them to furnish the same for the service aforesaid, and if he refuse to furnish the same after receiving such Warrant, they may be impressed and taken for such service; but no such carriage, horse or ox, or any carriage, horse or ox, mentioned in the previous sections of this Act, shall be compelled to proceed more than thirty miles, unless in cases where other carriages, horses or oxen cannot immediately be had to replace them; and such carriages, horses or oxen shall be paid for at the usual rate of hire.

**LXXXIV.** In cases of emergency, when it may be necessary to provide proper and speedy means for the conveyance by Railway or by water, of the said Troops of Her Majesty or Militia, and also of their ammunition, stores, provisions and baggage, any Justice of the Peace of and in the locality where such Troops or Militia may be either on a march or in cantonment, upon receiving a requisition in writing from the Officer commanding such Troops or Militia, for such railway cars and engines, boats or other craft as may be requisite for the conveyance of the said Troops or Militia and their ammunition, stores, provisions and baggage, may issue and is hereby required to issue his warrant to such person or persons as may be possessed of such railway cars and engines, boats or other craft within his jurisdiction, requiring him or them to furnish the same for that service, at and after the rate of payment to be allowed by the said Justice, not exceeding the usual rate of hire for such railway cars and engines, boats or other craft; and if any such person or persons shall neglect or refuse, after receiving such Warrant, to furnish such railway cars or engines or his or their boats or craft for that service, such railway cars or engines, boats or other craft may be impressed and taken for such service: Provided always, that nothing herein shall be construed to impair the effect of any Act obliging any Railway Company to convey such Troops, Militia, and other articles aforesaid, in any manner or on any terms and conditions therein mentioned, or to release any such Company from any obligation or penalty thereby imposed.

#### PENALTIES.

Refusing to  
make rolls, &c.

**LXXXV.** Any Officer of Militia refusing or neglecting to make or transmit, as herein prescribed, any Roll or Return, or copy thereof, required by this Act or by any lawful authority, or wilfully making any false statement in any such Roll, Return, or copy, shall thereby incur a penalty of ten pounds, for each offence.

**LXXXVI.**

**LXXXVI.** Any Officer or non-commissioned Officer of Militia refusing or neglecting to assist his Commanding Officer in making any such Roll or Return, or refusing or neglecting to obtain or to assist him in obtaining any information which he may require in order to make or correct any Roll or Return, shall thereby incur a penalty of five pounds, for each offence.

Refusing to assist in making rolls, &c.

**LXXXVII.** Any Militiaman or other person refusing or neglecting to give any notice or information which may be necessary for making or correcting the Roll of any Company, and which he is required by this Act to give to the Commanding Officer of such Company, or to any Officer or non-commissioned Officer thereof demanding the same at any seasonable hour and place, shall thereby incur a penalty of two pounds ten shillings, for each offence.

Refusing to give information for making roll, &c.

**LXXXVIII.** Any Militia officer or man, not exempt from attending muster, who shall neglect or refuse to attend the same at the place and hour appointed therefor, or shall refuse or neglect to obey any lawful order at or concerning such muster, shall thereby incur a penalty of not more than one pound five shillings, for each offence.

Neglecting to attend muster or misbehaving thereat, &c.

**LXXXIX.** Any person who shall interrupt or hinder any Militia at Drill, or shall trespass on the bounds set out by the proper officer for such Drill, shall thereby incur a penalty of one pound five shillings, for each offence, and may be taken into custody and detained by any person by the order of the Commanding Officer, until such Drill be over for the day.

Hindering Militia at drill.

**XC.** Any Officer, non-commissioned Officer or Militiaman, who shall disobey any lawful order of his superior officer, or shall be guilty of any insolent or disorderly behaviour towards such Officer, shall thereby incur a penalty of one pound five shillings, for each offence.

Disobeying orders, &c.

**XCI.** Any Officer, non-commissioned Officer or Militiaman, who shall fail to keep any arms or accoutrements delivered or entrusted to him in proper order, or shall appear at drill, parade, or on any other occasion, with his arms or accoutrements out of proper order, or unserviceable, or deficient in any respect, shall incur a penalty of one pound, for each such offence.

Not keeping arms in proper order.

**XCII.** Any Officer, non-commissioned Officer or man of any Volunteer Company of Cavalry or Field Artillery, who shall, without the consent of the Commanding Officer of such Company, sell or dispose of any horse which shall have been drilled for the purposes of such Company, or which he shall have undertaken to furnish for such purposes, and which shall have been approved by the Commanding Officer of the Company, shall thereby incur a penalty of five pounds for each offence.

Selling without leave horse drilled or approved for any troop, &c.

Unlawfully disposing of arms, &c.

**XCIII.** Any person who shall unlawfully dispose of or remove any arms, accoutrements or other articles belonging to the Crown, or refuse to deliver up the same when lawfully required, or shall have the same in his possession, except for lawful cause the proof of which shall lie upon him, shall thereby incur a penalty of five pounds for each offence; but this shall not prevent such offender from being indicted and punished for any greater offence if the facts amount to such, instead of being subjected to the penalty aforesaid; and any person charged with any act subjecting him to the penalty imposed by this section may be arrested by order of the Magistrate before whom the complaint is made, upon affidavit shewing that there is reason to believe that such person is about to leave the Province, carrying any such arms, accoutrements or articles with him.

Not to prevent indictment; arrest of offender about to leave the Province.

Volunteers refusing to turn out in aid of Civil power.

**XCIV.** Any Officer or Man of a Volunteer Militia Company who, when such Company shall be lawfully called upon to act in aid of the Civil power, shall refuse or neglect to go out with such Company, or to obey any lawful order of his Superior Officer or of any Magistrate, shall thereby incur a penalty of five pounds for each offence.

Refusing to receive Militia billeted.

**XCV.** Any inhabitant householder who shall refuse or neglect to receive any Troops or Militia billeted upon him or to furnish them with the lodging and articles which he is by this Act required to furnish, shall thereby incur a penalty of two pounds for each such offence.

Refusing to furnish carriage, &c., when lawfully required;

**XCVI.** Any person lawfully required under this Act to furnish any carriage, horse or ox, for the conveyance or use of any Troops or Militia, who shall neglect or refuse to furnish the same, shall thereby incur a penalty of two pounds for each such offence.

Or any car, engine, boat or craft.

**XCVII.** Any person lawfully required under this Act to furnish any railway car or engine, boat or other craft, for the conveyance or use of any Troops or Militia, who shall neglect or refuse to furnish the same, shall thereby incur a penalty of five pounds for each such offence.

Contravening this Act where no other penalty is provided.

**XCVIII.** Any person who shall wilfully contravene any enactment of this Act when no other penalty is imposed for such contravention, shall thereby incur a penalty of five pounds for each offence, but this shall not prevent his being indicted and punished for any greater offence if the facts amount to such.

Recovery of penalties.

**XCIX.** All penalties incurred under this Act or under any Regulations, Orders or Articles of Engagement lawfully made or entered into under it, shall be recoverable, with costs, on the evidence of one credible Witness, on complaint.

or information before one Justice of the Peace if the amount do not exceed five pounds, and before two Justices of the Peace if the amount exceeds that sum; and to the recovery of such penalties all the provisions of any Act or Acts then in force relative to the performance of the duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders, shall apply in so far as may not be inconsistent with this Act; and any Officer non-commissioned Officer or private of any Volunteer Militia Company shall be a competent witness in any such case, although the penalty may be applicable to the purposes of such Company.

Summary proceedings, Acts to apply.

Militia officers &c., may be witnesses.

C. No prosecution against an Officer of Militia for any penalty under this Act shall be brought except on the complaint of the Adjutant General; and no such prosecution against any non-commissioned officer or private of the Sedentary Militia, shall be brought except on the complaint of the Commanding Officer or Adjutant of the Battalion or Captain of the Company to which such non-commissioned officer or private shall belong; and no such prosecution against any private or non-commissioned officer of a Volunteer Company, shall be brought except on complaint of the Captain or Commanding Officer thereof: but the Adjutant General may authorize any officer of Militia to make such complaint in his name, and the authority of any such officer alleging himself to have been so authorized to make any complaint, shall not be controverted or called in question except by the Adjutant General.

On whose complaint penalties may be sued for.

Evidence of authority to sue.

CI. No such prosecution shall be commenced after the expiration of six months from the commission of the offence charged, unless it be for unlawfully buying, selling or having in possession arms or accoutrements delivered to the Militia.

Limitation of time for such prosecutions.

CII. The penalty when recovered shall, if the offender belong to the Active or Volunteer Militia, be paid over to the officer commanding the Company, for the purposes thereof, and shall be applied by him to such purposes and accounted for by him to the Adjutant General; and if the offender belong to the Sedentary Militia, then the same shall be paid over to the Assistant Adjutant General, who shall account for and pay it over to the Receiver General for the public uses of the Province, and it shall make part of the Consolidated Revenue Fund.

Application of penalties.

#### MISCELLANEOUS PROVISIONS.

CIII. It shall not be necessary that any order or notice under this Act be in writing, unless it is herein provided that it shall be so, provided it be communicated to the person who is to obey or be bound by it in person, either directly by the officer or person making or giving it, or by some other by his order.

Orders and notices need not be in writing if given in person.

General orders how notified. Evidence. CIV. All General Orders of Militia, or other Militia Orders issued through or by the Adjutant General, shall be held to be sufficiently notified to all persons whom they may concern, by their insertion in the *Canada Gazette*, and a copy of the said Gazette purporting to contain them shall be *prima facie* evidence of such orders.

Regimental or battalion orders, how notified. CV. All Orders made by the Commanding Officer of a Militia, Regimental or Battalion division, shall be held to be sufficiently notified to all persons whom it may concern, by their insertion in some newspaper published in such division, or, if there be none, then in some neighbouring division, and by posting a copy thereof on the door of the Church, or of some Court-house, Mill, or other public place, in each Company division in such Regimental or Battalion division.

Evidence of commissions, warrants, &c. CVI. The production of a Commission or appointment, warrant or order in writing, purporting to be granted or made according to the provisions of this Act, shall be *prima facie* evidence of such commission or appointment, warrant or order, without proving the signature or seal thereto, or the authority of the person granting or making such commission, appointment, warrant or order.

Bonds entered into in pursuance of this Act to be valid. CVII. Every Bond to the Crown which may be entered into by any person under the authority of this Act, or according to any General Order or Regulations made under it, or for the purpose of securing the payment of any sum of money, or the performance of any duty or act hereby required or authorized, before any Judge or Justice of the Peace, or officer therein authorized to take the same, shall be valid, and may be estreated or enforced accordingly.

Sums of money payable to the crown under this act, how recoverable. CVIII. Every sum of money which any person or corporation shall be under this Act liable to pay or repay to the Crown, or which shall be equivalent to the damages done to any arms or other property of the Crown and used for Militia purposes, shall be a debt due to the Crown, and may be recovered in any manner in which such debts may be recovered.

Protection of Officers, &c., acting in pursuance of this Act. CIX. Every action and prosecution against any Officer or person, for any thing done in pursuance of this Act, shall be laid and tried in Lower Canada in the District, and in Upper Canada in the County, where the act complained of was done, and shall not be commenced after the end of six months from the

Limitation of action. doing of such act, nor until one calendar month's notice in writing of the action and of the cause thereof shall have been given to the defendant; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at the trial: and no Plaintiff shall recover in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has

Tender of amends.



has been paid into Court by the defendant after the action was brought.

CX. If a verdict shall pass for the defendant in any action referred to in the next preceding Section, or the plaintiff shall become non-suit or discontinue the action after issue joined, or if on demurrer or otherwise judgment be given against the plaintiff, the defendant shall recover his full costs as between Attorney and Client, and shall have the same remedy therefor as any defendant hath in other cases: and though a verdict be given for the plaintiff, he shall not have costs against the defendant, unless the Judge before whom the trial shall be, shall certify his approbation of the action and of the verdict therein.

If Plaintiff be non-suit, &c.  
No costs against Defendant except with approval of Judge.

CXI. All sums of money required to defray any expense authorized by this Act, may be paid out of the Consolidated Revenue Fund of this Province, upon warrant directed by the Governor to the Receiver General; and such warrants may be made in favour of the Adjutant General of Militia, to enable him to pay such expense, or in favour of the party directly entitled to the money: Provided always, that no sum of money shall be so paid out of the Consolidated Revenue Fund until first approved of by Resolution of the Legislative Assembly in the annual estimates.

Payment of mon-ys under this Act.  
Proviso.

CXII. A detailed account of all moneys advanced or expended under this Act shall be laid before each Branch of the Provincial Parliament within fifteen days after the opening of the then next Session thereof.

Accounting to Parliament.

CXIII. The due application of all moneys advanced or expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall direct.

Accounting to Her Majesty.

CXIV. The Interpretation Act shall apply to this Act, and to all Regulations, orders and articles of engagement lawfully made or entered into under it.

Interpretation.

CXV. This Act shall come into operation upon the first day of July, one thousand eight hundred and fifty-five, and shall be in force for three years, and from thence until the end of the then next ensuing Session of Parliament of this Province, and no longer; Provided, that if at the time when this Act would otherwise expire, there should happen to be War between Her Majesty and the United States of America, then this Act shall continue in force until the end of the Session of the Provincial Parliament next after the Proclamation of Peace between Her Majesty and the said United States, and no longer.

Commencement and duration of this Act.  
Proviso for case of War.

## CAP. LXXVIII.

## An Act to secure the more efficient Auditing of the Public Accounts.

[Assented to 19th May, 1855.]

Preamble.

**W**HEREAS it is expedient that provision should be made for the more speedy and effectual Audit of the Public Accounts 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, as follows:

Board of Audit may be constituted, and for what purpose.

I. It shall and may be lawful for the Governor, by Letters Patent under the Great Seal of this Province, to constitute and appoint, during pleasure, a Board of Audit, whose duty it shall be, under the direction and supervision of the Inspector General of this Province, from time to time, to report to the said Inspector General on any Accounts laid before them, as hereinafter provided.

Of whom to consist.

II. The said Board shall consist of the Deputy Inspector General, who shall be Chairman thereof, and the Commissioner of Customs for the time being, and an Auditor to be appointed by the Governor of this Province.

Salary of Auditor, &c.

III. The said Auditor shall receive a salary of not more than five hundred pounds per annum, and shall be ineligible for a seat in either Branch of the Legislature.

Duties of Deputy Inspector General with regard to Public Accounts.

IV. It shall be the duty of the Deputy Inspector General, or in his temporary absence through illness or otherwise of such person as the Governor in Council may appoint as one of the Board of Audit, to examine and report upon every application for or issue of Money Warrants,—to countersign all Provincial Debentures, Receiver General's Cheques and Receipts,—to keep a Debenture Book, which shall contain a record and description of all Debentures now outstanding or to be issued, shewing the date of issue, period of redemption, when cancelled, and payment of interest,—and an Interest Account,—to classify and keep posted up a Book, to be called The Appropriation Book, containing an account, under separate and distinct heads, of every appropriation of Public Money, whether permanent or temporary, entering under each head the amounts drawn on account of such appropriation with the date and name of the parties to whom Warrants are issued; and when

To keep an appropriation Book; and what it shall shew.

when any such appropriation shall be exhausted, to notify the same to the Governor and to the Department having supervision over the service on account whereof such appropriation has been made,—to examine and Audit the various Accounts connected with the Administration of Justice in Upper and Lower Canada, the Accounts current of the Officers of Customs and Excise,—and to keep the Accounts of all Special Funds, as well as the Public Accounts of the Province.

V. It shall be the duty of the Commissioner of Customs, as one of the Board of Audit, to examine and check the Returns of the Officers of Customs and Excise.

Duties of  
Commissioner  
of Customs.

VI. It shall be the duty of the Auditor to examine, check, and Audit the Accounts and Expenditure of the Department of Public Works, and all Contracts made by or with that Department,—and also those of the Crown Land Department, the Post Office Department, and of the Bureau of Agriculture and Statistics,—those of all Provincial Asylums, Hospitals, Penitentiaries and Prisons,—of the University of Toronto, Upper Canada College, and of the Superintendents of Education for Upper and Lower Canada; also, all Accounts connected with the Adjutant General's Department and the organization and maintenance of the Provincial Militia and Police, Quarantine and Emigration,—to keep a Register of Bank Notes issued and Securities held under the provisions of the Free Banking Acts, and to examine the Returns and Statements of all Savings Banks, chartered and other Banks of the Province,—to examine, check and Audit the Accounts of all Institutions or Establishments, whether educational, charitable, scientific, or otherwise, which derive their entire support from Public Moneys,—and generally to examine and Audit Accounts of all Institutions, Bodies, Establishments or Parties supported from Public Funds, and not hereinbefore specially mentioned.

Duties of the  
Auditor.

What accounts  
he shall ex-  
amine.

To keep Re-  
gister of Bank  
Notes, ex-  
amine Return  
of Savings  
Banks, &c.

VII. All Accounts, after having been so Audited, in their several departments, shall be revised by the Board, or any two of them, and by them reported to the Inspector General for his final revision and approval.

Further revi-  
sion of ac-  
counts by  
Board of Au-  
dit.

VIII. It shall also be the duty of the said Board to examine and cancel Land Scrip and Debentures redeemed, the Board being assisted in examining and cancelling such Scrip by the Commissioner of Crown Lands, and in examining and cancelling such Debentures, by the Receiver General; and the Board shall meet at least once in each month for the purposes mentioned in this Section.

Examining  
and cancel-  
ling Land  
Scrip and  
Debentures.

IX. All Public Moneys, from whatever source of revenue derived, except the Post Office Department, and all Moneys forming part of Special Funds administered by the Provincial Government, shall be paid to the credit of the Receiver General

How money  
received for  
public pur-  
poses shall be

of

paid in and deposited.

of the Province, through such Banks or Parties as the Governor in Council shall from time to time direct and appoint; and Certificates of such deposit, in duplicate, shall be taken by the party making the same, and transmitted, one to the Receiver General, the other to the Department to which the payment relates.

Deposit of money received by Officers of Customs or Excise.

X. Every Officer of the Customs or Excise in this Province, receiving money for the Crown, shall deposit the same in his name of office, from time to time, in such Bank as the Governor in Council shall appoint, and no money so deposited shall be paid out again, except for the purpose of being placed to the credit of the Receiver General, on the written order or check of such Officer so depositing, or his Successor, to whom the Bank shall grant a Certificate in duplicate of its being so credited; and every such Officer shall keep his Cash-book written up daily; and all the Books, Accounts and Papers of such Officer shall at all times during office hours be open to the inspection and examination of the Superintendent, or other Officer or Person whom the Inspector General may authorize to inspect or examine the same.

For what purpose only to be drawn out.

Books to be always ready for inspection.

Public Moneys to be paid out only on Warrant, and by Check.

XI. The expenditure of Moneys out of the Public Chest shall always be made by check on some Bank, upon the Warrant of the Governor in Council, such check being signed by the Receiver General and countersigned by the Inspector General, or their respective Deputies thereunto duly authorized.

Institutions wholly supported by Public Grants to render accounts quarterly.

XII. All Institutions and Establishments wholly supported by Public grants, shall render quarterly (and oftener if required by the Inspector General) their Accounts in detail for the purpose of being Audited, accompanied by proper vouchers for the expenditure of the moneys received by them out of the Public Chest; and in all cases when such Accounts are irregular, insufficient, or not rendered to his satisfaction, the Inspector General shall call upon the parties to supply the omission or correct the irregularity, and shall suspend any further advances to such Institution or Establishment until such Accounts shall have been properly furnished.

Reports of Superintendents of Common Schools.

XIII. The Superintendents of Common Schools in Upper and Lower Canada, shall make their Reports yearly on or before the Thirtieth day of January in each year, and all other Institutions, Associations, Establishments and Bodies deriving wholly or in part their support from Public moneys, shall transmit to the Board of Audit on or before the Fifteenth of January in every year, full and complete reports of their condition, management and progress, with such statistical returns as shall from time to time be required by the Governor in Council, such reports and returns shall consist of the following particulars:

Other Institutions.

What such reports shall contain.

## EDUCATIONAL INSTITUTIONS.

- 1st. The composition of the governing Body ;
- 2ndly. The number and names of the Professors, Teacher or Lecturers ;
- 3rdly. The number of persons taught, distinguishing those under sixteen years and those above sixteen ;
- 4thly. The general course of instruction and the books used ;
- 5thly. The annual cost of maintaining such institution and the sources from which the means are derived.

## LITERARY OR SCIENTIFIC INSTITUTIONS.

- 1st. The prominent objects of the Institution ;
- 2ndly. The number of volumes in their Library, their subjects generally, and their value ;
- 3rdly. The nature and value of their apparatus ;
- 4thly. The number and subjects of Lectures delivered within the year then last past ;
- 5thly. The number of members on the books ;
- 6thly. The revenues of the Institution exclusive of Provincial aid.

## CHARITABLE INSTITUTIONS AND ASYLUMS.

- 1st. The governing Body ;
- 2ndly. The special objects of the Institution, its revenues exclusive of Provincial aid ;
- 3rdly. The number of persons admitted, relieved or discharged within the then last twelve months, and the number remaining under treatment or care.

XIV. The Treasurer or Chamberlain of every Municipality for which any sum of money shall have been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, shall remain unpaid by such Municipality, transmit to the Board of Audit, on or before the Fifteenth day of January in every year, a Return, certified on the oath of such Treasurer or Chamberlain before some Justice of the Peace, containing the amount of taxable property

Returns to be made yearly by Treasurers of Municipalities owing money secured on Consolidated Municipal Loan Fund.

property in such Municipality according to the then last Assessment Roll or Rolls,—a true Account of all the Debts and Liabilities of such Municipality for every purpose, for the then last year,—and such further information and particulars with regard to the liabilities and resources of such Municipality, as the Governor in Council may from time to time require.

Penalty on parties not transmitting accounts as hereby required.

XV. If any Corporation, Officer or Person shall refuse or neglect to transmit any Account, Statement or Return, with the proper vouchers, to the Officer or Department to whom he is hereby required to transmit the same, on or before the day hereby appointed for the transmission thereof, such Corporation, Officer or Person shall for such refusal or neglect forfeit and pay to the Crown, for the public uses of this Province, the sum of twenty-five pounds, to be recovered, with costs, as a debt due to the Crown, and in any Court and in any way in which debts to the Crown can be recovered; and in any action for the recovery of such sum, it shall be sufficient to prove, by any one witness or other evidence, that such Account, Statement or Return ought to have been transmitted by the Defendant, as alleged on the part of the Crown, and the onus of proving that the same was so transmitted shall rest upon the Defendant.

Notification to persons neglecting to pay over money received for public purposes.

XVI. Whenever the Inspector General shall have reason to believe that any Officer or Person has received money for the Crown, or for which he is accountable to the Crown, or has in his hands any public money applicable to any purpose, and has not paid over or duly applied and accounted for the same, he may direct a notice to such Officer, Person, or to his representative in case of his death, requiring him within a time to be therein named, and not less than thirty nor more than sixty days from the service of such notification, to pay over, apply and account for such money to the Inspector General or to the Officer to be mentioned in the notification, and to transmit to him the proper vouchers that he has so done: such notification shall be served by the Sheriff of the District or County where the service shall be made, or his Deputy, by delivering a copy to the Officer or Person to whom it is addressed, or leaving it for him at his usual place of abode; and the return of the Sheriff with an affidavit of such service, shall be conclusive evidence thereof.

Proceedings against any person refusing to comply with such notification.

XVII. If such Officer or Person shall fail to pay over, apply or account for such money, and to transmit such vouchers as aforesaid within the time limited by the notification served on him, the Inspector General shall state an account as between such Officer or Person and the Crown in the matter to which the notification relates, charging interest from the service thereof, and shall deliver a copy thereof to the Attorney or Solicitor General, and such copy shall be sufficient evidence to support any information or other proceeding for the recovery of the amount

amount therein shewn to be in the hands of the Defendant, as a debt due to the Crown, saving to the Defendant the right to plead and give in evidence all such matters as may be legal and proper for his defence; but such Defendant shall be liable to the costs of such information or proceeding, whatever be the judgment therein, unless he shall prove that before the time limited in such notification he had paid over or applied and duly accounted for the money therein mentioned, and transmitted the proper vouchers with such account, or unless he be sued in a representative character, and be not personally liable for such money, or to render such account.

Liability of Defendants to costs.

XVIII. Whenever any such Officer or Person as aforesaid shall have transmitted an Account, either before or after notification as aforesaid, but without vouchers or with insufficient vouchers for any sum for which he shall therein take credit, the Inspector General may notify such Officer or Person, in the manner mentioned in the next preceding Section, to transmit vouchers, or sufficient vouchers, within thirty days after the service of the notice; and if such vouchers be not transmitted within that time, the Inspector General may state an account against such Officer or Person, disregarding the sums for which he may have taken credit but for which he has transmitted no vouchers or insufficient vouchers, and deliver a copy of such Account to the Attorney or Solicitor General, and such copy shall be sufficient evidence to support an information or other proceeding for the recovery of the amount therein shewn to be in the hands of the Defendant, saving to the Defendant the right to plead and give in evidence all such matters as may be legal and proper for his defence; but such Defendant shall be liable to the costs of such information or proceeding, whatever be the judgment therein, unless the vouchers he shall have transmitted within the time limited by the notice served on him, or before such service, shall be found of themselves sufficient for his defence, and for his discharge from all sums demanded of him: the said notice shall be served and the Sheriff's return of service shall be of the like effect as provided in the next preceding Section with regard to the notice therein mentioned.

Proceedings against persons transmitting accounts without sufficient vouchers.

Liability of Defendants to costs.

XIX. If by reason of any malfeasance, or of any gross carelessness or neglect of duty, by any Officer or Person employed in the collection or management of the Revenue, or in collecting or receiving any moneys belonging to the Crown, for the public uses of the Province, any sum of money shall be lost to the Crown, such Officer or Person shall be accountable for such sum as if he had collected and received the same, and it may be recovered from him on proof of such malfeasance, gross carelessness or neglect, in like manner as if he had so collected and received it.

Persons employed to collect Public Money to be responsible for losses from their malfeasance or gross neglect, &c.

XX. If any officer or person shall have received public money for the purpose of applying it to any specific purpose, and shall

Unapplied Public Money shall

to be payable back to the Receiver General on demand of the Inspector General.

shall not have so applied it within the time or in the manner provided by law, or if any person having held any public office and having ceased to hold the same, shall have in his hands any public money received by him as such officer for the purpose of being applied to any specific purpose to which he shall not so have applied it, such officer or person shall be deemed to have received such money for the Crown for the public uses of the Province, and may be notified by the Inspector General to pay such sum back to the Receiver General, and the same may be recovered from him as a debt to the Crown, in any manner in which debts to the Crown may be recovered, and an equal sum may in the meantime be applied to the purpose to which such sum ought to have been applied.

Recovery if not so paid.

Board of Audit may examine persons on oath.

XXI. The said Board of Audit shall have full power and authority to examine any person on oath or affirmation on any matter pertinent to any Account submitted to it for Audit, and such oath or affirmation may be administered to any person by any Member of the Board.

Board of Audit may obtain subpoenas from the Superior Courts in either portion of the Province.

XXII. Any Member of the Board may on behalf thereof apply, in term or in vacation, to any Judge of the Superior Court for Lower Canada, or of either of the Superior Courts of Law in Upper Canada, for an order that a subpoena be issued from the said Court, commanding any person therein named to appear before the said Board at the time and place mentioned in such subpoena, and then and there to testify to all matters within his knowledge relative to any Account submitted to the said Board, and (if the Board so desire) to bring with him and produce to the Board any document, paper or thing which he may have in his possession relative to any such Account as aforesaid; and such subpoena shall issue accordingly upon the order of such Judge; and any such witness may be summoned from any part of this Province whether within or without the ordinary jurisdiction of the Court issuing the subpoena, in like manner as witnesses may be so summoned in civil suits.

Board may appoint Commissioners to take evidence about accounts to be audited by it.

XXIII. If by reason of the distance at which any person whose evidence is required by the said Board shall reside from the place where its Sittings are held, or for any other cause, the Board shall deem it advisable, they may issue a Commission, under the hands and seals of any two Members of the Board, to any Officer or Person therein named, empowering him to take such evidence, and report the same to them; and such Officer or Person, being first sworn before some Justice of the Peace faithfully to execute the duty entrusted to him by such Commission, shall, with regard to such evidence, have the same powers as the Board or any Member thereof would have had if such evidence had been taken before them, and may, in like manner, apply to and obtain from any Judge of the Courts aforesaid a subpoena for the purpose of compelling the attendance



attendance of any person, or the production of any document, paper or thing before him; and such subpoena shall issue accordingly on the order of such Judge, or such subpoena may issue on the application of any Member of the said Board, to compel such attendance, or the production of any document, paper or thing before such Commissioner.

XXIV. If any person summoned in the manner hereinbefore provided to attend before the said Board of Audit or any Commissioner appointed as aforesaid, shall, without valid excuse, fail to attend accordingly,—or, being commanded to produce any document, paper or thing in his possession, shall fail to produce the same,—or shall refuse to be sworn or to answer any lawful and pertinent question put to him by the Board or by such Commissioner, such person shall, for each such offence, forfeit the sum of Twenty Pounds to the Crown, for the public uses of the Province, to be recovered in any manner in which debts due to the Crown can be recovered, and may likewise be dealt with by the Court out of which the subpoena issued, as having refused to obey the process of such Court, and as being guilty of a contempt thereof.

Penalty on persons refusing to obey any such subpoena.

How recoverable.

XXV. Nothing in this Act shall be construed to weaken or impair any remedy which the Crown now has for recovering or enforcing the payment or delivering of any money or property belonging to the Crown, for the public uses of the Province, and in the possession of any Officer or Person whomsoever, by virtue of the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to provide for the Management of the Customs and of matters relative to the Collection of the Provincial Revenue*, or by virtue of any other Act or Law, or to repeal or impair the effect of any provision of the Act last cited.

Act not to impair any remedy given to the Crown by 8 V. c. 4.

## C A P . L X X I X .

An Act to abolish Postage on Newspapers published within the Province of Canada, and for other purposes connected with the Post Office Department of this Province.

[Assented to 19th May, 1855.]

**W**HEREAS papers devoted to the advancement of Education, Temperance, Science, Agriculture and other special objects, are now exempt from postage; And whereas it would further materially aid the diffusion of useful knowledge to remove all postal restrictions on the transmission of Newspapers in general, published within this Province, and of all documents printed by order of either House of Parliament: 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,

Preamble.

Canada,

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, as follows :

- I. All Newspapers published within the Province of Canada, shall be transmitted by mail free of Postage.
- II. So much of the fourth section of the Post Office Act, as limits the salary and emoluments of any Officer of the Post Office Department (except the Postmaster General) to four hundred pounds per annum, is repealed; and the total salary and emoluments of any Officer of the said Department (except the Postmaster General) shall not exceed the sum of five hundred pounds per annum: Provided always, that so long as William Henry Griffin, Esquire, shall hold his present office of Chief Secretary of the Post Office Department, he shall be paid at the rate of six hundred pounds per annum.
- III. So much of the sixteenth section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Post Office Act*, as limits the number of Inspectors of Post Offices, is repealed.
- IV. All Letters and other mailable matter addressed to or sent by the Governor of this Province, or sent to or by any Public Department at the seat of Government, shall be free of Provincial Postage under such regulations as may be directed by the Governor in Council.
- V. All Letters and other mailable matter addressed to or sent by the Speaker or Chief Clerk of the Legislative Council or of the Legislative Assembly, or by or to any Member of either of said branches of the Legislature during any Session of the Legislature, shall be free of Provincial Postage.
- VI. All public documents and printed papers may be sent by the Speaker or Chief Clerk of the Legislative Council or of the Legislative Assembly, to any Member of either of the said branches of the Legislature of Canada, during the recess of Parliament, free of Postage.
- VII. Members of either branch of the Legislature of Canada may send during the recess of Parliament by mail, free of Postage, all papers printed by order of either branch of the Legislature of Canada.
- VIII. So much of either of the Acts above cited as may be inconsistent with the foregoing provisions is repealed.
- IX. This Act shall come into effect on and after the first day of July, eighteen hundred and fifty-five.

Canadian Newspapers to pass free.

Limitation of salaries repealed.

New limitation.

Proviso as to W. H. Griffin.

Limitation of number of Inspectors, repealed.

Certain Departmental mailable matter to pass free.

Letters to and from members of Parliament, in session, &c., to pass free.

Public documents, &c., may be sent free to members in recess.

And Members may send them free.

Repeal of inconsistent provisions.

Commencement of Act.

## C A P . L X X X .

## An Act to facilitate the negotiation of Municipal Debentures,

[Assented to 19th May, 1855.]

**W**HEREAS it is expedient to facilitate the negotiation of Municipal Debentures: 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, as follows :

I. Any Debenture heretofore issued, or which may hereafter be issued, under the formalities required by law, by any Municipal or Provisional Municipal Corporation, payable to any person or persons named therein or bearer, or payable to bearer, shall be held to have been and to be transferable by delivery, from the time of the issue thereof, and such transfer shall be held to have vested and to vest absolutely the property thereof in the holder thereof for the time being, and to enable such holder to bring and maintain an action thereupon in his own name.

Debentures payable to bearer to be transferable by delivery.

II. Any Debenture heretofore issued or which may hereafter be issued, under the formalities as aforesaid, by any Municipal or Provisional Municipal Corporation, payable to any person or persons, or to any person or persons or order, shall be held to have been and to be (after general endorsation thereof, by such person or persons) transferable by delivery from the time of the general endorsation thereof, and such transfer shall be held to have vested and to vest absolutely the property thereof in the holder thereof for the time being, and to enable such holder to bring and maintain an action thereupon in his own name.

Debentures payable to any person or to order to be transferable by general endorsement and delivery.

III. In any suit or action upon any such Debenture as aforesaid, it shall not be necessary to set forth in the declaration or other pleading, or to prove, the mode by which any person became the holder of such Debenture, or to set forth or to prove the notices, by-laws, or other proceedings on or by virtue of which any Debenture may have been issued, but it shall be sufficient in such pleading to describe such person as the holder of the said Debenture (alleging the general indorsation if any) and shortly to state its legal effect and purport, and to make proof accordingly.

What it shall be sufficient to allege and prove in a suit upon a Debenture.

IV. Any such Debenture issued under the formalities required by law as aforesaid, shall be valid and recoverable to the

Debenture not impeachable

for illegality,  
&c., in hands  
of *bonâ fide*  
holder.

the full amount thereof, notwithstanding it may have been or may be negotiated by such Corporation at a rate less than par, or at a rate of interest greater than six per centum per annum, and shall not be liable to be impeached in the hands of a *bonâ fide* holder for value, without notice.

## C A P. L X X X I.

An Act to ratify certain things done under the Act to confirm the Reciprocity Treaty, and for other purposes.

[Assented to 19th May, 1855.]

Preamble.

18 V. c. 1.

**W**HEREAS by two Orders in Council bearing date respectively the eighteenth day of October and the sixth day of November, one thousand eight hundred and fifty-four, made for the purpose of carrying into effect, according to their true intent, the Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act for giving effect on the part of this Province to a certain Treaty between Her Majesty and the United States of America*, and the Treaty in the said Act referred to,—it was ordered, that goods which under the said Act would come into this Province free of duty when the said Treaty was in full operation, might be at once admitted in certain cases, on special Bonds and without payment of the duties in cash, with an intimation that if the said Treaty came into operation within six months thereafter, the said Bonds should be cancelled and any duties paid should be remitted; And whereas the said Treaty did so come into operation within six months as aforesaid: 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, as follows:

Bonds and duties mentioned in the Preamble may be cancelled and remitted.

I. The Bonds given in the case mentioned in the Preamble shall be cancelled, and the duties paid shall be remitted and returned; and if any such Bonds have been already so cancelled or any such duties so remitted and returned, the same shall be held to have been legally cancelled, remitted or returned, and all parties engaged in cancelling, remitting or returning the same, are hereby indemnified.

18 V. c. 5.  
Duty declared payable on the over-

II. And for the removal of doubts under the Schedule to the Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to amend the Act imposing Duties of Customs*—Be it declared and enacted, that the duty made payable by the said Act and Schedule on each gallon of Rum, Whiskey, Brandy

Brandy, or of Geneva or Gin or other spirits or strong waters not being Whiskey, Rum or Brandy, is and shall be payable (as the duties repealed by the said Act were) for every gallon thereof of any strength not exceeding the strength of proof by Sykes' hydrometer, and so in proportion for any greater strength than the strength of proof.

proof of spirits.

## C A P . L X X X I I .

An Act to legalize certain grants from the Municipalities of this Province towards the Patriotic Fund.

[Assented to 19th May, 1855.]

**W**HEREAS doubts exist as to the right of Municipal Councils in this Province to make grants of moneys for other than strictly local purposes; And whereas, actuated by a spirit of commendable patriotism, several of the said Municipal Councils have contributed to the aid of the Fund commonly called "The Patriotic Fund," while others, apprehensive that such appropriation of their funds was illegal, have reluctantly refrained from gratifying so praiseworthy a disposition; And whereas it is expedient and right to remove all doubts respecting the power of the said Councils to make such grants for the purpose aforesaid: 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, as follows:

Preamble.

I. All grants of money heretofore made by any of the Municipal Councils of this Province in aid of the said Fund, shall be held to have been and the same are hereby declared to have been lawfully made.

Grants for the Patriotic Fund declared valid.

II. It shall and may be lawful for any of the Municipal Councils of this Province, in their discretion, and within the six months next after the passing of this Act, to make such appropriation by By-laws from their funds respectively, for the aid of the said Patriotic Fund, as they shall within their said respective Municipalities see fit: Provided always, that no such grant or appropriation shall be carried into effect until approved of by a majority of the rate-payers, to be affected thereby, at a special meeting of such rate-payers lawfully convened, in the manner provided for similar purposes by the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*.

Future grants to be valid if approved by a majority of the Municipal Electors.

16 V. c. 22.

## CAP. LXXXIII.

## An Act to amend the Acts relating to Land Surveyors.

[Assented to 19th May, 1855.]

Preamble.

12 V. c. 35.

14 &amp; 15 V. c. 4.

**W**HEREAS it is expedient to amend the Act passed in the twelfth year of Her Majesty's reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the survey of Lands in this Province*, and also the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act concerning Land Surveyors*, in the manner hereinafter mentioned: 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, as follows:

Sections 2 and 40, and part of Section 8 of 12 V. c. 35, repealed.

How Examiners of Applicants for admission as Land Surveyors shall be paid.

None but licensed persons to act as Surveyors.

Fee on transmission of Articles to Secretary.

I. The second and fortieth sections of the Act first cited in the preamble to this Act, and so much of the eighth section of the said Act as provides that so much of the sum therein required to be paid by each Applicant receiving a Certificate, as shall remain after paying the expenses (if any) attending the examination of such Applicant, shall be equally divided among those Members of the proper Board of Examiners who shall have attended the Examination, and shall not be salaried Officers of the Government, shall be and is hereby repealed; and the remainder of any such sum, after paying the expenses (if any) attending the Examination, shall be paid over to the Commissioner of Crown Lands and accounted for by him in like manner with other moneys received by him, and it shall be lawful for the said Commissioner to pay to each Member of such Board attending any Examination and not being a salaried Officer of the Government, the sum of one pound five shillings for each day's attendance, and to charge the same in his account as part of the expenses of his Office.

II. No person shall, after the passing of this Act, act as a Surveyor of Lands within this Province, unless he shall be duly authorized to practise as a Land Surveyor according to the provisions of this Act, or shall have been so authorized before the passing thereof, according to the Laws then in force.

III. Each apprentice to a Licensed Surveyor shall pay a fee of ten shillings to the Secretary of the proper Board at the time of transmitting to him his Indenture or Articles, in conformity with the sixth section of the Act secondly cited in the preamble of this Act, nor shall such instrument be deemed to have been transmitted to the Secretary until such fee shall have been paid.

IV. From and after the passing of this Act, no person shall be admitted as an apprentice with any Provincial Land Surveyor, unless he shall have previously passed an examination before one of the Boards of Examiners, or before one of the Members of the said Board, or before some Surveyor deputed by the said Board for the purpose, as to his knowledge of Vulgar and Decimal Fractions, the extraction of the Square and Cube root, of Geometry, Plane Trigonometry, Mensuration of Superficies, and the use of Logarithms, and shall have obtained a Certificate of such examination and of his proficiency, from the Board, and before he shall be so examined he shall pay into the Fee Fund the sum of ten dollars as the fee due by him on such examination, and a further sum of ten shillings to the Secretary for the said Certificate; and applicants for such examination previous to apprenticeship, shall give one month's notice to the Secretary of the proper Board, of their intention to present themselves for examination, and pay to such Secretary a fee of five shillings for receiving and entering such notice.

Applicants to be examined before they can become apprentices to Surveyors.

Fees on examination and certificate of qualification.

V. No applicant for admission as a Land Surveyor claiming to have served previous to the passing of this Act, during the period prescribed by the third section of the Act first cited in the preamble to this Act, shall be rejected for mere informality in or technical objection to the "instrument in writing," under which he shall claim to have served, or to the date of the transmission or deposit thereof with the Secretary of the proper Board of Examiners, if he shall prove to the satisfaction of the Board of Examiners, that he has so served *bonâ fide*.

Applicants having served their apprenticeship before this Act, not to be rejected for mere informality, &c.

VI. Any Surveyor who shall be summoned to attend any Court, civil or criminal, for the purpose of giving evidence in his professional capacity as a Surveyor, shall be allowed for each day he shall so attend, the sum of twenty shillings (in addition to his travelling expenses, if any,) to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such Court.

Allowance to Surveyors summoned as witnesses.

VII. When any Surveyor shall be in doubt as to the true boundary or limit of any Township, Seigniori, Concession, Range, Lot or Tract of Land which he may be employed to survey, and shall have reason to believe that any person is possessed of any important information touching such boundary or limit, or of any writing, plan or document tending to establish the true position of such boundary or limit, then if such person shall not willingly appear before and be examined by such Surveyor, or shall not willingly produce to him such writing, plan or document, it shall be lawful for such Surveyor or the party employing him, to file in the office of the County Court, if the Survey be in Upper Canada, or of the Circuit Court, if the Survey be in Lower Canada, a *Præcipe* for a *Subpæna* or *Subpæna duces tecum*, as the case may require, accompanying

Proceedings when a Surveyor shall require any information or document in the possession of a third party who will not voluntarily give or produce the same.

accompanying such application by an affidavit or solemn declaration to be made before a Justice of the Peace, of the facts on which the application is founded, and the Judge may order a *Subpœna* to issue accordingly, commanding such person to appear before the Surveyor, at a time and place to be mentioned in the said *Subpœna*, and to bring with him any writing, plan or document mentioned or referred to therein; and such *Subpœna* shall be served on the person named therein, by delivering to him, or leaving for him with some grown person of his family at his residence, a copy thereof, and exhibiting to him or to such grown person, the original; and if the person commanded so to appear by such *Subpœna*, shall, after being paid his reasonable expenses, or having the same tendered to him, refuse or neglect to appear before the Surveyor at the time and place appointed in the *Subpœna*, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give such evidence and information as he may possess touching the boundary or limit in question, such person so summoned shall be deemed guilty of a contempt of the Court out of which the *Subpœna* shall have issued, and an Attachment may be issued against him by the Judge of the said Court, and he may be punished accordingly, by fine or imprisonment, or both, in the discretion of such Judge.

Municipal Councils may cause the boundaries of lots in any concession, &c., to be ascertained and marked under Sect. 31, of 12 V. c. 35.

VIII. Whenever the Municipal Corporation of any Township, City, Town or Incorporated Village in Upper Canada shall adopt a resolution on application of one half the resident Landholders to be affected thereby, that it is desirable to place stone or other durable monuments at the front or at the rear, or at the front and rear angles of the lots in any Concession or Range or part of a Concession or Range in their Township, City, Town or Incorporated Village, it shall and may be lawful for such Municipal Corporation to make application to the Governor, in the same manner as is provided in the thirty-first section of the Act first cited in the preamble to this Act, praying him to cause a survey of such Concession or Range or part of a Concession or Range to be made, and such boundaries to be planted, under the authority of the Commissioner of Crown Lands; and the person or persons making such survey shall accordingly plant stone or other durable monuments at the front, or at the rear, or at the front and rear angles of each and every lot in the said Concession or Range, or part of a Concession or Range, and the limits of each lot so ascertained and marked shall be taken to be and are hereby declared to be the true limits thereof, any law or usage to the contrary notwithstanding; and the cost of the said survey shall be defrayed in the manner prescribed by the thirty-first section of the Act first cited in the preamble to this Act.

Expenses, how paid.

Mode of drawing lines in double fronted concessions.

IX. And whereas some of the double front Concessions in the Townships in Upper Canada, are not of the full depth, and doubts have arisen as to the manner in which the division or side



side lines in such Concessions should be established: Be it therefore enacted, That in such Concessions the division or side lines shall be drawn from the posts at both ends thereof, to the centre of the Concession, as provided in the thirty-seventh section of the Act first cited in the preamble to this Act, without reference to the manner in which the lots or parts of lots in such Concession shall have been described for Patent.

X. In all cases when any Land Surveyor shall be employed in Upper Canada to run any side-line or limits between lots, and the original post or monument from which such line should commence cannot be found, he shall in every such case obtain the best evidence that the nature of the case will admit of, respecting such side-line, post or limit; but if the same cannot be satisfactorily ascertained, then the Surveyor shall measure the true distance between the nearest undisputed posts, limits or monuments; and divide such distance into such number of lots as the same contained in the original survey, assigning to each a breadth proportionate to that intended in such original survey, as shewn on the plan and field-notes thereof, of record in the office of the Commissioner of Crown Lands of this Province; and if any portion of the line in front of the concession in which such lots are situate, or boundary of the Township in which such concession is situate, shall be obliterated or lost, then the Surveyor shall run a line between the two nearest points or places where such line can be clearly and satisfactorily ascertained, in the manner provided in this Act and in the Act first cited in the preamble to this Act, and shall plant all such intermediate posts or monuments as he may be required to plant, in the line so ascertained, having due respect to any allowance for a road or roads, common or commons, set out in such original survey; and the limits of each lot so found shall be taken to be and are hereby declared to be, the true limits thereof; any law or usage to the contrary thereof in any wise notwithstanding.

Case where the original post or monument cannot be found, provided for in U. C.

XI. The provisions contained in the thirty-first section of the Act first cited in the preamble to the Act, as well as those contained in the eighth section of this Act, shall extend to, and apply as well to the lands held in free and common soccage in the Townships of Lower Canada as to lands in Upper Canada, and the powers in said sections conferred upon District, Township, City, Town and Village Councils for carrying out the purposes of said sections in Upper Canada, shall be vested in, and exercised by Township, Parish, Town and Village Councils in Lower Canada, as the case may be, within which the lands, to which such provisions apply, may be situated; And the expenses of any survey made under the provisions of the said sections shall be paid by the Secretary-Treasurer of the Township, Parish, Town or Village Council within which such Survey is made, upon the certificate and order of the Commissioner of Crown Lands.

Section 31 of 12 V. c. 35, and section 8 of this Act, extended to lands in the townships of L. C.

Costs, how paid.

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

An Act to amend the Joint Stock Company Rivers Improvement Act, and to extend it to Lower Canada.

[Assented to 19th May, 1855.]

Preamble,

**W**HEREAS it is expedient to amend and to extend to Lower Canada the provisions of the Act hereinafter mentioned: 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-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

Act 16 V. c.  
191, extended  
to L. C.

I. The provisions of the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to authorize the formation of Joint Stock Companies, to construct works necessary to facilitate the transmission of Timber down the Rivers and Streams in Upper Canada*, shall be and are hereby extended to Lower Canada, as fully and completely as if the same had been originally made to extend to Lower Canada, save and except only the twentieth section of the said Act, and except also in so far as the Act is hereby amended.

Except Sect.  
20.

Consent of  
Municipality  
not to be re-  
quisite to any  
Company, but  
work not to  
be commenced  
until after 30  
days' notice to  
the Council.

II. Notwithstanding any thing in the third section of the Act hereinbefore named, it shall not be necessary to obtain a By-law of any Municipal Council approving of the works, but they shall not be commenced until after the expiration of thirty days from the laying of the Report or Reports therein mentioned before the Municipal Council or Councils even although the approval of the Commissioner of Public Works may have been signified in writing before the expiration of that period.

Compensation  
for property  
taken by the  
Company may  
be claimed  
either in mo-  
ney or in  
Stock of such  
Company.

III. Notwithstanding any thing in the nineteenth section of the said Act contained, when any Company formed under the said Act shall require any slide, boom or other work intended to facilitate the passage of timber down any water, already constructed by any party other than a Company formed under any Statute of this Province, it shall be lawful for the owner of such work, or (if constructed on the property of the Crown,) the person at whose cost the same shall have been constructed, to claim a compensation for the value of such works, either in money or in stock of such Company at the option of the said owner or the person at whose cost the same shall have been constructed; and all the provisions of the sixteenth section of the said Act shall apply to such work, and the proprietors or possessors thereof, in the same manner and to the same extent as to lands required for such Company and to the proprietors and occupiers thereof.

IV. In every case where any lands or works in Lower Canada shall be acquired or purchased, or taken possession of under the provisions of the said Act or of this Act, and when the Company purchasing or taking possession of such lands or works, shall have cause to believe that the occupier or person in possession of such lands or works is not the legal owner thereof, or that such lands or works are already mortgaged or hypothecated, such Company shall not pay the amount of such purchase money or of such award to the occupier thereof, but shall have the right to deposit in the hands of the Prothonotary of the District in which such lands or works shall be situate, the purchase money of such land or works, or the amount awarded therefor by arbitrators as provided by the said Act, together with their deed of purchase or award, as the case may be, and shall and may proceed to obtain a ratification by the Superior Court sitting in such District, of such deed of purchase or award, in the same manner as is now practised for the ratification of title deeds, and the real proprietor of such land or works, and all others having claims in or upon the same may intervene in such proceeding and claim and obtain the purchase money or amount awarded for such lands or works, or their due share thereof, and such Court is hereby authorized to grant such ratification, and upon such ratification such Company shall become and be the legal and indefeasible proprietor of such land or works, free and clear of all claims, charges and incumbrances whatsoever, and the money so deposited shall stand in lieu of such land or work, and it shall be lawful for such Court to make such order as may seem meet for the protection of the parties entitled to the same, in case of substitution or where minors or interdicted parties are interested.

Provision when the property is in L. C., and the Company has reason to fear claims to or upon it.

Payment of purchase money into Court.

Claims to be filed against the money.

Title of the Company made good.

V. The proportionate rate of Toll upon Saw Logs in the twenty-fourth clause of the said first recited Act, shall be one twelfth instead of one eighth.

Toll on Saw Logs.

VI. Whenever any Company formed under the provisions of the said Act or of this Act, shall purchase or take possession of any work already commenced or completed, as provided by the nineteenth section of the said Act, and shall not make or construct any other work than that so acquired, it shall not be requisite for such Company to observe the formalities prescribed by the third section of the said Act, excepting only that such Company shall furnish the Chief Commissioner of Public Works with the Report and Copy of Report in the said sections mentioned.

Certain formalities need not be observed when the work has been commenced by another party.

VII. The word "Township," wherever it occurs in the said Act, shall be construed to mean "Township or Parish," and all powers by the said Act conferred upon Judges of County Courts in Upper Canada, are hereby vested in the Judges of the Circuit Court for Lower Canada.

Interpretation clause.

VIII. And this Act shall be a Public Act.

Public Act.

## C A P . L X X X V .

An Act to continue for a limited time the several Acts and Ordinances therein mentioned, and for other purposes.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it is expedient further to continue the Acts and Ordinances hereinafter mentioned, which would otherwise expire at the end of the present Session : 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, as follows :

- I. The Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's  
 4 & 5 V. c. 36. Reign, and intituled, *An Act to regulate the Fisheries in the District of Gaspé* ; the Act of the said Parliament, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to prevent obstructions in Rivers or Rivulets in Upper Canada*, as amended and explained by the Act of the said Parliament, passed in the Session held in the tenth and eleventh  
 7 V. c. 36. years of Her Majesty's Reign, and intituled, *An Act to amend, explain and continue an Act passed in the seventh year of the Reign of Her Majesty, intituled, 'An Act to prevent obstructions in Rivers or Rivulets in Upper Canada,'* and by the Act of the said Parliament, passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to explain and amend the Acts for preventing obstructions in Rivers and Rivulets in Upper Canada*, and both the said last mentioned Acts ; the Act of the said Parliament, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to amend the Act and Ordinance therein mention'd, relative to the Registration of Titles to, and Incumbrances upon, Real Property in Lower Canada* ; the Act of the said Parliament, passed in the same year of Her Majesty's Reign, and intituled, *An Act for the relief of Insolvent Debtors in Upper Canada, and for other purposes therein mentioned* ; the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to empower Commissioners for enquiring into matters connected with the public business, to take evidence on oath* ; the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to enlarge the powers of the Trinity House of Montreal, in certain cases where the Public Health of the City may be endangered* ; the Act of the said Parliament,  
 10 & 11 V. c. 20.  
 14 & 15 V. c. 123.  
 8 V. c. 27.  
 8 V. c. 48.  
 9 V. c. 38.  
 10 & 11 V. c. 1.  
 passed

passed in the eleventh year of Her Majesty's Reign, and intituled, *An Act to provide for the Inspection of Butter in Quebec and Montreal*; the Act of the said Parliament, passed in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act for the better Management of the Provincial Penitentiary*; the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to enable Creditors to attach the effects of Debtors about to leave the Province, in cases under Ten Pounds*; the Act passed in the same Session, and intituled, *An Act to provide a more summary and less expensive process for Proprietors of Real Property in Lower Canada to acquire possession thereof, when illegally detained from them in certain cases, as amended by the Act, passed in the sixteenth year of Her Majesty's Reign, and intituled, An Act to amend the Act fourteenth and fifteenth Victoria, chapter ninety-two, relating to the illegal detention of Real Property in Lower Canada, and the said last mentioned Act*; the Act of the Parliament of the late Province of Lower Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act for better regulating the Common of the Seigneurie of Laprairie de la Madeleine*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the Common in the said Seigneurie, as amended and extended by the Act of the said Parliament, passed in the fourth year of the same Reign, and intituled, An Act to authorize the Chairman and Trustees of the Common of the Signiory of the Baie Saint Antoine, commonly called the Baie du Febvre, to terminate certain disputes relating to the limits of the said Common, and for other purposes appertaining to the same*; the Act of the said Parliament, passed in the ninth year of the same Reign, and intituled, *An Act to provide for the more effectual extinction of secret incumbrances on lands than was heretofore in use in this Province*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to prevent fraudulent Debtors evading their Creditors in certain parts of this Province*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to facilitate the proceedings against the Estates and Effects of Debtors in certain cases*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to alter and amend an Act passed in the sixth year of His Majesty's Reign, intituled, 'An Act to authorize the inhabitants of the Fief Grosbois, in the County of Saint Maurice, to make regulations for the Common of the said Fief*'; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act for the preservation of the Salmon Fisheries in the Counties of Cornwallis and Northumberland*; the Act of the said Parliament, passed in the first year of the Reign of His late Majesty King

- 1 W. 4, c. 6. William the Fourth, and intituled, *An Act to encourage the destruction of Wolves*; the Act of the said Parliament, passed
- 3 W. 4, c. 14. in the third year of the same Reign, and intituled, *An Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a limited time the provisions of two other Acts therein mentioned, for more effectually ascertaining the damages on protested Bills of Exchange, and for determining disputes relating thereto, and for other purposes*; the Act of the said Parliament, passed in
- 6 W. 4, c. 35. the sixth year of the same Reign, and intituled, *An Act to provide for the Medical Treatment of sick Mariners*, as amended by the Act of the Parliament of Canada, passed in the eighth
- 8 V. c. 12. year of Her Majesty's Reign, and intituled, *An Act for the relief of shipwrecked and destitute Mariners, in certain cases therein mentioned*, and by the Act passed in the sixteenth
- 16 V. c. 166. year of Her Majesty's Reign, and intituled, *An Act to exempt certain Vessels from the duty imposed by the Act to provide for the Medical Treatment of sick Mariners*, and both the said last mentioned Acts; the Ordinance of the Special Council of the said Province, passed in the third Session of the said Council held in the second year of Her Majesty's Reign,
- 2 V. c. 7. and intituled, *An Ordinance to amend the Act passed in the thirty-sixth year of the Reign of King George the Third, chapter nine, commonly called the Road Act*; the Act of the Parliament of the late Province of Upper Canada, passed in the eleventh year of the Reign of His late Majesty King George
- U. C.  
11 G. 4, c. 20. the Fourth, and intituled, *An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane Destitute persons in that District*; the Act of the said Parliament, passed in the third year of the Reign of His late Ma-
- 3 W. 4, c. 45. jesty King William the Fourth, and intituled, *An Act to continue an Act passed in the eleventh year of His late Majesty's Reign, intituled, 'An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District, and to extend the provisions of the same to the other Districts of this Province;*' and the Act of the said Parliament, passed in the sixth year of the same Reign, and
- 6 W. 4, c. 29. intituled, *An Act to repeal an Act, passed in the forty-ninth year of the Reign of His late Majesty King George the Third, intituled, 'An Act to encourage the destroying of Wolves in this Province,' and to make further provision for exterminating those destructive animals*, shall be, and all and every of the said Acts and Ordinances are hereby continued to the first day of January, one thousand eight hundred and fifty-six, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

7 V. c. 10.

II. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to repeal an Ordinance of Lower Canada, intituled, 'An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects,' and to make provision for the same*

same object throughout the Province of Canada, and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to continue and amend the Bankrupt Laws now in force in this Province*, in so far only as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the continuance and completion of Proceedings in Bankruptcy now pending*, and the said last mentioned Act; and the Act of the said Parliament, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to afford relief to Bankrupts in certain cases*, shall respectively be and they are hereby continued, and shall remain in force until the said first day of January, one thousand eight hundred and fifty-six, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

9 V. c. 30.

12 V. c. 18.

13 &amp; 14 V. c. 20.

III. The Act of the Parliament of the late Province of Lower Canada aforesaid, passed in the sixth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to regulate the Fees of persons employed by Justices of the Peace in the Country Parishes, as Clerks or Bailiffs in certain cases*, shall be and is hereby continued to the said first day of January, one thousand eight hundred and fifty-six, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer: Provided always, that in the several Judicial Districts of Lower Canada, so much of the said Act as relates to the Fees to be granted to persons acting as Clerks to Country Magistrates, shall cease to have any force in the said Districts respectively, so soon as a Tariff of Fees shall have been promulgated in such District, under the provisions of an Act, passed in the Session of the Legislature held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions with respect to persons charged with indictable offences*.

L. C.

6 W. 4, c. 19.

Proviso:

14 &amp; 15 V. c. 95.

IV. The Act of the Parliament of this Province, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Laws therein mentioned, to provide for a better defence of this Province and to regulate the Militia thereof*, as amended by the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to alter the day on which the Militia shall annually assemble for muster and discipline in Upper Canada*, and the said last mentioned Act, shall be and they are hereby continued, and shall remain in force until the first day of July, one thousand eight hundred and fifty-five, and no longer.

9 V. c. 28.

12 V. c. 88.

V. Provided always, That nothing herein contained shall prevent the effect of any Act, passed during the present Session, repealing, amending, rendering permanent, or continuing to any

Proviso.

This Act not to impair the

any

effect of any other Act passed this Session touching any of the said Acts.

any further period than that herein appointed, any of the Acts or Ordinances hereinbefore mentioned and continued; nor continue any provision or part of any of the Acts or Ordinances in this Act mentioned, which may have been repealed by any Act passed during the present Session, or in any previous Session.

12 V. c. 97.

VI. The period limited by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of Hastings*, as that within which it shall be lawful for the Registrar or Deputy Registrar of the County of Hastings to receive and index any memorial, under the authority of the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada*, or of the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to alter and amend an Act, intituled, 'An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada,'* or to endorse any Deed, Conveyance, Will or Probate, to which such memorial relates, shall be and is hereby extended to the said first day of January, one thousand eight hundred and fifty-six, and thence until the end of the then next ensuing Session of the Provincial Parliament.

9 V. c. 12.

10 & 11 V. c. 38.

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

An Act to amend the Act for better securing the Independence of the Legislative Assembly of this Province.

[Assented to 30th May, 1855.]

Preamble.

7 V. c. 65.

**W**HEREAS doubts have arisen as to the true intent and meaning of the eleventh section of the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act for better securing the Independence of the Legislative Assembly of this Province*, in reference to the issue of a writ of election, in cases where after a general election shall have been held in this Province, and before the meeting of Parliament, any Member who may have been elected at such General Election to serve in the Legislative Assembly of this Province, shall have accepted an office of emolument and profit under the Crown or otherwise vacated his seat as a Member of said Legislative Assembly; And whereas it is desirable to determine such doubts: Be it therefore declared and 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*



*Government of Canada*, and it is hereby declared and enacted by the authority of the same, as follows :

I. It is and shall be lawful for a warrant to issue to the Clerk of the Crown in Chancery for the issuing of a new writ for the election of a Member to fill up any vacancy arising subsequently to a General Election and before the meeting of Parliament as aforesaid, by reason of the death of or acceptance of office by any Member of the said Legislative Assembly, at any time after such death or acceptance of office : Provided always, that any election so to be held shall not in any manner affect the rights of any person or persons who may be entitled to contest such previous election ; and the report of any Election Committee appointed to determine the merits of such previous election, shall determine whether the Member who shall have so accepted an office of profit or emolument under the Crown, or any other person, was duly returned or elected thereat, which determination, if adverse to the return of such Member, and in favor of any other candidate, shall avoid the Election held under this Act, and the candidate declared duly elected at the previous election shall be entitled to take his seat as if no such second election had been held under this Act.

In what case a new Writ may issue before the Meeting of Parliament after a General Election.

Proviso : the first Election may be contested, and if the contest succeed, it shall void the second Election also.

II. No person holding any office at the nomination of the Crown in this Province, to which an annual salary or any allowance, fees or emoluments in lieu of an annual salary are attached, shall be eligible as a Member of the said Legislative Assembly ; and any Member of the said Legislative Assembly who shall accept of any such office shall thereby vacate his seat : Provided always, that nothing in this section contained shall render ineligible as aforesaid, any person who shall be a Member of the Executive Council of this Province, or who shall fill any of the following offices, that is to say, of Receiver General, Inspector General, Secretary of the Province, Commissioner of Crown Lands, Attorney General, Solicitor General, Commissioner of Public Works, President of Committees of the Executive Council or Postmaster General.

No person holding a lucrative office under the Crown to be eligible.

Proviso : certain offices excepted.

III. Whenever any person holding any one of the following offices, that is to say, of Receiver General, Inspector General, Secretary of the Province, Commissioner of Crown Lands, Attorney General, Solicitor General, Commissioner of Public Works, President of Committees of the Executive Council, or Postmaster General, and being at the same time a Member of the Legislative Assembly, shall resign his office, and within one month after his resignation accept any other of the said offices, he shall not thereby vacate his seat in the said Assembly ; any law, use or custom to the contrary notwithstanding.

Certain Officers may vacate one office and accept another within a certain time without vacating their seats.

IV. The Act passed in the sixteenth year of Her Majesty, 16 V. c. 154, and intituled, *An Act to amend the Act for better securing the independence of the Legislative Assembly of this Province*, shall be, and the same is hereby repealed.

repealed.

## CAP. LXXXVII.

An Act to repeal two certain Acts therein mentioned, and to extend the Elective Franchise of this Province.

[Assented to 30th May, 1855.]

Preamble.

16 V. c. 153.

WHEREAS it is expedient to repeal the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to extend the Elective Franchise, and better to define the qualifications of Voters in certain Electoral Divisions, by providing a system for the registration of Voters*, and the Act amending the same, passed in the eighteenth year of Her Majesty's Reign, and it is necessary better to provide for the extension of the Elective Franchise to the classes of persons in the said Acts mentioned: 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, as follows:

Acts 16 V. c. 153, and 18 V. c. 7, repealed.

I. The Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to extend the Elective Franchise, and better to define the qualifications of Voters in certain Electoral Divisions, by providing a system for the registration of Voters*, and the Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to amend an Act intituled, 'An Act to extend the Elective Franchise, and better to define the qualifications of Voters in certain Electoral Divisions by providing a system for the registration of Voters,'* shall be and the same are hereby repealed.

Certain persons entitled to Elective Franchise in addition to those qualified by Elections Act of 1849.

12 V. c. 27.

II. In addition to the persons qualified as Voters under the Act passed in the twelfth year of Her Majesty's Reign, 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*, hereinafter called, "The Elections Act of 1849," the following persons, being of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being disqualified as holding any office, or otherwise by law prevented from voting, shall be entitled to vote at Elections of Members to serve in the Legislative Assembly of this Province.

Owners, &c., of property within Muni-

Every male person having been for six months or more previous to, and being at the time of tendering his vote at such Election, the legal and *bonâ fide* owner or freeholder,

holder, or the legal and *bonâ fide* tenant or occupant of real property within any City or Town entitled to send a Member or Members to the Legislative Assembly of this Province, (or in Upper Canada within any City, and the liberties thereof) as bounded for Municipal purposes, of the actual value of seventy-five pounds or upwards, or of the yearly value of seven pounds and ten shillings or upwards, or having been for six months or more previous to, and being at the said time such owner, tenant or occupant of any real property which is within the limits of such City or Town for the purposes of Representation, but not for Municipal purposes, of the actual value of fifty pounds or upwards, or of the yearly value of five pounds or upwards, shall be entitled to vote at any such Election of a Member or Members to represent such City or Town as aforesaid; subject always to the provisions hereinafter made :

Capital limits of Cities and Towns of £75 value, or yearly value of £7 10s. entitled to vote.

Owners, &c., of property without Municipal but within Representation limits of the value of £50, or yearly value of £5, entitled to vote.

Every male person having been for six months or more previous to, and being at the time of tendering his vote at such Election, the legal and *bonâ fide* owner or freeholder, or the legal and *bonâ fide* tenant or occupant of real property of the actual value of fifty pounds or upwards, or of the yearly value of five pounds or upwards in any Parish, Township, Town, Village or Place, not being within any City or Town entitled to send a Member or Members to the said Legislative Assembly, shall be entitled to vote at any Election of a Member to represent the Electoral Division in which such Parish, Township, Town, Village or Place, is included; subject always to the provisions hereinafter made :

Owners or Tenants of property of value of £50, without the limits of Cities and Towns, entitled to vote for County.

Provided that no person shall be entitled by virtue of this Act to vote as the tenant or occupant of any real property, unless his then lease thereof was originally for a term of not less than one year, or his right of occupation be such as hereinafter required; and that persons voting by virtue of this Act, as tenants or occupants of real property shall vote in the ward or place in which such property shall lie; and no person shall be deemed the occupant of real property within the meaning of this Act, unless he shall occupy the same with the consent of the Crown or of the owner of such property, and with the intent that he shall, on the performance of certain conditions, obtain the title to and become the owner of such property.

Proviso as to term of lease.

Who shall be deemed Occupant of real property within the meaning of this Act.

III. Whenever two or more persons shall, whether as being partners in business, joint tenants or tenants in common or *par indivis*, be the owners of any real property or the tenants or occupants thereof, each of such persons shall be entitled to vote in respect of such property, if the actual or yearly value of his part or share would be sufficient to entitle him under this Act to vote at an Election of a Member to represent in the Provincial Parliament the Electoral Division in which such property is situate, if such share were held by him separately; except, that if the property be held by a Body Corporate,

In case of Joint Owners or Tenants, each may vote if his share be sufficient.

Members of Bodies Corporate not entitled to vote

Corporate,

in respect of share therein. Corporate, no one of the Members thereof shall be thereby entitled to vote in respect thereof or of any share therein.

Proviso: continuing privilege to persons entitled to vote under Elections Act of 1849.

IV. Provided always and be it enacted, That in Lower Canada all persons who, without this Act, would under the Act passed in the twelfth year of Her Majesty's Reign cited in the second section of this Act and hereinafter called "The Elections Act of 1849," be qualified to vote at any Election of a Member of the Legislative Assembly, in respect of property lying elsewhere than in the City of Quebec or the City of Montreal, as bounded for Municipal purposes, shall be entitled to vote at such election, notwithstanding any thing in this Act, but subject to the provisions hereinafter made.

Persons disqualified from voting under either Act in case of non-payment of rents or instalments due to the Crown upon property in right of which they claim to vote.

Oath to be taken if required.

V. No person shall, either under the provisions of this Act or those of The Elections Act of 1849, cited in the second section of this Act, be held qualified to vote at any such Election as aforesaid, as the owner or as the tenant or occupant of any real property on which any instalment of purchase money or any rent or other sum of money which he may have undertaken to pay to the Crown therefor (except seigniorial rents and dues) shall be overdue and unpaid, or as the owner, tenant or occupant of any real property belonging to the Crown, and which he shall hold or occupy without authority from the Crown, whatever be the value of such property: and any person claiming the right of voting as a proprietor or freeholder under the Elections Act of 1849, shall, if required by any Candidate, or the Agent of any Candidate, or by the Deputy Returning Officer, take the oath or affirmation No. 5 in the Schedule to this Act, in addition to any other oath which he may be legally required to take: and the Deputy Returning Officer is hereby empowered and required to administer the said oath or affirmation.

Duty of Returning Officers with respect to administering the oaths in the Schedule to this Act.

VI. Provided always, that the Deputy Returning Officer at any such Election of a Member or Members of the Legislative Assembly shall not receive the vote of any person claiming the right to vote as being qualified and entitled so to do under this Act, unless such person shall, if required by any Candidate, or the Agent of any Candidate, or by the Deputy Returning Officer, take the oath or affirmation No. 1, in the Schedule to this Act, if such Voter claims to be entitled to vote as the owner of property situate within the Municipal limits of any City or Town entitled to send a Member or Members to the Legislative Assembly of this Province,—the oath or affirmation No. 2 if he claims to be entitled to vote as the tenant or occupant of property situate as last aforesaid,—the oath or affirmation No. 3 if he claims to be entitled to vote as the owner of property situate elsewhere than within the Municipal limits of any such City or Town,—and the oath or affirmation No. 4 if he claims to be entitled to vote as the tenant or occupant of property situate as last aforesaid; any of which oaths or affirmations the Deputy Returning

Returning Officer is hereby empowered and required to administer: but no Voter taking any one of the said oaths or affirmations, shall be required to take any of the oaths in the Schedule to the Elections Act of 1849, or any other oath or affirmation whatever, in order to have his vote received by the Deputy Returning Officer.

VII. So much of the Elections Act of 1849, as would disqualify as a Voter any person qualified by this Act, or would require that the property in respect of which he claims the right of voting should be of the required actual or yearly value over and above all rents and charges payable out of or affecting the same, or should have been held by such Voter during a certain time previous to the Election, or that he be resident in any place at the time of the Election, or should have resided in any place during a certain time previous to the Election, or that any rent should have been paid by such Voter, or as would require any other oath than such as is hereby prescribed to be taken by such Voter, or as may be in any way inconsistent with this Act, shall be and is hereby repealed, but shall remain in force as regards persons claiming to vote at such Election as being qualified to vote thereat under the said Elections Act of 1849, all the provisions whereof obliging the Voter (if required) to describe the property in respect of which he claims the right of voting, the legal consequences and penalties of and for granting fraudulent or collusive titles to persons for the purpose of qualifying or enabling them to vote, or of and for voting without being legally qualified, or of and for voting more than once at the same Election, or of and for bribery or corruption, or of and for disobeying or not complying with any of the requirements of the said Act, and generally all the provisions of the said Act not inconsistent with this Act, shall apply to persons voting or claiming the right of voting under this Act, and to the property in respect of which they claim the right of voting, as fully as to those voting or claiming the right of voting under the Elections Act of 1849, and the property in respect of which they claim the right of voting, and in so far as may not be inconsistent with the provisions of this Act, its provisions shall be construed and have effect as if they formed part of the said Act, and the form of the Poll Book or any other form prescribed by the said Act or any requirement thereof, shall be varied (if requisite) so as to be consistent with this Act.

Provisions of Elections Act of 1849 not inconsistent with this Act to apply to persons qualified to vote by this Act.

Form of Poll Book, &c., may be varied to agree with this Act.

VIII. All persons claiming to vote at any Election to be held at any time whatever for any City or Town in Lower Canada divided into Wards, upon property which is not within such City or Town as bounded for Municipal purposes, but is within the same as bounded for purposes of representation, shall respectively vote in that Ward, and that Ward only, which shall be assigned by the Returning Officer for that purpose, by a Proclamation to be issued by him before the first polling day, and

Voters upon property without Municipal but within Representation limits of Cities and Towns, to vote in Wards assigned by

Returning  
Officer.

and assigning the Ward or Wards in which property situated as aforesaid shall be deemed to be included for the purposes of such Election.

“Municipality” in L. C. to signify any Municipality, Township or Parish hereafter established, in certain cases.

IX. In construing this Act, in so far as it relates to Lower Canada, the word “Municipality” whenever it is intended to apply to any other Municipalities than those of Counties and Unions or Subdivisions of Counties for Municipal purposes, shall be construed as applying to and including any Parish, Township or other Municipality which may hereafter be established in Lower Canada; and until such Municipalities shall be established, the said word shall apply to and include any Parish, Township or other place, now returning a Councillor or Councillors to the Municipal Council of the County, as well as to Municipalities of Towns or Villages incorporated at the time of the passing of the Act hereby amended.

Short title of this Act, and of 12 V. c. 27.

X. This Act shall be known as *The Elective Franchise Extension Act*, and the said Act passed in the twelfth year of Her Majesty’s Reign and cited in the Second Section of this Act, shall be known as *The Elections Act of 1849*, and either Act may be validly referred to by the name hereby assigned to it, in all acts and legal proceedings and all other documents and writings whatsoever.

## SCHEDULES.

### No. 1.

*Oath or affirmation of a person claiming the right of voting as the owner of real property lying within some City or Town entitled to send a Member or Members to the Legislative Assembly, as bounded for municipal purposes.*

You swear (or if he be one of the persons permitted by Law to affirm in civil cases, you solemnly affirm) that you have been for six months or more immediately preceding this day, and are actually and *bonâ fide* possessed to your own use and benefit of the Estate which you have just described as giving you a right to vote at this Election, as your own property (or freehold),—that the said Estate has not been colorably or collusively conveyed to you for the purpose of enabling you to vote, and that it is of the actual value of seventy-five pounds currency or more, (or of the yearly value of seven pounds ten shillings currency or more, *as the case may be*),—and that no instalment of purchase money, rent or sum of money which you have undertaken to pay to the Crown therefor (except seigniorial dues) is now overdue and unpaid,—that you are a Subject of Her Majesty by birth, (or naturalization, *as the case may be*),—that you believe yourself to be of the full age of twenty-one years,—that you have not already voted at this Election, and that you have not received any thing nor has any thing been promised you, either directly

directly or indirectly, to induce you to give your vote at this Election. So help you God.

No. 2.

*Oath or affirmation of a person claiming the right of voting as the tenant or occupant of real property lying within some City or Town entitled to send a Member or Members to the Legislative Assembly, as bounded for Municipal purposes.*

You swear (or, if he be one of the persons permitted by Law to affirm in civil cases, you solemnly affirm) that you have been for six months or more immediately preceding this day, and are actually and *bonâ fide* in possession for your own use and benefit as tenant (or occupant,) of the Estate which you have just described, as giving you a right to vote at this Election,—(if he vote as a tenant, say: that your present lease of the said Estate was made for a term not less than *one year*,) and that the said property has not been colorably or collusively leased or let to you or allowed to be occupied by you for the purpose of enabling you to vote, and that it is of the actual value of seventy-five pounds currency, or more, (or of the yearly value of seven pounds ten shillings, or more, *as the case may be*),—and that no instalment of purchase money, rent or sum of money which you have undertaken to pay to the Crown therefor (except seigniorial dues) is now overdue and unpaid,—that you are a Subject of Her Majesty by birth, (or naturalization, *as the case may be*),—that you believe yourself to be of the full age of twenty-one years,—that you have not already voted at this Election, and that you have not received any thing nor has any thing been promised you, either directly or indirectly, to induce you to give your vote at this Election. So help you God.

No. 3.

*Oath or affirmation of a person claiming the right of voting as the owner of real property lying elsewhere than within some City or Town entitled to send a Member or Members to the Legislative Assembly, as bounded for Municipal purposes.*

You swear (or, if he be one of the persons permitted by Law to affirm in civil cases, you solemnly affirm) that you have been for six months or more immediately preceding this day, and are actually and *bonâ fide* possessed to your own use and benefit of the Estate which you have just described, as giving you a right to vote at this Election, as your own property (or freehold),—that the said Estate has not been colorably or collusively conveyed to you for the purpose of enabling you to vote, and that it is of the actual value of fifty pounds currency or more, (or of the yearly value of five pounds currency or more, *as the case may be*),—and that no instalment of purchase money, rent or sum of money which you have undertaken to pay to

the Crown therefor (except Seigniorial dues) is now overdue and unpaid,—that you are a Subject of Her Majesty by birth, (for naturalization, *as the case may be*),—that you believe yourself to be of the full age of twenty-one years,—that you have not already voted at this Election, and that you have not received any thing nor has any thing been promised you, either directly or indirectly, to induce you to give your vote at this Election. So help you God.

## No. 4

*Oath or affirmation of a person claiming the right of voting as the tenant or occupant of real property lying elsewhere than within some City or Town entitled to send a Member or Members to the Legislative Assembly, as bound for Municipal purposes.*

You swear (or, if he be one of the persons permitted by Law to affirm in civil cases, you solemnly affirm) that you have been for six months and more immediately preceding this day, and are actually and *bonâ fide* in possession for your own use and benefit as tenant (or occupant) of the Estate which you have just described, as giving you a right to vote at this Election,—(if he vote as a tenant, say: that your present lease of the said Estate was made for a term not less than *one year*;) and that the said property has not been colorably or collusively leased or let to you or allowed to be occupied by you for the purpose of enabling you to vote, and that it is of the actual value of fifty pounds currency, or more, (or of the yearly value of five pounds currency, or more, *as the case may be*),—that no instalment of purchase money, rent or sum of money which you have undertaken to pay to the Crown therefor (except seigniorial dues) is now overdue and unpaid,—that you are a Subject of Her Majesty by birth, (or naturalization, *as the case may be*),—that you believe yourself to be of the full age of twenty-one years,—that you have not already voted at this Election, and that you have not received any thing nor has any thing been promised you, either directly or indirectly, to induce you to give your vote at this Election. So help you God.

## No. 5.

*Oath or affirmation of a person claiming the right of voting as being qualified as a proprietor or freeholder under the Elections Act of 1849.*

You swear (or, if he be one of the persons permitted by law to affirm in civil cases, you solemnly affirm) that no instalment of purchase money, or any rent or other sum of money which you have undertaken to pay to the Crown, for the property in respect of which you claim to be entitled to vote at this Election, (adding in Lower Canada the words “except seigniorial rents”) is now overdue and unpaid. So help you God.



## CAP. LXXXVIII.

An Act to alter the mode of drawing up the Provincial Statutes.

[Assented to 30th May, 1855.]

**W**HEREAS the form in which the Provincial Statutes are drawn up is needlessly prolix, rendering their publication too expensive, and tending to create confusion in the laws, in lieu of facilitating their comprehension; And whereas the recital in the Preamble, at the beginning of each Statute, of the authority by virtue of which it is passed, may be made shorter: 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, as follows:

Preamble.

I. Hereafter, the following words inserted in the Preamble of Statutes and indicating the authority by virtue of which they are passed: "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, as follows:" shall be abolished and replaced by the words following, "Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts, as follows:"

New form of enacting clause.

II. After the insertion of these words which shall follow the setting forth of the considerations or reasons upon which the law is grounded, and which shall with these considerations or reasons constitute the entire Preamble, the various clauses of the Statute shall follow in a concise and enunciative form.

Acts to be concise and clear.

## C A P . L X X X I X .

An Act to amend the Act amending the Act granting a Civil List to Her Majesty, by increasing the Salaries of certain Judicial Functionaries and other Officers therein mentioned, and to fix those of certain other Public Officers.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it is expedient to increase the Salaries of certain Judicial and other Functionaries and Officers hereinafter mentioned, and to authorize the Governor in Council, in cases where he shall deem it right, to increase within certain limits the Salaries and allowances of the Subordinate Officers in the Public Service: 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, as follows:

Salaries of Judges raised notwithstanding 14 & 15 V. c. 173.

I. For and notwithstanding any thing to the contrary in the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to reduce the Salaries attached to certain Judicial Officers, in the cases therein mentioned; and to fix the Salaries of the Speakers of the Legislative Council and of the Legislative Assembly*, or in the Act thereby amended, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act for granting a Civil List to Her Majesty*, or in the Post Office Act, or in any other Act or Law, the following Salaries shall and may be paid to the several Judicial and other Officers hereinafter mentioned, that is to say:

Chancery.

To the Chancellor of Upper Canada, and to each of the Chief Justices of the several Superior Courts of Law in Upper and Lower Canada, twelve hundred and fifty pounds currency per annum;

Law Courts.

To each of the Vice Chancellors and each of the Puisne Justices of the Courts of Queen's Bench and Common Pleas, in Upper Canada, and to each of the Puisne Judges of the Court of Queen's Bench and of the Superior Court in Lower Canada, one thousand pounds currency per annum;

Circuit Judges.

To each of the Circuit Judges in Lower Canada, Six Hundred and Fifty Pounds per annum;

To each of the following Officers, namely : The President of Committees of the Executive Council, the Attorney General for Lower Canada, the Attorney General for Upper Canada, the Receiver General of this Province, the Commissioner of Crown Lands, the Chief Commissioner of Public Works, the Postmaster General, the Provincial Secretary, and the Inspector General of Public Accounts, Twelve Hundred and Fifty Pounds Currency, per annum ;

Certain High  
Functionaries.

To the Speaker of the Legislative Council, when he is also a Member of the Executive Council for this Province, Twelve Hundred and Fifty Pounds Currency, per annum ;

Speaker  
Legislative  
Council.

To the Solicitor General for Lower Canada and to the Solicitor General for Upper Canada, each Seven Hundred and Fifty Pounds Currency, per annum.

Solicitor  
General.

Provided always, that nothing herein contained shall be construed to authorize or require the reduction of the salary of any person now holding any one of the said offices, who is by law entitled to receive a higher salary than that hereby assigned to the office he holds, but such higher salary shall continue to be the salary of such office so long as he shall hold the same.

Proviso.

II. For and notwithstanding any thing to the contrary in any of the Acts aforesaid or in any other Act or law, it shall be lawful for the Governor in Council to make such increase as he shall see fit to the salaries of the subordinate officers in the public service, not exceeding in any case the following rates, that is to say :

Governor in  
Council may  
raise Salaries  
of Public Offi-  
cers, within  
certain limits.

On salaries not exceeding two hundred pounds per annum, twenty-five per cent ;

On salaries exceeding two hundred pounds but not exceeding three hundred pounds per annum, twenty per cent ;

On salaries exceeding three hundred pounds but not exceeding four hundred pounds per annum, fifteen per cent ;

On salaries exceeding four hundred pounds per annum, a sum not greater than the *maximum* increase on salaries of four hundred pounds per annum.

III. The increase of salary granted by or under the authority of this Act, shall take effect from the first day of January, one thousand eight hundred and fifty-five.

Increase to  
date from 1st  
January, 1855.

IV. Such sums as may be required, in addition to the sums granted by the said Act for granting a Civil List to Her Majesty, for the purpose of paying the salaries hereby assigned to the Chancellor of Upper Canada and to the Chief Justices, Vice-Chancellors,

Sums granted  
to Her Ma-  
jesty.

Vice-Chancellors, Justices and Judges of the Superior Courts of Law and Equity in Upper and Lower Canada, shall be and are hereby granted to Her Majesty, Her Heirs and Successors, and shall be payable yearly out of the Consolidated Revenue Fund of this Province on Warrants of the Governor thereof.

Accounting  
clause.

V. The due application of the moneys hereby appropriated, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct, and accounted for to the two Houses of the Provincial Parliament at the then next session thereof.

### C A P . X C .

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year 1855, and certain other expenses connected with the public service.

[Assented to 30th May, 1855.]

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS by Messages from His Excellency Sir Edmund Walker Head, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, bearing date respectively the twelfth day of March, the twenty-fifth day of April, the fourteenth day of May and the sixteenth day of May, of this present year one thousand eight hundred and fifty-five, and the Estimates accompanying the same laid before both Houses of the Provincial Parliament, it appears that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province and of the Public Service thereof, for the year one thousand eight hundred and fifty-five: May it therefore please Your Majesty that it may be enacted, and 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, as follows:

£532,168 19s.  
8d. appropri-  
ated out of  
Consolidated  
Revenue  
Fund.

I. From and out of the Consolidated Revenue Fund of this Province, there shall be and may be paid and applied a sum not exceeding in the whole the sum of five hundred and thirty-two thousand one hundred and sixty-eight pounds, nineteen shillings and eight pence, for defraying the several charges and expenses

expenses of the Civil Government and Public Service of this Province for the year one thousand eight hundred and fifty-five, and other purposes set forth in the Schedule to this Act.

II. From and out of any unappropriated moneys forming part of the Jesuits' Estates Fund, there shall and may be paid and applied a sum not exceeding ten thousand pounds, and out of any unappropriated balance of the Lower Canada portion of the Common School Fund, a further sum not exceeding six thousand and forty pounds and two pence, towards the support of certain Educational Institutions in Lower Canada, set forth in the Schedule aforesaid.

£10,000 out of Jesuits' Estates Fund and £6,040 0. 2d. out of L. C. portion of School Fund.

III. From and out of any unappropriated sums belonging to the Lunatic Asylum Tax and Upper Canada Building Fund, there shall and may be paid and applied a sum not exceeding twenty thousand pounds towards the extension of Lunatic Asylums in Upper Canada.

£20,000 out of U. C. Building Fund.

IV. Accounts in detail of all moneys expended under the authority of this Act shall be laid before both Houses of the Provincial Parliament at the then next Session thereof.

Accounting clause.

V. The due application of the moneys hereby appropriated shall be accounted for to Her Majesty, Her Heirs and Successors through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct.

Accounting clause.

SCHEDULE.

SUMS GRANTED TO HER MAJESTY BY THIS ACT, AND THE PURPOSES FOR WHICH THEY ARE GRANTED.

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Militia Staff.</i>		
Salary of two Deputy Adjutants General of Militia, at £500 each	1000 0 0	
“ of Three Clerks in the Office of do	560 0 0	
“ of the Messenger in do	75 0 0	
Contingent Expenses of Printing, Postages, Stationery, &c.	350 0 0	
Salary of one Provincial Aide-de-Camp	300 0 0	
	2285 0 0	
<i>Legislative Council.</i>		
Salary of the Speaker	800 0 0	
“ of the Clerk	500 0 0	
“ of the Assistant Clerk and French Translator	400 0 0	
“ of the Law Clerk	250 0 0	
“ of the Chaplain and Librarian	200 0 0	
“ of the Gentleman Usher of the Black Rod	100 0 0	
“ of the Sergeant-at-Arms	100 0 0	
“ of the Head Messenger	100 0 0	
“ of the Door Keeper	60 0 0	
“ of three Messengers for the Session, at £45 each	135 0 0	
Contingent Expenses	6150 0 0	
Indemnity to the Members for their attendance, at 20s. per diem, including travelling at 6d. per Mile, for the distance between the place of residence of such Members and the place at which the Session is held	7350 0 0	
	16145 0 0	
<i>Legislative Assembly.</i>		
Salary of the Speaker	800 0 0	
“ of the Clerk	500 0 0	
“ of the Assistant Clerk	400 0 0	
“ of the Law Clerk and English Translator	500 0 0	
“ of the Clerk of the Crown in Chancery	150 0 0	
“ of the Sergeant-at-Arms	100 0 0	
Contingent Expenses (exclusive of Indemnity to Members)	63000 0 0	
	65450 0 0	
<i>Various Public Departments.</i>		
Contingent Expenses of the Clerk of the Crown in Chancery	100 0 0	
Towards the Salary of the Deputy Provincial Registrar and French Translator to Government	116 13 0	
Salary of Additional Clerk in the Eastern Branch, Provincial Secretary's Office	125 0 0	
Additional Salary to the Post Master General	50 0 0	
do to the Chief Commissioner of Public Works	50 0 0	
do to Hon. H. H. Killaly, for Engineering Services on the Welland Canal, for the year	250 0 0	
do to the Clerks in Provincial Secretary's Office	258 7 0	
do to the Clerks in Provincial Registrar's Office	283 6 11	

## SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.	Currency.
<i>Various Public Departments—Continued.</i>		
	£. s. d.	£ s. d.
Additional Salary to the Clerks in Receiver General's Office..	325 0 0	
do do in Inspector General's do....	600 0 0	
Salary of an Extra Clerk in Receiver General's Office, from 1st April to 31st December, 1855, at £200.....	150 0 0	
Salary to Messengers, one to the Receiver General, one to the Inspector General, two to the Provincial Secretary, one to the Governor General's Secretary, five in all, at £19 each .....	95 0 0	
Salary of one other Messenger in the Provincial Registrar's Office .....	75 0 0	
“ of the Clerk attached to the Inspector General's Department, to look after the Interests of the Crown, in respect to the Quebec Fire Loan.....	200 0 0	
“ of the Clerk arranging the Public Archives, &c. at Montreal, at 10s. per diem.....	182 10 0	
Additional Salary to the Chief Clerk of the Crown Law De- partment.....	100 0 0	
Salary of a Clerk in the Customs Branch, Inspector General's Department.....	200 0 0	
“ of two Check Clerks in do at £250 each.....	500 0 0	
“ of the Secretary to the Bureau of Registration and Statistics .....	400 0 0	
“ of first Clerk and Accountant to do .....	300 0 0	
“ of Second do. to do. for the issue and Register of Patents	250 0 0	
“ of Third Clerk to do .....	225 0 0	
“ of Fourth Clerk to do .....	200 0 0	
“ of Messenger to do .....	75 0 0	
Contingencies of do .....	300 0 0	
		5410 16 11
<i>Pensions to Officers and Servants of the late Legislative Bodies of Upper and Lower Canada.</i>		
Wm. Ginger, as late Sergeant-at-Arms to the Legislative Council of Lower Canada .....	66 13 4	
Samuel Waller, as Clerk of Committees to the Legislative Assembly of do.....	100 0 0	
Wm. Coates, as Writing Clerk to do Upper Canada .....	133 6 8	
John Bright, as Messenger of Legislative Council of do....	20 0 0	
Louis Noreau, as do of do Lower Canada.....	20 0 0	
Pierre Lacroix, as do of do do .....	18 0 0	
François Rodrigue, do of Legislative Assembly do ..	18 0 0	
Louis Gagné, as do of do do .....	18 0 0	
		394 0 0
<i>Other Pensions.</i>		
Jacques Brien, for Wounds received in the Public Service..	20 0 0	
Mrs. McDonell, allowance during her life, on her claim for Dower on a certain property taken by the late Welland Canal Commissioners.....	50 0 0	
Mrs. Widow Antrobus .....	200 0 0	

SCHEDULE—Continued.

SERVICE.	A sum not exceeding—			Currency.		
	£	s.	d.	£	s.	d.
<i>Other Pensions—Continued.</i>						
Mrs. Catherine Smith, as widow of the late Mr. Justice Pyke	100	0	0			
Widow McCormick.....	100	0	0			
Mrs. Widow DeSalaberry.....	37	10	0			
				507	10	0
<i>Hospitals and other Charities.</i>						
Aid to the Commissioners for relief of Indigent Sick at Quebec.....						
“ the same at Montreal.....	1000	0	0			
“ do at Three Rivers.....	1000	0	0			
“ Corporation of General Hospital at Montreal.....	730	0	0			
“ Managers of the Protestant Female Orphan Asylum at Quebec.....	1000	0	0			
“ the Ladies Benevolent Society Montreal, for Widows and Orphans.....	100	0	0			
“ Roman Catholic Orphan Asylum, Quebec.....	100	0	0			
“ Montreal Protestant Orphan Asylum.....	100	0	0			
“ Male Orphan Asylum Quebec.....	150	0	0			
“ Charitable Association of the Ladies of the Roman Catholic Asylum at Montreal.....	100	0	0			
“ Protestant Orphans Home and Female aid Society at Toronto.....	100	0	0			
“ Roman Catholic Orphan Asylum at Toronto.....	200	0	0			
“ do do do for 1854.....	200	0	0			
“ University Lying-in-Hospital at Montreal.....	200	0	0			
“ do under the care of the Sœurs de la Miséricorde.....	75	0	0			
“ Lying-in Hospital at Toronto.....	75	0	0			
“ Asylum of the Good Shepherd at Quebec.....	75	0	0			
“ Hospice de la Maternité at Quebec.....	75	0	0			
“ General Hospital des Sœurs de la Charité at Montreal.....	75	0	0			
“ Les Sœurs de la Providence at Montreal.....	250	0	0			
“ Towards the support of the Lunatic Asylum in Toronto.....	350	0	0			
“ Towards the support of a temporary Lunatic Asylum at Beauport, near Quebec.....	14060	0	0			
“ Hamilton Hospital.....	10000	0	0			
“ Toronto General Hospital.....	800	0	0			
“ Toronto House of Industry.....	2000	0	0			
“ Towards the relief of Indigent Sick at Kingston.....	500	0	0			
“ Kingston General Hospital.....	750	0	0			
“ Kingston Hotel-Dieu Hospital.....	1000	0	0			
“ Protestant Hospital at Bytown.....	200	0	0			
“ Roman Catholic Hospital at Bytown.....	150	0	0			
“ Hamilton Orphan Asylum.....	150	0	0			
“ do Roman Catholic Orphan Asylum.....	200	0	0			
“ St. Patrick’s Hospital at Montreal.....	200	0	0			
“ Eye and Ear Institution at Montreal.....	150	0	0			
“ to Montreal Dispensary.....	50	0	0			
“ to Canada Military Asylum for Widows and Orphans at Quebec.....	50	0	0			
“ Montreal House of Refuge.....	50	0	0			
Expense of supporting Shipwrecked and Destitute Mariners through the past winter.....	500	0	0			
				36725	0	0



## SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.			Currency.		
	£	s.	d.	£	s.	d.
<i>Various Public Institutions.</i>						
Aid to the Medical Faculty of McGill College.....	250	0	0			
“ School of Medicine at Montreal .....	250	0	0			
“ “ at Kingston.....	250	0	0			
“ Literary and Historical Society at Quebec.....	50	0	0			
“ Natural History Society at Montreal.....	50	0	0			
“ Mechanics’ Institute at Quebec.....	50	0	0			
“ same at Montreal .....	50	0	0			
“ same at Kingston.....	50	0	0			
“ same at Toronto.....	50	0	0			
“ same at London, Canada West.....	50	0	0			
“ same at Niagara .....	50	0	0			
“ same at Hamilton.....	50	0	0			
“ same at Belleville.....	50	0	0			
“ same at Brockville.....	50	0	0			
“ same at Bytown.....	50	0	0			
“ same at Cobourg.....	50	0	0			
“ same at Perth.....	50	0	0			
“ same at Picton .....	50	0	0			
“ same at Guelph.....	50	0	0			
“ same at St. Thomas.....	50	0	0			
“ same at Brantford.....	50	0	0			
“ same at St. Catharines.....	50	0	0			
“ same at Goderich.....	50	0	0			
“ same at Whitby.....	50	0	0			
“ same at Three-Rivers.....	50	0	0			
“ same at Berthier, L. C.....	50	0	0			
“ same at Simcoe.....	50	0	0			
“ same at Woodstock.....	50	0	0			
“ same at County of Peel.....	50	0	0			
“ St. Mary’s Institute, County of Perth.....	50	0	0			
“ Mechanics’ Institute at Port Sarnia.....	50	0	0			
“ same at Chatham.....	50	0	0			
“ same at County of Halton.....	50	0	0			
“ same at Town of Sherbrooke, 1854.....	50	0	0			
“ same at Port Hope.....	50	0	0			
“ same at Stratford .....	50	0	0			
“ same at Peterborough .....	50	0	0			
“ same at Iberville.....	50	0	0			
“ same at Renfrew.....	50	0	0			
“ same at Mitchell, County of Perth .....	50	0	0			
“ same at Berlin.....	50	0	0			
“ same at Fonthill.....	50	0	0			
“ same at Dundas.....	50	0	0			
“ same at Oakville.....	50	0	0			
“ same at Watertown .....	50	0	0			
“ same at St. Vincent de Paul.....	50	0	0			
“ same at Huntingdon.....	25	0	0			
“ same at Hemmingford.....	25	0	0			
“ same at Chambly.....	50	0	0			
“ same at L’Orignal.....	50	0	0			

SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.	Currency.
<i>Various Public Institutions—Continued.</i>		
	£ s. d.	£ s. d.
Aid to the Mechanics' Institute at Prescott .....	50 0 0	
“ same at Smith's Falls .....	50 0 0	
“ same at Barrie .....	50 0 0	
“ Institute of St. Roch .....	50 0 0	
“ Literary Institute, Laprairie .....	50 0 0	
“ “ Sherbrooke .....	50 0 0	
“ Sherbrooke Library Association and Mechanics' Institute .....	50 0 0	
Maintenance of Nautical College at Quebec .....	1200 0 0	
Aid to the Canadian Institute at Toronto .....	250 0 0	
“ do towards their Building .....	500 0 0	
“ Canadian Institute, at Quebec .....	50 0 0	
“ Athenæum at Toronto .....	100 0 0	
“ Huron Library Association, and Mechanics' Institute .....	50 0 0	
“ Teachers' Association at Quebec, for their Library .....	50 0 0	
“ Montreal Home and School of Industry .....	100 0 0	
“ Library Association at Quebec for the year 1855, and for Books for the years 1853 and 1854 .....	200 0 0	
“ Canadian Institute at Montreal .....	50 0 0	
“ Canadian Institute, City of Ottawa .....	50 0 0	
“ Mechanics' Institute, St. Hyacinth .....	50 0 0	
“ do Sorel .....	50 0 0	
		6100 0 0
<i>Contingent Expenses of the Administration of Justice.</i>		
In Upper and Lower Canada not otherwise provided for .....	40000 0 0	
For the support of the Provincial Penitentiary at Kingston ..	11500 0 0	
For Salaries of four Judges in Lower Canada .....	3800 0 0	
Additional Salary to Judge in the District of St. Francis .....	194 9 0	
Additional Salary to John Black, Clerk in Registrar's Office, Court of Chancery .....	75 0 0	
“ to William Stanley, do Master's Office, do .....	75 0 0	
Salary of Additional Clerk to Clerk of Crown and Pleas, Toronto .....	125 0 0	
		55769 9
<i>Miscellaneous Items.</i>		
Allowances to Keepers of Depots of Provisions on the River St. Lawrence, with the view to the Relief of Shipwrecked Persons .....	200 0 0	
For Providing Provisions for such Depots, including arrears of £362 6s. 5d. from 1854 .....	712 6 5	
Allowance to Pierre Brochu, for residing on Kempt Road to assist travellers thereon .....	25 0 0	
“ Jonathan Noble, for the same purpose .....	25 0 0	
“ to a Resident at the foot of Metapedia, for do .....	25 0 0	
“ to do at Assametquagan for do .....	25 0 0	
To provide for the Expense of Printing Laws and other Printing for the Public Service .....	7000 0 0	

## SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.			Currency.		
	£	s.	d.	£	s.	d.
<i>Miscellaneous Items—Continued.</i>						
To provide for the Expense of distributing the Laws.....	350	0	0			
To meet unforeseen Expenses in the various branches of the Public Service.....	500	0	0			
Proportion of the Expense of Keeping up Light Houses on the Isles of St. Paul and Scatterie in the Gulf.....	750	0	0			
To defray the Expenses of the Quebec Observatory.....	400	0	0			
“ Observatory at Toronto.....	1200	0	0			
“ Transporting Troops in aid of the Civil Power..	91	8	7			
To meet the Expense of Printing and Publishing the <i>Edits et Ordonnances</i> ; and for the preparatory work of copying &c., under an Address of the Legislative Assembly of 8th June, 1853.....	4000	0	0			
Improvement of Waste Lands in Upper and Lower Canada..	25000	0	0			
Aid for the Extension of Lunatic Asylum in Upper Canada.....	£25,000					
Less—Derived from Lunatic Asylum Tax.....	20,000					
	5000	0	0			
Expenses of Commissioners appointed to enquire into matters connected with the Public Service under Act 9 Vic. cap. 38.....	1500	0	0			
New Indian Annuities.....	1100	0	0			
Expenses of Protecting the Fisheries in the Gulf.....	2140	0	0			
For outfit of a Vessel for this Service.....	500	0	0			
Aid to the Parliamentary Library.....	1000	0	0			
For the Temporary Maintenance of the Rideau and Ottawa Canals, from 1st April 1855 to 31st March, 1856.....	11584	0	0			
One year's rent of the Protestant Burying Ground in St John's Suburbs.....	23	5	0			
Aid to the Board of Agriculture of Upper Canada.....	1000	0	0			
do do Lower Canada.....	1000	0	0			
Expenses of the Boundary Line between New Brunswick and Canada.....	2000	0	0			
To make good various indispensable expenses of the Civil Government, incurred during the year 1854, as detailed in Statement No. 48 of the Public Accounts laid before the Legislature.....	26912	19	3			
Towards the expenses of the Industrial Exhibition at Paris..	5000	0	0			
Expenses for the services of 150 of the Embodied Pensioners on permanent duty in Upper Canada, for 1855.....	7927	15	6			
Geological Survey of the Province, in addition to the former grant.....	3000	0	0			
Towards Expenses of Marine and Emigrant Hospital, Quebec, for 1854.....	1836	18	10			
Compensation to Pensioners in lieu of Land.....	2000	0	0			
Salary for a Medical Superintendent for Criminal Lunatics at Penitentiary.....	300	0	0			
Site for Custom House at Kingston.....	2000	0	0			
Building for do do.....	2500	0	0			
Gratuity of one Quarter's Salary to the Clerks, &c., in the Post Office Department, in 1854.....	964	5	0			
“ to Mr. Hutton in the Bureau of Agriculture, in 1854..	35	0	0			

## SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.		Currency.	
	£	s. d.	£	s. d.
<i>Miscellaneous Items—Continued.</i>				
To repay Customs Department this Sum paid Thomas Rigney, Esquire, for Disbursements, &c., on Account of Reciprocity of Trade with the United States, the same being advanced by the Collector of Customs, Quebec, in 1852.....	500	0 0		
For amount due W. Moore Kelly, for certain Contingent Expenses incurred by him in 1843, as Collector of Customs at Toronto, recommended to be placed on the Estimate by Order in Council, 16th February, 1848....	346	13 4		
Aid towards Emigration .....	1500	0 0		
			121974	11 11
<i>Education—Upper Canada.</i>				
Aid to the Upper Canada College.....	1111	2 2		
“ Victoria College.....	750	0 0		
“ Queen’s College.....	750	0 0		
“ Regiopolis College, Kingston.....	750	0 0		
“ Grammar Schools of the Counties of Brant, Elgin, Grey, Lambton and Victoria, at £100 each....	500	0 0		
“ St. Michael’s College, Toronto.....	350	0 0		
“ Episcopal Methodist College, Belleville.....	350	0 0		
			4561	2 2
<i>Education—Lower Canada.</i>				
Salary of the Secretary of the Royal Institution for the Advancement of Learning.....	100	0 0		
Allowance to the same for a Messenger and Contingencies...	67	15 7		
Aid to the High School at Montreal, in consideration of their Teaching 30 Free Scholars.....	282	4 6		
“ same at Quebec.....	282	4 6		
“ National School at Quebec.....	111	2 3		
“ same at Montreal.....	111	2 3		
“ Society of Education at Quebec.....	280	0 0		
“ British and Canadian School at Quebec.....	200	0 0		
“ Education Society at Three-Rivers.....	125	0 0		
“ British and Canadian School at Montreal.....	200	0 0		
“ St. Andrews School at Quebec.....	100	0 0		
“ St. Jacques School at Montreal, including £100 towards Building.....	350	0 0		
“ College at St. Hyacinth, including £1000 towards Debt for Building.....	1500	0 0		
“ College at L’Assomption, including £300 towards Building.....	600	0 0		
“ College at Chambly, including £100 towards Building.....	400	0 0		
“ Academy at Berthier.....	100	0 0		
“ Academy at Charleston.....	100	0 0		
“ Montreal American Presbyterian Free School....	100	0 0		
“ College of St. Anne de la Pocatière, including £900 towards Building.....	1300	0 0		

## SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.			Currency.		
	£	s.	d.	£	s.	d.
<i>Education—Lower Canada—Continued.</i>						
Aid to the Shefford Academy.....	100	0	0			
“ Stanstead Seminary.....	100	0	0			
“ Sherbrooke Academy.....	111	2	2			
“ Granby Academy.....	100	0	0			
“ Bedford, Compton and Barnston Schools, £50 each.....	150	0	0			
“ Huntingdon Academy.....	100	0	0			
“ Three-Rivers Academy.....	100	0	0			
“ British North American School Society at Sherbrooke.....	50	0	0			
“ High School at Dunham Village, Missisquoi.....	100	0	0			
“ Infant School at Quebec.....	55	11	1			
“ do do Lower Town.....	50	0	0			
“ Male and Female Schools at Indian Lorette, £37 10s. each.....	75	0	0			
“ Indian Schools at Caughnawaga, St. Regis, St. Francis, each £50.....	150	0	0			
“ College at Ste. Thérèse, including £300 for Building.....	700	0	0			
“ College at Nicolet, including £200 for Building.....	600	0	0			
“ Joliette College.....	100	0	0			
“ Bishop's College at Lennoxville.....	450	0	0			
“ Clarenceville Academy.....	100	0	0			
“ Masson College at Terrebonne, including £150 for Building.....	400	0	0			
“ Rigaud College at Vaudreuil.....	250	0	0			
“ Deaf and Dumb Institution, near Montreal.....	150	0	0			
“ Male and Female Schools at Yamachiche, £50 each.....	100	0	0			
“ Female Academy at Montmagny, below Quebec.....	75	0	0			
“ Beauharnois, Mascouche and St. Johns Academies, £50 each.....	150	0	0			
“ Education at Bytown, of Pupils from the County of Ottawa.....	100	0	0			
“ University of McGill College, including £1250 towards their Debt.....	1750	0	0			
“ Female School at St. Michel.....	75	0	0			
“ Academy at Sainte Foye.....	50	0	0			
“ Point Levi College, including £300 for Building.....	550	0	0			
“ Kamouraska Academy for Males.....	75	0	0			
“ do do for Females.....	50	0	0			
“ Rimouski Academy.....	50	0	0			
“ Pointe Claire Model School.....	50	0	0			
“ Mr. Bonin's Academy at St. Andrews.....	50	0	0			
“ Louis Vincent, an infirm Indian School Master.....	25	0	0			
“ Academy of School at Knowlton, Township of Brome.....	75	0	0			
“ Academy of East Farnham.....	75	0	0			
“ Stanbridge Academy, County of Missisquoi, including £50 for Building.....	125	0	0			
“ St. Mary's College Montreal, including £500 for their Building.....	800	0	0			

## SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency	Currency.
	£ s. d.	£ s. d.
<i>Education—Lower Canada—Continued.</i>		
Aid to the Female Academy at Chambly.....	50 0 0	
“ Female Academy at Nicolet, including £50 for their Building.....	75 0 0	
“ College at Laval, including £150 for Building ...	250 0 0	
“ Male Academy at Montmagny.....	75 0 0	
“ Aylmer Protestant and Catholic Academies, each £75.....	150 0 0	
“ College at St. Michel, including £150 for Building	350 0 0	
“ Female Academy at Point Levi, including £200 for Building.....	275 0 0	
“ Male Academy at L’Islet, £50, and Female School, £37 10s.....	87 10 0	
“ College at St. Mary de la Beauce, towards Building	200 0 0	
“ Female Academy at St. Charles de L’Industrie....	50 0 0	
“ Model School at Deschambault.....	50 0 0	
“ College at St. Marie de Mounoir, including £100 for Building.....	200 0 0	
“ Female Academy, Ste. Marie de Monnoir, including £20 for Building.....	70 0 0	
“ College at Verchères.....	100 0 0	
“ Académie Industrielle at St. Laurent.....	150 0 0	
“ Academy at St. Jean, Isle of Orleans.....	50 0 0	
“ Female Academy at St. Hugues, including £150 for Building.....	225 0 0	
“ Danville Academy.....	75 0 0	
“ College at Côteau-du-Lac.....	50 0 0	
“ Female Academy at Beauharnois.....	50 0 0	
“ Georgeville High School.....	50 0 0	
“ Academies at Vaudreuil and St. Marthe, £50 each	100 0 0	
“ Male Academy at Sorel, £75, Female do £50....	125 0 0	
“ Schools of the Colonial School and Church Society, including £300 towards Building Debt.....	500 0 0	
“ St. Francis College.....	300 0 0	
“ Dudswell Academy.....	50 0 0	
“ Pointe-aux-Trembles Academy, (Montreal).....	100 0 0	
“ Cap-Santé Academy, and Female do, £50 each..	100 0 0	
“ St. Eustache Male Academy, £40; and Sisters’ do, £30.....	70 0 0	
“ Malbaie Academy, £50; and Sisters’ Baie St. Paul School, £37 10s.....	87 10 0	
“ Female Academy at Ste. Elizabeth.....	75 0 0	
“ Male and Female Schools, St. Gregoire, Superior School, Gentilly, £50 each.....	150 0 0	
“ Belœil Superior Academy.....	100 0 0	
“ Varennes Lyceum, £75; and Boarding School, £50.....	125 0 0	
“ St. Thomas de Pierreville, and La Baie du Febvre Superior Schools, and Sorel Sisters’ Female School, £50 each.....	150 0 0	

## SCHEDULE—Continued.

SERVICE.	A sum not exceeding—			Currency.		
	£	s.	d.	£	s.	d.
<i>Education—Lower Canada—Continued.</i>						
Aid to the Conversion de St. Paul Superior School, £50; and St. Liguori Model School, £37 10s .....	87	10	0			
“ Clarendon, Buckingham, and Lachute Academies, £50 each .....	150	0	0			
“ St. Césaire Female Academy, £30; and St. Aimé Sisters' do, £37 10s .....	67	10	0			
“ St. Benoit-Youville Institution, £50; and Ste. Scholastique Female School, £30 .....	80	0	0			
“ Laprairie and St. Cyprien Academies, £50 each ..	100	0	0			
“ St. Jacques le Mineur, and St. Constant Superior Schools, £37 10s. each .....	75	0	0			
“ Trois Pistoles Model School, and Kakouna Sisters' Academy, £50 each .....	100	0	0			
“ Somerset Village Model School, and Leeds Academy, £50 each .....	100	0	0			
“ Ste. Marie de la Beauce Superior Female Academy	75	0	0			
“ Ste. Famille, Island of Orleans Female Academy, and St. Croix d'ô, under Sisters, £50 each .....	100	0	0			
“ Diocesan School at St. Jean, £100; and Female Academy under Sisters at St. John, £50 .....	150	0	0			
“ Cowansville Female Academy and Missisquoi and Phillipsburgh High Schools, £50 each .....	150	0	0			
“ Male and Female Academies, St. Timothée, £37 10s. each .....	75	0	0			
“ Cookshire High School, Eaton Township .....	50	0	0			
“ Dissident School, Ste. Foye .....	50	0	0			
	20601	2	4			
Out of which from Jesuits' Estates Fund and Lower Canada share of Common School Fund .....	16040	0	2			
				4561	2	2
Additional aid to Common School Fund, Upper and Lower Canada .....				25000	0	0
<i>Further to various Public Institutions.</i>						
Aid to the West Flamborough Mechanics' Institute .....	50	0	0			
“ Galt do do .....	50	0	0			
“ Lachute do do .....	50	0	0			
“ Lanoraye do do .....	50	0	0			
“ Bowmanville do do .....	50	0	0			
“ Paris do do .....	50	0	0			
Additional aid to Hemmingford do do .....	25	0	0			
“ Huntingdon do do .....	25	0	0			
Aid to the Hamilton Mercantile Library Association .....	50	0	0			
“ Mr. Juneau's Literary Institution .....	50	0	0			
“ Montreal Mercantile Library Association .....	50	0	0			
				500	0	0
<i>Further to Hospitals and Public Charities.</i>						
Additional aid to the Montreal House of Refuge .....				100	0	0

## SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Further to Educational Institutions—Lower and Upper Canada.</i>		
Aid to Rigaud College, towards Building.....	100 0 0	
“ Sutton High School.....	75 0 0	
“ the Female Academy at Longueuil.....	50 0 0	
Aid to the Roman Catholic College at Bytown.....	200 0 0	
“ the Episcopal Methodist College at Belleville, for their Building.....	150 0 0	
“ the Cassville Select School.....	50 0 0	
Additional aid to Mr. Bonin’s St. Andrews, and Lachute Academies, £25 each.....	50 0 0	
“ Female Academy, St. Marie Beauce.....	50 0 0	
Aid to the Model School at St. Claire, County of Dorchester.....	50 0 0	
“ Long Pointe Academy.....	50 0 0	
Aid to the Stanstead Seminary, Female Department.....	75 0 0	
“ Female Academy at St. Gervais.....	50 0 0	
Additional aid to Academy at Knowlton, Township of Brome.....	25 0 0	
“ Mascouche Academy.....	25 0 0	
		1000 0 0
<i>Further to Educational Institutions, Upper Canada.</i>		
Aid to Grammar School, in the New County of Halton.....		100 0 0
<i>Further Miscellaneous Items</i>		
Excess of Expenditure of the River Police at Quebec in 1854, over the proceeds of Tonnage Duty appropriated to such Expense.....	£528 14 10	
The same probably for 1855.....	750 0 0	
		1278 14 10
Half the Expense of the River Police at Montreal, for the season of 1854, refunded to the Harbour Commissioners since the Public Accounts of that year were made up.....	£898 16 7	
The same for 1855.....	900 0 0	
For pay of the same Force during the past winter, five months.....	1239 11 3	
		3038 7 10
To the Trinity House of Quebec, to cover expenses for a Building for a Depot of Provisions on the Isle of Anticosti, with the view to the relief of Shipwrecked persons, and residence for the keeper.....	500 0 0	
To make good the Contingent Expenses of the Bureau of Agriculture in 1854, including Printing, over and above appropriation.....	500 0 0	
Loan to Inhabitants in certain parts of Lower Canada to enable them to procure Seed.....	5000 0 0	
Remuneration to Joseph H. Terrill, for performance of Duties as High Constable, at Sherbrooke, including arrears of £125.....	250 0 0	



## SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Further Miscellaneous Items—Continued.</i>		
Excess of Expense of past year for distributing the Statutes .....	£150 0 0	
“ for present year, over the sum included in the Estimate .....	150 0 0	
	300 0 0	
As a reward for the heroic conduct of Mrs. Margaret Becker, through whose humane exertions the lives of the crew of the Schooner “Conductor,” driven ashore at Long Point in Lake Erie, was saved .....	50 0 0	
		10917 2 <sup>8</sup>
Pension to G. B. Faribault, Esquire, as late Assistant Clerk of the Legislative Assembly, from 9th May, to 31st December, 1855, at the rate of £400 per annum .....		258 14 10
<i>Public Works.</i>		
St. Lawrence Canals .....	14700 0 0	
Junction Canal .....	15000 0 0	
St. Ann's Lock .....	1500 0 0	
Chambly Canal .....	500 0 0	
Dredging Channel at the Narrows Bridge .....	600 0 0	
Burlington Bay Canal .....	2500 0 0	
Port Hope Harbour, to secure a Harbour of Refuge for shipping free of charge .....	10000 0 0	
St. Maurice Works .....	4500 0 0	
Grosse Isle .....	300 0 0	
St. Lawrence and Champlain Canal .....	7000 0 0	
Light Houses below Quebec, Catadioptrical Lens, &c .....	5000 0 0	
Do do on Lake Huron, do do .....	5000 0 0	
Landing Piers below Quebec .....	18500 0 0	
Montreal Custom House Repairs .....	500 0 0	
Marine Hospital Quebec .....	4500 0 0	
Custom House Hamilton, purchase of Land and Construction .....	7000 0 0	
Purchase of site for Kingston Post Office .....	2000 0 0	
Repairs of Gaols and Court Houses, Canada East .....	2600 0 0	
Arbitrations .....	2000 0 0	
Surveys and Contingent Expenses .....	3000 0 0	
Rents, Repairs and Maintenance of Public Buildings .....	5000 0 0	
Purchase of Property at the Gatineau, for lumbering operations, &c .....	3500 0 0	
Tug Service below Quebec .....	11300 0 0	
Ocean Steam Service .....	24000 0 0	
Completion of Hamilton Post Office .....	4000 0 0	
Rapids of the St. Lawrence .....	1200 0 0	
Purchase of Property, Grande Allée, Quebec .....	500 0 0	
Trinity House Service, Quebec .....	2000 0 0	
To make good Expenditure on Arthabaska Road .....	60 0 0	
Dredge Vessel for Sundry Works in Canada East .....	1200 0 0	
Tug Service between Montreal and Kingston .....	6750 0 0	
Geological Museum, Montreal .....	500 0 0	

## SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.	Currency.
<i>Public Works—Continued.</i>		
	£ s. d.	£ s. d.
Extending Pier at Rivière Ouelle, including Timber.....	3000 0 0	
Custom House at Régis.....	300 0 0	
Towards Dredging a Channel through the Flats of Lake St. Clair.....	5000 0 0	
Total Currency .....		174410 0 0
Total out of Consolidated Revenue Fund, Currency.....		532168 19 8

## CAP. XCI.

An Act relating to the Ordnance Lands and Naval and Military Reserves in this Province, and for other purposes.

[Assented to 30th May, 1855.]

Preamble.  
Message  
recited.

**W**HEREAS it appears by the Message of His Excellency the Governor General to both Houses of the Provincial Parliament, and the Despatch from Her Majesty's Secretary of State for the Colonies, accompanying the same, that Her Majesty's Imperial Government is willing to surrender to the Province all the Ordnance Lands therein, whether acquired by purchase or otherwise, and all the Naval and Military Reserves therein, with the exception of such portions thereof at Kingston, Montreal and Quebec, as are essential to the Military defence of the Colony by Her Majesty's Troops, on an understanding that the Provincial Government shall make ample provision for the maintenance of peace and order within the limits of the Province; And whereas it will be for the honor and advantage of the Province that the said offer be accepted, and Her Majesty's faithful Canadian subjects, well knowing that the strength of the Empire would, in case of need, be put forth in order to defend any part of it from aggression, are willing to take upon themselves the maintenance of peace and order within the Country: 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, as follows:

I. Whenever Her Majesty's Imperial Government shall be ready to transfer to the Provincial Government the aforesaid Lands and Property now vested in the Principal Officers of Her Majesty's Ordnance, or in the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, the Governor of this Province may on behalf thereof by Order in Council accept such transfer on such terms and conditions as may be agreed upon.

The Governor in Council may agree with the Imperial Government for the transfer of the said lands.

II. The Lands and Reserves aforesaid shall for the purposes of this Act be divided into three classes, that is to say: one class to be denominated A, which shall include the portions of the lands at Kingston, Montreal and Quebec, to be retained for occupation by Her Majesty's Troops; another class to be denominated B, which shall be retained for the defence of the Province; and a third class to be denominated C, which may be sold, leased or otherwise used as to the Governor in Council may from time to time seem meet.

Lands to be divided into three classes.

III. Such portions of the lands included in class B, as it shall be deemed necessary by the Governor in Council and the Officer commanding Her Majesty's Regular Forces in the Province to occupy for the defence of the Province in time of peace, shall be so occupied by such force as shall be from time to time selected for that service by the Governor in Council, and shall be kept in proper order and repair at the expense of the Province; and any portion of the lands so retained for the defence of the Province which it shall not be deemed necessary to occupy as aforesaid may be leased or otherwise used in such manner as the Governor in Council may think most for the advantage of the Province.

As to lands which ought to be retained for the defence of the Province.

IV. Provided always, and be it enacted, that the several Lands and Reserves aforesaid shall be divided into the said three classes A B and C, in such manner as may be agreed upon between the Principal Officers of Her Majesty's Ordnance and the Governor General in Council.

Governor in Council and Principal Officers to agree on the division.

V. The moneys arising from the lease or use of any of the lands or property included in class B as aforesaid, or from the sale, lease or use of any of the lands or property included in class C as aforesaid respectively, or otherwise derived therefrom, shall be paid over to the Receiver General, and shall form part of the Consolidated Revenue Fund of this Province: but separate accounts shall be kept thereof, and in any account or statement of the expenses incurred for purposes relative to the Provincial Militia or Police, the said moneys shall be taken into account and credited in deduction of the said expenses.

Application of moneys arising from such lands.

Separate accounts to be kept of them, &c.

## C A P . X C I I .

An Act to amend the Criminal Law of this Province.

[Assented to 30th May, 1855.]

Preamble.

WHEREAS offenders frequently escape conviction on their trials by reason of the technical strictness of criminal proceedings in matters not material to the merits of the case, and it is desirable that such technical strictness shall be relaxed; And whereas other beneficial alterations may be made in the Criminal Law: 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, as follows:

Court may order indictment to be amended to meet variances appearing at the trial but immaterial to the merits.

I. From and after the passing of this Act, whenever on the trial of any indictment for any felony or misdemeanor there shall appear to be any variance between the statement in such indictment and the evidence offered in proof thereof, in names, dates, places, or other matters or circumstances therein mentioned, not material to the merits of the case, and by the misstatement whereof, the person on trial cannot be prejudiced in his defence on such merits, it shall and may be lawful for the Court before which the trial shall be had, to order such indictment to be amended according to the proof, by some officer of the Court or other person, both in that part of the indictment where such variance occurs, and in every other part of the indictment which it may become necessary to amend, on such terms as to postponing the trial to be had before the same or another jury as such Court shall think reasonable; and after any such amendment the trial shall proceed, whenever the same shall be proceeded with, in the same manner in all respects and with the same consequences, both with respect to the liability of witnesses to be indicted for perjury, and otherwise, as if no such variance had occurred, and in case such trial shall be had at Nisi Prius, the order for the amendment shall be endorsed on the indictment and returned therewith, and all other rolls and proceedings connected therewith shall be amended accordingly by the proper officer, and in all other cases the amendment shall be endorsed on or filed with the indictment, and returned among the proper records of the Court; Provided always, that when such trial shall be had before a second jury, the Crown and the Defendant shall be respectively entitled to the same challenges as they were respectively entitled to before the first jury were sworn.

Proceedings after amendment.

Proviso: as to challenges in case of a second Jury.

II. Every verdict and judgment which shall be given after the making of any amendment under the provisions of this Act, shall be of the same force and effect in all respects as if the indictment had originally been in the same form in which it was after such amendment was made.

As to verdict and judgment after amendment.

III. If it shall become necessary at any time for any purpose whatever, to draw up a formal record in any case where any amendment shall have been made as aforesaid, such record shall be drawn up in the form in which the indictment was after such amendment was made, without taking any notice of the fact of such amendment having been made.

Formal record after amendment, how to be drawn up.

IV. In making up the record of any conviction or acquittal on any indictment, it shall be sufficient to copy the indictment with the plea pleaded thereon, without any formal caption or heading whatever, and the statement of the arraignment and the proceedings subsequent thereto, shall be entered of record in the same manner as before the passing of this Act, subject to any such alterations in the forms of such entry, as shall or may from time to time be prescribed by any rule or rules of the Judges of the Superior Courts of Common Law of Upper Canada, and of the Queen's Bench in Lower Canada.

How the record of any conviction or acquittal may be drawn up.

Judges may make further rules.

V. It shall not be necessary that any indictment, except in cases of high treason, shall be written on parchment; any law, usage or custom to the contrary notwithstanding.

Only indictments for Treason need be on parchment.

VI. In any indictment for murder or manslaughter it shall not be necessary to set forth the manner in which or the means by which the death of the deceased was caused, but it shall be sufficient in every indictment for murder, to charge that the defendant did feloniously, wilfully and of his malice aforethought kill and murder the deceased; and in every indictment for manslaughter, to charge that the defendant did feloniously kill and slay the deceased.

What averment shall be sufficient for indictment for murder.

For manslaughter.

VII. In any indictment for forging, uttering, stealing, embezzling, destroying or concealing, or for obtaining by false pretences, any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile thereof, or otherwise describing the same or the value thereof.

In indictment for forging, stealing, &c., any instrument in writing.

VIII. In any indictment for engraving or making the whole or any part of any instrument, matter or thing whatsoever, or for using or having the unlawful possession of any plate or other material upon which the whole or any part of any instrument, matter or thing whatsoever shall have been engraved or made, or for having the unlawful possession of any paper upon which the whole or any part of any instrument, matter or thing whatsoever

In indictment for engraving, &c., any instrument.

No copy or fac-simile required.

whatsoever shall have been made or printed, it shall be sufficient to describe such instrument, matter or thing by any name or designation by which the same may be usually known, without setting out any copy or fac-simile of the whole or any part of such instrument, matter or thing.

Other averments in indictments as to instruments.

IX. In all other cases, whenever it shall be necessary to make any averment in any indictment, as to any instrument, whether the same consists wholly or in part of writing, print or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile of the whole or any part thereof.

In indictment for offences committed with intent to defraud.

X. It shall be sufficient in any indictment for forging, uttering, disposing of, or putting off any instrument whatever, or for obtaining any property by false pretences, to allege that the defendant did the act with intent to defraud, without alleging the intent of the defendant to be to defraud any particular person; and on the trial of any of the offences mentioned in this section, it shall not be necessary to prove an intent on the part of the defendant to defraud any particular person, but it shall be sufficient to prove that the defendant did the act charged with intent to defraud.

Proof in such cases.

Punishment for obtaining property on any false pretence with intent to defraud.

XI. If any person shall obtain any property whatever, with intent to defraud, such offender, upon conviction thereof, shall be liable to be imprisoned for any period not exceeding two years, with or without hard labour.

What averment of false pretences shall be sufficient.

XII. It shall be sufficient in any indictment for obtaining or attempting to obtain any property by false pretences, with intent to defraud, to state that such property was obtained or attempted to be obtained by the defendant by false pretences, with intent to defraud, without any further or more particular statement of such false pretences.

Persons indicted for committing a felony, &c., may be found guilty of an attempt to commit it.

XIII. If on the trial of any person charged with any felony or misdemeanor, it shall appear to the Jury upon the evidence, that the defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the same, such person shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their verdict that the defendant is not guilty of the felony or misdemeanor charged, but is guilty of an attempt to commit the same, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the particular felony or misdemeanor charged in the indictment, and no person shall hereafter be prosecuted for any attempt to commit any felony or misdemeanor who has been previously tried for committing the same offence.

How punishable.

Not to be tried again on same facts.

XIV. If upon the trial of any person for larceny, it shall appear that the property taken shall have been obtained by such person by fraud under circumstances which do not amount to such taking as constitutes larceny, such person shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their verdict, that such person is not guilty of larceny, but is guilty of obtaining such property by false pretences with intent to defraud, if the evidence prove such to be the case, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for obtaining property under false pretences, and no person so tried for larceny as aforesaid shall be liable to be afterwards prosecuted for obtaining property by false pretences upon the same facts.

Persons indicted for larceny may be found guilty of obtaining under false pretences.

Punishment.

Not to be tried again on same facts.

XV. If upon the trial of any person for any misdemeanor it shall appear that the facts given in evidence amount in law to a felony, such person shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no person tried for such misdemeanour shall be liable afterwards to be prosecuted for felony on the same facts, unless the Court before which such trial may be had shall think fit, in its discretion, to discharge the Jury from giving any verdict upon such trial, and to direct such person to be indicted for felony, in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanor.

Provision where the indictment is for misdemeanor and the evidence proves a felony.

Court may order a new trial.

XVI. If upon the trial of any person indicted for embezzlement as a clerk, servant, or person employed for the purpose or in the capacity of clerk or servant, it shall be proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement, but is guilty of simple larceny, or of larceny as a clerk, servant, or person employed for the purpose or in the capacity of a clerk or servant, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted on an indictment for such larceny; and if upon the trial of any person indicted for larceny, it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement, he shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their verdict, that such person is not guilty of larceny but is guilty of embezzlement, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement, and no person so tried for embezzlement or larceny as aforesaid shall be liable to be afterwards prosecuted for larceny or embezzlement upon the same facts.

Where the indictment is for embezzlement, and the evidence proves a felony or vice versa.

Punishment.

Punishment.

Not to be again tried on same facts.

Where persons indicted for receiving jointly are proved to have received separately.

XVII. If upon the trial of two or more persons for jointly receiving any property, it shall be proved that one or more of such persons separately received any part of such property, it shall be lawful for the Jury to convict upon such indictment such of the said persons as shall be proved to have received any part of such property.

Any number of accessories may be tried, although indictment does not include principal felon.

XVIII. Any number of accessories to any felony or receivers at different times of stolen property the subject of such felony, may be charged with the substantive felonies in the same indictment, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to Justice.

Where indictment for larceny is for one taking and several takings appear.

XIX. If upon the trial of any indictment for larceny, it shall appear that the property alleged in such indictment to have been stolen at one time was taken at different times, the prosecutor shall not, by reason thereof, be required to elect upon which taking he will proceed, unless it shall appear that there were more than three takings, or that more than the space of six calendar months elapsed between the first and the last of such takings; and in either of such last mentioned cases, the prosecutor shall be required to elect to proceed for such number of takings, not exceeding three, as appear to have taken place within the period of six calendar months from the first to the last of such takings.

What averments and proof shall be sufficient under indictment referring to money or bank notes.

XX. In any indictment in which it shall be necessary to make any averment as to any money or note of any Bank, it shall be sufficient to describe such money or bank note, simply as money, without allegation, so far as regards the description of the property, specifying any particular coin or bank note, and such averment shall be sustained by proof of any amount of coin or of any bank note, although the particular species of coin of which such amount was composed, or the particular nature of the bank note, shall not be proved, and in case of embezzlement and obtaining money or bank notes under false pretences, by proof that the offender embezzled or obtained any piece of coin or any bank note, or any portion of the value thereof, although such piece of coin or bank note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to any other person, and such part shall have been returned accordingly.

And in cases of embezzlement.

What averments shall be sufficient in indictments for perjury.

XXI. In any indictment for perjury, or for unlawfully, illegally, falsely, fraudulently, deceitfully, maliciously or corruptly, taking, making, signing or subscribing any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what Court or before whom the oath, affirmation, declaration,



declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, was taken, made, signed or subscribed, without setting forth the bill, answer, information, indictment, declaration, or any part of any proceeding either in law or equity, and without setting forth the commission or authority of the Court or person before whom such offence was committed.

XXII. In every indictment for subornation of perjury, or for corrupt bargaining or contracting with any person to commit wilful and corrupt perjury, or for inciting, causing or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously or corruptly, to take, make, sign or subscribe any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient, whenever such perjury or other offence aforesaid shall have been actually committed, to allege the offence of the person who actually committed such perjury or other offence, in the manner hereinbefore mentioned, and then to allege that the Defendant unlawfully, wilfully and corruptly, did cause and procure the said person the said offence, in manner and form aforesaid to do and commit; and whenever such perjury or other offence aforesaid shall not actually have been committed, it shall be sufficient to set forth the substance of the offence charged upon the Defendant, without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury.

What averments shall be sufficient in indictments for subornation of perjury.

When the perjury has not been actually committed.

XXIII. A certificate containing the substance and effect only (omitting the formal part) of the indictment and trial for any felony or misdemeanour, purporting to be signed by the Clerk of the Court or other officer having the custody of the records of the Court whereat any indictment was tried or among which such indictment is filed, or by the deputy of such clerk or other officer, shall upon trial of any indictment for perjury or subornation of perjury, be sufficient evidence of the trial of such indictment for felony or misdemeanour, without proof of the signature or official character of the person appearing to have signed the same.

What shall be sufficient evidence of the trial at which the perjury is alleged to have been committed.

XXIV. It shall not be necessary to state any venue in the body of any indictment, but the County, City or other jurisdiction named in the margin thereof, shall be taken to be the venue for all the facts stated in the body of the indictment; provided that in cases where local description is now or hereafter shall be required, such local description shall be given in the body of the indictment.

Venue how to be stated in indictments.

XXV. No indictment for any offence shall be held insufficient for want of the averment of any formal matter or matter unnecessary to be proved.

Matters unnecessary to be proved need not be averred.

XXVI. Every objection to any indictment for any formal defect apparent on the face thereof, shall be taken by demurrer

Objections founded on or

formal defects when to be taken, and how amended.

or motion to quash such indictment, before the Jury shall be sworn, and not afterwards; and every court before which any such objection shall be taken for any formal defect, may if it be thought necessary, cause the indictment to be forthwith amended in such particular, by some officer of the Court or other person, and thereupon the trial shall proceed as if no such defect had appeared.

Form of plea of autrefois acquit or convict.

XXVII. In any plea of autrefois convict or of autrefois acquit, it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted, as the case may be, of the said offence charged in the indictment.

Punishment of persons found by night armed, or having instruments for house-breaking, or disguised, in any house.

XXVIII. And whereas it is expedient to make further provision for the prevention of the offences hereinafter mentioned, Be it enacted as follows: If any person shall be found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling house or other building whatsoever, and to commit any felony therein, or if any person shall be found by night, having in his possession without lawful excuse any picklock, key, crow, jack, bit, or other implement of house-breaking, or any match or other combustible or explosive substance, or if any person shall be found by night, having his face blackened or otherwise disguised, with intent to commit felony, or if any person shall be found by night in any dwelling house or other building whatsoever with intent to commit any felony therein, every such person shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned with or without hard labor for any time not exceeding two years.

Administering chloroform, &c., with intent to commit felony, to be felony.

XXIX. If any person shall unlawfully apply or administer, or attempt to apply or administer to any other person, any chloroform, laudanum, or other stupifying or overpowering drug, matter, or thing, with intent thereby to enable such offender or any other person to commit, or with intent to assist such offender or other person in committing any felony, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Penitentiary, for any term not less than two nor more than five years.

Punishment.

Punishment for maliciously wounding.

XXX. If any person shall unlawfully and maliciously inflict upon any other person, either with or without any weapon or instrument, any grievous bodily harm, or unlawfully and maliciously cut, stab or wound any other person, any such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned, with hard labour, in any gaol or prison for any term not exceeding two years, or in the Provincial Penitentiary for any term not less than two nor more than five years.

Punishment.

XXXI. If upon the trial of any indictment for any felony, except murder or manslaughter, where the indictment shall allege that the defendant did cut, stab or wound any person, the jury shall be satisfied that the defendant is guilty of the cutting, stabbing or wounding charged in such indictment, but shall not be satisfied that the defendant is guilty of the felony charged in such indictment, then and in every such case, the jury may acquit of the felony, and find the defendant guilty of unlawfully cutting, stabbing or wounding, and thereupon such defendant shall be liable to be punished as in the next preceding section is mentioned.

Defendant indicted for felony by cutting, stabbing or wounding may be found guilty of cutting, &c., tho' the felony be not found.

Punishment.

XXXII. If any person shall wilfully and maliciously put, place, cast or throw upon or across any railway, any wood, stone or other matter or thing, or shall wilfully and maliciously take up, remove, or displace any rail, sleeper, or other matter or thing belonging to any railway, or shall wilfully and maliciously turn, move, or divert any point or other machinery belonging to any railway, or shall wilfully and maliciously make or shew, hide or remove, or omit to make or shew, any signal or light upon or near any railway, or shall wilfully and maliciously do or cause to be done, or omit or neglect, or cause to be omitted or neglected, any other matter or thing, with intent to obstruct, upset, overthrow, injure, or destroy, any engine, tender, carriage, or truck, using such railway, or to endanger the safety of any person travelling or being upon such railway, any such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Penitentiary for any term not less than three nor more than seven years.

Maliciously doing certain things to cause accidents upon Railways, to be felony.

Punishment.

XXXIII. If any person shall wilfully and maliciously cast, throw or cause to fall or strike against, into or upon any carriage, engine, tender, or truck used upon any railway, any wood, stone, or other matter or thing, with intent to endanger the safety of any person being in or upon such carriage, engine, tender or truck, every such offender, being convicted thereof, shall be guilty of felony, and shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Penitentiary for any term not less than three nor more than seven years.

Maliciously throwing, &c., any thing against a Railway carriage with intent to injure any one, to be felony.

Punishment.

XXXIV. If any person shall wilfully and maliciously set fire to any station-house, engine-house, warehouse, or other building belonging or appertaining to any railway, lock, canal, or other navigation, or to any goods or chattels being in any building the setting fire to which is made felony by this or any other Act of Parliament, every such offender shall be guilty of felony, and shall be liable to be punished as in the next preceding section is mentioned.

Setting fire to stations, &c., or goods therein, to be felony.

Punishment.

XXXV. If any person shall unlawfully and maliciously set fire to any stack of corn, grain, pulse, straw, hay, coals, charcoal

Setting fire to stacks of corn,

&c., to be  
felony.

Punishment.

charcoal or wood, he shall be guilty of felony, and every such offender, upon being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Penitentiary for a period not less than two nor more than five years.

Stealing pas-  
sage tickets, to  
be felony.

Punishment.

XXXVI. Any person who shall steal any ticket or order for any free or paid passage on any railway, or on any steam or other vessel, shall be deemed guilty of felony, and on conviction thereof, shall in the discretion of the court before whom such offender shall be tried, be liable to imprisonment in any common gaol or prison for any period not exceeding two years, with or without hard labour.

Forging or  
uttering forg-  
ed tickets, to  
be felony.

Punishment.

XXXVII. Any person who shall knowingly forge, or utter, knowing the same to be forged, any such ticket or order as in the next preceding section mentioned, with intent to defraud any other person, shall be deemed guilty of felony, and on conviction thereof shall, in the discretion of the court before whom such offender is tried, be liable to imprisonment in the Provincial Penitentiary for a period not exceeding three years.

Obtaining pas-  
sage by false  
tickets, to be  
a misde-  
meanor.

Punishment.

XXXVIII. Any person who shall by means of any false ticket or order, or of any other ticket or order, fraudulently and wilfully obtain or attempt to obtain any passage on any railway or in any steam or other vessel, shall be deemed guilty of a misdemeanor, and on conviction thereof shall, in the discretion of the court before whom such offender is tried, be liable to imprisonment in any common gaol or prison with or without hard labour, for any period not exceeding six months.

Commission  
of Peace need  
not be read at  
opening of  
Quarter Ses-  
sions in U. C.

XXXIX. It shall not be necessary in opening any Court of Quarter Sessions in Upper Canada, to read the commission of the Peace, or any other commission, issued for the County or Union of Counties for which such Court of Quarter Sessions is held; any law, usage or custom to the contrary notwithstanding, but such Court of Quarter Sessions shall have the same powers and authorities, and proceed in the same manner, as if such commission had been read as before the passing of this Act.

Any person  
may arrest  
offenders  
against this  
Act, or com-  
mitting any  
indictable  
offence in the  
night.

XL. It shall be lawful for any person whatsoever to apprehend any person who shall be found committing any offence against the provisions of this Act or any indictable offence, in the night, and to convey him or deliver him to some constable or other person in order to his being conveyed as soon as conveniently may be before a Justice of the Peace, to be dealt with according to law.

Punishment of  
offenders as-  
saulting per-  
sons arresting  
them, &c.

XLI. If any person liable to be apprehended under the provisions of this Act, shall assault or offer any violence to any person by law authorized to apprehend or detain him, or to any person acting in his aid or assistance, every such offender shall  
be

be guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned with or without hard labor, for any term not exceeding two years.

XLII. The time at which the night shall commence and conclude in any offence against the provisions of this Act, shall be the same as in cases of burglary. Night what shall be deemed.

XLIII. It shall not be necessary to issue any commission of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery for any County or place in Upper Canada, but the said Courts shall be held at such times as the Judges of the Superior Courts of Common Law shall appoint subsequent to the several terms after which they are now directed by law to be holden; except where such Courts are or shall be held at any stated time under any statute now in force or hereafter to be passed, in which case such Courts shall be held at such stated time; and the Judges of the several Superior Courts of Common Law in Upper Canada, shall and may preside over the Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, in the same manner and with the same authorities and powers, without the issuing of any commission or commissions for the holding of the said Courts, as they have been accustomed to do under commission before the passing of this Act: Provided always, that nothing in this section contained shall prevent the issuing of any special commission for the trial of offenders, in the same manner, and with the same authorities and powers as if this section had not been passed. Commissions of Assize, &c., need not be issued hereafter in U. C. Courts to be held without them. Proviso: Special Commissions may be issued.

XLIV. It shall be the duty of the Secretary of this Province, in each and every year, on or before the first day of the several terms next after which the Courts of Assize or any of them are by law directed to be holden, to transmit to the said Superior Courts of Common Law, a list of the names of the several persons who shall be associated with the Judges of the said Courts, as Justices of the said Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, for the several Counties and places where such Courts of Assize are to be holden, and at the same time to transmit to the Sheriff of each County or Union of Counties, a list of the names of such Associate Justices for such County or Union of Counties, and to notify the said Associate Justices of such their appointment, and such Associate Justices so appointed and nominated, shall have and exercise all the powers and authorities that are now used and exercised by any Justices associated under any such commissions as in the next preceding section mentioned, and all trials and proceedings had or taken before them or any of them, shall be as valid and effectual as if such commissions had issued naming such persons as Associate Justices therein. Officer whose duty it was to issue such Commissions, to notify to Courts and Sheriffs names of Associate Justices, and to notify the Associates themselves.

Queen's Coun-  
sel associated  
as Justices  
of Courts of  
Assize, &c.,  
in U. C.

XLV. And whereas it would greatly conduce to the despatch of business at the Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery sitting in Upper Canada, if Her Majesty's Counsel learned in the law, were associated as Justices in those Courts; Be it enacted, That any person being one of Her Majesty's Counsel learned in the law in this Province, may be an Associate Justice of any such Court for the despatch of civil or criminal business at any County or place or upon any circuit in Upper Canada, and any such person shall and may be and act as a Judge of such Courts, in the absence of any Judge of the Superior Courts of Common Law, as fully, to all intents and purposes, as if he were duly commissioned as one of Her Majesty's Judges of the said Superior Courts of Common Law; any law, custom or usage to the contrary notwithstanding.

Interpretation  
clause.

XLVI. In the construction of this Act, the word "indictment" shall be understood to include "information," "inquisition" and "presentment," as well as indictment, and also any plea or other pleading, and any Nisi Prius record; and the terms "finding of the indictment" shall include also "the taking of an inquisition," "the exhibiting an information" and "the making of a presentment;" and the word "property" shall be understood to include goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed.

Forms of in-  
dictment may  
be as in Sched-  
ule.

XLVII. Indictments may be in the following forms in charging the offences to which such indictments severally relate; and in offences not enumerated herein, the said forms shall guide as to the manner in which offences shall be charged, so as to avoid surplusage and the averment of matters not required to be proved.

#### *Simple Larceny.*

County or District } The Jurors for our Lady the Queen, upon  
of \_\_\_\_\_, to wit. } their oath present, that A. B., on the first  
day of September, in the year of our Lord, one thousand eight  
hundred and fifty-four, at  
in the County or District of \_\_\_\_\_, did feloniously steal a gold  
watch of C. D.

#### *False Pretences.*

County or District } The Jurors for our Lady the Queen, on  
of \_\_\_\_\_, to wit. } their oath present, that A. B., on the first  
day of September, in the year of our Lord, one thousand eight  
hundred and fifty four, at  
in the County or District of \_\_\_\_\_, unlawfully, fraudulently and  
knowingly, by false pretences did obtain from one C. D. six  
yards of muslin, of the goods and chattels of the said C. D.,  
with intent to defraud.

#### *Embezzlement.*

*Embezzlement.*

County or District } The Jurors for our Lady the Queen, upon  
of , to wit : } their oath present, that A. B., on the  
day of in the year of our Lord, one thousand eight  
hundred and , at in the County or District of , being  
a servant (or clerk) then employed in that capacity by one C.  
D., did then and there in virtue thereof, receive a certain sum  
of money, to wit, to the amount of for and on account  
of the said C. D., and the said money did feloniously  
embezzle.

*Stealing Money.*

County or District } The Jurors for our Lady the Queen, upon  
of , to wit : } their oath present, that on the day of  
in the year of our Lord, one thousand eight hundred  
and , A. B., at , in the County or District of  
, did feloniously steal a certain sum of money, to wit,  
to the amount of pounds, the property of one C. D.

*Murder.*

County or District } The Jurors for our Lady the Queen, upon  
of , to wit : } their oath present, that A. B., on the  
day of in the year of our Lord, one thousand eight  
hundred and , at , in the County or District of  
, did feloniously, wilfully, and of his malice afore-  
thought, kill and murder one C. D.

*Manslaughter.*

County or District } Same as last form, omitting "wilfully,  
of , to wit : } and of his malice aforethought," and  
substituting the word "slay" for the word "murder."

*Perjury.*

County or District } The Jurors for our Lady the Queen, upon  
of , to wit : } their oath present, that heretofore, to wit, at  
the Assizes holden for the County or District of , on the  
day of , in the year of our Lord one thousand eight  
hundred and , before , one of the Justices of our Lady  
the Queen, a certain issue between one E. F. and one G. H.  
in a certain action of covenant, was tried, upon which trial  
A. B. appeared as a witness for and on behalf of the said E.  
F., and was then and there duly sworn before the said  
, and did then and there, upon his oath aforesaid, falsely, wil-  
fully and corruptly depose and swear in substance and to the  
effect following, that he saw the said G. H. duly execute the  
deed on which the said action was brought, which fact was  
material to the said issue, whereas, in truth, the said A. B. did  
not

not see the said G. H. execute the said deed, and the said deed was not executed by the said G. H., and the said A. B. did thereby commit wilful and corrupt perjury.

*Subornation of Perjury.*

County or District } *Same as last form to the end, and then pro-*  
of \_\_\_\_\_, to wit : } *ceed :—*And the Jurors further present, that  
before the committing of the said offence by the said A. B., to  
wit, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one  
thousand eight hundred and \_\_\_\_\_, C. D., unlawfully, wil-  
fully and corruptly did cause and procure the said A. B. to do  
and commit the said offence in manner and form aforesaid.

C A P. X C I I I.

An Act to connect the Office of the Supervisor of Cullers  
with the Crown Land Department.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it is expedient and necessary that the Office  
of Supervisor of Cullers in Quebec should be connected  
with the Crown Land Department, for all purposes of informa-  
tion and statistics, and the general government of the trade, as  
well as with the view of being made auxiliary to the Collection  
of the Revenue accruing from Timber cut on Public Lands: 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, as follows :

Supervisor to  
be an Officer  
of Crown  
Lands, except  
as regards  
actual culling  
and measure-  
ment of Tim-  
ber.

**I.** In all matters not affecting the actual culling and measu-  
rement of Timber, Lumber or other Wood, the Supervisor of  
Cullers shall be deemed to be an Officer of the Crown Land  
Department, and shall render, through the Commissioner of  
Crown Lands, the Accounts and Statements required by the  
nineteenth Section of the Act eighth Victoria chapter forty-nine,  
to be rendered to the Governor, and all such other accounts and  
statements as the Commissioner of Crown Lands shall require  
from him.

Appointments  
in his office.

**II.** All appointments in the Supervisor's Office shall in future  
be made by the Governor in Council.

Supervisor  
may withhold  
specifications

**III.** It shall be lawful for the Supervisor of Cullers to endorse  
upon the specifications of measurement of Timber, Lumber or  
other Wood, the amount of Crown dues accrued thereon, and to  
withhold



withhold such specifications from the parties interested therein, until the said Crown dues are paid or secured to the satisfaction of the Crown Timber Agent appointed to collect the same; and further to withhold such specifications until the Crown Timber Agent has received satisfactory evidence of the quantities of Timber respectively exempt from and subject to the Crown dues. until Crown dues are paid.

### CAP. XCIV.

An Act to amend the Act to provide for the formation of Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

[Assented to 30th May, 1855.]

**W**HEREAS it is expedient to provide for increasing, in certain cases, the Capital Stock of Joint Stock Companies, formed under the provisions of an Act passed in the sixteenth year of Her Majesty's Reign, chapter one hundred and seventy-three, and intituled, *An Act to provide for the formation of Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, and otherwise to amend the provisions of the said above recited Act: 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, as follows:

Preamble.  
16 V. c. 173.

I. That whenever or so often as a majority of the Directors of any Company, which shall be or shall remain incorporated under the provisions of the said above recited Act, shall be of opinion that the Capital Stock thereof is insufficient for the purposes for which the said Company was incorporated, it shall and may be lawful for them to call a General Meeting of the Stockholders of such Company, giving at least ten days' notice of the time and place of Meeting, either by advertisement in one or more Newspapers published in the City, Town or Village where the operations of such Company shall be carried on, or by a circular addressed to each Stockholder, and mailed at least ten days previous to the time appointed for holding such Meeting. And it shall and may be lawful for the majority of the Stockholders, who may attend or be present at such meeting, to pass a By-law for increasing the Capital Stock of such Company to such amount as they may deem necessary for carrying out the purposes of such Company, (provided that the whole Capital shall not exceed the amount limited by the third section of the said above recited Act,) and for authorizing the raising of such additional Capital by increasing the number

Capital of a Company may be increased by consent of the Stockholders at a General Meeting.  
By-law for increase of Stock.  
Limitation.  
of

Subscription  
Books.

of Shares of Five pounds each, into which the Capital of such Company is or may be divided, and for enabling the Directors to receive Subscriptions for the whole or for any part of such additional Capital from any person or persons, bodies corporate or otherwise whatsoever, under such regulations as may be made by the Directors in that behalf.

Subscribers'  
names to be  
entered on  
Register of  
Stockholders.

II. And be it enacted, that the name of every Subscriber for any new or additional Stock so authorized to be subscribed for in any such Company, shall be forthwith entered as that of a Stockholder in the register of Stockholders of such Company, with the date of Subscription and number of Shares subscribed for; and thereupon such Stockholder shall become liable to the Directors of every such Company for the payment of the full amount subscribed in such instalments and at such times as the said Directors may be authorized to call the same in, and such Stockholder shall be subject to all the conditions, restrictions and liabilities, and entitled to all the rights, privileges, benefits and advantages to which the original Stockholders shall thenceforth be subject or entitled.

Liability of a  
new Share-  
holder.

Sect. 9 of the  
said Act  
amended—as  
to intervals  
between calls  
on Stock.

III. And be it enacted, that the Ninth Section of the said before recited Act, be and the same is hereby amended by omitting the words "Three months," and inserting in lieu thereof the words "One month," as the time which shall intervene between the calls for any two Instalments; provided that such amendment shall not apply to the Original Stock of any Company formed before the provisions of this Act shall come into force, but the said Ninth Section as so amended shall apply to the Stockholders of any new or additional Stock subscribed for in any such Company subsequently to this Act coming into force and under the authority thereof.

President or  
three Direc-  
tors may call  
a Special Gen-  
eral Meeting,  
and how.

IV. And be it enacted, that the President or any three Directors of any such Company shall have power to call a Special General Meeting of the Stockholders thereof for any purpose, giving at least ten days' notice thereof by advertisement in one or more Newspapers published in the City, Town or Village where the business of the Company is carried on, or by circular mailed to the address of each Stockholder at least ten days previous to the time appointed for holding such Meeting.

Powers of  
Stockholders  
at such Meet-  
ings.

V. And be it enacted, that a majority of Stockholders of any such Company present at any Special General Meeting shall have power to make and enact such By-laws as in the said before recited Act were authorized to be made and enacted by such Companies, and shall also have power to make By-laws for the following purposes:

Increasing or  
diminishing  
number of  
Directors.

1st. For increasing or diminishing the number of Directors for managing the affairs of such Company, provided that the number shall not exceed nine including the Mayor of the Municipality

Municipality holding Stock in said Company to the amount of two thousand five hundred pounds or upwards, as prescribed by the third proviso to the fourth sub-section of the fifteenth section of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to amend the Municipal Acts of Upper Canada*, nor be less than three including such Mayor, and for determining the number of Shares it shall be necessary for a Stockholder to hold to qualify him to act as a Director. Provided always that a majority of the number of Directors mentioned in such By-law shall constitute a quorum for the transaction of business. 16 V. c. 181.

2nd. For providing for the payment of Directors or for the appointment of one or more paid Directors. Paying Directors.

3rd. For amending, altering or repealing any By-law of such Company, made under the authority of this or any other Act of Parliament passed or to be passed hereafter. Amending By-laws.

VI. And be it enacted, that when any such Company shall have laid down Main Pipes for the supply of Gas or of Water in or through any of the Streets, Squares or Public Places of any City, Town or Village, it shall not be lawful for any other person or persons whatsoever, bodies corporate or politic, without the consent of such Company first had and obtained, nor otherwise than upon payment to such Company of such compensation as may be agreed upon, to lay down any Main Pipe for the supply of Gas or Water within six feet thereof, or when it shall be impracticable to cut drains for such Main Pipes at a greater distance, then as nearly six feet as the circumstances of the case will admit. Pipes of other Companies not to be laid within a certain distance of those of this Company.

VII. And be it enacted, that the said first before recited Act be further amended by omitting the words "Trustee" or "Trustees," wherever the same may occur in the said Act, and by inserting in lieu thereof the words "Director," or "Directors" provided that in all proceedings which may have been had or taken under the said Act, or in or about any Company incorporated thereunder, the word "Trustees," wherever the same shall occur, or shall have occurred, shall be taken to be and be construed to mean the Directors. Directors substituted for Trustees under the said Act.

VIII. And be it enacted, that the Forty-third section of the said first before recited Act shall be incorporated with this Act, and apply equally to the provisions thereof. Sect. 43 incorporated with this Act.

## C A P . X C V .

*An Act to amend An Act to regulate the Inspection of Pot and Pearl Ashes.*

[Assented to 30th May, 1855.]

Preamble.

18 V. c. 11.

**W**HEREAS it is expedient to amend an Act of the Legislature of the Province of Canada, passed in the present Session thereof, intituled, *An Act to regulate the Inspection of Pot and Pearl Ashes*: 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, as follows :

Section 21 amended.

I. The words " or packer," in the twenty-first section of the said Act, shall be and they are hereby repealed ; and the said twenty-first section shall hereafter be read as if the said words " or packer" had never been inserted therein.

Penalty on unauthorized persons acting as Inspectors.

II. Any person not being duly authorized under the said Act, who shall in any manner whatever assume the title or office of Inspector of Pot or Pearl Ashes, shall exercise any of the duties of such Inspector, or shall issue any bill, certificate or declaration establishing or purporting to establish the quality of any Pot Ashes or Pearl Ashes, shall, for every such offence, incur a penalty of Five Pounds currency, which may be recovered in the manner prescribed by the twenty-second section of the said Act, or by summary conviction before any Justice of the Peace, who, in default of immediate payment, may issue a Warrant of Distress, or commit the offender to the common gaol until such penalty be paid.

Interpretation.

III. All the provisions of the said Act shall apply to this Act, in so far as they are not inconsistent with the provisions hereof.

## C A P . X C V I .

*An Act to regulate Savings Banks, and to repeal the Act now in force for that purpose.*

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS experience has proved that the Act now in force for regulating Savings Banks do not afford that security to Depositors to which they are entitled at the hands of the Legislature, and it is therefore expedient to repeal the said Act, and to make better provisions instead thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and

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, as follows :

I. The Act passed in the session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to encourage the establishment of and regulate Savings Banks in this Province*, shall be and the same is hereby repealed, except in so far only as it is hereinafter otherwise provided, and except with regard to any penalty or forfeiture incurred under it, with regard to which it shall remain in force.

Act 4 & 5 V. c. 32, repealed.  
Exception.

II. It shall be lawful for any number of persons to associate themselves for the purpose of establishing a Savings Bank in any one place in this Province under this Act, and such persons shall execute an Instrument before Notaries, if the Bank is to be in Lower Canada, and under their hands and seals, and in duplicate, if the Bank is to be in Upper Canada, which Instrument shall set forth :

Mode in which any number of persons may become incorporated as a Savings Bank.

The Corporate name to be taken by the Institution, of which the words "Savings Bank" shall always form part ;

What must be inserted in the Instrument of Association.

The place at which its business is to be carried on ;

Its Capital Stock which shall in no case be less than one hundred thousand pounds currency ; the number of Shares into which such Stock is to be divided, and the amount of each Share, which shall in no case be less than one hundred pounds currency ; the number of shares taken by each of the persons executing such Instrument, and the names, residence, profession, calling or addition of each of such persons ; the persons who shall be the Directors of the Institution until the first election of Directors, and which of them shall be President, but no person shall be named as a Director who shall not hold at least five hundred pounds, of the Stock of the Institution ;

Further provisions in such Instrument :  
Stock.  
Shares.  
Stockholders.  
Directors.  
President.

The period during which such Institution is to continue, which shall not be less than five years, nor more than thirty years, and shall be made to end on the thirtieth day of April in some year to be named in such Instrument ;

Duration of Bank.

Such further provisions as to the working of the Institution and the management of its affairs and business, in matters not provided for by this Act, as the persons executing such Instrument may think expedient, which provisions, not being inconsistent with the letter or spirit of this Act or the laws of this Province,

Further provisions for its management.

Province, shall be fundamental Rules of the Institution, and shall not be altered; and any such provision which shall be inconsistent with the letter or spirit of this Act, or with the laws of this Province, shall be void, but shall not affect the validity of the Instrument of Association in other respects.

Proviso :  
Stockholders  
to justify their  
sufficiency on  
oath.

Provided always, that no person shall be deemed a Shareholder in any such Savings Bank, nor shall his name be entered in list of Shareholders as one of them, or the stock he may have agreed to take be reckoned as part of the Capital Stock of any such Savings Bank, until he shall have justified his sufficiency on oath or affirmation in the following form, before some Judge of one of the Superior Courts of Law in this Province, or some County or Circuit Judge, who is hereby empowered to administer such oath :

The oath.

"I, A. B. solemnly swear (or affirm) that I am now possessed of and own to and for my own use and benefit, and over and above all my just debts, property of the value of (*here insert the amount of stock of which the Defendant is the subscriber or transferee*)."

(Signature) A. B.

Attestation  
and deposit of  
oath.

Which oath or affirmation shall be signed by the Deponent and attested by such Judge, who shall deliver a certificate thereof to the party making the same, and the original shall be kept among the Records of the Court of which he is a Judge; and no transfer of Stock shall be valid so as to relieve the party making it from liability to any Depositor, until such oath or affirmation shall be so made.

Deposit of such  
Instrument of  
record, and of  
the certificates  
of the Receiver  
General rela-  
tive thereto.

III. If such Instrument relate to a Savings Bank in Lower Canada, a Notarial Copy thereof shall be deposited of record in the office of the Prothonotary of the Superior Court for the District in which the Bank to which it relates is to be established,—and if such Instrument relate to a Savings Bank in Upper Canada, a duplicate thereof shall be deposited of record in the office of the Clerk of the County Court of the County or of the United Counties within which the Bank to which it relates is to be established, the execution thereof by the several parties thereto being attested on oath by at least one witness before the said Clerk; and every such Instrument so deposited of record, as well as the Certificates of the Receiver General of the deposit or withdrawal of money or Debentures as hereinafter provided, shall be open to the inspection of any person during office hours, on payment of a fee of one shilling to the Officer having the custody thereof, who shall furnish any person with a certified copy thereof, on payment of a fee equal to six pence currency, for each hundred words in such copy, and the certificate thereto; and any such copy so certified, shall be *prima facie* evidence of such Instrument, and of the contents thereof, without proof of the signature of the Officer certifying

Copies of the  
same and their  
effect.

certifying such Copy ; and a certified copy of such Instrument and of the Certificates of the Receiver General relating to the same Bank, shall be constantly kept at the place of business of the Bank to which they relate, open to the inspection of all depositors therein.

Certified copy to be always kept open for inspection.

IV. Upon the deposit of any such Instrument with the proper Prothonotary or Clerk as aforesaid, and the deposit with the Receiver General of the amount hereinafter mentioned, the parties thereto, and their successors, shall, during the term herein limited, be a body public and corporate by the name therein taken, by which name they may sue and be sued, and shall have and exercise the powers vested in corporate bodies by the Interpretation Act, except in so far as they are modified by this Act, and all such powers as may be necessary for fully and conveniently carrying out the provisions of this Act.

Incorporation and general corporate powers.

V. Before any Savings Bank intended to be established under this Act shall be entitled to the benefit thereof, the Directors of such Bank shall deposit with the Receiver General of this Province, a certified copy of the Instrument of Association, and a sum not less than one eighth nor more than one fourth of the Capital of the Bank, in money or in Debentures receivable under the laws regulating the business of Banking, in deposit for registered Bank Notes, or partly in money and partly in such Debentures, the value of such Debentures being reckoned at par, and the Receiver General shall grant a Certificate of such deposit in duplicate, one duplicate shall be deposited in the office of the Prothonotary or Clerk in whose office the Instrument of Association of the Bank is deposited, and the other shall remain in the office of the Bank ; and the money or Debentures, or both, so deposited, shall remain in the hands of the Receiver General, subject to the provisions hereinafter made, as security for the repayment to the Depositors in such Bank, of the sums deposited by them, with the interest due thereon ; but the interest on such Debentures and interest on the money so deposited, at the rate allowed at the same period on the special Debentures hereinafter mentioned, shall be paid over by the Receiver General to the Bank, on behalf whereof such money or Debentures were deposited, except in the case hereinafter provided for.

Deposit of a certain sum in money or Debentures with the Receiver General as security in favor of the Depositors in the Bank.

Interest on Debentures to be payable to the Bank.

VI. The sum so deposited by the Directors of any Savings Bank established under this Act, may, if originally less than one fourth the Capital of the Bank, be increased at any time by one or more deposits to any sum not exceeding one fourth of the said Capital, or may be diminished to any sum not less than one eighth of the said Capital, by the Bank's withdrawing one or more sums, after giving three months' notice to the Receiver General of the intention to withdraw the same : Provided always, *First*, that the sum deposited or withdrawn at any one time shall not be less than five thousand pounds ; *Secondly*, that

Power to increase or diminish the sum so deposited.

Proviso.

Proviso.

that

Proviso.

Certificates of withdrawal of deposits to be made public.

that no sum shall be withdrawn until the Receiver General shall have been satisfied that all the requirements of this Act are so far complied with, as to authorize such withdrawal: and *Thirdly*, that a certificate of the deposit of any sum under this section shall be granted in duplicate by the Receiver General to the Bank, and such duplicates shall be deposited in the same manner as the duplicates of the original certificate of deposit,—and that a certificate of the withdrawal of any sum, shall in like manner be granted in duplicate, and one duplicate shall be delivered to the Bank to remain in the Office thereof, and the other shall be transmitted by the Receiver General to the Prothonotary or Clerk in whose Office the Instrument of Association of the Bank is deposited, and shall there remain of record, to the end that all persons may at any time ascertain what sum belonging to the Bank is in the hands of the Receiver General.

Assignment or lien may be granted on moneys in hands of Receiver General.

VII. It shall always be lawful for any Savings Bank established under this Act, to assign or grant a lien upon the money or Debentures in the hands of the Receiver General and belonging to such Bank, but such assignment or lien shall be subject to the rights of Depositors in the Bank, and shall take effect so far and so far only as such money or Debentures may be liable to be withdrawn by and delivered to the Bank, in which case the Receiver General being duly notified of such assignment or lien, shall deliver the money or Debentures to the party holding such lien or assignment, instead of delivering the same to the Bank.

When the Bank may commence business.

Rate of interest to be allowed.

Proviso: sum due to Depositors limited.

VIII. Any Savings Bank which shall have complied with the foregoing requirements of this Act, may forthwith thereafter commence its business as such, and may receive deposits from any persons or parties whatever, so as no deposit by any one person or party shall at any one time, exceed the sum of five hundred pounds, and may allow to such Depositors such rate of interest as shall be from time to time fixed by the Governor in Council, and no more, subject to such regulations as to the deposit and withdrawal of moneys by Depositors as may from time to time be made by the By-laws of the Bank: Provided always, that the amount due to Depositors by any Savings Bank at any one time, shall never exceed six times the sum belonging to such Bank deposited as aforesaid in the hands of the Receiver General, nor shall it ever exceed the Capital of the Bank.

Rate of interest to be fixed by Governor in Council. It may be altered.

IX. The rate of interest to be allowed to Depositors in any Savings Bank under this Act, shall be such as shall be from time to time fixed by order of the Governor in Council, but such rate may at any time be altered by any order in Council subsequently made and published in the *Canada Gazette*, at least six months before such alteration is to take effect.

In what funds only moneys

X. The moneys received in deposit by any Savings Bank established under this Act may be invested by such Bank in any



any Debentures which might, under the laws regulating the business of Banking be received by the Receiver General in deposit for registered Bank Notes, or in the manner mentioned in the next following section, and the said moneys shall not be invested, lent, dealt with, or used in any other manner or way whatever, except only that they may be deposited in any of the Chartered Banks of this Province, at interest or without interest, but subject always to be at any time drawn out by check and without previous notice.

deposited in any Savings Bank may be invested.

Exception.

XI. It shall be lawful for the Receiver General directly, or through any Agent he may appoint for the purpose, to receive from any Savings Bank established under this Act, any sum of money arising from deposits in such Bank and not less than one hundred pounds at one time, and to grant for the same, Special Debentures for not less than fifty pounds each, bearing interest payable half yearly at a rate exceeding by two per cent. the rate of interest then fixed by order in Council, as that to be allowed by Savings Banks under this Act to Depositors; and such Debentures may, in the discretion of the Receiver General, or in conformity with such orders as he shall from time to time receive from the Governor, be made payable solely to the Bank, and not transferable.

Receiver General may grant Special Debentures to Savings Bank for money arising from deposits.

Rate of interest thereon, &c.

XII. On the first Monday in May in each year, the Stockholders of each Savings Bank then established under this Act, shall hold a General Meeting at the Office of the Bank, and shall then and there elect five persons, being Stockholders in the Bank to the extent of at least one thousand pounds each, to be Directors of the Bank, in place of the Directors then in office, who shall go out of office immediately upon the close of such election, unless re-elected (as they may be) thereat: but if from any cause the meeting shall not be held on the day hereby appointed, or five Directors shall not be elected thereat, the Directors in office, immediately before such day, shall remain in office until another General Meeting shall be held and five Directors elected thereat, and a General Meeting may be held for this purpose at any time under the By-laws in force in that behalf, and if any vacancy shall occur in the office of Director, such vacancy shall be filled up as soon as conveniently may be, by the remaining Directors, who shall appoint some duly qualified Stockholder to fill such vacancy until the next election of Directors: but no such vacancy shall affect the validity of the acts of the remaining Directors or of any *quorum* thereof.

General Meeting for election of Directors.

Failure of election, how remedied.

Vacancies.

Vacancies, how filled. Not to affect validity of acts:

XIII. At any General Meeting of the Stockholders of any Savings Bank established under this Act, each Shareholder shall have one vote for every share which he shall have held during at least three months before such meeting: and any Shareholder may appear and vote by proxy, such proxy being himself a Shareholder qualified to vote at the meeting; and all questions submitted to any such General Meeting shall be

Votes at General Meetings. One for each Share.

Proxies allowed. Casting vote. President.

be decided by the majority of the votes the Stockholders voting thereat, either in person or by proxy, and the person presiding at any such meeting shall have a casting vote in case of an equal division of the votes, otherwise he shall not vote : the President of the Bank, if present, shall preside at such meeting, or in his absence, any Director or Stockholder present thereat, who may be chosen to preside by a majority of the Stockholders then present.

Directors may call General Meetings.

May make calls on Stock.

XIV. Unless and until it shall be otherwise provided by the By-laws of any Savings Bank established under this Act, the Directors thereof shall have full power to call General Meetings of the Stockholders thereof for such purposes, in such manner and at such times as they shall think it expedient so to do ; and they shall also have power to make calls on the Stockholders of the Bank for instalments on the shares held by them respectively, so as no call shall exceed ten per cent. on the stock so held, nor shall be payable at a less interval than two months from the time when the last call was payable ; but this limitation as to the amount of calls and the interval between them, shall not apply to or impair the effect of any clause in the Instrument of Association by which the parties thereto shall have bound themselves, to pay any amount of their respective shares at any time, but such clause shall have its full effect against such parties, and those who may lawfully hold their stock as their representatives or assigns, or as the representatives or assigns of their representatives or assigns ; and the amount of any call or calls lawfully made, and of any sum so agreed to be paid, may, if not paid when due, be recovered with interest by the Directors, in the name of the Bank, in any Court having jurisdiction to the amount ; and in such action it shall be sufficient only to allege or prove the agreement in the Instrument of Association, or that the calls were made under this Act, and that the Defendant is the holder of a share or shares in respect of which the amount sued for is due, without alleging or proving any other matter or thing whatever, and the evidence of any one Officer of the Bank, cognizant of any fact required to be proved, shall be sufficient proof thereof ; Provided always, that no more than one fourth of the Capital Stock of any such Bank shall be called in at any time, except only for the purpose of enabling the Bank to meet claims of Depositors upon it which it could not meet without such call, and the fact that the call is necessary for such purpose, shall be alleged in the resolution or order of the Directors directing such call to be made, and such allegation shall be evidence of such fact.

Suits for calls, and what must be alleged and proved to maintain them.

Proviso. Calls limited. Exception.

President. Questions before Directors, how decided.

XV. The Directors may elect one of their number to be President of the Bank, and such President shall preside at all meetings of the Directors at which he shall be present : in his absence any Director present may be appointed to preside *pro tempore* ; all questions and matters before the Directors at any meeting

meeting shall be decided by the majority of votes of the Directors present thereat, and the President or person presiding at any meeting of Directors, shall vote as a Director, but shall not have another or casting vote: if the votes be equally divided, the question shall be held to be decided in the negative; Any three Directors shall be a quorum, and any meeting at which a quorum shall be present, may do any thing which could be done by a meeting at which all the Directors were present, except such things as shall be required (as they may be) by the By-laws to be done at a meeting at which a larger number of the Directors, or all of them, shall be present.

Majority to decide.  
Casting vote.  
Ties.

Quorum of Directors.

XVI. The Stockholders of any Savings Bank established under this Act, may at any General Meeting make By-laws for the government of the Stockholders, Directors, Officers and Servants of the Bank and of the Depositors therein,—with respect to the mode of calling and holding General and Special Meetings of the Stockholders, and the notice to be given of such meetings and of the matters and things to be done or considered thereat,—the form of proxies and other matters relative to proxies,—the transfer of shares and the manner in which such transfer may be validly effected, and the manner in which the transmission of shares by bequest or intestacy, marriage, bankruptcy, or any other mode than formal transfers in the manner provided by such By-laws, shall be certified to the Bank before it shall be bound by such transmission,—the person who shall have the right of voting upon any share or shares held by minors, or other persons under legal disability to act for themselves,—the powers and duties to be exercised and performed by the Directors or by the President, or any of them, or by any Officer or Officers of the Bank,—the mode in which deeds and instruments intended to bind the Bank, and under its Corporate Seal, shall be executed on its behalf, and by whom the Corporate Seal shall be affixed thereto, and what instruments or documents shall bind the Bank without being under its Corporate Seal, the form thereof, and by whom they shall be signed or countersigned,—in what manner and subject to what conditions, moneys deposited in the Bank may be withdrawn by the Depositors, and under what circumstances and in what manner the Bank may require Depositors to withdraw such moneys, on pain of being allowed no interest thereon, after the time at which they shall be so required to withdraw the same; and generally for all and every purpose for which it may be requisite to make provision for the convenient management and carrying on of the affairs and business of the Bank, and with regard to which no express provision is made by this Act, or by the Instrument of Association of such Bank; and by any such By-law any power vested in the Bank, except the power of making By-laws, may be deputed to any President, Director or Officer thereof; and by any such By-law and penalty, not exceeding ten pounds, may be imposed for contravention thereof, and any penalty imposed by

Power to make By-laws for certain purposes.

Meetings.

Proxies.  
Transfer of Shares.

Shares of Minors.

Directors.

President.  
Officers.  
Deeds of the Corporation.

Deposits.

General purposes.

Deputing powers.

Imposing penalties.

any

any such By-law may, when incurred, be recovered by the Bank and to the use thereof, as a debt due to such Bank ; but no such By-laws shall be inconsistent with the provisions of this Act, or with the Instrument of Association of the Bank to which it shall relate, and so much of any By-law as shall be so inconsistent, shall be *ipso facto* null and void : and the Stockholders may at any General Meeting, amend, alter or repeal any By-law made at any former meeting, but the enactment, repeal or alteration of any By-law affecting Depositors, shall not apply to any deposit made before the passing thereof, or before it shall be published in the manner hereinafter described : Provided always, that a printed copy of By-laws then in force shall be kept constantly posted up in some conspicuous part of the office where deposits are received ; and no such By-law shall bind any person other than the Stockholders, Directors, Officers and Servants of the Bank as such, until it shall have been so posted up during at least one clear day.

Proviso.

Amending By-laws.

Proviso : copy of By-laws to be kept open.

By-laws, how proved.

XVII. Any copy of the By-laws of any Savings Bank established under this Act or of any of such By-laws, under the Seal of the Bank and the Signature of the President, or of any person authorized to affix such Seal thereto, shall be legal evidence of such By-laws or By-law ; and any copy of any such By-laws or By-law which shall be proved to have been compared with the copy thereof posted up as aforesaid, shall be *prima facie* evidence of such By-law or By-laws, when produced by any party other than the Bank.

Shares to be personalty, and how transferable, &c.

XVIII. The shares in the Stock of any Savings Bank under this Act shall be personal property, and transferable as such, and shall be transferable in such manner, and subject to such regulations as shall be provided by the Instrument of Association of the Bank or by the By-laws thereof ; and the owner of any share shall have the rights and liabilities of the original holder thereof ; but no share shall be divided, and if any share be held by several persons jointly, one of such persons shall be appointed by the others to vote thereon, receive dividends, and do all other things that may be required to be done in respect thereof, and his power to that effect shall be lodged with the Bank ; and the Bank shall not be bound to see to the execution of any Trust to which any share may be subject, or to the application of any money received by the Trustee in respect of such share, and the party holding a share on trust, shall, as regards the Bank, be deemed the owner thereof ; and it may be provided either by the Instrument of Association or by the By-laws, that no transfer shall take effect unless and until it be approved by the Directors of the Bank.

Shares held by more than one party.

Bank not bound to see to trusts.

Approval of transfers may be made requisite.

Liability of persons transferring Stock to continue for a certain time.

XIX. Notwithstanding the transfer of any share in the Stock of any Savings Bank established under this Act, the party transferring the same shall, nevertheless, remain responsible and liable in all respects as regards all liabilities of the Bank incurred before such transfer, to the same extent and in the same manner

manner to and in which he would have been responsible and liable if such transfer had not been made, provided legal proceedings shall be commenced to enforce such responsibility and liability within eighteen months from the date of such transfer, and saving always the recourse of the party transferring such share, against the party to whom it shall have been transferred, and the party to whom it shall be made, shall, by accepting the same, become subject to all the liabilities of the Shareholder transferring such share, in respect thereof.

Recourse of transferee saved.

XX. Each Shareholder in any Savings Bank established under this Act, shall be responsible and liable for the debts, obligations and liabilities of the Bank to the extent, and not beyond the extent, of the amount of his shares therein, less the amount actually paid in upon such shares; but in the event of the failure of the Bank, no more of the Capital Stock thereof shall be held to have been paid in within the meaning of this Section, than shall then be in the hands of the Receiver General, in money or Debentures, or both, reckoning such Debentures at par as aforesaid.

Extent of liability of Shareholders.

XXI. There shall be at all times posted up in the office or places where deposits in any Savings Bank established under this Act are received, a correct list of the Directors of and the Shareholders in the Bank, shewing their respective names, residences and additions, and the number and the amount of the shares held by each, and it shall be the duty of the Directors to cause such list to be corrected from time to time; and any Depositor shall be allowed to take or to have a copy of such list taken at any time during Office hours, and a copy of such list sworn to by any competent witness, shall be presumptive evidence of such list and of the facts therein stated.

Correct lists of Directors and Stockholders to be posted up in office of the Bank.

XXII. The books, accounts and papers of any Savings Bank established under this Act shall always be open to the inspection of the Receiver General, or of any person whom he shall depute to examine the same, and shall be kept in regular form, and according to some tried and approved plan, and the Receiver General may suggest any improvement in the mode of keeping the same, and the Directors of the Bank with respect to which such suggestion shall be made, shall adopt the same; and every such Bank shall, whenever thereunto required by the Receiver General, publish in such manner as he shall direct, a statement of its affairs, attested by the President or some one of the Directors of the Bank, or by some officer thereof cognizant of the facts, and shewing on the one hand the amount due by the Bank to Depositors for principal and the amount due to them for interest, distinguishing the several amounts so due to Depositors having deposited in the Bank respectively, under Fifty pounds,—Fifty pounds or over, but less than One hundred pounds,—Two hundred pounds or over, but less than Three hundred pounds,—Three hundred pounds or

Books, &c., of any Bank to be open to inspection of Receiver General, and regularly kept.

Statement to be published when required, by Receiver General, and what it shall shew.

Liabilities.

Assets.

over, but less than Four hundred pounds,—and Four hundred pounds or over, and the amount of any other claims on or debts due by the Bank ; and shewing on the other hand the amount deposited in the hands of the Receiver General, and the nature of the securities deposited for such part thereof, as is not money, the other securities held by the Bank, stating the amount of each kind so held, and reckoning them at par,—the amount deposited on call in any chartered Bank mentioning it,—the amount then accrued for interest on securities held by the Bank, and the amount on hand in money, including Bank notes.

Directors to take security from Officers of the Bank.

XXIII. The Directors of every Savings Bank established under this Act, shall require from every Officer or Servant of the Bank, ample and good security by Bond, executed by him jointly and severally with two or more sufficient sureties, and conditioned that such Officer or Servant will well and truly demean himself in office in all respects, and will faithfully account for and pay over or deliver up to the Directors, when called upon so to do, all moneys and securities for money, books, papers, documents and property of whatever nature or kind, belonging to the Bank, or which shall come into or be at any time in his hands as such Officer or Servant ; and such Bond shall be to the Bank in its corporate name, and shall and may, in case of any breach of the conditions thereof, be enforced against the parties thereto by the Directors in the name of the Bank.

Form of Bond.

Punishment of Officers of the Bank embezzling money, &c.

XXIV. All moneys or securities for money deposited in any Savings Bank established under this Act shall be held to be the property of the Bank, subject to the right of the depositor to receive back or recover the same or an equal amount in money ; and if any Officer or Servant of any such Bank shall at any time fraudulently embezzle any chattel, money or valuable security belonging to such Bank (and any unjustifiable refusal or failure to pay over or deliver up any such chattel, money or valuable security, on demand, to the Directors of the Bank, or to any person by them authorized to demand and receive the same, shall be held to be a fraudulent embezzlement thereof) he shall be deemed to have feloniously stolen the same, being the property of the Bank, and may be indicted and proceeded against, and being convicted thereof, shall be liable to be punished in the same manner as any servant who, having fraudulently embezzled any chattel, money or valuable security received or taken into his possession by virtue of his employment for or on account of his master, and being in law deemed to have feloniously stolen the same, may be indicted, proceeded against, and punished : Provided always, that nothing herein contained, nor the conviction or punishment of the offender shall prevent, lessen, or impair any remedy which the Bank or any other person or party would have had against such offender or his sureties, or against any other person or party whomsoever ; but nevertheless the conviction

Proviso : conviction not to impair civil-remedy against offender or his sureties.

conviction of any such offender shall not be received in evidence in any action or suit at law or in equity against him or his sureties.

XXV. Any Savings Bank established under this Act, may be closed before the time fixed for that purpose by the Instrument of Association, under a By-law to be passed for that purpose, with the concurrence of three fourths of the whole number of votes of the Stockholders therein, at a General Meeting called expressly and in the manner provided by the By-laws of the Bank, for the purpose of considering the propriety of closing the Bank, and the time at which the Bank shall be finally closed shall be fixed by such By-law, and shall be not less than one year from the passing thereof; and if any such By-law be passed, and also if no such By-law be passed, but the period for which such Bank is to continue according to the Instrument of Association be within one year of expiring, then in either case the Bank shall receive no further deposits, and the Directors shall give notice that the Bank will finally close on the day appointed for that purpose, and that no further deposits will be received, and shall by such notice require all depositors to withdraw their deposits on or before the commencement of the six months next before the day appointed for the final closing of the Bank, and all interest shall cease on any deposits which are not withdrawn pursuant to such notice; and the Directors shall proceed to convert all the securities held by the Bank into money, and to discharge all liabilities of the Bank, and finally to close all the business thereof, dividing the money which shall remain, after discharging all its liabilities, among the Stockholders, in proportions to their respective shares in the Stock of the Bank: and notwithstanding the arrival of the time which shall have been appointed for the final closing of the Bank, the Directors in office at the time shall remain in office as Trustees, to complete and close the business of the Bank, and they or their survivors or survivor shall as such Trustees have, for that purpose only, all the powers hereby vested in the Directors, and such powers may be exercised by any majority of them or of the survivors of them, and the Receiver General, being satisfied that all the liabilities of the Bank have been discharged, or that such as are undischarged amount only to a certain sum, may deliver up to the Directors or Trustees, the money or debentures in his hands and belonging to the Bank, or such amount thereof as will leave in his hands no more than the amount of such undischarged debts.

Provision for winding up the affairs of any Savings Bank and closing the same.

General Meeting for considering of such closing

Expiration of term of Association.

Notice that no further Deposits will be received, &c.

Conversion of securities into money.

Directors to remain as Trustees for winding up affairs.

Delivery of securities in hands of Receiver General.

XXVI. Any failure on the part of any Savings Bank established under this Act to meet its engagements to or with regard to any depositor, shall have, to all intents and purposes, the same effect as regards the closing of the Bank and the other proceedings to be had under the next preceding Section and the powers and duties of the Directors, as if a By-law had been passed

Provision for the case of the failure of any Savings Bank, and what shall be deemed such a failure.

Duty of Receiver General in such case.

passed in the manner required by the said Section, providing for the closing of the Bank at the end of one year from the day on which such failure shall take place, and the Directors shall act accordingly; and in such case it shall be the duty of the Receiver General, and he shall have full power and authority to cause the moneys or securities in his hands and belonging to the Bank, and the interest thereon, to be applied solely to the payment of the sums due to depositors in the Bank in equal proportions, and for this purpose he may sell, dispose of, and convert into money any of the said securities, and if he shall see fit to deliver any of such moneys or securities to the Directors of the Bank for the purpose of being applied as aforesaid, he shall cause good and sufficient security to be given by Bond to Her Majesty, that such moneys or securities shall be faithfully so applied, and upon any breach of the condition of the said Bond, the same shall be enforced on behalf of the Crown, and the sum recovered shall be applied first in aid of the funds of the Bank to pay the claims of depositors therein, and the remainder to the public uses of the Province.

Directors contravening this Act to be jointly and severally liable for all damages

XXVII. If the Directors of any Savings Bank established under this Act shall wilfully or knowingly commit, or cause or allow to be committed, any contravention of this Act, or shall be guilty of any neglect of the duties hereby imposed on them, the Directors then in office shall (in addition to any other penalty or liability they may thereby incur) be jointly and severally responsible and liable for any loss or damage which any depositor or other person may sustain, by reason of such contravention or neglect of duty, saving always the recourse of any of the said Directors who shall not have participated in such contravention or neglect of duty, against those who have so participated, or any of them.

Officers, &c., to be competent witnesses, unless otherwise disqualified.

XXVIII. Any officer or servant of any Savings Bank established under this Act, or any Stockholder thereof, shall be a competent witness in any suit, action or proceeding by or against such Bank or under this Act, provided he be not otherwise incompetent.

Service of process, &c., on a Savings Bank.

XXIX. Service of process or of any notice or other document on any Savings Bank established under this Act, may be validly made by leaving a duly certified copy thereof, with any Director or Officer of the Bank or any grown person in the employ of the Bank, at the place at which its business is carried on, except only in cases where, from the nature of the process, notice or document, service thereof ought to be made on some particular Member or Officer of the Corporation in person; but any process, notice, or document which, in the case of a private party, might be validly transmitted to such party by mail, may, with like effect, be transmitted by mail to such Bank by its corporate name, addressed to its place of business as aforesaid.



XXX. The validity of any thing done by the Directors of any Savings Bank established under this Act or any of them, shall not be affected by any irregularity or invalidity in the election or appointment of the Directors or any of them, provided such thing be done before such irregularity or invalidity shall have been declared by some competent tribunal, and the office of such Director or Directors declared vacant.

Irregularity in election, &c., not to invalidate acts of Directors.

XXXI. Nothing in this Act shall be construed to give any Savings Bank, established under it, the right of issuing Bank Notes, or of carrying on the business of Banking, or any kind of business whatever, except such as is expressly authorized by this Act or belongs legitimately to the operations of a Savings Bank, but no such Bank shall be bound to receive or to retain any money offered in deposit, or deposited by any person, if the Directors shall think proper to refuse to receive or to retain the same.

Business of Bank to be strictly that authorized by this Act.

XXXII. No Savings Bank established under the provisions of the Act herein first above cited and repealed, in operation, at the time this Act shall come into force, shall be bound by the provisions of this Act; and the Act first above cited and repealed shall continue in force seven years from the passing of this Act, as regards every such Bank which shall not avail itself of the provisions of this Act in the manner hereinafter mentioned; Provided always, that if the Trustees of any such Bank as aforesaid, in office at the time when this Act shall come into force, or any majority of them either alone or jointly with any other person or persons, shall, with the consent of three fourths of the depositors in the said Bank, such consent to be given monthly by vote at a meeting called for that purpose, or by the signature of each depositor, and within six months after this Act shall come into force, execute an instrument of Association under the provisions of this Act, agreeing thereby to continue and carry on the said Bank as a Savings Bank under this Act, by the name which it bore under the Act hereby repealed, and to assume all the liabilities of the said Bank of what kind soever, and shall comply with all the requirements of this Act, (except as hereinafter provided with regard to the conversion of the securities then held by such Bank into such securities as may be held by a Savings Bank under this Act), then the Trustees and other parties who shall execute such Instrument of Association, and their successors, shall by the name so taken be a Corporation and Savings Bank under this Act, to all intents and purposes whatsoever, and subject to all the provisions thereof, and all the property and claims to property of the Savings Bank established as aforesaid under the Act hereby repealed, shall be transferred to and vested in the said Corporation and Savings Bank established under this Act, which shall be held to be one and the same with the Savings Bank established under the Act hereby repealed, and shall be subject

Provisions as to Savings Banks established under the Act hereby repealed.

Proviso: Trustees of any such Bank may execute an Instrument of Association and take advantage of this Act.

Proviso:  
Limitation as  
to securities  
not to apply  
to such Bank  
during one  
year.

Proviso:  
Surplus funds  
to be divided  
among Depo-  
sitors.

And if not  
claimed.

Governor may  
appoint an  
Inspector or  
Inspectors of  
Savings  
Banks.  
Their duties.

Report to the  
Governor if  
any contra-  
vention of the  
Law be dis-  
covered.

Order upon  
such Report.

Penalty for  
contravening  
such order.

to all the liabilities thereof; Provided always, that the provisions of this Act limiting the securities which a Savings Bank established under it may lawfully hold, shall not, during one year from the time this Act shall come into force, apply to any Savings Bank continued under this Section, but such Bank shall have the said year or such longer period as the Governor in Council shall by order in Council allow to convert its securities into money or such securities as may be lawfully held by a Savings Bank under this Act: And provided always, that any existing Savings Bank which shall take advantage of this Act, shall after converting the assets of such institution into such securities as are required by this Act, divide any surplus they may have of such assets beyond the liabilities of such Savings Bank, amongst the depositors in such Savings Bank at the time of the passing of this Act, and all other persons who have been depositors in the said Bank, in proportion to the amounts respectively deposited by them in such Bank; and such portions of the said surplus so divided as shall not be claimed within three years from the passing of this Act, by the parties entitled thereto, shall be distributed amongst such charitable institutions as the Directors may select for that purpose.

**XXXIII.** The Governor may appoint an Inspector or Inspectors of Savings Banks, who shall have all the powers of Commissioners for inquiring into matters connected with the public business, and may examine any party under oath to be administered by any Commissioner: and it shall be the duty of each Inspector to visit each Savings Bank in that portion of the Province which shall be assigned to him, at least twice in each year, and to examine thoroughly the state of its affairs, for which purpose those in charge of the books and papers of the Bank shall allow him free access thereto, and all information which he may require; and if any Inspector shall find that the provisions of this Act (or of the Act cited in the first section if the Bank be subject to that Act) have been contravened by or in respect of any Bank, or if the state of its affairs shall be such as to endanger in the opinion of the Inspector the safety of the Depositors, or if any necessary information be refused him, he shall report the facts to the Governor, who shall by Order in Council, forbid the receiving of any further deposits by such Bank after the publication of such order in the *Canada Gazette*; and the Governor by any Order in Council, may either remove the prohibition to receive deposits, or confirm the same and order the affairs of the Bank to be wound up, in which latter case the Bank shall receive no more deposits, and shall be closed and otherwise dealt with in the manner provided in this Act, for winding up the affairs of any Bank established, under this Act: and if any deposit be received after the publication of such Order in Council forbidding the receiving of deposits, every Director and Trustee of the Bank shall be personally liable to the Depositors for the principal and interest of such deposit, unless he shall have protested against the receiving of deposits and

and published such protest in some newspaper published in or near the Bank's place of business, within forty-eight hours after the date of the publishing of the Order in Council not to receive deposits.

XXXIV. The Parliament of this Province may amend this Act in any way, or make any further provision for enforcing its enactments, without its being deemed an infringement of the rights of any Savings Bank established under it or of the Stockholders therein.

Parliament may amend this Act, &c.

XXXV. Nothing in this Act shall apply to the Montreal Provident and Savings Bank, and the Act herein first above cited shall remain in force as regards the said Bank, except in so far as it may have been altered or affected by other Acts specially relating to the said Bank.

Montreal Provident and Savings Bank not affected by this Act.

## C A P . X C V I I .

An Act to regulate proceedings in Appeals from the decisions of Justices of the Peace in Summary Convictions.

[Assented to 30th May, 1855.]

**W**HEREAS it is necessary with a view to prevent frivolous appeals from the decisions of Justices of the Peace in matters connected with summary convictions, further to regulate the proceedings on appeals from the decisions of Justices of the Peace in cases of summary convictions: 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, as follows:

Preamble.

I. In any appeal to a Superior Court from the conviction, judgment or decision given by any one or more Justices of the Peace under the provisions of an Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to summary convictions and orders*, no judgment shall be given in favour of the appellant if the appeal be based on an objection to any information, complaint or summons or to any Warrant to apprehend a defendant, issued upon any such information or complaint for any alleged defect therein in substance or in form, or for any variance between such information, complaint, summons or warrant and the evidence adduced on the part of the informant

In appeals under 14 & 15 V. c. 95, judgment shall not be given for Appellant on technical objections not urged before the Justice whose judgment is appealed from, and overruled by him.

informant or complainant at the hearing of such information or complaint, unless it shall be proved before such Superior Court that such objection was made before the Justice or Justices of the Peace before whom the case was tried and by whom such conviction, judgment or decision was given, nor unless it be proved that notwithstanding it was shewn to such Justice or Justices of the Peace that by such variance the person summoned and appearing or apprehended, had been deceived or misled, such Justice or Justices had refused to adjourn the hearing of the case to some further day as provided in and by the said Act.

Costs in appeal and on *certiorari* to be in the discretion of the Court.

II. The Court to which an appeal shall be made from the conviction, judgment or decision of any Justice or Justices of the Peace in cases of summary convictions or into which any case shall be removed by Writ of *Certiorari*, may or may not, in its discretion, award costs to the party in whose favour judgment shall have been given, or against the party appealing; any law to the contrary in any wise notwithstanding.

Extent of Act. III. This Act shall apply to Lower Canada only.

## C A P. X C V I I I.

An Act to provide temporarily for the payment of Petty Jurors in Lower Canada, and to make better provisions for the payment of certain judicial officers in that part of the Province.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS a considerable time must necessarily elapse before it will be possible to enact and bring into operation in Lower Canada a system of Judicature founded upon a principle of more extended decentralization, by which a large proportion of the expenses and inconvenience attending the existing system might be avoided, and it is therefore expedient to remedy one of the greatest evils arising out of the present system, by making temporary provisions for the payment of persons summoned to attend as Petty Jurors at the Courts of Criminal Jurisdiction, from places remote from those at which the sittings of such Courts are held; And whereas it would not be right to charge the County Municipalities with the expenses incurred in the prosecution of offences, the greater portion of which is committed in, or in the neighbourhood of, the large Towns and Cities where the Courts now sit: 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*

the Government of Canada, and it is hereby enacted by the authority of the same, as follows :

I. A sum not exceeding five shillings shall be paid by the Sheriffs of the respective Districts of Lower Canada, to each and every person who shall serve as a Petty Juror before any Court of Criminal Jurisdiction, for every day he shall by reason of his being such Juror, be necessarily absent from his usual place of abode ; except that no such remuneration shall be granted to any Petty Juror whose usual residence is situate within the limits of the City, Town or Village in which the Court is held.

Five shillings a day allowed to Petty Jurors of Criminal Courts.

Except Jurors residing where the Court is held.

II. Sums not amounting in the whole to more than Five thousand pounds currency, may be advanced to the said Sheriffs respectively, by warrant of the Governor, out of the Consolidated Revenue Fund of this Province, in such proportion and at such times as to the Governor in Council shall seem fit, for the purpose of enabling the said Sheriffs to pay the allowance to Petty Jurors authorized by the next preceding Section.

Advances to Sheriffs to pay the said allowance.

III. Separate accounts shall be kept of all moneys disbursed under the preceding sections of this Act, to the end that an equal sum may be appropriated by Parliament for the several City and County Municipalities in Upper Canada, for the general purposes of such Municipalities, and to be divided among them in proportion to their population by the last Census.

An equal sum to be allowed to U. C.

IV. And whereas it is expedient further to amend the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to assign fixed Annual Salaries to certain Officers of Justice in Lower Canada, and to form a Special Fund out of the Salaries, Fees, Emoluments and Pecuniary Profits attached to their Offices*, and the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to amend the Acts assigning fixed Annual Salaries in lieu of Fees, to certain Officers of Justices in Lower Canada*, so that the provisions of the said Acts may apply to certain Judicial Officers in the Districts of Gaspé, Kamouraska and Ottawa, and to increase the Fund created by the said Act, so that it may be sufficient to permit more adequate Salaries to be paid out of it to the Officers hereinafter mentioned : Be it therefore enacted, that the salaries, fees, emoluments and pecuniary profits attached to the Offices hereinafter mentioned connected with the administration of justice in the Districts of Gaspé, Kamouraska and Ottawa in Lower Canada, to wit, the offices of Sheriff, Prothonotary, Clerk of the Crown and Clerk of the Peace, of those Districts, and of Clerk of the Circuit Court of the Percé, New Carlisle, Kamouraska and Ottawa Circuits, Crier, Assistant Crier or Tipstaff of the Circuit Court in any District, shall form part of the *Officers of Justice Fee Fund*, created by the Acts above mentioned, in like manner as the salaries, fees, emolument,

13 & 14 V. c. 37.

16 V. c. 196.

Fees of Judicial Officers to form part of the *Officers of Justice Fee Fund*.

emolument and pecuniary profits attached to the offices in the said Acts mentioned.

Governor  
empowered  
to increase the  
Salaries of  
certain Judi-  
cial Officers,  
within certain  
limits.

V. It shall be lawful for the Governor to assign from time to time to the several officers hereinafter mentioned, annual and fixed salaries not exceeding the amounts hereinafter limited with respect to the said officers respectively, and to be reckoned from the first day of January, one thousand eight hundred and fifty-five; which salaries it shall also be lawful for the Governor to modify from time to time in any case or cases, subject to the limitation aforesaid, that is to say:

IN THE COURT OF QUEEN'S BENCH.

To the Clerk of the Court, called the Clerk of Appeals, a sum not exceeding three hundred pounds currency, yearly.

IN THE DISTRICT OF QUEBEC.

To the Sheriff, a sum not exceeding six hundred pounds currency, yearly.

To the Prothonotary of the Superior Court, a sum not exceeding seven hundred and fifty pounds currency, yearly.

To the Clerk of the Circuit Court, of the Quebec Circuit, a sum not exceeding four hundred pounds currency, yearly.

To the Clerk of the Crown, a sum not exceeding three hundred pounds currency, yearly.

To the Clerk of the Peace, a sum not exceeding five hundred pounds currency, yearly.

IN THE DISTRICT OF MONTREAL.

To the Sheriff, a sum not exceeding six hundred pounds currency, yearly.

To the Prothonotary of the Superior Court, a sum not exceeding seven hundred and fifty pounds currency, yearly.

To the Clerk of the Circuit Court of the Montreal Circuit, a sum not exceeding four hundred pounds currency, yearly.

To the Clerk of the Crown, a sum not exceeding three hundred pounds currency, yearly.

To the Clerk of the Peace, a sum not exceeding five hundred pounds currency, yearly.

## IN THE DISTRICT OF THREE-RIVERS.

To the Sheriff, a sum not exceeding five hundred pounds currency, yearly.

To the Prothonotary of the Superior Court, a sum not exceeding four hundred pounds currency, yearly.

To the Clerk of the Circuit Court of the Three-Rivers Circuit, a sum not exceeding fifty pounds currency, yearly.

*But see the French version which is correct.*

To the Clerk of the Peace, a sum not exceeding three hundred pounds, yearly.

## IN THE DISTRICT OF ST. FRANCIS.

To the Sheriff a sum not exceeding three hundred pounds currency, yearly.

To the Prothonotary of the Superior Court, a sum not exceeding three hundred and fifty pounds currency, yearly.

To the Clerk of the Circuit Court, of the Sherbrooke Circuit, a sum not exceeding one hundred and fifty pounds currency, yearly.

To the Clerk of the Crown, a sum not exceeding fifty pounds currency, yearly.

To the Clerk of the Peace, a sum not exceeding one hundred and fifty pounds currency, yearly.

## IN THE DISTRICT OF KAMOURASKA.

The Sheriff, a sum not exceeding two hundred and fifty pounds currency ;

The Prothonotary or Clerk of the Superior Court, a sum not exceeding two hundred pounds currency ;

The Clerk of the Circuit Court, for the Circuit called "The Kamouraska Circuit," a sum not exceeding one hundred pounds currency ;

The Clerk of the Crown, a sum not exceeding fifty pounds currency ;

The Clerk of the Peace, a sum not exceeding one hundred and fifty pounds currency.

## IN THE DISTRICT OF OTTAWA.

The Sheriff, a sum not exceeding two hundred and fifty pounds currency ;

The Prothonotary or Clerk of the Superior Court, a sum not exceeding one hundred and twenty-five pounds currency ;

The Clerk of the Circuit Court, for the Circuit called "The Ottawa Circuit," a sum not exceeding one hundred pounds currency ;

The Clerk of the Crown, a sum not exceeding fifty pounds currency ;

The Clerk of the Peace, a sum not exceeding one hundred and fifty pounds currency.

## IN THE DISTRICT OF GASPÉ.

The Sheriff, a sum not exceeding two hundred and fifty pounds currency ;

The Prothonotary or Clerk of the Superior Court, a sum not exceeding one hundred and twenty-five pounds currency ;

Each of the Clerks of the Circuit Courts in the Circuits called respectively "The Percé Circuit" and "New Carlisle Circuit," a sum not exceeding fifty pounds currency ;

The Clerk of the Crown, a sum not exceeding twenty-five pounds currency ;

The Clerk of the Peace, a sum not exceeding fifty pounds currency.

Proviso where certain offices are held by two or more conjointly.

Provided always, that whenever any one of the Offices herein-after mentioned shall be held by two or more persons conjointly, it shall be lawful for the Governor to add to the salary which he is hereinbefore empowered to grant for such Office from the first day of January, one thousand eight hundred and fifty-five, a further sum not exceeding those hereinafter limited, that is to say :

## IN THE DISTRICT OF QUEBEC.

To the Office of Prothonotary or Clerk of the Superior Court, a sum not exceeding three hundred pounds, yearly ;

To the Office of Clerk of the Court of the Quebec Circuit, a sum not exceeding one hundred pounds, yearly ;

To



To the Office of Clerk of the Peace, a sum not exceeding two hundred pounds, yearly.

IN THE DISTRICT OF MONTREAL.

To the office of Prothonotary or Clerk of the Superior Court, a sum not exceeding three hundred pounds currency, yearly. *But see the French version which is correct.*

To the office of Clerk of the Circuit Court of the Montreal Circuit, a sum not exceeding one hundred pounds currency, yearly.

To the office of Clerk of the Peace, a sum not exceeding two hundred pounds currency, yearly. *See French.*

VI. It shall be lawful for the Governor from time to time to diminish or increase the salaries of the High Constables, Criers, Assistant Criers, Tipstaffs, Gaolers, Turnkeys and Court House Keepers attached to any of the Courts aforesaid; provided no such salary shall in any case exceed the sum of two hundred and fifty pounds, yearly. *Government may increase the Salaries of Criers, &c. Limitation.*

VII. So much of the Acts last above cited or either of them, as fixes or limits the yearly salary or allowance to be granted to any officer to whom a salary or allowance is authorized by this Act, or as may be in any wise inconsistent with or repugnant to this Act, or makes any provision for any matter otherwise provided for in this Act, shall be and is hereby repealed; but nothing herein shall be construed to repeal the authority given to the Governor in Council by the third section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to amend the Act substituting Salaries for Fees in certain cases in Lower Canada*, to grant an allowance to the Officers therein mentioned, for collecting the tax imposed for defraying the cost of erection or construction of Gaols and Court Houses at certain places; and all the provisions of the Act last mentioned and of the Acts hereinbefore cited shall apply to the salaries to be fixed under this Act and to all matters to be done under the authority thereof, in so far as they may not be inconsistent with the provisions of this Act. *Inconsistent enactments repealed. 14 & 15 V. c. 17. Provisions of former Acts to apply when not inconsistent.*

VIII. And whereas it is expedient to render the said Officers of Justices Fee Fund as nearly as practicable adequate to the payment of the salaries of all the Officers connected with the administration of Justice in Lower Canada, which are to be provided for under the authority of the aforesaid Act and of this Act: Be it therefore enacted, that so much of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the Laws relative to the Courts of Original Civil Jurisdiction in Lower Canada*, as enables the Judges of the Superior Court for Lower Canada to establish a Tariff of the fees to be paid to the Prothonotaries *Recital. Provision of 12 V. c. 38, enabling Judges to make Tariff of Fees for cer-*

tain Officers repealed, and Governor in Council empowered to make such Tariff.

Prothonotaries of that Court and to the Clerks of the Circuits of Lower Canada, shall be and is hereby repealed; and it shall be lawful for the Governor in Council to repeal, alter or amend any such Tariff now existing, and hereafter to exercise as regards the making, altering and amending the Tariff of fees for the said Officers, all the powers given to the said Judges in and by the said Act; but any such Tariff now in force shall remain in force until so repealed, altered or amended by the Governor in Council.

Accounting clause.

IX. The due application of all moneys paid under this Act out of the Consolidated Revenue Fund of this Province, shall be accounted for to Her Majesty, Her Heirs and Successors in such manner and form as they shall direct, and an account thereof shall be laid before each House of the Provincial Parliament at the then next Session thereof.

## C A P . X C I X .

An Act to establish a Registry Office in and for each Electoral County in Lower Canada.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it is desirable that the Territorial Divisions of Lower Canada should, so far as may be practicable, be the same for Electoral, Municipal and Registration purposes: 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, as follows:

Each Electoral County to be proclaimed a County for Registration when the Council shall have provided at the place where its sittings are held, a proper place for a Registry Office.

I. So soon as the Municipal Council of any Electoral County shall have fixed the place at which the Sittings of such Council shall be held, and shall have provided thereat a proper place for the County Registry Office, with a sufficient Metal Safe or fire-proof Vault for the safe keeping of the books and papers thereof, the Warden of the County shall represent the same to the Governor, and upon the report of the Attorney or Solicitor General that the foregoing requirements have been complied with, the Governor shall, by Proclamation, declare the same, and such Electoral County shall be a County for Registration purposes under this Act, upon and after a day to be named in such Proclamation.

On such Proclamation the County to be

II. Upon and after the day named in such Proclamation, the Electoral County to which it refers, shall be a County for all the purposes of the Ordinance of the Governor and Special Council

Council for the affairs of Lower Canada, passed in the fourth year of Her Majesty's reign, and intituled, *An Ordinance to prescribe and regulate the Registration of Titles to lands, tenements and hereditaments, real and immovable estates, and of charges and incumbrances on the same, and for the alteration and improvement of the law in certain particulars in relation to the alienation and hypothecation of real estates, and the rights and interest-acquired therein*, and of the Acts amending the same, and a Registry Office shall be kept for the purposes thereof in and for the said Electoral County at the place therein so provided as aforesaid, in which Office the Registration of all Deeds, Instruments and Documents affecting real property situate within such Electoral County shall be made, and all other things provided for by the said Ordinance and Acts, and having respect to such real property, shall be done: except only in so far as it is otherwise hereinafter provided.

a County for all the purposes of 4 V. c. 30.

Registry Office to be kept therein.

III. If there be already a Registry Office within such Electoral County, but it be not kept at the place so appointed and provided as aforesaid, it shall on and after the day so named be removed thereto and kept thereat, and shall thereafter be the Registry Office of such Electoral County, and the Registrar by whom it shall theretofore have been kept, shall, by virtue of this Act, be the Registrar of such Electoral County, but subject to be removed from office in like manner as other Registrars; and if there be no Registry Office in such Electoral County, a Registrar shall be appointed therefor, and shall keep his Office at the place so appointed and provided as aforesaid.

Removal of Registry Office if it be not at the proper place.

Registrar to remain.

Appointment of Registrar if there be none.

IV. If there be in any territory now forming a Registration County or Division, and the Registry Office for which shall, under this Act, become that of an Electoral County, any place not included in such Electoral County or in any other Electoral County having become a Registration County under this Act, such Registry Office shall nevertheless remain, as theretofore, the Registry Office for such place, until the Electoral County in which it lies shall become a Registration County under this Act, but no longer; and generally, the present Registry Office for any place shall continue to be the Registry Office for such place, until some other shall, under this Act, become the Registry Office therefor.

Present Registry Office of any place to continue so until another is appointed under this Act.

V. If in any Electoral County becoming a Registration County under this Act, there be more than one Registry Office, that one of them which shall be at or nearest to the place where the Sittings of the Municipal Council of the County shall be held, shall be the Registry Office for such Electoral County, when it becomes a Registration County under this Act, subject to removal to the place where the Sittings of the said Council are held, if it be not already kept there; and any other Registry Office therein shall be removed to such place as the Governor shall direct in the Electoral County in which the

Provision if there be more than one Registry Office in an Electoral County becoming a Registration County under this Act.

greater

greater part of the territory for which it remains the Registry Office shall lie, until such Electoral County shall become a Registration County under this Act, when it shall be kept at the place where the Sitings of the Municipal Council thereof shall be held, as hereinbefore provided.

Registrars to continue in office and Bonds given by them to remain valid notwithstanding any change in the place of the Office.

VI. Notwithstanding any change made in the name or limits of any Registration Division by this Act, or the removal of the Registry Office thereof, the Registrar by whom such Registry Office shall be kept at the time of such change or removal, shall, without any new commission or appointment, be the Registrar of the Registration County of which such Registry Office shall be the Registry Office under this Act, and shall be called and known as the Registrar of such County, and any Bond or security he may have given, as a Registrar, shall remain in full force, and shall apply as fully to his acts and defaults after as before such change or removal; but this shall not be construed to prevent the Governor from removing any such Registrar, or making any new appointment, or requiring any new security, if he shall think proper so to do.

Not to prevent appointment of new Registrar, &c.

County Municipality to keep the Vault or Safe in the Registry Office of the County in good repair, and to be liable for damages from default so to do and to a penalty.

VII. It shall be the duty of the Municipality of each Registration County or Division to provide and keep constantly in thoroughly efficient repair in the Registry Office of such County or Division, a proper and sufficient Metal Safe or Fire-proof Vault, for the safe keeping of the Books and Papers of such Office; and for any failure so to do such Municipality shall forfeit to the Crown for the public uses of the Province, the sum of fifty pounds currency, to be recovered as a debt due to the Crown; and the Municipality shall further be liable for all damages which may be sustained by any person by reason of such failure: And the Governor may appoint proper persons to inspect such Registry Offices, Safes and Vaults from time to time, and if any Registry Office shall be found unprovided with such Safe or Vault, or the Safe or Vault therein shall be found deficient, he may direct the Municipality to be sued for the said penalty, and may cause a proper Safe to be placed or a proper Vault to be erected in such Registry Office, or the Safe or Vault to be renewed or repaired, as the case may require, and the cost thereby incurred to be paid out of the Public Moneys: and the sum so paid shall be recovered from the Municipality as a debt due to the Crown; and if there be more than one Municipality in such Registration County or Division, such penalty or cost may be recovered from any one of them, saving the recourse thereof against the other or others; and such penalty or cost may be recovered from any Municipality of which the major part shall be within such Registration County or Division, saving the recourse of such Municipality against any other whereof any part may be within such Registration County or Division.

Inspection of such Vaults and recovery of penalty.

VIII. Whenever the Municipal Council of any Electoral County or locality which shall have become a Registration County under this Act, shall have provided funds for paying the necessary expense, such Council may require any Registrar in whose office there shall be registered any deed, instrument or document affecting real property in such Registration County, to furnish the Registrar of such Registration County with copies thereof and of all entries relative thereto, or of such abstract of such registered documents as may be desired, certified by such other Registrar and fairly transcribed in regular order in properly bound books to be furnished by the Municipality of such Registration County, which such other Registrar shall be bound to do, being paid therefor, out of the funds to be furnished as aforesaid, at the rate of four pence currency for every hundred words in such copy, or such less rate as such other Registrar and such Municipal Council shall agree upon; and the Registrar of such Registration County may and shall thereafter grant copies of, extracts from, or make searches and grant certificates, and perform all other official acts with respect to such deeds, instruments, documents or entries, as he might do and would be bound to do if the same had been originally registered and made in his Registry Office, and demand and take the like fees therefor; and such copies, extracts, certificates and acts shall *prima facie* avail for all purposes as if granted and performed by the Registrar having the custody of the original books, entries and documents to which they relate, saving the right of any party to prove error therein, and the recourse of all parties against such other Registrar as aforesaid, if the error be in the copies furnished by him to the Registrar of such Registration County under this Act.

Municipal Council may require transcript of papers affecting property within the County from the Registrars of former Counties, on paying for the same at a certain rate.

Use of such transcripts.

Recourse of parties for any error.

IX. The Registrar having the custody of the original books in which any deed, instrument or document may have been or might have been registered, may and shall grant copies thereof and extracts therefrom, and make searches and give certificates in respect thereof (on payment of the proper fees,) notwithstanding the place in which the real property to which the same relates is situate may no longer be within the limits of that for which he is the Registrar, and notwithstanding he may have furnished copies of such deeds, instruments or documents to some other Registrar under the next preceding Section, and with the same legal effect as if he were still the Registrar for the place in which such real property as aforesaid is situate; and until such copies as are mentioned in the next preceding Section are furnished to the Registrar of the proper Registration County as therein provided, all documents evidencing the discharge of any hypothec or other incumbrance or charge on any real property in such Registration County, may be registered in the Registry Office in which the deed, instrument or document creating such hypothec, incumbrance or charge was originally registered; but if such copies as aforesaid have been

Registrar having custody of any document may grant copies &c., although the Land to which it relates is no longer in his Division.

Where documents evidencing discharge of hypothecs, shall be registered.

so furnished to the Registrar of the proper Registration County, then such discharge shall be registered in his Office.

Except where the contrary is provided, every Electoral County to be a Registration County.

X. Except as hereinafter provided, every County in Lower Canada mentioned and described in the Parliamentary Representation Act of 1853, as amended by the Parliamentary Representation Amendment Act of 1855, shall be an Electoral County for the purposes of this Act, with the boundaries assigned to it by the said Act or Acts.

Exceptions.

Magdalen Islands.

Ste. Anne des Monts and Cap-Chat.

XI. Provided always, that for the purposes of this Act the Magdalen Islands in the Gulf of St. Lawrence, shall not be held to be within the County of Gaspé; and the settlements of Ste. Anne des Monts and Cap-Chat as they are now bounded as a separate Municipality under the Act twelfth Victoria, chapter one hundred and twenty-six, shall not be held to be within the County of Gaspé; And provided also that for the purposes of this Act:—

Quebec.

1. The City of Quebec and the Electoral County of Quebec shall together form one Registration Division only, shall be dealt with as one Registration County under this Act, and shall be known as the Registration Division of Quebec; and the Registry Office for the said Division shall be kept at the City of Quebec;

Montreal.

2. The City of Montreal and the Electoral Counties of Jacques Cartier and Hochelaga shall together form one Registration Division only, shall be dealt with as one Registration County under this Act, and shall be known as the Registration Division of Montreal; and the Registry Office for the said Division shall be kept at the City of Montreal;

Three-Rivers

3. The Town of Three-Rivers and the Electoral County of St. Maurice shall together form one Registration Division only, shall be dealt with as one Registration County under this Act, and shall be known as the Registration Division of Three-Rivers; and the Registry Office for the said Division shall be kept at the Town of Three-Rivers;

Sherbrooke.

4. The Town of Sherbrooke as described in the said Parliamentary Representation Act of 1853, including the Townships of Ascot and Oxford, shall together with the Township of Compton form one Registration Division only, shall be dealt with as one Registration County under this Act, and shall be known as the Registration Division of Sherbrooke; and the Registry office of the said Division shall be kept at the Town of Sherbrooke;

5. The County of Compton shall not, for the purposes of this Act, include the Township of Compton, and the remaining part of the said County shall, for the said purposes, be dealt with as an Electoral County ;

County of Compton.

6. The Island of Orleans shall, for the purposes of this Act, be dealt with as a separate Electoral County, and shall be known as the Registration Division of the Island of Orleans ;

Island of Orleans.

7. That part of the County of Montmorency which lies on the north Shore of the River St. Lawrence shall, for the purposes of this Act, be dealt with as a separate Electoral County, and shall be known as the Registration Division of the County of Montmorency.

Remainder of Montmorency.

XII. The Magdalen Islands, in the Gulf of St. Lawrence, shall, for the purposes of this Act only, be considered and dealt with as if they formed an Electoral County and the Port of Amherst had been appointed the place for holding the sittings of the Municipal Council of the County ; and for the purposes of this Act other than that of appointing the said place of sitting, the Municipal Council of the said Magdalen Islands shall be substituted for the County Council, with the same powers and obligations ; and so soon as the Governor shall be satisfied that a proper Metal Safe or Vault has been provided by the said Municipal Council for the safe keeping of the books and papers of a Registry Office, a Proclamation may issue reciting the fact and declaring the said Magdalen Islands a Registration Division under this Act, and a Registrar may be appointed therefor, to keep his Office at the place so provided at the Port of Amherst aforesaid.

Magdalen Islands to be a Registration Division when a proper Office is provided.

XIII. The settlements of Ste. Anne des Monts and Cap-Chat, bounded as aforesaid, shall for the purposes of this Act only, be considered and dealt with as if they formed an Electoral County, and the Village of Ste. Anne des Monts had been appointed the place for holding the Sittings of the Municipal Council thereof : and for the purposes of this Act other than that of appointing the said place of sitting, the Municipal Council of the said settlement shall be substituted for the County Council with the same powers and obligations ; and so soon as the Governor shall be satisfied that a proper Metal Safe or Vault have been provided by the said Municipal Council for the safe keeping of the Books and Papers of a Registry Office, a Proclamation may issue reciting the fact and declaring the said settlements a Registration Division under this Act, and a Registrar may be appointed therefor to keep his Office at the Village of *Ste. Anne des Monts* aforesaid.

Ste. Anne des Monts and Cap-Chat to be a Registration Division when a proper Registry Office is provided.

XIV. The expression " Electoral County " or " Registration County," when used in this Act as signifying a Registration Division, shall include and apply to any Registration Division

Interpretation clause.

under this Act, whether formed of more than one County or of only part of a County, or otherwise howsoever; and the Municipal Council or Councils of such Registration Division shall be held to be included when the Municipal Council of an Electoral or Registration County is mentioned, unless there is something in the context inconsistent with such interpretation; and if in any case it be doubtful where the Registry Office of any Registration Division is to be kept, the Governor shall fix the place by the Proclamation establishing such Division.

## C A P . C .

## Lower Canada Municipal and Road Act of 1855.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it is necessary to reform the Municipal and Road system of Lower Canada, and to establish therein County, Parish, Township, Town and Village Municipalities: 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 as follows:

Commencement of Act.

I. That this Act shall come into force on the first day of July, one thousand eight hundred and fifty-five, and not before.

Extent of Act.

II. This Act shall apply to Lower Canada only.

Act not to apply to certain works unless ceded to Municipalities;

III. This Act shall not apply to Roads or Bridges under the control of the Commissioners of Public Works, unless and until the same shall be relinquished to the Municipal Authorities; nor to Roads in possession of any individual proprietor or Company under any Act or By-law:

But shall apply after such cession.

2. But whenever any Road or Bridge theretofore under the control of the Commissioners of Public Works, or of any Trustees or other like authority, or of any incorporated Company or individual proprietor, shall cease to be under such control, such Road or Bridge shall thereupon be vested in the local Municipality or Municipalities in which it lies, as a public road, and shall be maintained and dealt with under the provisions of this Act.

Act not to extend to those parts of certain parishes included in cities or towns.

IV. The provisions of this Act shall not extend to that portion of the parish of Montreal which forms the city of Montreal as incorporated by law; nor to those portions of the parishes of Quebec and St. Roch respectively which form the city of Quebec



as incorporated by law ; nor to that portion of the parish of St. Hyacinthe the Confessor which forms the town of St. Hyacinthe as incorporated by law ;

2. So that the Municipality of the parish of Montreal shall comprise only that portion of the said parish which is without the limits of the said city of Montreal ; the Municipality of the parish of Quebec shall comprise only that portion of the said parish which is without the limits of the said city of Quebec ; the Municipality of the parish of St. Roch shall comprise only that portion of the said parish which is without the limits of the said city of Quebec ; and the part of the parish of St. Hyacinthe the Confessor which is without the limits of the said town of St. Hyacinthe, shall for the purpose of this Act be deemed to be an extra parochial place, and shall be annexed to the adjoining parish of Notre-Dame de St. Hyacinthe;

Municipalities of parishes of Quebec, Montreal and St. Hyacinthe defined.

3. The provisions of this Act shall extend to the Municipality of the town of Three-Rivers, as it now is, as if the said Municipality had been erected into a Town Municipality according to the formalities prescribed by this Act in such case ; and from and after the commencement of this Act the said Municipality shall be, to all intents and purposes, considered as a new Town Municipality created by this Act, and all the powers, functions and duties vested in, or imposed upon, the Municipal Council of the town by the Act passed in the Session of the Parliament of this Province, which was held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered one hundred and four, and intitled, *An Act to transfer to the Municipal Council of the Municipality of the Town of Three-Rivers the administration of the Common of the said Town, and for other purposes*, are hereby vested in the said Municipality ;

Act to extend to town of Three-Rivers, which shall have the powers vested in the town by 13 & 14 V. c. 104.

4. So that the Municipality of the parish of Three-Rivers shall comprise only that portion of the said parish which is without the limits of the said town of Three-Rivers ; and for the purposes of this Act, the parish of Three-Rivers shall be understood to comprise all that tract of country now being within the ministration of the Ecclesiastical Authorities (*desserte*) of the parish of Three-Rivers, including the several concessions upon the St. Lawrence and in the rear of such concessions, up to the tract comprised within the ministration (*desserte*) of the parish of Pointe-du-Lac, and as far as the fief St. Etienne ;

Municipality of parish of Three-Rivers defined.

5. The provisions of this Act shall also extend to the Municipality of the Town of Sherbrooke, as it now is, as if the same had been erected into a Town Municipality under this Act : and the said Municipality of the Town of Sherbrooke and the Townships of Ascot and Orford shall be, for the purposes of this Act, included within the County of Compton ;

Act to extend to the town of Sherbrooke. The said town defined.

How this Act shall apply to Ste. Anne des Monts and Cap-Chat, 12 V. c. 126.

6. The provisions of this Act shall also extend to the settlements of *Ste. Anne des Monts*, except in so far as the same may be repugnant to the provisions of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act detaching the Settlements of Ste. Anne des Monts and Cap-Chat from the Municipality of Gaspé, and to erect the same into a separate Municipality*, which Act shall remain in force, except that the Municipality of *Ste. Anne des Monts* and the Municipal Council thereof shall possess all the powers conferred not only on Parish and Township Corporations and Councils, but also on County Corporations and Councils by this Act; and that the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to make better provision for the establishment of Municipal authorities in Lower Canada*, and all other Acts amending the same, shall be repealed, and shall cease to have any force and effect in respect of the said Municipality of *Ste. Anne des Monts*: Provided always, that the said *Municipality of Ste. Anne des Monts* shall, for the purposes of this Act, form no part of the County of Gaspé;

Act 10 & 11 V. c. 7 repealed as to Ste. Anne, &c.

Proviso.

How this Act shall apply to the Magdalen Islands.

7. The provisions of this Act shall also apply to the Magdalen Islands, which, for the purposes of this Act, shall form a separate Municipality under the name of the Municipality of the Magdalen Islands, and the Municipal Council thereof shall be composed of five members, and shall be presided over by a Mayor, as if the said Islands formed only one Parish or Township; but the said Council shall possess all the powers conferred by this Act not only on Parish and Township Corporations and Councils, but also on County Corporations and Councils: Provided always, that the said Municipality of the Magdalen Islands shall not, for the purposes of this Act, form part of the County of Gaspé.

Proviso.

Acts and Ordinances repealed: L. C. 36 G. 3, c. 9.

L. C. 39 G. 3, c. 5.

L. C. 48 G. 3, c. 25.

V. The Act of the Legislature of Lower Canada, passed in the thirty-sixth year of the Reign of King George the Third, and intituled, *An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes*, and the Act of the said Legislature, passed in the thirty-ninth year of the same Reign, and intituled, *An Act to amend an Act passed in the thirty-sixth year of His present Majesty's Reign, intituled, An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes*, and the Act of the said Legislature, passed in the forty-eighth year of the said Reign, and intituled, *An Act more effectually to provide for the making, altering and repairing the Highways and Bridges within the Inferior District of Gaspé, and to repeal so much of an Act passed in the thirty-sixth year of His Majesty's Reign, and intituled, 'An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes,' as regards the Inferior District*, and the Act of the said Legislature, passed in the third year of the

the

the Reign of King George the Fourth, and intituled, *An Act to explain and extend the provisions of an Act passed in the thirty-sixth year of the Reign of His late Majesty, intituled, 'An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes,' in so far as respects the townships,* and the Ordinance of the Legislature of Lower Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance to amend the Act passed in the thirty-sixth year of the Reign of King George the Third, Chapter Nine, commonly called the Road Act,* and the Act of the Legislature of the Province of Canada, passed in the Session thereof held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to make better provision for the establishment of Municipal Authorities in Lower Canada,* and an Act of the Legislature of the said Province of Canada, passed in the session thereof, held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to amend the Municipal Law of Lower Canada,* and another Act passed by the Legislature of the said Province of Canada, in the Session thereof, held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act further to amend the Municipal Laws of Lower Canada,* and so much of another Act passed by the Legislature of the said Province of Canada, in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to remove doubts with respect to the proper Courts of Review for Appeals from By-laws of the Municipal Councils, and to amend the Municipal Laws of Lower Canada,* as relates to the opening or changing of front roads, shall be and are hereby repealed, except in so far as any of the said Acts or the said Ordinance may relate to the City of Quebec, or the City of Montreal, or to any road or street therein, and except in so far as relates to any *Procès-Verbal* or Order lawfully made and in force immediately before the commencement of this Act, which shall remain in force, as aforesaid, until it be otherwise lawfully ordered under this Act, and except as to any penalty or forfeiture incurred or any assessment due under them, or any of them, before the commencement of this Act, which may be recovered as if this Act had not been passed: Provided always, that the Acts and Ordinances, or parts of Acts and Ordinances, repealed by the said Acts or Ordinance, shall remain repealed: And that each Parish, Township, or place which, immediately before the time when this Act shall come into force and effect, shall be a Municipality for the purposes of the Act passed by the Legislature of the said Province of Canada, in the ninth year of Her Majesty's Reign, intituled, *An Act to repeal certain enactments therein mentioned, and to make better provision for Elementary Instruction in Lower Canada,* and of another Act of the said last mentioned Legislature, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the School Law of Lower Canada,* shall, notwithstanding any thing in this Act, continue to be a Municipality within the meaning of the said last mentioned Acts, and for all the

L. C. 3 G. 4,  
c. 19.L. C. 2 V.  
c. 7.Canada.  
10 & 11 V.  
c. 7.13 & 14 V.  
c. 34.14 & 15 V.  
c. 98.

16 V. c. 211.

Exceptions.

Proviso: repealed Acts, &c., to remain repealed: and certain parishes and townships to remain Municipalities for the purposes of the Act 9 V. c. 27, and 12 V. c. 50.

Part of section 24th and other parts of 14 & 15 V. c. 100, inconsistent with this Act, repealed.

the purposes thereof. And so much of the twenty-fourth Section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to make better provision for granting Licenses to Keepers of Taverns and Dealers in Spirituous Liquors in Lower Canada, and for the more effectual repression of Intemperance*, and any and all portions of the said Act which are inconsistent with the provisions of this Act, is and are hereby repealed.

Short title of this Act and mode of referring to it or any section of it.

VI. In citing this Act in other Acts of Parliament, or in any Instrument, Document or Proceeding, it shall be sufficient to use the expression "The Lower Canada Municipal and Road Act, 1855"; and in any process for enforcing the remedies or penalties given or imposed by this Act, it shall be sufficient, without specifying more particularly the cause of complaint or offense, to refer by number, according to the copies of the Act printed by the Queen's Printer, to the section or sections under which the proceeding is taken.

Interpretation clause.

VII. The Interpretation Act shall apply to this Act; and for the purposes of this Act, the following terms, whenever they occur, shall respectively have the following significations, that is to say:

Parish.

The term "Parish" shall not only signify any territory erected into a Parish either by civil or ecclesiastical authority, but shall apply, in like manner, to any part of a Parish incorporated under this Act, and shall also signify and include any extra parochial place or part of a Parish or part of a Township annexed to a Parish under this Act, and the Parish to which such extra parochial place or part of a Parish is or shall be annexed conjointly, and shall also signify and include a Township annexed to a Parish under this Act and the Parish to which such Township is annexed conjointly, unless the context be inconsistent with such interpretation;

Township.

And the term "Township" shall not only signify any Territory erected into a Township, but shall apply in like manner to any part of a Township incorporated under this Act, and shall also signify and include any part of a Township or Parish annexed to a Township under this Act, and the Township to which such part of a Township or Parish is or shall be annexed conjointly, and shall also apply to two Townships annexed to each other for the purposes of this Act conjointly, unless the context be inconsistent with such interpretation;

Municipality.

The term "Municipality" shall signify any territory incorporated under this Act;

County Municipality.

The term "County Municipality" shall signify a County incorporated under this Act;

The term "Local Municipality" shall signify any territory incorporated under this Act, except a County, and shall apply equally to Parish, Township, Town and Village Municipalities; Local Municipality.

The term "County Council" shall signify the Municipal Council of a County, incorporated under this Act; County Council.

The term "Local Council" shall signify the Municipal Council of a Local Municipality; Local Council.

The term "Chief Officer" shall apply equally to the Warden of a County and to the Mayor of a Local Municipality; Chief Officer.

The term "County Councillor" shall signify a member of a County Council; County Councillor.

The term "Local Councillor" shall signify a Member of a Local Council; Local Councillor.

The term "County Superintendent" shall signify the Superintendent of Roads and Bridges in a County; County Superintendent.

The term "Owner" shall apply not only to an individual proprietor but also to several co-proprietors and to any Corporation or Association of persons in whom the right of ownership in any real or personal property mentioned in this Act is vested; Owner.

The term "Road" shall signify a Public Highway, and shall include all Bridges upon it, and all ditches, fords and other works and things therewith connected, unless it be otherwise expressed or the context be inconsistent with such interpretation; Road.

The term "Public Bridge" shall signify any bridge of more than eight feet in span; Public Bridge.

The term "Lot" shall apply not only to a lot of land in any Range or Concession in its entirety, but shall also signify any subdivision of such lot, and any parcel of land owned or occupied by any one person or by several persons conjointly, and shall also include all buildings and other improvements thereon, unless the contrary be expressed or the context be inconsistent with such interpretation; Lot.

The term "Public Notice" shall signify a notice given, or to be given, to the Inhabitants of the whole, or of any part or parts of any Municipality or of several Municipalities; Public Notice.

The term "Special Notice" shall signify a notice given or to be given to any Member or Officer of any Municipal Council or to any other person under this Act, or in pursuance of any Special Notice.  
By-law

By-law passed by any such Council, for the purposes of informing him of any appointment or appointments or of any other fact or facts, or of requiring him personally to attend, or be present at any particular place, or for any other object ;

**District.** The term " District " shall signify a Judicial District as now established by Law ;

**County:** And the term " County " shall signify each and every County as defined and described in and by " The Parliamentary Representation Act of 1853 " as amended by " The Parliamentary Representation amendment Act of 1855, " except that for the purposes of this Act, the Island of Orleans, in the County of Montmorenci, shall form a separate Municipal County, by the name of the Municipal County of the Island of Orleans ; and all that part of the said County which lies to the North of the River St. Lawrence, shall also form a separate Municipal County, by the name of the Municipal County of Montmorenci.

VIII. Every Public Notice shall be given in the manner following, that is to say :

**Mode in which Public Notices shall be given.** The person required to give such Notice shall cause the same to be drawn up in the English and French languages, and after signing it, shall publish it by causing a true copy thereof, certified by him, to be posted up on the front door of at least one church or chapel, or other place of public worship, and, whether there be or not any place of public worship, at some other place of public resort in the Local Municipality, or in each of the Local Municipalities, to the inhabitants of which such Notice is addressed. If such Notice be given within the limits of a Parish, the person required to give the same shall cause it to be read at the door of every such church or chapel, at the issue of divine service in the forenoon, on the Sunday next following the day on which the same was published by posting a copy thereof, as aforesaid ; and if such Notice be for the purpose of announcing a Public Meeting, or the future adoption of any proceeding under this Act, the person required to give it shall specify therein the day, hour and place at which such Public Meeting is to be held, and the purpose or purposes for which it is convened, or the day, hour and place at which such proceeding is to be had ; and every such Notice shall be published by posting a copy thereof, as aforesaid, at least seven clear days before the day appointed for such Public Meeting or proceeding.

[Form B.]

If it be to call a Public Meeting.

IX. Every Special Notice shall be given in the manner following, that is to say :

**Mode in which special notices** 1. The person required to give such Notice shall cause it to be drawn up in the language of the person to whom it is addressed,

if

if such language be the English or the French language, or if <sup>shall be given.</sup> it be any other language, then, in either the English or the French language, and after having signed it, shall serve it on the person to whom it is addressed, by causing a true copy thereof to be delivered to him personally, or left with some grown person at his domicile; and in every such Special Notice the person required to give the same shall mention distinctly the fact intended to be communicated to the person to whom it is addressed, the time and place at which he is required to attend or be present, or such other object as such Notice is given for;

2. The person required to give any notice, whether it be a public or a special notice, shall cause a Certificate or Certificates of the publication or service of such notice to be annexed to or endorsed upon the original notice, stating distinctly the manner in which, and the time or times, and place or places at which the same was so published or served;

Certificate of publication or service.  
[Form D.]

3. The truth of the facts stated in every such Certificate shall be attested under oath by the person making the same. And the person required to give such notice shall deliver the original notice with such Certificate or Certificates to the Secretary-Treasurer of the Council to the affairs of which it relates, and the Secretary-Treasurer shall file the same amongst the records of such Council.

Attestation of such certificate.

### GENERAL ORGANIZATION.

X. And be it enacted, That the inhabitants of every County shall be a Corporation or body politic under the name of "The Corporation of the County of \_\_\_\_\_" *(here insert the name of the County)* :

Inhabitants of each County incorporated.

2. The inhabitants of every Parish and Township shall be a Corporation, or body politic, under the name of "The Corporation of the Parish *(or Township or Townships, or of the part of the Parish or Township, as the case may be)* of \_\_\_\_\_" *(here insert the name of the Parish or Township)* ;

And those of each parish or township.

3. The inhabitants of every Town and Village, being a body corporate at the time of the commencement of this Act, or being declared such by this Act, or for the incorporation of which the formalities hereinafter prescribed shall have been observed, shall be a Corporation or body politic under the name of the Corporation of the Town *(or Village, as the case may be)* of \_\_\_\_\_ *(here insert the name of the Town or Village)*.

And those of certain towns and villages.

PROVISIONS APPLICABLE TO MUNICIPAL COUNCILS  
GENERALLY.

CORPORATE POWER AND NAME.

- General corporate powers. XI. Every such Corporation shall have perpetual succession ; may have a common seal ; may sue and be sued under its corporate name in all Courts of Justice ; may acquire by purchase, donation, devise or otherwise, any real or personal property, and may hold or enjoy, or alienate the same ; may enter into all contracts necessary to or connected with the exercise of its functions, power and authority ; and shall have all other collective rights and powers necessary for the performance of the duties imposed upon, and for the exercise of the authority vested in it :
- Further general powers.
- Corporation to act by a Council. 2. Every such Corporation shall be represented by a Council, to be composed as hereinafter provided with special reference to County Councils and Local Councils respectively ; and all the powers, authorities, duties and obligations of every such Corporation shall be exercised and performed by such Council and its Officers ;
- Names of Councils of Counties. 3. The Council of a County Municipality shall be called " The Municipal Council of the County of " (here insert the name of the County) ;
- Of parishes, townships, towns or villages. 4. The Council of a local Municipality shall be called " The Municipal Council of the Parish (or Township or Townships, or of the part of the Parish or Township, or Town or Village, as the case may be) of " (here insert the name of the Parish, Township, Town or Village) ;
- Composition of County Councils. 5. Every County Council shall be composed of the Mayors of the several Local Municipalities of such County in which Mayors have been elected or appointed ;
- Of Local Councils. 6. Every Local Council shall be composed of seven Councillors, to be elected or appointed in the manner hereinafter provided ;
- Councillors not to be paid as such ; Nor hold office under Council. 7. No Councillor shall in any case receive or be entitled to any wages, allowance, profit or emolument whatever, for his services as such Councillor ; nor shall any Councillor hold any subordinate office under any Municipal Council, or become surety for the performance of the duties of any such Officer ;
- Oath of office to be taken by Councillors. [Form N.] 8. Each Member of a Council shall, immediately after his election or appointment, take an oath well and faithfully to perform the duties of his office.



## SESSIONS OF MUNICIPAL COUNCILS.

- XII. A General Quarterly Session of each County Council shall be held on the second Wednesday in each of the months of March, June, September and December, at the place which shall be determined upon by the Council, except the first General Session, the time and place of holding which shall be appointed in the manner hereinafter provided ;
- Quarterly Sessions of County Councils.
2. A General Monthly Session of each Local Council shall be held on the first Monday in each month, at the place which shall be determined upon by the Council, except the first General Session, the time and place of holding which shall be appointed in the manner hereinafter provided ;
- Monthly Sessions of Local Councils.
3. But if any of the days so fixed be the Queen's Birthday or a Holiday (*Fête d'Obligation*), such General Session shall commence and be held on the day next following ;
- Holidays.
4. Special Sessions of any Council may also be convened by the Chief Officer, or any two Members of such Council, after special notice, given to all the other Members, by the person or persons requiring such Session. And every Session, whether General or Special, shall commence at the hour of ten in the forenoon, unless otherwise determined by By-law, notice or adjournment ;
- Special Sessions of any Council.  
Hour of Meeting.  
[Form L.]
5. The Chief Officer of the Council, or in his absence such one of the Councillors as shall be chosen by a majority of votes of the Councillors present, or, upon an equal division of votes, the Senior in age of such Councillors, shall preside ;
- Who shall preside at Meetings.
6. All disputed questions shall be decided by a majority of the votes of the Members present, not including the Chairman ; and when the votes are equally divided, the Chairman shall give the casting vote ;
- Questions how decided.
7. The Sessions shall be held with open doors ;
- Open doors.
8. Every Council, and any two of its Members when there is not a quorum present, may adjourn any General or Special Session to a subsequent day, but no such adjournment shall be made until after the expiration of one hour from the failure of the quorum ;
- Adjournments.
9. And no adjournment of the Session of a County Council shall be made to any time less than seven clear days subsequent to the day on which such adjournment is made ; and no adjournment of the Session of a Local Council shall be made to any time less than two clear days subsequent to such day, unless in either case a *quorum* of the Council were present when such adjournment was made ; and special notice shall be given of such adjournment ;
- Further limitation as to adjournments.  
[Form M.]  
Notice of adjournment.

of every such adjournment shall be given by the Clerk to all the Members of the Council who were not present at the time it was made, if there was not a *quorum* present at that time;

Failure of Session not to dissolve Council.

10. No Council shall be dissolved by the fact of any Session thereof not having taken place ;

Chief Officer to be *ex officio* a Justice of the Peace.

11. Every Chief Officer of a Municipal Council shall be *ex officio* a Justice of the Peace within the limits of the Municipality wherein he has been elected or appointed, so long as he shall continue to act as such Chief Officer.

#### APPOINTMENT OF OFFICERS.

##### THEIR DUTIES, &C.

Secretary-Treasurer.

XIII. Every Council shall at its first General Session, or at a Special Session which shall be held within fifteen days from the first day of such first General Session, appoint an Officer who shall be called the "Secretary-Treasurer" of the "Municipal Council of the County (or Parish or Township or Townships, or of the part of the Parish or Township or Town, or Village, as the case may be,) of" (here insert the name of the Municipality) :

Duties of Secretary-Treasurer.

2. The Secretary-Treasurer of every Council shall be the Custodian of all the Books, Registers, Valuation Rolls, Collection Rolls, Reports, *Procès-verbaux*, Plans, Maps, Records, Documents and Papers kept or filed in the Office of the Council. He shall attend all Sessions, and shall enter in a Register to be kept for that purpose all the proceedings of the Council ; and he shall allow persons interested therein to inspect the same at all reasonable hours. And every copy or extract of or from any such Book, Register, Valuation Roll, Collection Roll, Report, *Procès-verbal*, Plan, Map, Record, Document or Paper, certified by such Secretary-Treasurer shall be deemed authentic ;

Copies certified by him to be authentic.

Secretary-Treasurer to give security.

3. Every person appointed Secretary-Treasurer to a Council, shall, before acting as such, give the security hereinafter mentioned ;

How such security shall be given.  
Two sureties required.

4. He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before they shall be admitted as such ; all such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may at any time be accountable to the Corporation, including principal, interest and costs, as well as all penalties and damages to which he shall become liable in the exercise of his office ;

5. Every such security may be given by a Bond executed before Notaries, or before a Notary and two witnesses, and accepted by the Chief Officer of the Council, or by Bond under private signature in duplicate; the Secretary-Treasurer shall deliver a duplicate of such Bond, if executed under private signature, or a copy thereof if executed before Notaries or before a Notary and two witnesses, to the Chief Officer who shall be the Custodier thereof; and another copy, or the other duplicate, shall be filed by such Secretary-Treasurer among the records of the Council;

Form of security-ship; deposit of Bond, &c.

[Form O.]

6. Every such Security-Bond, when duly registered in the Registry Office for the County or Registration Division in which the Secretary-Treasurer resides, shall carry with it a hypothec (*hypothèque*) only on such immoveable property as shall have been therein designated. And it shall be the duty of the Chief Officer of the Council to cause it to be enregistered immediately on receipt thereof;

Registration of Bond.

7. The Secretary-Treasurer of every Council shall receive all moneys due or payable to the Municipality, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this Act for the payment of any sum to be expended or due by the Municipality whenever thereunto authorized by the Council; but no such draft or order shall be lawfully paid by the said Secretary-Treasurer, unless the same shall shew sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby;

Duties of Secretary-Treasurer; receipts and payments.

8. The Secretary-Treasurer shall keep in due form Books of Account, in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands, or to whom he has made any payment respectively; and he shall keep all Vouchers for expenditure;

Accounts and Books.

9. The Secretary-Treasurer shall render to the Council, every six months, that is to say, on the thirtieth day of June and on the thirty-first day of December in each year, or oftener if required by such Council, a detailed account of his receipt and expenditure attested by him under oath;

Rendering accounts.

10. The Secretary-Treasurer's Books of Account and Vouchers shall be open for inspection at all reasonable hours, to the Council, and to each of the Members thereof, to the Municipal Officers by them appointed, and also to all persons liable to assessment in the Municipality;

Accounts to be open to Members of Council, &c.

11. The Secretary-Treasurer, or any other person who shall have filled the said office, may be sued by the Chief Officer of the Council or by the County Superintendent in the

Mode of compelling Secretary-Treasurer to render

the

accounts and  
pay, &c.

the name of the Municipality before any Court of competent jurisdiction, to compel him to render an account ; and in any such action he may be condemned to pay damages for having failed to render such account ; and if he render an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the Court shall think he ought to be held accountable for ; and every judgment pronounced in any such suit, shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit ;

Judgment.

Interest.

*Contrainte par  
corps*, to en-  
force judg-  
ment.

12. And every such judgment shall carry *contrainte par corps* against the said Secretary-Treasurer, according to the laws in force in such cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account ;

Council may  
appoint other  
Officers.

13. Every Council shall have power and authority to appoint such other Officers as may be necessary for carrying into effect the provisions of this Act or of any By-laws or Regulations of such Council ;

Delivery of  
moneys, &c.,  
by an Officer  
to his succes-  
sor.

14 Every Municipal Officer, whether elected or appointed shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor in office, if then elected or appointed, or if not, within eight days after the election or appointment of such successor, all moneys, keys, books, papers and *insignia* belonging to such office ;

His represen-  
tative to deli-  
ver the same  
in case of his  
death, &c.

15. If any such officer die or absent himself from Lower Canada, without having delivered up all such moneys, keys, books, papers and *insignia*, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor in office within one month from his death, or from his departure from Lower Canada ;

Successor may  
recover the  
same if not  
delivered.

16. And in every such case the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any Circuit Court, either by *saisie revendication* or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or *insignia*, together with costs and damages for the benefit of the Municipality, and every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force, in such cases in Lower Canada, if by the declaration such *contrainte* is demanded.

*Contrainte par  
corps*.

Mode of  
appointing  
Officer.

XIV. Every appointment of an Officer by a Municipal Council shall be made by a resolution of such Council, and the Secretary-Treasurer

Secretary-Treasurer shall without delay give special notice thereof to the person appointed :

Notice.  
[Form P.]

2. Every Officer so appointed, except Secretary-Treasurers, and County Superintendents, shall remain in office for a period of two years from the date of his appointment, and no longer, unless re-appointed ;

Term of office.

3. Every such Council may remove any Officer appointed by it, and may also remove any Officer appointed by the Governor and not being a Member of such Council, provided that another person be appointed in his stead by the same resolution proposing to remove such Officer, but not otherwise.

Officer may be removed, on certain conditions.

#### POWERS COMMON TO ALL MUNICIPAL COUNCILS.

XV. Every Council shall have power and authority to make and from time to time amend or repeal a By-law or By-laws for all or any of the following purposes, that is to say :

All Municipal Councils may make By-laws concerning—  
[Forms I & J.]

1. For the maintenance of order and decorum during the Sessions thereof, and for compelling the members to attend such Sessions and to perform their duties ;

Order, &c., at Sessions.

2. For the purchase and acquirement of moveable or immoveable property for the use of the Municipality, and for the sale and disposal of the same when no longer required ;

Acquiring and disposing of property.

3. For the construction, acquirement, leasing, or repairing of any building required by the Municipality, either for the sessions of the Council or for other Municipal purposes within the scope of its functions ;

Constructing or leasing, &c. building.

4. For the erection, construction, widening, altering or repairing of such fences, ditches, drains or watercourses as the interests of the inhabitants shall require to be so erected, constructed, widened, altered or repaired, at the expence of the Municipality ;

Construction &c.,—of fences, ditches, &c.

5. For regulating any ferry under its control,—for fixing the tolls to be charged for crossing the same,—for authorizing any officer to grant a license to keep such ferry, and for fixing the sum to be paid for such license, and the other conditions on which such license shall be granted, and for imposing penalties on any ferryman or other person contravening such By-laws ; but no such license shall be granted for more than one year, and it shall not be lawful by any such By-law to make the tolls payable by any of the inhabitants of any Local Municipality, or of any part of a Local Municipality on any Ferry, less than those payable by other persons, or to give any undue advantage to any such inhabitants with respect to such tolls ;

Regulating ferries.

Licenses for ferries.

Limitation as to period of licenses, &c.

Acquiring roads or bridges from Government.

6. For the acquirement from the Government, gratuitously or for consideration, of any public road or public bridge made or erected at the expence of the Province, or of the late Province of Lower Canada, within the limits of the Municipality, or of such portion of any such road or bridge as may be within, or partly within and partly beyond the said limits, together with the lands and dependencies required for the use or management of the same ;

Raising and levying money by rates equally imposed.

7. For raising and levying such sums of money as may be necessary for any purpose within the scope of the functions of such Council ; such sums to be raised by rates equally assessed upon all the persons liable thereto in proportion to the value of their assessable property ;

Aiding in construction of roads, benefitting the Municipality, tho' not in it.

8. For raising and levying moneys in aid of the construction, maintenance or repair of any Road leading to the Municipality, or of any Bridge or other public work beyond the limits of the Municipality, whereby the inhabitants thereof may, in the opinion of the Council, be sufficiently benefitted to warrant the granting of such aid ;

Borrowing money, and issuing Bonds or Debentures, &c. for

9. For borrowing any sum of money (the principal and interest of which may be payable either in this Province or elsewhere, and either in the currency of this Province or of the country where the same may be payable,) necessary for any of the purposes within the scope of the functions of the Council, or for giving assistance to the construction of any railroad under the provisions of the eighteenth section of the " Railway Clauses Consolidation Act," or for taking stock in, or lending money to, any incorporated Railway, Road or Bridge Company in whose Railway, Road or Bridge the inhabitants of the Municipality shall, in the opinion of the Council thereof, be sufficiently interested to warrant them in taking such stock or lending such money for the advancement of such work ; or for issuing Debentures or Bonds for any of the purposes mentioned in this section,

Assisting in construction of Railways.

[Form M M.]

Managing Sinking Fund. Total amount limited.

every such Debenture or Bond being issued for a sum not less than twenty-five pounds currency of this Province, and being payable in not less than five and not more than thirty years ; or for the management of any Sinking Fund provided by any such By-law ; but no By-law made under the provisions of this section shall have any force or effect unless it be made for a sum not exceeding twenty per cent on the aggregate valuation of the property thereby affected according to the Valuation-Rolls then existing, nor unless it impose a yearly rate sufficient, according to such Valuation-Rolls, to pay the interest on the sum to be borrowed, and two per cent. over as a Sinking Fund ; nor unless it shall have been approved in the manner hereinafter provided.

Rate for interest and Sinking Fund.

By-law not to be repealed,

No such By-law shall be repealed or altered until the whole sum borrowed and the interest thereon shall be paid off, except by

by some other By-law approved by the Governor in Council, the repeal or alteration of which shall be subject to the like conditions. except, &c.

Whenever any such By-law is passed by a County Council, the principal and interest of the Loan shall be payable by all the Local Municipalities in the County, and the Secretary-Treasurer of the County Council shall in each year apportion the amount to be paid by each according to the assessment rolls then in force in such Local Municipalities respectively; and every such By-law shall be approved in the manner provided by the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, as amended by the Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to extend and amend the Act to establish a Consolidated Municipal Loan Fund for Upper Canada by applying the same to Lower Canada, and for other purposes*, and all the provisions of the said Acts shall apply to every such By-law except in so far as they may be inconsistent with any of the provisions contained in this section.

Money borrowed by a County for Railway purposes as aforesaid, to be paid by Local Municipalities within it. By-law must be approved under 16 V. c. 22, and 18 V. c. 13.

10. For depositing the funds of the Municipality or investing the same at interest, in any chartered Bank or public security of the Province; Depositing money.

11. For indemnifying persons who shall have lost buildings or other property destroyed either wholly or in part by rioters within the Municipality; Paying damages done by Rioters.

12. For the remuneration of their Officers, in addition to any fees, penalties or per centage which they may be entitled to under the authority of this Act or of any other; Paying Officers.

13. For defining the duties of all the Officers appointed by the Council or by the Governor, and imposing penalties upon the said Officers for neglect of duty in cases in which such duties have not been sufficiently defined, or such penalties have not been determined by law; but no such fine or penalty shall in any case exceed the sum of five pounds currency for any one offence; Defining duties of Officers and enforcing performance thereof.

14. For requiring sufficient security whenever the same shall not have been specially regulated by law, from all persons accountable for the moneys of the Municipality, and from all Contractors with the Council or its Officers, in such manner, and to such amount as the Council shall think proper to determine; Taking security from Officers, Contractors, &c.

15. For imposing and collecting, by seizure and sale of the goods and chattels of the offender, any reasonable penalty not exceeding in any case five pounds currency, and for imposing

Imposing imprisonment. imposing reasonable punishment by imprisonment, not exceeding thirty days, for the breach of any of the By-laws or Regulations of the Council ;

Other Local Regulations. 16. For making such other local Regulations, not contrary to Law, as the good of the inhabitants of the Municipality may require.

#### PUBLICATION OF BY-LAWS.

Publication by posting up copies of By-laws. **XVI.** Every Municipal Council shall publish all By-Laws made by them, by causing a copy thereof written in the English and French languages, and certified by the Secretary-Treasurer of the Council, to be posted up, within fifteen days from the date thereof, on the front door of at least one Church or Chapel, or other place of Public Worship, and whether there be or not any place of Public Worship, at some other place of public resort, in each of the Parishes, Townships or parts of Parishes or Townships, Towns and Villages, the inhabitants, or any portion of the inhabitants of which, may be interested in such By-Laws. In Parishes the Council shall also cause all By-laws to be published, by causing them to be read at the door of the Church of the Parish to which they relate, immediately after Divine Service in the forenoon, on each of the two Sundays next after the passing of such By-laws. And every such Council may also cause all or any of such By-Laws to be published in any Newspaper printed in the district, or in any adjoining district.

And by insertion in Newspapers.

#### PERSONS DISQUALIFIED OR EXEMPT FROM ACCEPTING OFFICE AS MEMBERS OR OFFICERS OF MUNICIPAL COUNCILS.

Persons disqualified as Members. **XVII.** No person being in holy orders, or a Minister of any religious denomination, nor any Member of the Executive Council, nor any Judge, or Sheriff or Clerk of any Court of Justice, (except Clerks of Commissioners' Courts for the trial of small causes, any one of whom may, with his own consent, be appointed Secretary - Treasurer,) nor any Officer of Her Majesty's Army or Navy on full pay, shall be elected or appointed as a Municipal Councillor, nor appointed to any office under any Municipal Council, and no person receiving any pecuniary allowance from the Municipality for his services, nor any person having directly or indirectly, by himself or his partner, any contract, or any share or interest in any contract, with or on behalf of the Municipality, shall be qualified to be elected or appointed or to act as, a Councillor of such Local Municipality: Provided always, firstly, that no person shall be disqualified from acting as Municipal Councillor, by reason of his being a proprietor or shareholder in any incorporated Company, which shall or may have any contract or agreement with any Local Council as aforesaid ; And provided always, secondly, that

Proviso as to Contractors with the Council.

Proviso :



that the word "contract" in this section shall not extend to any lease, sale or purchase of any lands, tenements or hereditaments, or to any contract for such lease, sale or purchase, or for the loan of money, or to any agreement for the loan of money only, but any Municipal Councillor having any interest in any such matter, as in this second proviso mentioned, shall not vote at any meeting of the Municipal Council, or of any Committee thereof, of which he is such Councillor as aforesaid, upon any question arising upon the matter in which he is so interested as aforesaid :

What shall be a "Contract" under this section.

2. No Member of the Provincial Legislature, no person holding any civil appointment under the Imperial or Provincial Government, or under either House of the Legislature, no Practising Physician, Surgeon or Apothecary, no School Master actually engaged in teaching, no Branch Pilot, no Miller, being the only one employed in a mill, no person over sixty years of age, shall be bound to accept the office of Municipal Councillor or any office under any Municipal Council ; and every person being at the time of the commencement of this Act, or having been within the two years next preceding, a Member of a Municipal Council, or an Officer under any such Council, and any person who shall have paid a penalty for refusal or neglect to accept of any such office, shall be exempt from serving in the same office during the two years next after such service or payment ;

Persons exempted from serving except by their own consent.

3. If any person disqualified, or exempt, and claiming exemption from serving as such Councillor be elected, it shall be the duty of the Warden or Registrar, immediately on his becoming aware of the fact, to notify the same, through the Provincial Secretary, to the Governor, who shall appoint without delay another Councillor in the stead of such person so elected.

Appointment in place of Councillor elected and disqualified or claiming exemption.

## COUNTY COUNCILS.

### SPECIAL POWERS.

XVIII. All the powers vested by the Act of the Legislature of Canada passed in the twelfth year of Her Majesty's Reign, chaptered fifty-six, and intituled, *An Act to authorize the formation of Joint Stock Companies in Lower Canada, for the construction of Macadamized Roads, and of Bridges and other works of like nature*, in the Municipality and Municipal Councils therein mentioned, shall be transferred to and vested in the County Councils created by this Act.

County Councils to have certain powers under 12 V. c. 56.

XIX. Every County Council shall also have power and authority to make, and from time to time amend or repeal, a By-law or By-laws for all or any of the following purposes, that is to say :

They may make By-laws concerning—

[Form I.]

Place of sitting.

1. For appointing the place at which all Sessions of the County Council after the first Session shall be held; and every place so appointed shall thereafter be the County Town (*chef lieu du comté*); Provided always that if the first session of such Council shall have been held at a place which at the time of the passing of this Act, was the *place of holding the meeting of the Municipal Council* of a County or Division of a County, the concurrence of two thirds of the members for the time being of such Council, shall be necessary for the making of a By-law appointing any other places for holding the subsequent sessions of such Council;

Proviso.

If the first Meeting be held at a place where a County Council now meets.

2. For the acquirement or construction and maintenance of a Court House and Gaol, in such place as may be hereafter lawfully appointed for that purpose, and for providing means in aid of the acquirement, construction or maintenance of any such buildings;

Construction, &c., of a Court House and Gaol.

Maintenance of an Office for registration of Deeds, &c.

3. For the acquirement or construction and maintenance of an Office for the Registration of Deeds, either apart from or forming part of any Court House situate within the County, and for the construction and maintenance therein of a Fire-proof Vault for the preservation of such Deeds; and for providing means for the acquirement or construction and maintenance of such Office, and also for the transcription of any Deeds which it may be deemed expedient to transfer and deposit in such Office, for the convenience of the inhabitants of the County;

Turnpikes.

4. For placing toll-bars, and for levying tolls on persons, animals and vehicles passing over any roads or bridges within the limits of the County; Provided that it shall not be lawful, by any such By-law, to make the Tolls payable by any of the inhabitants of any Local Municipality or of any part of a Local Municipality, less than those payable by other persons for the use of the road or bridge therein mentioned, or to give any undue advantage to any such inhabitants with respect to such tolls;

Limitation.

Tolls to be equal on all.

Fire in the woods, &c.

5. For determining the periods of the year during which fire may be applied to logs, bush and other wood for the purpose of clearing land within the limits of the County, and for compelling persons so applying fire to adopt such precautions as may be deemed requisite to prevent such fire from extending to adjoining forests, crops and other property;

Regulating fees to County Superintendent or Treasurer.

6. For regulating the fees to be paid for the services rendered by the County Superintendent, or by the Secretary-Treasurer, either in making Reports or *Procès-Verbaux*, or in furnishing copies of documents at the request of any person or number of persons, whenever the County Council, or any local Council within the County, deem it just that such fees should not be made a charge upon any Municipality in the County, but should be paid by the person or persons requiring such services;

7. For regulating fisheries carried on, either upon the sea-shore or upon any waters adjacent to, or passing through the County. Regulating fisheries.

SESSIONS OF COUNTY COUNCIL, ELECTION OR APPOINTMENT OF WARDEN, &c.

XX. The first general session of every County Council shall be held at the time and place to be fixed for that purpose by the Registrar, who shall give notice thereof to each Member of the Council, and every subsequent session shall be held at the place appointed for that purpose by the County Council, as provided in the next preceding section : First Session-

2. Five Members of the County Council in every County comprising seven or more Local Municipalities, and three members of such Council in every County comprising any number of Local Municipalities less than seven, shall form a *quorum* ; Quorum of County Councils.

3. The Registrar, or in his absence, such one of the Members of the Council present, as shall be chosen for that purpose by a majority of votes, or if the votes be equally divided, the senior in age of the Members present shall preside at the first general session ; Who shall preside at first Meeting.

4. The Members of the County Council shall, at the said first session, choose from amongst themselves some fit and proper person, to be the Warden of the County ; and if there be an equal number of votes, the person presiding at the said session, whether such person be a Member of the Council or the Registrar, shall give the casting vote ; and the Registrar shall cease to have the right to preside, so soon as the Warden so chosen shall have taken the oath of office ; Election of Warden.  
Warden to preside when chosen.

5. If no election of a Warden take place in the manner above prescribed, at the said first session of the Council, then the Governor, upon the fact being notified to him by the Registrar, shall appoint without delay one of the Members of the Council to be Warden of the County ; Governor to appoint Warden if none be elected.

6. The Warden so elected or appointed shall hold his office until the next general election of Councillors, and thereafter until another person shall be appointed in his stead ; unless such Warden, if elected by the County Council, be removed before that time by a vote of two thirds of the Members of the Council, or unless such Warden, if appointed by the Governor, be removed by the Governor. If the Warden be removed by a two third vote of the County Council, the said Council shall appoint another at the same session, otherwise the Governor shall appoint one, on being notified of the fact by the Registrar or by the Secretary-Treasurer of the County Council. If the Warden be removed by the Governor, another shall be appointed by the Governor. Term of office of Warden ;  
Removal of Warden by Council.  
His place how to be filled.

APPOINTMENT

## APPOINTMENT OF COUNTY SUPERINTENDENT.

- To be appointed by County Council.** XXI. In addition to the Officers which all Municipal Councils are required or authorized to appoint under this Act, every County Council shall, at its first General Session after each General Election of Councillors, or at a Special Session, which shall be held within fifteen days from the first day of such first General Session, appoint a Superintendent of Roads and Bridges for the County :
- Must reside in the County. Not to hold any other office.** 2. Every County Superintendent shall, while he holds office as such, reside within the County for which he is appointed and shall be disqualified to accept any other office under any Municipal Council ;
- May appoint Deputies.** 3. Every County Superintendent may, under a Resolution of the Council, appoint one or more Deputies, for the payment of whose services, when appointed, provision shall be made by the County Council. But the County Superintendent shall be responsible for all the acts and omissions of every Deputy so appointed ;
- Responsibility for his acts.**
- Appointment of Deputy.** 4. Every appointment of a Deputy by the County Superintendent shall be made by a letter under his hand, addressed to the person so appointed. And the Superintendent shall, without delay, give special notice of every such appointment, not only to the person appointed but also to the Secretary-Treasurer of the Council of the Municipality for which such Deputy has been appointed ;
- [Form G.]  
Noticethereof.  
[Form H.]**
- Secretary-Treasurer to act for him in certain cases.** 5. In the absence of the County Superintendent and of his Deputies, the Secretary-Treasurer of the County Council shall do every thing which the County Superintendent ought to do under the provisions of this Act ;
- To keep a Repertory.** 6. The County Superintendent shall keep a Repertory in which he shall refer in a summary manner, and as near as may be in the order of their dates, to all Registers, Reports, *Procès-Verbaux*, Valuation Rolls, Collection Rolls, Judgments, Resolutions, Maps, Plans, Returns, Notices, Letters and Papers whatsoever which may come into his possession in the exercise of his functions ;
- And deliver copies of documents.** 7. He shall deliver to any person who shall apply for the same, a copy of any document which shall be in his possession or custody, or of record in his office as such County Superintendent, upon payment of such fees as shall be fixed by the County Council ; and every such copy certified by him as correct shall be *prima facie* evidence of the contents thereof ; and he shall allow all such documents to be inspected at reasonable hours by all persons interested therein ;
- Copies to be evidence, &c.**
- Special duties may be assigned to him.** 8. And the County Superintendent shall perform all such other duties as are specially imposed upon him by this Act.

## COUNTY DELEGATES.

XXII. In every County there shall be three Delegates to represent the interests of the County at every Meeting of Delegates held under the provisions of this Act, and to exercise and perform, in conjunction with Delegates sent from another, or several other Counties, as the case may be, the powers, authority and duties hereinafter mentioned :

There shall be three Delegates for each County.

2. The Warden shall be *ex officio* one of the said Delegates ; the two other Delegates shall be such two Members of the County Council as shall be appointed for that purpose at the first session held after the General Election of local Councillors, or at a Special Session held within fifteen days from the first day of such General Session ; and the said Delegates shall hold their office as such during their tenure of office as County Councillors, and no longer ;

Warden to be one—other two how appointed.

Term of office.

3. And whenever any one of such Delegates dies, or is absent or incapacitated to attend to his duties from sickness or any other cause, the County Council shall appoint another Delegate or other Delegates in the stead of the Delegate or Delegates deceased, absent or incapacitated.

Vacancies how filled up.

## LOCAL COUNCILS.

## POWERS COMMON TO ALL LOCAL COUNCILS.

XXIII. The powers and authority of each Local Council (in addition to the powers hereinbefore conferred upon all Municipal Councils) shall extend to the following objects :

Local Councils may make By-laws concerning—

1. To the opening, constructing, making, levelling, pitching, raising, planting, improving, preserving and maintaining of any new or existing highway, road, street, side-walk, crossing, alley, lane, bridge, ford or other communication within the Municipality ; the stopping up, pulling down, widening, altering, changing, diverting or cleaning of any such highway, road, street, side-walk, crossing, alley, lane, bridge, ford or other public communication within such Municipality, in conformity with the provisions of this Act relative to all such matters ; the taking possession of any land or real property required for any such purposes, and the making provision for the indemnity to be paid to the owners of such land or real property ; but it shall not be lawful for any Town or Village Council to levy any assessments from persons not residing or holding assessable property within the limits of such Town or Village, or to require from any such persons the performance of any labor, towards the construction or maintenance of Public Roads beyond the limits of such Town or Village, any *procès-verbal*, rules or By-laws to the contrary notwithstanding ;

Opening, making and repairing roads, bridges, &c.

Proviso : rate not to be levied for certain purposes or on certain persons.

Opening and  
adorning pub-  
lic squares,  
&c.

2. To the opening, enclosing and maintaining, at the expense of the Municipality, such squares, parks or public places, as may be conducive to the health or convenience of the inhabitants; to ornamenting the same by planting trees therein or otherwise, and causing trees to be planted along any sidewalk or footpath, at the expense of the Municipality;

Prevention of  
abuse preju-  
dicial to agri-  
culture;  
Pounds, &c.

3. To the prevention or removal of abuses prejudicial to agriculture and not specially provided for by law; the establishment of Public Pounds for the safe keeping of animals and poultry, found astray or doing damage on the public roads or bridges, or on the lands of others than the owners of such animals or poultry; the determination of the periods of the year when such animals and poultry either may be allowed to run or should be prevented from running at large; the fees to be taken by the Keepers of such Pounds; the damages payable by the owners of such impounded animals or poultry, the manner in which such animals or poultry shall be sold, in the event of their not being claimed within a reasonable time, or in case the damages, penalties and expenses shall not have been paid according to law, or to any By-laws made for the said purpose;

Animals run-  
ning at large.

Fees to pound  
keepers.

Dama ges by  
animals.

Pits and pre-  
cipices.

4. To the making of Regulations as to pits, precipices and deep waters, or other places dangerous to travellers;

Dogs, and tax  
on dogs.

5. To the imposition of a tax on the owners or harbourers of dogs; the making of regulations, whenever the public peace and safety may require it, to keep dogs tied up and to prohibit them being at large, and for killing all dogs found at large contrary to such regulations;

Regulating  
persons retail-  
ing liquors, or  
keeping places  
of public en-  
tertainment;  
or prohibiting  
sale of liquors.

6. To the regulating and governing of all Shopkeepers and Storekeepers and others selling wine, brandy or other spirituous liquors, ale or beer, by retail, in places other than houses of public entertainment, and the determining under what restrictions and in what manner any such person shall take out a license from the Revenue Inspector of the District within which he resides, before it shall be lawful for him to sell any wine, brandy or other spirituous liquors, ale or beer, as aforesaid, within such Municipality, and for fixing the sum which shall be payable for each such license, and the time during which it shall be in force, or for limiting the number of persons to whom and the houses or places for which such licenses shall be granted within the Municipality, or the preventing absolutely of the sale of wine or brandy, or other spirituous liquors, ale or beer, or any of them, by retail, within the Municipality, and the making of such further enactments as may be deemed necessary for giving full effect to any such By-law, and for imposing penalties for the contravention thereof: Provided always, that the selling of any wine, brandy or other spirituous liquors, ale or beer, in the original packages in which the same were received

Proviso.

from

from the importer or manufacturer, and not containing respectively less than five gallons or one dozen bottles, shall not be held to be a selling by retail within the meaning of this Act : Provided, however, that no Municipal Council shall have power to fix any sum below that now payable for any such license ; and any license granted by any Revenue Inspector to any person to sell by retail spirituous liquors, ale or beer, in any place within any Local Municipality after the Corporation of such Municipality shall have enacted a By-law either regulating the mode of the granting of such license or absolutely prohibiting such license, otherwise than in conformity with the By-law of such Local Council, shall be null and void in law ;

Proviso as to price of license, &c.

7. To the licensing of carters and common carriers ;

Carters.

8. To the regulation of the manner in which any theatrical performance or other public exhibition shall be held, and the imposition of a tax or duty not exceeding five pounds currency upon every such performance or exhibition, which tax or duty, if not paid on demand, may be levied out of the goods and chattels, of all or any of the persons connected with such performance or exhibition, under a Warrant of distress signed by the Mayor of the Municipality ; and to the prohibition of any such performance or exhibition tending to endanger public safety or morality ;

Public exhibitions.

Levying fines.

[Form W.]

9. To the making or procuring of maps, plans or surveys of the municipality, whenever the Council may deem it expedient to make or procure the same ; but no such map or plan shall be procured, at the expense of the municipality, unless it be drawn by a Provincial Surveyor upon a scale of at least four inches to the mile ;

Maps, plans and surveys of the Municipality.

10. To the dividing of the Municipality into Inspectors' divisions, and subdividing any such division into Overseers' sections.

Dividing the Municipality for road purposes.

#### SPECIAL POWERS OF TOWN AND VILLAGE COUNCILS.

XXIV. In addition to the powers and authority hereinbefore conferred upon all local Councils, the Municipal Council of every town and village Municipality shall have power and authority to make By-laws for all or any of the following purposes, that is to say :

Town and village Councils may make By-laws concerning—

1. For establishing markets or market places ; for abolishing any market, or market place, existing at the date of the commencement of this Act, or which shall thereafter exist, within any such Municipality, or for appropriating the whole or any part

Markets.

part

Proviso.

part of the site of any market or market place for any other public use whatsoever; reserving nevertheless to any person aggrieved by any act of the said Council respecting any such market or market place, any recourse which any such person may lawfully have against any such Municipality for any damage suffered by any such person by reason of such act;

Appointment, &c., of Clerks of markets and other market Officers, stalls, duties, sale of articles, &c.

2. For regulating and defining the duties and powers of the Clerks of the markets within the Municipality, and of all other Officers employed on the said markets; and for leasing stalls and stands for the sale, and offering for sale, of every description of articles or goods whatsoever upon the said markets; and for imposing duties or taxes on all persons vending upon such markets any provisions, vegetables, butcher's meat, grain, fowls, hay, straw, coal, salt, cord-wood, shingles, or any thing else whatsoever; for prohibiting the sale, or exposure for sale, by any person not resident within the municipality, of any such provision or other things elsewhere than upon such markets and in such other places as may be appointed for that purpose by any such By-law; and for regulating the conduct of all persons vending or purchasing upon the said markets;

Duties on vehicles in which articles are brought to market.

3. For imposing duties upon waggons, carts, sleighs, boats, canoes and vehicles of all descriptions, in which articles shall be exposed for sale upon any such market, or in any street, or upon any beach, within the Municipality, and for regulating the manner in which such vehicles shall be placed when used for any such purposes;

Weighing and measuring certain articles.

4. For regulating the weighing or measuring of cord-wood, lumber, shingles, coal, salt, hay, straw and grain, brought within the Municipality for sale; for regulating and determining whether any other articles purchased or sold within the Municipality shall be weighed or measured, or both; and for appointing persons to weigh and measure any or all such things, and for fixing and determining the remuneration to be paid to such Officers and the duties to be performed by them;

Fees.

Weight of bread.

Marking bakers' names, &c.

5. For regulating, fixing and determining the weight of bread sold or offered for sale within the Municipality, and for compelling bakers to mark with the initials of their respective names the bread made by them, and for confiscating Bread of insufficient weight or unwholesome quality;

Commutation of statute labour.

6. For increasing the personal commutation to be paid in each year by each person subject to perform statute labour on the roads and streets within the Municipality, to an amount not exceeding five shillings currency for each person; and for obliging



obliging every such person to pay the amount of such personal commutation so determined upon, without allowing any such person to offer his personal labour in lieu of such commutation, and for exempting from the payment of such commutation persons or any class of persons whom the Council shall deem it expedient to exempt by reason of their want of means ;

7. For assessing the proprietors of real property for such sums as may at any time be necessary to defray the expenses of making or repairing any common sewer under any public street or road within the Municipality, and immediately in front of such property, and for regulating the manner in which such assessments shall be collected and paid ;

Assessing for making sewers.

8. For obliging the proprietors of real property situate within the limits of the Municipality to fence in and enclose such real property ;

Fencing real property.

9. For directing and requiring, at any time, the removal of any door-steps, stairs, porches, railing or other projections into, or obstructions in, any public street or road within the Municipality, by and at the expense of the proprietors of the real property in or connected with which such projection or obstruction shall be found ;

Removing encroachments on streets, &c.

10. For establishing or altering the level of the foot-paths or side-walks in any street or road within the Municipality in such manner as the Council shall deem conducive to the convenience, safety and interest of the inhabitants ; Provided always, that the Council may make compensation, out of the funds of the Municipality, to any person whose property shall be injuriously affected by any such alteration of the level of any foot-path in front thereof ;

Altering level of side-paths, &c.

Proviso. Compensation in certain cases.

11. For pulling down and removing, so often as shall be deemed necessary, all old walls, chimnies or buildings in a state of dilapidation or decay ; and for fixing at what time, by what means, and at whose expense, the same shall be so pulled down and removed ;

Pulling down decayed buildings.

12. For preventing accidents from fires and for regulating the conduct of persons present at any fire within the Municipality, and (among other By-laws for the same purpose) for regulating the mode of placing stoves, or stove-pipes, flues, furnaces or ovens, or the mode of keeping ashes ; for obliging proprietors or occupiers of houses to provide themselves with proper fire-buckets, and to have ladders from the ground to the roofs of their houses, and from such roofs to the tops of the chimnies ; for preventing any person from entering any stable, barn, shed or out-house

Preventing accidents by fire, and arrangements for extinguishing fires.

out-house with a light not enclosed in a lantern, or from entering any such building with a lighted cigar or pipe, or from carrying into the same any fire not properly secured ; for preventing any person from lighting or having any fire in any wooden shed or out-house or other wooden building, unless such fire be placed in a chimney or in a stove of iron or metal, or from carrying fire in or through any street or public place, garden or yard, unless such fire be confined in some metal vessel ; and for compelling the proprietors or occupants of barns, lofts or other buildings containing combustible or inflammable materials to keep the doors thereof closed when not necessarily required to be open ;

Obliging certain trades to construct furnaces in a certain manner.

13. For preventing any baker, potter, blacksmith, brewer, manufacturer of pot ashes or pearl ashes, or other manufacturer or person, from building, making or having any oven or furnace, unless such oven or furnace communicate with, and open into, a chimney of stone or brick, which shall rise at least three feet higher than the top of the house or building in or in connexion with which such oven or furnace shall be placed ;

Keeping and sale of gunpowder.

14. For providing that gunpowder be safely kept in boxes of copper, tin or lead ; for regulating the quantity which may be kept in each house or building not being a powder magazine, and for prohibiting the sale thereof after sun-set ;

Furnaces for lime and charcoal.

15. For preventing the erection of furnaces for making charcoal, and for regulating the manner in which quick lime may be kept or deposited ;

Discharging Fireworks.

16. For preventing persons from throwing up Fire Works, firing off Crackers (*pétards*), discharging Fire Arms, or lighting Fire in the open air, in any of the streets, or roads, or in the neighborhood of any buildings, groves, hedges or fences within the Municipality ;

Purchasing fire-engines, &c.

17. For defraying, out of the funds of the Municipality, all such expenses as the Council may deem it just to incur, for the purchase of engines, or any other kind of apparatus, or any article whatsoever that may be necessary for the prevention of accidents by fire, and for facilitating the means of arresting the progress of fires ;

Preventing thefts, &c., at fires.

18. For preventing thefts and depredations at fires, and for punishing any person who shall resist, oppose or ill-treat any Member or Officer of the Council while in the execution of the duty assigned to him, or in the exercise of any power or authority with which he may be invested in virtue of any By-law made under the authority of this section ;

19. For defraying out of the funds of the Municipality any expense which may be incurred by the Council for assisting any person employed by such Council, who shall have received any wound or contracted any sickness or disease while attending at any fire, or for assisting or for providing for the wants of the family of any person who shall lose his life at any fire while so employed ; and for granting rewards in money, medals or otherwise, to persons who shall have performed any meritorious action at any fire, or in saving persons from drowning or from other serious accidents ;

Compensating persons wounded or performing services at fires, or the families of persons killed.

20. For investing the Members of the Council and such Officers as shall be designated in such By-laws, with the power to cause to be blown up, pulled down, or otherwise destroyed, any building or fence which any such Member, or any such Officer, shall deem it necessary to direct to be pulled down or destroyed for the purpose of arresting the progress of any fire, and for providing and paying an indemnity, when justly due, to the owners of any building or fence so blown up, pulled down or destroyed, or to any person sustaining any damage or injury from any such acts ;

Authorizing the destruction of houses to stop fires, &c.

Compensation.

21. For regulating the conduct of apprentices, servants, labourers and hired persons, and for the conduct of masters and mistresses towards their said apprentices, servants, labourers or hired persons in the Municipality ;

Regulating masters, servants, &c.

22. For preventing gambling and the keeping of gambling houses in the Municipality ;

Preventing gambling.

23. For establishing a Board or Boards of Health in the Municipality, and for appointing the Members of such Board or Boards, and for securing the inhabitants of the Municipality from contagious and pestilential diseases, or for diminishing the danger resulting from the existence of such diseases ;

Preserving public health.

24. For compelling the proprietors or occupants of houses to clean all stables, outhouses, privies and yards connected therewith, at such times and in such manner as the Council may deem expedient ;

Compelling cleanliness in yards, &c.

25. For preventing the throwing, into any public street or road, of any sweepings, filth, dirt, rubbish or ordure, and for enforcing the removal thereof ; also for preventing and removing all encroachments and nuisances in or upon any street or road ;

Preventing the deposit of filth in streets, &c.

26. For authorizing such Officers as shall be appointed by the Council for that purpose, to visit and examine at suitable times and hours to be fixed in and by such By-laws, as well the inside as the outside of all houses, buildings and real property of any description in the Municipality, for the purpose of ascertaining whether the By-laws, to be made as aforesaid, have

Authorizing Officers to inspect property, to see that By-laws are complied with.

have been duly observed, and for obliging all proprietors, possessors or occupants of such houses, buildings or real property, to admit such officers and persons into and upon the same at the times and hours, and for the purposes aforesaid ;

Preventing violent driving or riding.

27. For preventing persons from passing along the public streets or roads in any vehicle or on horseback at any faster pace than an ordinary trot ;

Providing lock-up house in default of Gaol.

28. For providing within the Municipality if there be no District Gaol therein, a lock-up-house or other place for the safe keeping of persons sentenced to any term of imprisonment not exceeding thirty days under any of the provisions of this Act, or of the ordinance mentioned in the next following paragraph.

CLAUSES OF QUEBEC AND MONTREAL POLICE ORDINANCE, RELATING TO DISORDERLY PERSONS EXTENDED TO TOWN AND VILLAGE MUNICIPALITIES.

Certain section of Ord. of L. C. 2 V. c. 2, as amended by 7 V. c. 21, and 9 V. c. 23, extended to towns and villages.

XXV. And be it enacted, That the eighth, ninth, tenth and eleventh clauses of the Ordinance of the Legislature of Lower Canada, passed in the second year of the Reign of Her Majesty, intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, as amended by an Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to alter and amend certain provisions of the Ordinance of the Governor and Council of Lower Canada of the second year of Her Majesty's Reign*, intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, and by an Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to amend the Act amending certain provisions of the Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, shall extend to and have force of law in every Town and Village Municipality hereafter erected or existing under the provisions of this Act ; and that in every case where under any of the provisions contained in the said clauses of the said Ordinance so as aforesaid amended a Justice of the Peace may commit any person brought before him, in either of the cities mentioned in the said Ordinance, to the Common Gaol or House of Correction, it shall be lawful for any Justice of the Peace to commit any person brought before him in any such Municipality to imprisonment for any term not exceeding thirty days, either in the Common Gaol of the District, or in any lock-up-house or other place provided by the Municipal Council for that purpose.

To what place offenders may be committed.

PERSONS QUALIFIED TO VOTE FOR MEMBERS OF LOCAL COUNCILS.

Qualification of voters at

XXVI. No person shall be entitled to vote at any election of Members of any Local Council, unless he be of the male sex, of

of the full age of twenty-one, and a natural born or naturalized subject of Her Majesty, nor unless at the time of giving his vote at such election, he be possessed as proprietor, either in his own right or in the right of his wife, and for his own proper use and benefit, or for the use and benefit of his wife, of a real estate in the Local Municipality in which the election is held, in *fief*, in *censive*, in *franc-aleu*, or in free and common soccage, of the yearly value of at least forty shillings currency, or shall hold, as a tenant or lessee, in such Local Municipality, an estate of the yearly value of at least five pounds currency, or shall be otherwise liable to assessment under this Act; nor unless, in either case, he shall have resided in such Local Municipality during at least the year next preceding the day of the opening of such election; nor at any election after the first, unless he shall have paid all rates or local taxes due by him at any time before the election, whether the same were imposed for Municipal or Educational purposes.

Municipal Elections: as to property.

Residence.

Not being in arrear for taxes.

#### ELECTION OF COUNCILLORS.

XXVII. A public meeting of the inhabitants qualified to vote shall be held in each Local Municipality, in the month of July, in the year one thousand eight hundred and fifty-five, in the month of January, one thousand eight hundred and fifty-eight, and in the month of January in every second year thereafter, for the general election of Local Councillors. Public notice of the meeting to be held in each Local Municipality for such General Election in the month of July, one thousand eight hundred and fifty-five, shall be given by the Registrar of Deeds for the County, or if part of the County be in one Registration Division and part in another, then by the Registrar for the Registration Division in which the greater part of the County lies, or if there be in the County two or more Registration Districts or Divisions, then by the Registrar of the first Registration District or Division, or the Registration District or Division Number one in the County, or, in his default, by his Deputy Registrar, and the term "Registrar" in any of the following provisions shall include the Deputy Registrar. Public notice of every such subsequent meeting shall be given by the Warden of the County, or in his absence or default by the Registrar; and the said Councillors shall be chosen from among the inhabitants of the Local Municipality, or if the same be a Parish or Township Municipality from among the inhabitants of any Town or Village Municipality, within the limits of such Parish or Township, whether they be or be not qualified to vote at such election; but no person shall be so elected unless at the time of such election he be possessed as proprietor, either in his own right or in the right of his wife, of a real estate held in *fief* in *censive* in *franc-aleu*, or in free and common soccage, in the Municipality of the value of one hundred and fifty pounds currency:

Meeting of qualified electors every second year.

Notice of Meeting, and by whom given in first instance;

[Form A.]

And afterwards.

Who may be elected.

Proviso: Qualification of Councillor.

Appointment of a person to preside at such Meetings.

[Form C.]

2. The Registrar or the Warden, as the case may be, shall appoint a fit and proper person to preside at each of such meetings, and shall give to such person special notice of his appointment, and of the time and place at which the first session of the Councillors, elected at the meeting to be presided over by him, shall be held ;

Who shall preside in default of the person so appointed.

3. If on the day appointed for the general election of Local Councillors, the person named by the Registrar or Warden to preside at the meeting, be absent therefrom, then the senior Justice of the Peace there present, or in the absence of a Justice of the Peace, any person chosen from amongst themselves by a majority of the persons constituting such meeting, shall preside thereat, and perform, in so far as regards the said election and the proceedings consequent thereupon, the same duties as are required to be performed by the person appointed by the Registrar or Warden as aforesaid ;

Person presiding not disqualified.

4. No person shall be disqualified for election as a Councillor because he presides at the Election ;

Powers of person presiding for preserving the peace.

5. The person presiding shall, during the election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace and the apprehension, imprisonment, holding to bail, trying or convicting violators of the law, as are vested in the Justices of the Peace, whether he do or do not possess the legal property qualification of a Justice of the Peace ;

Such person may command assistance, swear in special constables, &c.

[Form U.]

[Form V.]

6. In order to maintain the peace and preserve order at every such election, the person presiding thereat may command the assistance of all Justices of the Peace, Constables and other persons residing in the County, and may also swear in as many Special Constables as he shall deem necessary ; he may also commit to the charge and custody of any Constable or other person, on view, for any period not exceeding forty-eight hours, any person whom he shall find breaking the peace or disturbing public order at any such election, or he may, by a Warrant under his hand, commit the offender to the common gaol of the district in which the Municipality is situate, or to any Lock-up-House or other place established for the safe keeping of prisoners in any Municipality within the County, for any period not exceeding ten days ;

Poll Book to be kept if more than seven candidates.

Casting vote.

7. If there be more than seven Candidates at any election, the person presiding shall take down, or cause to be taken down, the votes of the electors present, in a Poll Book kept for that purpose, and shall declare such seven Candidates as have the largest number of votes in their favor, to be duly elected Councillors ; and if an equal number of votes be polled for any two or more of the Candidates, the person presiding shall be entitled to vote, but in such case only ; and he shall give his casting vote in favor of such Candidate or Candidates as he shall think fit ; and he shall be entitled to give such casting vote, whether

whether he be otherwise qualified to vote or not; and whenever the election is not opposed by more than three persons qualified to vote thereat, the person presiding shall declare the Candidates duly elected;

8. If the votes of all the electors present have not been polled by the hour of five in the afternoon of the first day of the said meeting, the person presiding shall adjourn the proceedings thereof to the hour of ten in the forenoon of the following day, when he shall continue to take down the votes; and he shall close the election at the hour of five in the afternoon of the said second day (whether any more votes remain to be polled or not) and shall then declare duly elected Councillors such of the Candidates as shall be entitled to be so declared elected;

Poll may be continued to second day if all votes not polled on first.

9. If at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapse without any vote being polled, it shall be the duty of the person presiding, after the expiration of the said hour, to close the said election and declare duly elected as Councillors such Candidates as shall be entitled to be so declared elected: Provided that no person shall have been within the last hour prevented from approaching the poll by violence, of which notice shall have been given to the person presiding;

To be closed if no vote be offered for an hour;

Provided persons have not been prevented from voting, by violence.

10. Every person tendering his vote shall, before voting, if required by the person presiding, or by any one of the Candidates at the said election, or by any person representing any such Candidate, or by any inhabitant qualified to vote at the said election, take the following oath before the person presiding:

Voter may be required to take an oath.

“ I swear (or affirm) that I am entitled to take part in the proceedings of this meeting, that I am twenty-one years of age, that I am duly qualified to vote at this election, that I have paid all local rates or taxes due by me, and that I have not already voted at this election. So help me God.”

Oath.

XXVIII. The person presiding at any such election shall, within two days from the close of the election, give special notice of his election to each of the Councillors so elected, and of the place, day and hour determined upon by the Registrar or Warden, and at which such Councillor will be required to attend, for the holding of the first session of the Council after such election. The Councillors so elected shall enter upon the duties of their office, as such, respectively on the day of their election, and remain in office until the day of the next general election, and thereafter until their successors are elected or appointed:

Notice to be given to Councillors elected.

Entry into office.

[Form E.]

2. The person presiding at every such meeting shall, within eight days after the day appointed for such meeting by a letter under his hand, inform the Warden, or, if there be no such officer,

Notice to Warden or Registrar.

[Form F.] the Registrar, of the result of such meeting, and (if an election took place,) of the names, occupation and residence of each of the Councillors elected thereat; and shall deliver up the Poll Book kept at such election, and certified by him, to the Warden or Registrar. And the Warden or Registrar, as the case may be, shall deliver to the Secretary-Treasurer of the County Council, without delay, if there be any such Officer, and, if not, immediately after his appointment, all such letters and Poll Books, together with a Certificate or Certificates of the public notice of all such meetings held in the County having been duly given.

Delivering of Poll Books, &c.

Appointment of Councillors by the Governor if they are not elected.

XXIX. If any such meeting do not take place at the time appointed in the public notice, or if it take place and no election of Councillors be made, or less than five Councillors be elected thereat, the Registrar or Warden, so soon as the fact comes to his knowledge, shall notify the same to the Provincial Secretary, for the information of the Governor, who, if no election has taken place at such meeting, shall select and appoint seven Councillors duly qualified as aforesaid, and who, if any number less than five Councillors have been elected at such meeting, shall appoint a sufficient number of Councillors to complete the required number; and the Councillor or Councillors so appointed, shall have the same powers, perform the same duties, and be subject to the same penalties as if they had been elected:

Their powers.

Entry into office.

Term of office.

Place and time of first Session to be notified to them.

2. The Councillors so appointed shall enter upon the duties of their office as such, respectively, on the day on which special notice of their appointment is given to them by the Registrar or Warden, and remain in office until the day of the next general election, and thereafter until their successors are elected or appointed;

3. The Registrar or Warden, in giving such special notice, shall also notify the Councillors so appointed of the place, day and hour at which the first session of the Council after such appointment is to be held; and the said day shall be some day between the first and second Sundays after such notice.

#### SESSIONS OF LOCAL COUNCILS, ELECTION OR APPOINTMENT OF MAYOR, &c.

First Meeting, &c.

XXX. The seven Councillors elected or appointed in the manner by this Act prescribed, shall meet at the place, on the day, and at the hour determined upon by the Registrar or Warden for holding the first session of the Council after their election or appointment: and at all other subsequent sessions of the Council:

Quorum.

2. Four Members of the Council shall form a *quorum*;

Appointment of Secretary-Treasurer and Mayor.

3. On the first day of every such first session of the Council, the Councillors then present, after having appointed a Secretary-Treasurer, shall elect one of their number to be the Mayor of the



the Local Municipality; and every such officer shall be designated as "The Mayor of the Parish (or Township or Townships, or of the part of the Parish or Township, or Town or Village, as the case may be) of " (here insert the name of the Local Municipality);

4. If no election of a Mayor take place as aforesaid on the first day of the said session of the Council, then the person who was elected Councillor by the greatest number of votes, or the senior in age of any two of such Councillors who may have been elected by an equal number of votes (such number being greater than the number recorded in favor of any other of such Councillors,) shall be the Mayor; and if any one or more of such Councillors have been elected, and the others appointed by the Governor, that one of the persons so elected by the greatest number of votes shall be the Mayor; and if all the said Councillors have been appointed by the Governor, then the Councillor first named in the letter making their appointment known, shall be the Mayor;

Who shall be Mayor if no election is made on first day of Session.

If all the Councillors are appointed by the Governor.

5. The Secretary-Treasurer of the Local Council shall, immediately after the Election or appointment of the Mayor, signify such Election or appointment to the Warden of the County or to the Registrar, if there be no Warden at the time of such Election or appointment.

Notice of election signified to Warden &c. [Form Q.]

### VACANCIES.

XXXI. Whenever any Councillor dies, or has been absent from the Local Municipality, or has been incapable to act as such through infirmity, illness or otherwise, for three calendar months, the remaining Councillors, shall at the next Meeting of the Council after such decease or after the expiration of the said three months choose from among the inhabitants of the Municipality another Councillor in the stead of the Councillor so deceased, absent or incapacitated: Provided always, that notwithstanding the decease, absence or incapacity to act of any such Councillors the remaining Councillors shall continue to exercise the same powers and perform the same duties as they would have been required to exercise or perform, if the decease, absence or incapacity to act of such Councillor, had not occurred:

Vacancies in the Council, how filled up.

Proviso: Vacancy not to affect acts of others.

2. If the Councillor in whose stead another has been elected as aforesaid, be the Mayor, then the Members of the Council shall, on the first day of the first session of the Council next after the election of his successor to the office of Councillor, elect another Mayor in the manner above prescribed;

If the person occasioning the vacancy be the Mayor.

3. Every Councillor so elected or appointed in the stead of another, shall remain in office for the remainder of the period for which his predecessor had been elected or appointed, and no longer.

Term of office of new Councillor.

### APPOINTMENT

## APPOINTMENT OF CERTAIN OFFICERS.

Certain other Officers to be appointed.

XXXII. In addition to the Officers which every Municipal Council is hereinbefore required to appoint, every Local Council, at its first General Session, or at a Special Session to be held within fifteen days from the first day of such General Session, shall also appoint :

Valuators : their qualification and oath of office.

Three Valuators ; each of whom shall be possessed of a property qualification equal to that required of Municipal Councilors by this Act : The appointment of any person not so qualified shall be null and void, and each Valuator shall immediately after his appointment take an oath well and faithfully to fulfil the duties of his office ;

Road Officers, Fence Viewers, and Pound Keepers.

And as many Inspectors and Overseers of roads and bridges, Inspectors of fences and ditches and Pound Keepers as such Council shall deem expedient.

## ANNEXATION OF PARTS OF PARISHES AND TOWNSHIPS AND OF EXTRA PAROCHIAL PLACES.

Extra-parochial places.

XXXIII. For the purposes of this Act, subject to the exceptions hereinafter mentioned, the following territorial arrangements shall be made: Every extra-parochial place shall be annexed to one of the adjoining parishes in such county ; and such extra-parochial place shall thenceforth, for all the purposes of this Act, form part of the said parish ; every parish shall of itself form a separate Municipality, unless such parish be comprised and included in a tract of land erected into a township, in which case it shall not of itself form a separate Municipality, but shall form a part of the Municipality of such township :

Parishes in townships.

Parishes, &c., partly in one County and partly in another.

2. Whenever a parish, or a township is situated partly in one County and partly in another, each part shall be annexed to some adjoining parish or township in the County within which it lies, unless there be, at least three hundred souls therein, in which case the said part of such parish or township shall of itself form a Municipality, under the name of "The Corporation of the "North," "South," "East" or "West" part (*as the case may be*) of the Parish or Township of " (here insert the name of the parish or township) ;

Every township to be a Municipality. Exception.

3. Every territory erected into a township beyond the limits of lands comprised and included in fiefs and seignories, and wholly situate in one and the same county, (whether such township be or be not wholly or in part erected into a parish) shall, except in the cases hereinafter provided for, form a Municipality under the name of the "Corporation of the township of " (*insert here the name of the township*) ;

4. When the population of a township does not amount to three hundred souls, such township shall not of itself form a Municipality, but shall in such case be annexed to some adjoining parish or township in the same county, and thenceforth it shall be and form part of the township, or parish to which it shall be thus annexed ;

Exception as to a township having less than 300 souls, which shall be annexed to another Municipality.

5. When a parish wholly situated in one and the same county shall include any town, village or township, no Councillors shall be elected in that part which shall be beyond the limits of such town, village or township, but such part of such Parish shall be annexed to some adjoining Parish or Township, except when there is in such part a population of, at least, three hundred souls, in which case, the said part of the said parish shall form by itself a Municipality, under the name of "The Corporation of the "North" "South," "East" or " West " " Part of the parish of " (here insert the name of the parish) ;

Parishes including towns, village or townships.

Exception if it has less than 300 souls.

6. Every such annexation of an extra-parochial place, or of a parish or township, or part of a Parish or Township, to another Parish or Township, shall be made by a resolution of the County Council ; and the Secretary-Treasurer of the Council shall, immediately after the passing of every such Resolution, give public notice of such annexation, not only by publishing a copy of such Resolution in the manner provided by this Act, with respect to public notices generally, but also by causing the same to be inserted in the English and French languages in at least one newspaper published in the District or in an adjoining District, if there be no newspaper published in the District where such annexation has taken place ;

Annexation of extra-parochial places, &c., how effected.

[Form K.]

7. But whenever it shall appear by a general census, or by a special enumeration of the inhabitants, that the locality so annexed contains a population exceeding three hundred souls, the County Council shall by another Resolution declare that the Resolution under which such locality was so annexed, shall be revoked from the first day of January then next ; and from and after the day so appointed for the revocation of the former Resolution, the locality therein mentioned shall cease to be so annexed, and shall thenceforward form a separate Municipality ;

Separation when such place contains more than 300 souls.

8. And the County Council may at any time, and shall, whenever required by any two or more persons resident in any locality so annexed, cause a special enumeration of the inhabitants thereof to be made by the County Superintendent or by some other Municipal Officer ;

Enumeration to be made in certain cases.

9. But if it appear from such enumeration that the locality so annexed does not contain a population of three hundred souls, the

Costs of enumeration, how paid.

the persons requiring such enumeration shall reimburse to the Council the costs thereof, for the payment of which costs the County Council shall require security from such persons before causing the enumeration to be made;

Preceding paragraphs not to apply to first Election; but each parish or township now electing Councillors to be a Municipality until second Election.

10. None of the provisions contained in the preceding paragraphs of this Section shall apply to the first General Election of Councillors; but every parish, township, or part or parts of a parish or township, the inhabitants whereof are now entitled to elect two members of the County Council, shall, for the purposes of the said election, be considered as a Local Municipality, and shall elect seven Councillors, to compose the Local Council of such parish or township; and notwithstanding any change which may be subsequently made in the limits of such parish or township, the Councillors so elected shall continue to act as such until the second general election of Councillors;

Certain parishes and parts of townships or parishes to be Municipalities, &c.

11. And notwithstanding any of the foregoing provisions the following places, that is to say: the parishes of *St. Anicet*, *St. Julienne de Rawdon* and *St. Alphonse de Liguori*, in the District of Montreal, the parishes of *St. Norbert d'Arthabaska* and *St. Christophe d'Arthabaska*, in the District of Three-Rivers, all that portion of the Township of Shipton, in the District of St. Francis, comprising the first eight ranges thereof, to be designated hereafter as the Township of Shipton, and all the remaining ranges of the same Township to be designated hereafter as the Township of Cleveland, and the place known as *Mont Carmel*, and forming part of the parish of *La Rivière Ouelle*, in the District of Kamouraska, shall each form a separate municipality; all that part of Upton which comprises the eighth, ninth, tenth, eleventh, twelfth and thirteenth ranges of Upton shall, for the purposes of this Act, be annexed to and form part of the Parish of St. Hugues, and all the ranges of the said Township which now constitute the Parish of St. Ephrem d'Upton, shall form a separate Municipality.

## ERECTION OF TOWNS AND VILLAGES.

Erection of town and village, how effected.

XXXIV. The erection of any tract of land into a town or village Municipality, shall take place in the manner hereinafter provided, that is to say:

Petition by forty electors.

1. Whenever a Petition is presented to any County Council by forty or more inhabitants qualified to vote at the election of Local Councillors, praying for the erection into a Town or Village Municipality of any tract of land lying within the limits of the Local Municipality in which the petitioners reside, and clearly defined in such Petition, the County Council shall refer such Petition to the County Superintendent, with an order to visit the said tract of land and to report on the said Petition;

[Form R.]

Reference to County Superintendent.

2. The County Superintendent shall give public notice of the day and hour at which he shall visit such tract of land and commence his examination thereof, and shall hear all parties ;
3. If there be not at least sixty inhabited houses erected upon some part of such tract, within a space not exceeding thirty superficial arpents, the County Superintendent shall report the fact to the County Council, whose duty it will be in such case to reject the Petition ;
4. But if the said number of inhabited houses be erected on such tract within the said space of thirty superficial arpents, the County Superintendent shall define in his Report and describe in a Plan accompanying the same, the limits which, in his opinion, should be assigned to the said tract of land when erected into a separate Municipality ; and if the limits so defined and described by the County Superintendent are different from the limits mentioned in the said Petition, the County Superintendent shall specify in his Report the motives of such deviation ;
5. After having made and signed such Report, the County Superintendent shall deposit a copy thereof and of the plan accompanying the same in the office of the County Council ;
6. The County Council may homologate every such Report, with or without amendment, after having caused public notice to be given to the inhabitants of the Local Municipality from which it is proposed to detach such tract of land of the day and hour at which they shall proceed to the examination thereof, and after having heard the County Superintendent and the parties interested, (if required to do so), upon the merits thereof ;
7. If after the lapse of two months from the day of the deposit of a copy thereof in the office of the County Council, no amendment have been made to the said Report, it shall be considered as having been homologated by the County Council ;
8. But if before the expiration of that time the said Report be amended by the County Council, the County Superintendent shall enter upon the original or on a paper annexed thereto all such amendments as the County Council may have made upon or annexed to the copy thereof ;
9. In either case the County Superintendent shall after the expiration of the said period of two months transmit to the Provincial Secretary a true copy of the said Report and of any amendments which may have been made thereto, and of all plans and other documents connected therewith ;
10. It shall thereupon be lawful for the Governor of this Province by an Order in Council, to approve or reject the said Report,

His report.

[Form S.]

If the number of houses be too few.

And if the number be sufficient.

Limits to be assigned.

Deposit of report, &amp;c.,

Homologation of amendment of report by County Council.

[Form T.]

Presumed homologation if no amendment.

If amendment be made.

Copy to Provincial Secretary.

Governor in Council may

Report,

approve, reject or amend. <sup>ct</sup> Report, whether the same be amended or not by the said Municipal Council, or to modify or amend the same in such manner as shall be deemed expedient ;

Proclamation, if approved with or without amendments. 11. If, by the said Order in Council, the said Report be approved, with or without amendments, then it shall be lawful for the Governor to issue a Proclamation under his hand and seal, declaring the name to be given and defining the limits to be ascribed to such tract of land as a separate Municipality ;

Effect of Proclamation, and when it shall take effect. 12. From and after the first day of the month of January next after the expiration of the two months immediately following the date of the said Proclamation, every such tract of land the limits whereof shall have been so defined, shall be considered as detached from the Local Municipality whereof it shall have theretofore formed part, and its inhabitants shall be a corporation or body politic, to all intents and purposes whatsoever, by the name of "The Corporation of the Town or Village of (*as the case may be*)" (*here insert the name of the Town or Village*) ;

Publication of Proclamation. 13. The said Proclamation shall be published in the *Canada Gazette*, and at least two copies of such Proclamation duly certified by the Provincial Secretary, shall be by him sent to the County Superintendent, whose duty it shall be to give public notice thereof ;

Council of the parish, &c., may still be held in town or village. 14. The Municipal Council of any Parish or Township Municipality may hold their Sessions, in any Town or village within the limits of such Parish or Township after the erection of such Town or Village into a separate Municipality, as well as before ;

Towns and villages being now Municipalities, to continue such, and elect Councillors. 15. But the inhabitants of every Town, Borough or Village, now erected into a separate Municipality shall, notwithstanding the preceding provisions of this section, at the first general election of Councillors, elect seven Councillors to compose the Local Council of such Municipality, which shall continue to exist as a separate Municipality within its present limits until the same shall be changed under the foregoing provisions ; and the Councillors so elected shall continue to act as such until the second general election, whether in the meantime the limits of the Municipality be or be not changed : Provided always, that upon a Petition presented by at least two thirds of the assessable inhabitants of any Town, Borough or Village, now being or hereafter to be erected into a separate Municipality, the Governor may issue a Proclamation uniting such Town, Borough or Village to some adjoining Local Municipality, if satisfied that such union will promote the interests of such Town, Borough or Village.

Proviso ; for union with another Municipality if necessary.

## CONTESTED ELECTIONS.

XXXV. If the election of all, or of one or more, of the Councillors of any Local Municipality be contested, such contestation shall be decided by the Circuit Court sitting in the Circuit within the limits of which the place of election is situate :

Circuit Court to decide them.

2. Every such election may be so contested by one or more of the Candidates or at least ten of the inhabitants qualified to vote at such election ;

Who may contest.

3. The said contestation shall be brought before the Court, by a petition signed by the petitioner or petitioners, or by an Attorney duly authorized, setting forth in a clear manner the grounds of such contestations ;

To be brought before Court by petition.

4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the Court ; and a return of the service shall be drawn up and signed in due form upon the original of the said petition by the person who shall have made such service ; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but not later ; nor shall any such petition be received unless security for costs be given by the petitioners ;

Service of copy of petition.

Time within which petition must be presented.

5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to void the election, it shall order proof to be adduced, and the parties interested to be heard on the nearest day which it shall deem expedient ; and shall proceed in a summary manner to hear and try the said contestation ; the evidence may be taken down in writing or given orally in whole or in part, as the Court shall order ; and if the trial of such contestation be not concluded at the close of the term of the Court during which it began, the Judge shall continue the same in vacation, and shall adjourn from day to day until he shall have pronounced his final judgment upon the merits of the same ; and every such judgment so pronounced and all proceedings had in any such case in vacation, shall have the same effect as if the same had been pronounced or had in term ;

Adduction of evidence and hearing.

Trial may be continued in vacation, and judgment given.

6. The Court may on such contestation confirm the Election, or declare the same to be null and void, or to declare another person to have been duly elected, and may in either case award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means,

What may be ordered and regulated by judgment.

Service of  
judgment on  
Warden.

means, as costs are taxed and recovered in actions of the first class brought in such Circuit Court; and the Court may order its judgment to be served upon the Warden, or if there be no such Officer upon the Registrar of the County, by such person as it shall appoint for that purpose, at the expense of the party condemned to payment of costs as aforesaid;

Irregularities  
in Election,  
how to be  
considered.

7. If any defect or irregularity in the formalities prescribed for the Election be set forth in any such petition, as a ground of contestation, the Court may admit or reject the objection, according as such defect or irregularity may or may not have materially affected the Election;

Proceedings if  
the Election  
be declared  
void.

8. If such Election be declared void, the Warden, or if there be no such Officer, the Registrar, as soon as he hath cognizance thereof, shall call a meeting of the inhabitants of the Local Municipality, and shall proceed to the Election of another Councillor or Councillors in the stead of the Councillor or Councillors whose Election shall have been so declared null and void, and the same formalities shall be observed at such Election as are required to be observed at every General Election of Councillors;

New Election.

[Form A 2.]

Election of  
Mayor or  
Warden may  
be contested.

Proviso.

9. The Election of the Mayor of any Local Municipality or of the Warden of any County, may also be objected to and contested, and such contestation may be proceeded upon and decided in the same manner, and by the same means, as the contestation of the Election of a Councillor or Councillors; but no such Election of a Mayor or Warden shall be so objected to or contested by any other than a Member of the Council who shall have elected him;

If Election of  
Mayor be de-  
clared void.

10. If by the judgment of the Court the Election of a Mayor or of a Warden be declared null and void, then it shall be the duty of the Council to proceed to the Election of a person to serve in his stead as such Mayor or Warden, within one month from the date of such judgment.

### APPOINTMENTS BY THE GOVERNOR.

Governor to  
be informed  
by Chief Offi-  
cers or Regis-  
trar of failure  
to elect or  
appoint any  
Councillor or  
Officer, and  
to appoint to  
the vacant  
office.

XXXVI. Whenever a calendar month has elapsed after the time when any Chief Officer of a Municipal Council, or any Municipal Councillor or Councillors should have been elected either by the inhabitants of a Municipality, or by a Municipal Council, or when any Officer should have been appointed by any Municipal Council, under any of the provisions of this Act, which precede this section, the Chief Officer of such Municipal Council, or in his absence, or upon his default, the Registrar of the County, shall, by letter under his hand, addressed to the Provincial Secretary, inform the Governor of the fact, and the Governor shall thereupon appoint such Councillor or Officer; and every such appointment shall be made known by a letter  
under



under the hand of the Provincial Secretary addressed to such Chief Officer or Registrar, who upon receipt thereof shall give special notice of such appointment to the person so appointed, and also to the Secretary-Treasurer of the Council of the Municipality for which such person is appointed :

Appointment,  
how made.

[Form X.]

2. After the expiration of forty-five clear days from the time when such Election or appointment should have taken place under any of the provisions of this Act which precede this section, the Chief Officer of the Council (if there be any such Officer) and the Registrar shall be held to be in default of giving such information if neither of them has in the interval addressed and transmitted to the Provincial Secretary the letter required by the last paragraph ; And in such case the Governor shall make such appointment upon being informed of the vacancy required to be filled up by any two persons qualified to vote in the Municipality.

How information may be given if Chief Officer or Registrar fail to give it.

Appointment by Governor.

**MONEYS, DEBTS AND PROPERTY OF MUNICIPALITIES HEREBY ABOLISHED.**

XXXVII. All moneys which at the time this Act shall come into force, shall be or ought to be in the hands of the Secretary-Treasurer of any Municipality, and which shall belong to any such Municipality which will then cease to exist, shall be paid into the hands of the Secretary-Treasurer of the County in which the place where the sittings of the Council of such Municipality were held is situate, and shall be at the disposal of the Council of the said County, to be applied first to the discharge of the debts and expenses of the Municipality so ceasing to exist, and afterwards to the discharge of those which the said County Council may have itself contracted, saving the recourse of any other County of which any part may have been within the Municipality so ceasing to exist, for a share of such moneys proportionate to the population of such part as compared with that of the whole Municipality so ceasing to exist :

Moneys to be paid over to Treasurer of new County Council and how applied.

Recourse of any other County saved.

2. The County Council shall have a right of action, for the recovery and payment of all such moneys as aforesaid ; and the said moneys shall be afterwards employed or paid by the Secretary-Treasurer according to the order which he may receive from the said County Council, in pursuance of the provisions aforesaid ;

Recovery of such money if not paid over.

3. All assessments or rates of any kind whatsoever, which at the time this Act shall come into force, shall be due to any such Municipality ceasing to exist, shall belong respectively and shall be paid to the Local Municipality within the limits of which they shall have been imposed, in the same manner as if the said assessments or rates had been imposed in the said Local Municipality by and in virtue of this Act ;

Assessments, &c., due when this Act comes into force.

Transfer of property of old Municipalities to those under this Act.

4. From and after the day when this Act shall come into force, all the property, moveable as well as immoveable, which shall then belong to any County Municipality ceasing to exist, shall belong to the County Municipality created by and in virtue of this Act within which the place where the sittings of the Council of the Municipality ceasing to exist were held is situate, in the same manner as if the said property had been acquired by the said last County Municipality; saving the recourse of any other County of which any part may have been within the Municipality so ceasing to exist for a share of the value of such property proportionate to the population of such part as compared with that of the whole Municipality so ceasing to exist;

Recourse of other municipalities saved.

Debts, contracts &c. of municipalities ceasing under this Act, by what municipality to be paid or enforced.

5. The debts, contracts and agreements of any Municipality which shall cease to exist by virtue of the coming into force of this Act, shall thereafter be the debts, contracts and agreements of and shall be recoverable or enforceable by or from the County in which the place where the sittings of the Council of the Municipality so ceasing to exist were held is situate, in the same manner as if the said debts had been contracted by and the said contracts and agreements had been entered into by the latter Municipality, saving the recourse of such County to recover from any other County within the limits of which any part of the Municipality ceasing to exist was situate, a share of any sum paid in discharge of any such debt, proportionate to the population of such part of such Municipality as compared with the whole population thereof; and it shall be lawful for any County Council to cause a rate or rates to be levied on the assessable properties in any locality within such County forming a separate Municipality, or part of a Municipality, or parts of several Municipalities, for the payment of any debt or debts contracted or work or works done for the advantage of any such locality by any County or Parish Municipality heretofore existing, or upon the whole County if such debt or debts was or were contracted or such work or works for the benefit of the whole County; and every such rate may be levied for the satisfaction of any equitable claim, whether such debts were contracted or such works performed according to the formalities required by law or not;

Recourse against other Municipalities saved.

Rates to be levied for discharging such debts.

Population how determined.

6. The population referred to in this section shall be that established by the now last census.

#### DELIVERY OF PAPERS, &c.

Papers relative to Road laws to be delivered, and to whom.

XXXVIII. Every person who shall have held the office of *Grand Voyer*, or any Municipal Officer under any Act or law relating to the Municipal or Road system, and the heirs, testamentary executors or curators of any such officer who may be dead or absent from Lower Canada, shall deliver to the Secretary-Treasurer of the Municipal Council of the County

County to which they relate, within fifteen days after the time when this Act shall come into force, or if such Secretary-Treasurer be not then appointed, within eight days of his appointment, all books, registers, *procès-verbaux*, assessment rolls, resolutions, copies of judgment, maps, plans, returns and other documents and papers in his or their possession, or under his or their control, relating to such office, to remain deposited and of record in the office of the Council and in the custody of the Secretary-Treasurer :

2. The Secretary-Treasurer of each County Council shall have a right to take possession of all and every such books, papers and other things wherever he may find the same, in the event of their not being delivered to him by the proper officer or person within the delay hereinbefore allowed, and shall also have a right of action to recover the same with damages, as indemnity to the County Council and costs, before any Circuit Court, by *saisie revendication* or otherwise from such officer or from his heirs, executors or curators, or from any other person having possession thereof. And judgment in every such action by which delivery or the payment of damages or both shall be ordered, may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, if by the declaration such *contrainte* is demanded.

Action to  
compel such  
delivery.

Enforcing  
judgment in  
such action.

## ROADS, BRIDGES AND OTHER PUBLIC WORKS.

### CLASSIFICATION AND GENERAL PROVISIONS APPLICABLE TO THEM.

XXXIX. Roads, Bridges and other Public Works shall, for the purposes of this Act, be divided into three classes :

Roads, &c., to  
be classified  
as

1. Provincial Works comprising all Roads, Bridges and other Public Works made and held by the Provincial Government ;

Provincial  
works.

2. County Works comprising all Roads, Bridges and other Public Works made or maintained at the expense of a County or of several Counties, or of the Inhabitants or any number of the Inhabitants of more than one Local Municipality in a County ; and

Countyworks.

3. Local Works comprising all Roads, Bridges and other Public Works made or maintained at the expence of any one Local Municipality, or of the Inhabitants of any portion thereof.

Local works.

XL. Roads are further distinguished as Front Roads and By-Roads :

Roads classi-  
fied.

1. Front Roads are those whose general course is across the lots in any Range or Concession, and which do not lead from one Range or Concession to another in front or in rear thereof ;

Front roads.

- By-roads or Routes.** 2. By-roads (*routes*) are those whose general course is lengthwise of the lots in any Range or Concession, or which lead from one Range or Concession to another in front or rear thereof, or to a Banal Mill, or to a Bridge or Ferry not on the line of a front road ; and all other roads not being front roads ; but any Council may, by Resolution, declare any other road to be a By-Road ;
- Roads between two concessions.** 3. A front road passing between two Ranges or Concessions is the front road of both, unless one of them only has another front road, in which case it is the front road of the Range or Concession not having another front road ; but any Council may, by Resolution, declare any other road to be a front road ;
- Front road of any lot.** 4. That part of the front road of any Range or Concession, which is upon, or in front of, any Lot, is the Front Road of such Lot.
- Width of front roads.** XLI. No front road hereafter to be opened shall be less than thirty-six feet French measure, in width :
- Of By-roads.** 2. No By-road and no road leading to a Banal Mill hereafter to be opened, shall be less than twenty-six feet French measure, in width ;
- Different width made by order, By-law, &c.** 3. Nothing herein contained shall be construed to prevent any road from being made wider than is above provided, if it be so ordered by *Procès-Verbal*, or By-law ;
- Ditches in ordinary cases.** 4. Except where it shall be otherwise provided by some *Procès-Verbal* or By-law, there shall be on each side of every road a ditch three feet in width, properly constructed and having sufficient fall in the direction of its length, to carry off the water ; and there shall be small drains across the road at all places where the same may be necessary for the free passage of the water from one ditch to the other ; these ditches and drains shall be held to be part of the road ;
- May be dispensed with.** 5. Ditches may be dispensed with or may be made of less width than is above provided, if the nature of the ground render it advisable, and if it be so ordered by any *Procès-Verbal* or By-laws ;
- Water courses conveying water from roads through lands of any person.** 6. If, in order to convey the water from off any road, it be deemed necessary to make any water course upon or through the lands of any person, such necessity shall be declared by the *Procès-Verbal* or By-law which shall regulate the making and maintaining such water course as part of the work belonging to the Road : and if any *Procès-Verbal* or By-law touching any such water course, be in force at the commencement of this Act, it shall remain in force until annulled or altered by a *Procès-Verbal* or By-law under this Act ;

7. Every person upon whose lands such water course shall have been directed to be made, shall be bound to allow the same, and to allow free access thereto for the purpose of making and maintaining it; being first compensated (if he has not before received compensation) in the manner hereinafter provided;

Water course allowed to be made: compensation.

8. Every road declared a Public Highway by any *Procès-Verbal*, By-law or Order of any Grand Voyer, Warden, Commissioner or Municipal Council, legally made, and in force when this Act shall commence, shall be held to be a Road within the meaning of this Act, until it be otherwise ordered by competent authority;

Certain ways declared roads under this Act.

9. And any road left open to and used as such by the public, without contestation of their right, during a period of ten years or upwards, shall be held to have been legally declared a Public Highway by some competent authority as aforesaid, and to be a Road within the meaning of this Act;

Roads used as such for a certain time.

10. The ground occupied by any road shall be vested in the Local Municipality in which it lies, and such road may be discontinued, or its position in any part may be altered by *Procès-Verbal*, but shall not otherwise be alienated; and whenever a road is discontinued, if the land on each side belong to the same person, the said ground shall *pleno jure* become the property of such person,—or if the land on each side belong to two different owners, then half the breadth of the road shall become the property of each of them, unless one of them shall have furnished land for a road in the place of that so discontinued, in which case the whole shall become his property;

Ground occupied by road in whom vested.

And if the road be discontinued.

11. It shall not be lawful for any person to drive at any pace faster than a walk over any bridge exceeding twenty feet in length, unless such bridge be wholly of brick or stone,—or to cut, deface or injure any part of any bridge, rail or post, or any mile stone or mile post, or any inscription thereon, or any work or thing forming part of or serving to the use of any road, or any trees lawfully planted on any side-walk, or in any way to obstruct or render inconvenient or dangerous the use of any road; and for every such offence the offender shall incur a penalty not exceeding twenty shillings, nor less than five shillings currency.

Punishment for certain offences touching roads.

## FERRIES.

XLII. Ferries in cases where both sides of the river or water to be crossed lie within the same local Municipality, shall be under the control of the Municipal Council thereof:

Where both sides are in one locality.

In the same County but not in the same locality.

2. Ferries, in cases where both sides of the river or water to be crossed lie within the same county, but not within the same local municipality, shall be under the control of the County Council;

Money arising from ferries, to whom to belong.

3. The moneys arising from any license for a ferry shall, if the ferry be under the control of a local municipality, belong to such municipality, and if it be under the control of the County Council, they shall belong one moiety to each of the local municipalities between which the ferry lies; and such moneys shall be applied to road purposes;

Waters between two Counties.

4. Ferries, in cases where both sides of the river or water to be crossed shall not lie within the same county, shall continue to be regulated and governed as they now are;

Exclusive privileges saved.

5. Nothing herein contained shall be construed to enable any Municipal Council to authorize any person to keep a ferry within the limits for which an exclusive privilege has been granted by law to the proprietor of any toll-bridge;

Penalty for acting without license.

6. Any person acting as a ferryman at any such ferry under the control of any Municipal Council without a license from such Council or beyond the limits assigned to him by such license, shall incur a penalty of twenty shillings currency for each person or thing so ferried over by him.

#### FORDS OVER RIVERS.

To be kept even at bottom.

XLIII. Fords over Rivers shall be kept free from loose stones, and impediments, and the bottom kept as smooth and even as practicable, and such fords shall be properly marked out with poles or *balises*.

#### WINTER ROADS.

Fences to be taken down at certain seasons.

XLIV. From the first day of December, in each year, until the first day of April, in the next following year, all fences by the sides of Roads and all line fences, or fences making an angle with a road, to the distance of at least twenty-five feet from it, shall be taken down to within twenty-four inches from the ground, leaving only the upright posts or pickets standing above that height, except only within the limits of Villages, and in places where the fences stand at least twenty-five feet from the side of the Highway, or where in consequence of hedges, or fences not removeable without great expense having been erected, the County Superintendent shall permit them to remain, on such conditions as he may think proper:

Exception; Villages, hedges, &c.

2. Winter roads upon the snow shall be made in such places as the Inspectors shall from time to time determine ; Site of road.

3. They may be carried upon or through any field or inclosed ground, except such as may be used as orchards, gardens or yards, or as may be fenced with quick hedges or with fences which cannot without great difficulty or expense be removed or replaced, through which they shall not be carried without the consent of the occupant ; Through what property to be carried.

4. They shall be kept in order by the persons who are bound to keep the same roads (or the roads for which they are substituted) in repair in summer, including the Municipality when so bound ; By whom to be kept up.

5. For the purpose of making and maintaining Winter Roads on the frozen surface of rivers, lakes and other waters flowing or lying between two or more Municipalities, the powers, duties and authority of the Councils of the several Municipalities lying on each shore and of their Officers respectively, shall extend beyond the ordinary limits of such Municipalities, as far as the centre of every such River, Lake or other Water ; Jurisdiction on rivers, &c., between two Municipalities.

6. Every such Road shall be maintained by the Local Municipality through whose limits as defined by this Section, it passes, unless it has been substituted for a summer Road, in which case, if parties other than the Municipality were bound to keep the summer Road in repair, the same parties shall maintain the winter Road ; By what Municipalities to be kept up.

7. Every such Road leading from one Local Municipality to another (such Local Municipalities not being situate or fronting on the River St. Lawrence) shall be traced out and maintained at the joint expense of both Municipalities, and under the joint direction of the Inspectors of both Municipalities ; Joint expense in certain cases.

8. Every such Road across the St. Lawrence shall be traced out and maintained at the joint expense of the two County Municipalities immediately connected by such Road, and under the joint direction of the County Superintendents of both Counties ; Provided always, that when either end of such road across the St. Lawrence shall terminate at an Incorporated City or Town, or within two miles of the limits thereof, such City or Town Municipality shall bear one half, and the County Municipality on the opposite side shall bear the other half of the expense of the making and maintenance of such road ; And provided also, that the County Municipalities on the North Shore of the St. Lawrence having roads leading to the Island of Montreal, with the exception of the Corporation of the City of Montreal, shall be exempt from contributing towards the tracing out or maintaining of any such Road leading to the Island of Montreal ; but all such Roads, except those terminating at, or within two miles from, the City of Montreal, shall be traced out and maintained by the County Municipalities respectively on the South Roads across the St. Lawrence. Proviso : When the road leads to a city, &c. Proviso : as to Municipality on the North Shore of the St. Lawrence having roads leading to the Island of Montreal. Shore

Shore of the said River from which they lead ; and the winter roads leading to the Island of Montreal from the County of L'Assomption, shall be traced out and maintained by that County ;

Double track  
may be order-  
ed.

9. The County Superintendent may, under a Resolution of any Council, order that any winter road may be made double, having a row of *balises* in the middle, and a track on one side thereof for vehicles going in one direction, and on the other for those going in the opposite direction ; and the said Superintendent may, from time to time, make such other general or special orders concerning the mode of keeping the said Roads as he may deem expedient, and such orders shall be binding on the Road Officer acting under him and on all parties concerned ;

Balises how  
placed, and of  
what kind.

10. All Winter Roads shall be marked by *balises* of spruce, cedar, hemlock, pine or other wood, of at least eight feet in length, which shall be fixed at a distance of not more than thirty-six feet one from the other, on each side of the road, if the road be single, and in the middle of the road, if it be double.

BY WHOM ROADS ARE TO BE MADE AND MAINTAINED IN THE ABSENCE OF ANY BY-LAW OR PROCÈS-VERBAL REGULATING THE MAKING AND MAINTENANCE THEREOF.

By whom  
roads shall be  
made, &c.

XLV. If there be no valid *Procès-Verbal*, By-law or Order, providing otherwise, then—

Front roads.

1. The Front Road of each Lot is to be made and kept in repair by the owner or occupant thereof ; and if there be two or more owners or occupants, then by them jointly and severally, saving their recourse against each other ; but the owner or occupant of any Lot shall not be bound to make or repair more than one Front Road on the breadth of such Lot, unless such Lot be more than thirty arpents in depth ; and if there be more than one front road on any Lot not exceeding that depth, and it be not regulated as aforesaid which of them shall be made and maintained by the owner or occupant thereof, then the Inspector of Roads for the division shall, on the application of such owner or occupant, declare which of such Front Roads shall be made and maintained by him, and the other or others shall be made and maintained as a By-Road ;

If more than  
one within a  
certain dis-  
tance.]

Fords and  
public bridges.

2. But every Ford and every Public Bridge shall be made and maintained by all the owners or occupants of Lots in the Parish or Township, on the Front Road upon which they are situate ;

By-roads.

3. By-roads shall be made and maintained by the owners or occupants of the Lots in the Concession to which they lead from a front or older Concession, in proportion to the frontage of the lots so occupied by them ;



4. Except that every By-road leading to a Mill, Ferry or Toll-Bridge, shall be made and maintained by the occupant of such Mill, Ferry or Toll-Bridge; To mills, ferries, &c.

5. Front roads on ungranted Lands of the Crown shall be made and maintained as By-Roads; Front roads on Crown Lands.

6. The work necessary for keeping in repair By-roads and Roads to be made as such, and Public Bridges, shall not be done by the labour of the parties bound to maintain the same, but by contribution in money; and the Inspector of Roads for the Division shall, after public notice, give out such work in the month of October for the ensuing winter, and in the month of March for the ensuing summer, to the lowest bidder, who shall give satisfactory security for the proper performance of the work; and the sum required to pay for such work shall be paid by the persons liable therefor, in the proportions above mentioned, when not liable for the whole amount of the expenses; Work on By-roads and public bridges, how to be done.  
Tender and contract.

7. Streets in Towns and Villages shall be deemed roads, and made and maintained accordingly, unless the Municipal authorities thereof shall provide for their being made and maintained in some other way; Streets in towns, &c.

8. The burden of proving that any road is not subject to the foregoing provisions, shall always be upon the party claiming exemption from them. Exemption claimed by whom to be proved.

EXISTING PROCÈS-VERBAUX AND BY-LAWS CONTINUED  
UNTIL REPEALED.

XLVI. Every *Procès-Verbal*, By-law or Order touching any road or bridge in force at the commencement of this Act, shall remain in full force until it be repealed or altered by competent authority; Existing Procès-Verbaux maintained.

2. Any apportionment of any work among the persons jointly bound to perform the same, legally made and in force at the commencement of this Act, shall remain in force until the time for which it was made shall expire, or until altered under this Act; Also existing apportionments.

3. Every such *Procès-Verbal*, By-law or Order as aforesaid, may be annulled, repealed or altered by a *Procès-Verbal* or By-law made under the authority of this Act; But may be altered.

4. No *Procès-Verbal* or By-law shall discharge any inhabitants of any County from their obligation to perform work in another County, unless it be a *Procès-Verbal* or By-law of the County in which the work is to be performed. But hereafter no owner or occupant of a lot in one County shall be made liable to As to obligation to perform work in another County.

No such order to be made hereafter except in certain cases only.

to work in respect of such lot in another County except on some road of common interest to two or more Counties, on which by a *Procès-Verbal* homologated in the manner provided by this Act for such cases, he may be bound to work, or unless such road be the Front Road of his lot ;

Repartitions calculated on breadth of lots only, to be valid.

5. No *répartition* or apportionment of labor made under any *Procès-Verbal* or By-law, shall be set aside or declared void solely by reason of its having been made or calculated upon the superficial contents or the breadth of the lots to which it relates, although the law may have required it to have been made according to the value of such lots ; but every such apportionment shall be considered legal, and shall have full force and effect until it be set aside or altered by some *Procès-Verbal* or By-law homologated or passed under this Act.

#### NEW PROCÈS-VERBAUX.

Application to County Superintendent by petition.

XLVII. Whenever a representation is made to the County Superintendent, either by a Resolution of the County Council, or of any Local Council, or by a petition addressed to him by not less than five persons interested in the matter and qualified to vote for the Election of Local Councillors within such County, to the effect that provision should be made for the opening, constructing, altering, widening or maintaining of any Road, or for any other public work within such County, or partly within and partly beyond the limits thereof, it shall be the duty of such County Superintendent to visit the place or places where such work is to be done :

He shall visit the spot.

Notice by County Superintendent of his visit.

2. Before proceeding to make such visit, the County Superintendent shall give public notice to the inhabitants interested in such public work, of the day, hour and place at which he shall meet such inhabitants, or such of them as may attend to be heard for or against the performance of such work, or with the view of communicating to him any information relating thereto ;

Report of Superintendent ; and *Procès-Verbal* if required.

3 After having made such visit and heard such of the said inhabitants as may have required to be heard in relation to such work, the County Superintendent, if he considers that the work in question should not be done, shall make a report thereon, stating the ground of his opinion ; but if he be of opinion that the work should be performed, he shall draw up a *Procès-Verbal* or report, shewing the nature of the work, the manner in which, the means by which, and the persons by whom, it is to be done ;

What the *Procès-Verbal* shall determine.

4. Every such *Procès-Verbal* shall determine—the position and description of the road, bridge or thing to which it relates,—the work to be done and (if requisite) the time within which it

is to be completed,—the lands by the owners or occupants of which it is to be done, and if the owners or occupants of any of such lands are more interested than the owners or occupants of others of them, then the proportion of the work to be done by each,—distinguishing also what part of the contributions shall be in money and what part in work or materials, and to what officers, and where any such contribution in money must be paid or the materials delivered, (and in the last case,) when they are to be paid or delivered, and under the superintendence of what Officers the work or any portion thereof is to be done,—and all other particulars necessary for indicating fully and clearly what is to be done, by whom, when and in what manner ;

5. In fixing the share of work, materials or money to be contributed by the owners or occupants of the several lots in any local division, regard shall be had to the value of such lots, and the buildings and improvements thereon, and not to their mere extent, such value being taken from the Valuation Roll, if any be in force when the *Procès-Verbal* is made, or if there be none, then according to the estimate of the County Superintendent ; but the share so fixed shall not be affected by any subsequent valuation, unless the *Procès-Verbal* be altered ;

How the share of money, materials or work to be furnished by the several parties shall be determined.

6. When the nature of the work shall allow it, the portion of the road which is to be made by the owner or occupant of each lot respectively, shall be defined and described in the *Procès-Verbal*, that it may be afterwards marked out on the ground, by the proper Road Officer ; and whenever it shall appear to the County Superintendent that by reason of the nature of the ground over which the front road of any lot passes, or by reason of the oblique direction in which it passes in crossing the breadth thereof, or from other circumstances, the quantity of work to be done by the owner or occupant of such lot would exceed by more than one half the average quantity of work on the front roads of other lots of like value in the same Concession, he may by any such *Procès-Verbal* relieve the owner or occupant of such lot from making or maintaining a certain described portion of such front road, and order that the same be made by joint labour and contribution, as in the case of a By-road or Public Bridge ;

Portion of road to be made by each party to be defined, when practicable.

Relief may be granted to persons whose share of work would otherwise be excessive.

7. In every new *Procès-Verbal*, the general rules hereinbefore established with regard to cases where there is no *Procès-Verbal*, shall be followed.

General rules to be observed.

XLVIII. It may be ordered by any such *Procès-Verbal*—

What *Procès-Verbal* may order.

1. That any public Bridge be constructed of stone or brick, or other material, or partly of one and partly of another, and of certain

Construction of bridges.

certain dimensions, and according to plans and specifications attached to the *Procès-Verbal* therein referred to, and which may be amended by the proper Council or by a Board of Delegates as forming part thereof :

Fences, hand-rails, &c.

2. That proper fences, hand-rails, and other like defences, be placed at the side of any road where it passes near or borders upon any precipice, ravine or dangerous place ;

Paving, &c., roads through swamps.

3. That any part of a road through a swamp, or wet ground, be made with fascines of brushwood, or paved with square timber, describing the mode of construction ;

Form and materials of road.

4. That any road be or be not raised in the middle, and that any specified kinds of materials shall or shall not be used in making or repairing it ;

Clearing timber from alongside of road.

5. That the timber where the road passes through uncleared lands be cut down for the space of twenty feet on each side of it, except such trees as form part of a maple grove destined for the manufacture of sugar, or as may be reserved for ornament to the property ;

Generally as to mode of construction.

6. And generally, the mode of constructing and repairing the road and the work may be ordained by any such *Procès-Verbal*, due regard being had to the situation of the road, the travel over it, the more or less advanced state of the settlements to and from which it leads, and the circumstances of the parties by whom it is to be made and maintained.

Deposit of *Procès-Verbal* for revision.

XLIX. The County Superintendent shall, within eight days from the day appointed for visiting the place where the work is to be done as aforesaid, deposit his *Procès-Verbal* in the office of the Council of the Local Municipality, the Inhabitants or any portion of the Inhabitants of which such work may concern, if the inhabitants of no more than one Local Municipality are interested therein, or, in the office of the County Council, if the Inhabitants of more than one Local Municipality in such County are interested therein ; and it shall be the duty of the Council in whose office such *Procès-Verbal* is deposited to examine and revise the same :

What Council shall revise it.

Notice of time and place of revision.

2. But every such Council, before proceeding to any such examination or revision, shall cause public notice to be given, through their Secretary-Treasurer, to the Inhabitants of the Municipality or Municipalities interested in the work to which such *Procès-Verbal* relates, of the day, hour and place at which the Council shall proceed to the examination or revision of such *Procès-Verbal* ;

[Form A A.]

3. And whenever the work to which any such *Procès-Verbal* relates concerns, or is to be made, or maintained by, the Inhabitants of more than one County, the County Superintendent shall, within thirty days after the day appointed for such visit, give special notice to the Delegates appointed under this Act in each of the Counties interested in such works, of the day, hour and place at which they shall meet, to examine and revise such *Procès-Verbal*; and he shall also give Public Notice of such intended meeting to the Inhabitants of the several Local Municipalities interested in such work;

Notice to Delegates when the *P. V.* concerns inhabitants of more than one County.

And publication in locality.

4. It shall be the duty of the Delegates so notified and of the County Superintendent by whom such notice is given to attend at the time and place so appointed; and the said Delegates, when assembled, shall form, and be designated as the Board of Delegates from the several Counties interested in the work to which such *Procès-Verbal* relates;

Delegates to attend, &c.

5. Any number above the one half of the Delegates so notified to attend any such meeting of Delegates, shall form a *quorum*; and whenever the Delegates present at any such meeting are equally divided in opinion upon any question submitted to them, the County Superintendent by whom such meeting was convened shall give a casting vote; but shall not otherwise have a right to vote at any such meeting;

*Quorum* for such revision.

Casting vote.

6. The Secretary-Treasurer of the County Council of the County in which the County Superintendent whose *Procès-Verbal* is submitted to such Board of Delegates holds office, shall act as the Clerk of such Delegates during their meeting; and it shall be the duty of such Secretary-Treasurer to make a minute of their proceedings and to deposit the same in the office of the Council of which he is Secretary-Treasurer, to form part of the Records thereof;

Who shall act as Clerk of the Delegates.

He shall keep a minute of proceedings.

7. Every such Local Council, County Council or Board of Delegates, before deciding upon the merits of any *Procès-Verbal* so submitted for their examination or revision, shall hear the persons interested in the work to which such *Procès-Verbal* relates, and the County Superintendent of every County interested therein, or any of such persons who may be in attendance at the time and place appointed for such examination and revision, and may require so to be heard;

Parties to be heard.

8. Every such Council or Board of Delegates may homologate without alteration, or with such amendments as they may deem just and expedient, any *Procès-Verbal* so submitted to their examination or revision; and every such *Procès-Verbal* shall remain in force as so homologated or amended from the day of the date of such homologation or amendment;

*Procès-Verbal* may be homologated with or without amendments; When to be in force.

To be deemed homologated after remaining a certain time without amendment or homologation.

9. And if any such *Procès-Verbal* remain deposited in the office of any Council for a period of thirty days without having been homologated or amended, every such *Procès-Verbal* shall be considered as having been duly homologated, and shall remain in force from the day of the date of such deposit ;

Or if the Delegates fail to meet or adjourn *sine die*.

10. And if the Delegates whose duty it may be to examine or revise any such *Procès-Verbal* fail to meet at the time appointed for such meeting, or having met, close such meeting, either formally or by adjourning *sine die*, without having amended or homologated the same, such *Procès-Verbal* shall be deposited by the County Superintendent who has made the same in the office of the County Council of the County in which he holds office, and the said *Procès-Verbal* shall be considered as having been duly homologated and shall remain in force from the day of the date of such deposit ;

A copy to be delivered for each County interested.

11. It shall be the duty of the County Superintendent, who shall have the custody of every *Procès-Verbal* homologated as aforesaid and concerning more than one County, to deliver a copy thereof duly certified by him, to the County Superintendent of every other County interested therein ;

*Procès-Verbaux* to be in duplicate.

How deposited of record.

12. Every *Procès-Verbal* made under the authority of this Act shall be in duplicate. One duplicate shall be deposited of record in the office of the County Council of the County in which the County Superintendent who has made such *Procès-Verbal* holds office, if the work to which such *Procès-Verbal* relates be a County work, or in the office of the Council of the Local Municipality which it concerns, if it be a Local work, and the other duplicate shall be deposited of record in the Office of the County Superintendent who shall make upon or annex to the last mentioned duplicate, a true copy or copies of all amendments made to such *Procès-Verbal* by any competent authority ;

They may be repealed, &c., by others.

13. Any *Procès-Verbal* made under this Act, may be repealed, altered, amended or explained at any time by another subsequently made in like manner.

### COUNCILS MAY RAISE MONEY FOR MAKING ROADS AND BRIDGES, BY ASSESSMENT.

Money may be raised by assessment for roads and bridges.

L. Provided always, That the Council of any Municipality may raise by Assessment any sum of money for making or maintaining the Roads and Bridges therein, or any of them, and may apply the sum so raised to that purpose in such manner as they shall think proper, notwithstanding any thing to the contrary in any *Procès-Verbal* contained.

Council of Local Muni-

LI. The Council of any Local Municipality may, by any By-law to come into force on the first day of January next after the

the expiration of three months, from the time of its passing, enact that the roads in such Local Municipality, or which the inhabitants of such Local Municipality, or any of them, are bound to make and maintain, shall thereafter be made and maintained solely by moneys to be raised for that purpose by Assessment and by Statute Labour; and from the time such By-law shall take effect, and while it shall be in force, so much of any *Procès-Verbal* as determined by the owners or occupants of what lands in such Local Municipality any road shall be made or maintained, shall cease to have effect, nor shall the owner or occupant of any land therein mentioned be bound to make or maintain the front road of such land; but that part of any *Procès-Verbal* which describes the work to be done and its nature and quality shall remain in full force, and be binding on the Municipality; nor shall any power of the County Superintendent or of any Road Officer, or any provision of this Act be affected by such By-law, except only as by this Section expressly provided.

unicipality may order that roads, &c., be made not by the parties but by assessment and statute labour: effect of By-law containing such order.

During the time such By-law shall be in force—

Further effect—

2. The amount of statute labour to which any party would otherwise be liable, shall be doubled by virtue of this Act, and may, in the discretion of the Council, be further increased;

Increase of statute labour.

3. The Municipality shall be bound to make and maintain all roads and bridges within the same, and also those beyond the limits thereof, which without such By-law, any of the owners or occupants of lands within the Municipality would have been bound to make or maintain, and generally to perform all road work for which any such owner or occupant would otherwise have been liable; and it shall be the duty of the County Superintendent, and of the Road Officers, to see that the roads are made and maintained by the Municipality in the manner required by law and by the *Procès-Verbal* regulating the same respectively, and to require the Municipality so to make and maintain them, and to prosecute the Municipality for any default so to do;

Municipality bound to maintain roads, &c. hereafter.

Duty of County Superintendent.

4. The Municipality shall be liable for all damages arising to any party from the non-performance of any obligation imposed on it by this section; and shall be liable to the same penalty for neglect or refusal to perform such obligation, or to comply with any of the requirements of this Act, as any private person would be in the like case;

Municipality liable for damages arising from non-repair.

5. Any Local Council may make such By-laws and Regulations as may be deemed necessary, (not being inconsistent with any provision of this Act) for defining the manner in which the money raised for road purposes, and statute labour, shall be expended and applied for the purpose of making and maintaining the roads which are to be made and maintained

Local Council may regulate manner of applying money and labour.

by

by the Local Municipality, and may enter into all contracts which they may think necessary touching any work to be done to or upon the same ;

Roads may be divided into convenient portions as regards statute labour.

6. While any such By-law shall be in force, the County Superintendent or such of the Inspectors of Roads as shall be thereunto authorized by him, may divide the roads in any Municipality, or which the inhabitants of any Municipality are bound to make and maintain, into convenient portions, and may assign the amount of statute labour to be performed on every such portion, and the persons liable to such labour and by whom it is to be performed ;

By-law containing such order may be repealed ;  
Effect of such repeal.

7. Any such By-law may be repealed by another to come into force on the first day of January next after the expiration of three months from its passing, and passed by a majority of two thirds of the Members of the Council ; and thenceforth all the provisions of any *Procès-Verbal*, By-law or Order, or of this Act, which were suspended while the repealed By-law was in force, shall again revive and have effect.

#### COMPENSATION FOR LANDS TAKEN FOR ROADS AND OTHER PUBLIC WORKS.

Compensation to be made.

LII. Whenever any land is to be taken for a road or bridge or for the site of any building required for Municipal purposes or for any other public work, the owner thereof shall receive fair compensation for the same from the parties who by the *Procès-Verbal* or by law shall be bound to pay the same, or from the Municipality if such work has been or is to be performed at the expense of the Municipality, unless it be decided that such owner is not entitled to compensation :

Exception.

Mode of estimating amount of compensation.

2. In estimating the compensation, or deciding whether the owner of the land taken for a road is entitled to any, the advantages which he may derive from the road, or from the change in the position thereof, or from his receiving any land no longer to be used as a road, as well as his liability to furnish land for road purposes or his exemption therefrom (as the case may be,) shall always be taken into consideration, and if they be equal to the damage sustained by the taking of the new land, then he shall be entitled to no compensation, nor shall he be entitled to any *prix d'affection* or damage arising from his supposed affection for the land so taken ; but in no case shall he be called upon to pay compensation ;

No *prix d'affection*.

No compensation for first front road ; unless, &c.

3. No compensation shall be allowed for the land itself taken for the first front road made upon it, nor for any road, unless the quantity so taken shall exceed the allowance for roads, made in the original grant or concession of such land from the Crown ;



4. The Valuators of the Local Municipality in which the land is situate, or any two of them, shall ascertain the compensation (if any) to be paid, after public notice having been previously given of the day and hour when they will attend upon the ground to hear the parties and estimate the compensation, which time shall be appointed by the County Superintendent ;

Valuators to ascertain compensation after notice to parties interested.

5. Any two of the Valuators may act in the absence of the third ; and if any one or more of them be absent at the time appointed as aforesaid, or be disqualified by direct interest or by relationship to the party whose land is taken, or otherwise, or shall refuse or be unable to act, then the County Superintendent shall appoint another person or other persons to act in his or their stead, and may for like cause and in like manner appoint a person to act instead of any person so appointed ;

Two Valuators may act.

Provision if any of them be disqualified.

6. It shall not be an objection to any such Valuator or person acting as aforesaid, that he be related to some one or more of the parties by whom the compensation is payable, and every objection to the competence of any such Valuator or person, shall be made before the delivery of the Certificate hereinafter mentioned, otherwise it shall not avail ;

As to objection to Valuators.

7. The Valuators or persons acting in their stead, or any two of them, after examining the land and hearing the parties attending as aforesaid, shall, by one or more Certificates under their hands, ascertain whether any compensation, and if any, then what compensation shall be paid for the land taken, and shall transmit such Certificates to the County Superintendent who shall file them among the records of his office, and deliver certified copies thereof to the Secretary-Treasurer of the Local Municipality ; and the award made by any such Certificate shall be final and conclusive ;

Certificate to be granted after hearing parties.

How recorded : to be final.

8. It shall suffice in any such Certificate to mention the lot of which the land forms part, referring to the *Procès-Verbal* or By-law under which it is to be taken, and to state what compensation, if any, is to be paid for it : but any lot may be described as being supposed to belong to, or as being in the possession of any person ;

What description shall suffice in such certificate.

9. On delivery of any such Certificate to the County Superintendent, if no compensation be awarded thereby, or on the payment of the compensation, if any, into the hands of the Secretary-Treasurer of the Local Municipality in which the land is situate for the benefit of the person entitled thereto, the land in question shall be vested in such Local Municipality as part of the roads thereof, if taken for a road or bridge ; or in the Municipality by whom the work is to be performed as part of its property, if taken for any other purpose ; and the said

Land vested in Municipality on payment of compensation, if any.

Registration not required.

said certificate and the Secretary-Treasurer's receipt for the compensation (if any) shall be a sufficient title thereto, and shall not require registration to preserve it ;

Compensation to be paid clear of all deduction.

10. The compensation shall be paid by the Secretary-Treasurer, free of all deduction, to the person entitled to receive the same, at the expiration of three months from the time of its being paid to such Secretary-Treasurer, and the person in possession of the land as proprietor thereof at the time it was taken, shall be held to be entitled to receive the compensation from the Secretary-Treasurer, saving the recourse of any other person to recover the same from the person so receiving it ; but if within the said three months there be contending claims, the Secretary-Treasurer shall keep the money in his hands, subject to the decision of the proper Court ;

Proceedings if it be claimed by more than one party.

New roads not to be made through certain property without consent.

11. Nothing contained in this Act shall extend to the giving authority to mark out any new road, or turn or widen an old one, in such manner as that the same shall pass through any garden, orchard or farm yard, enclosed with a wall, board or standing picket-fence or hedge, or to demolish or injure any house, barn, mill or other building whatsoever, to prejudice any canal or mill dam, or to turn the course of the water thereof, without the consent of the proprietor of the same.

Exception.

POWERS AND DUTIES OF ROAD OFFICERS, &c.

Certain works to be maintained and repaired under County Superintendent's direction.

LIII. All Municipal Works, of which a County Superintendent's *Procès-Verbal* shall have been homologated as aforesaid, shall be executed, maintained and repaired under the direction of the said County Superintendent or of the Road Inspector, or other Municipal Officers in the manner prescribed by this Act :

Power to enter on lands to make surveys, search for materials, &c.

2. It shall be lawful for any County Superintendent, Inspector of Roads, or Overseer of Roads, or any Surveyor or person accompanying him, or authorized in writing by him, to enter, in the day time, and after special notice given to the occupant, if such land be occupied, upon the lands of any person, whether occupied or unoccupied, inclosed or uninclosed, for the purpose of making any survey for any road, and also to enter upon any unoccupied land for the purpose of searching for timber, stone or other materials for making or repairing any road, or any bridge or work therewith connected, doing no willful and unnecessary damage, and making compensation only for actual damage done ;

[Form B B.]

Compensation for actual damage only.

Overseers may take materials of unoccupied lands.

3. It shall be lawful for the Overseers of Roads superintending the making or repairing of any road or bridge or work therewith connected, to enter in the day time upon any unoccupied land to the distance of one arpent of such road, bridge or work, and

to take from off the same any, stone gravel, earth or materials requisite for making or repairing the same, but such Overseer shall, as soon thereafter as may be, declare on oath before some Justice of the Peace, what he believes to be the damage done to such land by the taking of such materials, and the Overseer shall deliver such affidavit to the Inspector of Roads for his division; and the amount so sworn to shall be set off against any road contribution, statute labour, or penalty due in respect of such land, or by the owner thereof, or if such amount exceed the sum so due, the balance shall be paid to such owner by the Inspector, out of any moneys in his hands for the purpose of defraying the cost of making or repairing such road, bridge or work, and if he have not sufficient, the money shall be raised by assessment as other moneys required for such purpose: Provided, that if the amount of such damages exceed Five Pounds currency, the same shall be assessed by the Valuers of the Municipality or any two of them, in like manner as the value of ground taken for a road or other public work, and their award, or the award of any two of such persons as may be appointed in their stead, as hereinbefore provided, shall be final.

Compensation; and how set off or paid.

Proviso. If damages exceed £5.

LIV. It shall be the duty of each County Superintendent between the first and twentieth days of each of the months of January and June to visit each Inspector's division in his County, and to pass over and examine the main road therein and such of the other front roads and by-roads to which his attention may have been called by any report or representation to him made, and to examine and make notes of the state in which he shall find every such road and the works thereon or therewith connected, and to call upon each of the Inspectors of Roads to accompany him in his visit to the division under the superintendence of such Inspector, and to give him such orders and instructions as may be necessary to ensure the faithful performance of his duties under this Act, to inspect the notes kept by each Inspector as aforesaid, to note any case in which he shall find any Road Officer or other person to have neglected any duty imposed on him by this Act, and to prosecute such Officer or person for such neglect:

County Superintendent to visit and examine roads twice a year; take notes, prosecute Officers in default, &c.

2. It shall be the duty of each County Superintendent between the tenth and twenty-seventh days of each of the months of January and June in each year, to transmit to the Secretary-Treasurer of each of the local Municipalities in the County, for the purpose of being laid before the Municipal Council thereof at its then next session, a report on the state of the roads in the Municipality, and of all other roads towards the making or maintaining of which the inhabitants of the Municipality or any of them are bound to contribute, shewing how far the law has been carried into effect with regard to the said roads, and where and how (if there be any such case) it has been neglected or disobeyed, and containing such other information and such suggestions

To make a report on the roads in each Municipality, and transmit the same to the Secretary-Treasurer thereof, to be laid before the Council.

suggestions touching the said roads as he may deem expedient ; and the said Secretary-Treasurer shall lay such report before the Council at its then next session ;

And a general report to the Warden of the County, for the Council.

3. The County Superintendent shall also between the tenth and thirtieth days of August in each year, transmit to the Warden of the County, for the purpose of being laid before the County Council at its then next session, a general report on the state of the roads in the County, and of all other Roads towards the making or maintaining of which the inhabitants of the County, or any of them, are bound to contribute, containing similar information and suggestions as to the said roads as he is hereinbefore required to give and make in the reports to be laid before the local Municipal Councils ; and the said Warden shall lay such report before the County Council at its then next session ;

Notice of visit to be given.

[Form C C.]

4. The County Superintendent shall give public notice of the time when he intends to make his examination of the roads in any Local Municipality ;

Inspectors to accompany Superintendent in their divisions, &c.

5. And it shall be the duty of each Inspector of roads—to accompany the County Superintendent during his visit to any roads in the division of such Inspectors,—to give him all proper information on the subject of the roads under the charge of such Inspector,—to exhibit to the County Superintendent the notes kept by him of his own official visits to the said roads,—and to note and obey the instructions and orders he may receive from such Superintendent.

Inspectors to examine roads in their divisions ; and call upon Overseers to accompany them.

LV. It shall be the duty of each Inspector of Roads, at least once in every month, to pass over and examine every road in his division or over which he has any authority or superintendence, and to make notes of the state in which he shall find each road or any work thereon, or therewith connected, and to call upon the several Overseers of Roads in his division to accompany him in the inspection of the roads in their respective sections, and to give to each of them such orders and instructions as may be necessary to ensure the faithful execution of this Act, to note any case in which he shall find any Overseer or other person to have neglected to perform any duty imposed on him by this Act, and to prosecute any such officer or person for such neglect :

To prosecute offenders.

Inspectors to keep notes, &c.

2. The notes so made by the Inspector on such visit shall be signed by him and kept for the inspection of the County Superintendent at his next visit ;

To give notice of visits.

[Form D D.]

3. Each Inspector of Roads shall give special notice in writing to every Overseer of Roads in his division of the time when he intends to visit the section of such Overseer ;

4. It shall be the duty of each Overseer of Roads to accompany the Inspector during his visit to the roads in the section of such Overseer, to give him all proper information on the subject of the roads under the charge of such Overseer, and to note and obey his instructions and orders ;

Overseers to accompany them.

5. It shall be the duty of each Inspector of Roads, within the first ten days of every month to make a Report in writing to the County Superintendent containing the substance of the notes he shall have made, and all the information he shall have obtained during the preceding month on the subject of Roads and other works within his division.

Inspectors to report to Superintendent.

#### OBSTRUCTION OF PUBLIC ROADS.

LVI. It shall be the duty of the Inspectors of Roads to cause all obstructions or nuisances to be removed from off the roads under their superintendence respectively, and to report all encroachments thereupon to the County Superintendent, to the end that he may compel their removal, if the person making any such encroachment shall not, on being thereunto required by the Inspector, desist from such encroachment :

Inspectors to cause obstructions to be removed.

2. It shall be deemed an obstruction to leave or place any thing upon the road or in any ditch, or water course therewith connected, or to make any trench or opening in the road, or to do any other act, whereby, in either case, the free passage of vehicles, or foot passengers over any part of the road, may be obstructed, impeded or rendered inconvenient, or the free passage of the water prevented, unless the act be done in the course of some duly authorized work upon the road, or by the command or with the permission of some Road Officer, under the authority of some By-law of the proper Municipal Council ;

What shall be deemed an obstruction.

3. Every person who shall make, cause, or create any such obstruction or nuisance shall thereby incur a penalty of not more than Fifty nor less than Ten Shillings currency, and an additional penalty of not more than Ten Shillings currency for every day during which the same shall continue, with all costs including the expense of removing such obstruction or nuisance, and such penalty shall be recoverable by a suit or proceeding separate from the action hereinafter mentioned for recovering the land encroached upon, and may be sued for after such action is determined ;

Penalty for causing obstruction.

4. Any Justice of the Peace resident in the County may hear and determine any complaint of such obstruction or nuisance, and order the removal thereof at the expense of the offender, by such person as he shall by his warrant authorize to remove the same, and may tax the costs of such removal and cause the same to be levied with the penalty and costs of prosecution and by the same process ;

Justice of the Peace may order removal of obstruction.

Encroachments defended, to be tried by action.

5 If any road be encroached upon and the encroachment be denied, it shall be the duty of the County Superintendent to cause an action to be brought in the name of the Local Municipality, against the person so encroaching, for the recovery of the land taken from the road ;

Where such action shall be brought.

6. Such action shall be brought in the Circuit Court in the Circuit wherein such Local Municipality or any part thereof shall lie, which shall have, and is hereby expressly invested with, jurisdiction in all such cases, and with power, if the encroachment be proved, to adjudge that the land taken by such encroachment be restored to the Municipality ; and if such judgment be not complied with within fifteen days after service of a copy thereof on the defendant, then any Judge of the said Court may, in term or out of term, on the application of the Municipality, direct a Writ of Possession to any Bailiff, commanding him to remove therefrom all buildings or fences which may be erected thereon and give possession of such land to the said Municipality, which such Bailiff, taking with him sufficient assistance, shall accordingly do ;

Enforcing execution of judgment.

Writ of Possession.

Costs in such action.

7. The costs in every such action shall be those allowed in actions of the first class in the said Court, and the costs on the Writ of Possession and proceedings thereupon shall be taxed by a Judge of the said Court at such sum as in his discretion he may think right, until they be regulated by a Tariff of the Court, under which the Clerk of the Court shall thereafter tax such costs.

## ROAD WORKS.

Duties of Inspectors of roads as to work to be done thereon, &c.

LVII. It shall be the duty of the Inspectors of Roads, subject to the provisions of this Act and to the orders and instructions of the County Superintendent, by whom they shall be furnished with the necessary copies of, or extracts from, *Procès-Verbaux*, Valuation-rolls, Collection-rolls and other documents, to direct the Overseers of Roads in their respective divisions, as to the time when, and the manner in which, all road work is to be done,—to furnish them with statements in writing setting forth the names of all persons subject to statute labour, the share of joint labour and materials to be furnished by each person, or in respect of each lot of land in their sections respectively, and informing them upon what work or works the same is to be employed, and in what proportions,—to receive all sums paid for commutation of statute or joint labour, and to notify such commutation to the proper Overseer,—to instruct him to engage other labour in the place of that so commuted and to pay for such labour out of such commutation money, on the certificate of the Overseer that the same has been duly performed :

Statement in writing to be furnished to Overseers.

Engaging other labour.

2. It shall be the duty of each Overseer of Roads, pursuant to the provisions of this Act, the orders of the County Superintendent and directions of the Inspectors of Roads, to give notice to the inhabitants of his section, respectively, of the time and place where and when any statute labour or joint labour is to be performed or materials to be furnished, and the amount of labour, quantity and description of materials to be then and there furnished by each, which notice may be given verbally to each of such inhabitants in person or left in writing at his residence,—and shall specify the tools and implements (being those ordinarily used by farmers) which each person is required to bring with him; and if the nature of the work requires it, the Overseer may command any person having the same and being bound to furnish at least three days' labour, and not having commuted the same, to bring with him or to send with a man to work them, a horse or horses, an ox or oxen, with proper harness and a cart, waggon or plough; and every day's labour of a horse or ox, with such harness and vehicle or plough as aforesaid, shall be credited to the person furnishing the same as one day's work,—to superintend and direct the performance of statute labour and joint labour on the roads, and to give certificates of the due performance thereof,—to appoint the hour of commencing and leaving off, and the time to be taken for rest or meals, the day's work being ten clear hours of labour on the spot where the work is to be done,—to dismiss any man who shall not attend during the hours appointed for labour, or who shall be idle or refuse to obey the orders of the Overseer, or not work faithfully, or hinder others from working; and any man so dismissed shall, for the offence occasioning his dismissal, incur a penalty of ten shillings currency,—to prosecute for all such penalties as last aforesaid, and for all penalties incurred for disobedience to his orders,—to report to the Inspector of Roads for his division, the number of days' work performed and the quantity of materials furnished under his superintendence, with the names of the parties performing or furnishing the same, and the names of those who have been fined.

Duties of Overseers of roads as to work to be done thereon, &c.

[Form Y.]

Tools to be brought by persons bound to work.

Horses or oxen.

Overseer to superintend and certify performance of work.

Penalty. Prosecuting offenders.

LVIII. Every person liable to perform labour on the roads and not having commuted the same, who being so required as aforesaid by any Overseer to attend and perform the same, shall refuse or neglect so to attend, shall, for each day on which he shall so refuse or neglect, incur a penalty of ten shillings currency, and he shall incur one half of such penalty if he was required to bring with him any tool or implement, and shall appear without the same; and if he was required to bring with him any plough, horse, ox, waggon, cart or other vehicle and harness, the penalty shall be doubled, that is, he shall incur a penalty of twenty shillings currency, if he shall wholly fail to attend, and of ten shillings currency, if he shall attend without such horse, or waggon, cart, vehicle or harness:

Penalty on persons not obeying order of Overseers as to labour on roads.

Notice not required to compel any person to keep his front road in repair. &c.

Penalty for not repairing.

2. No notice shall be required to compel any person to make or repair any front road which ought to be made or repaired by him alone, but if it be not made or repaired in the manner required by the *Procès-Verbal* regulating it and by this Act, such person shall incur a penalty of five shillings currency; and if he neglect to make or repair such road for a period of twenty-four hours after having been notified to make or repair the same, he shall incur a penalty of not more than twenty nor less than five shillings currency, for each day on which it shall remain unmade or out of repair;

Penalties to whom payable, and how applied.

3. Every such penalty shall be paid to the Inspector for the division, and applied to the same purpose for which the labour for the due performance of which it was incurred would have been applicable; and the payment of the penalty shall be set off in favor of the offender against the road labour for which he is liable, at the rate of one day's labour for each five shillings of the penalty paid;

May be paid before suit.

4. The penalty may be paid to the Inspector before any suit for it is commenced, and in that case it shall be payable without costs;

Inspectors and Overseers liable for damages occasioned by their neglect.

5. Every Inspector of roads, and every Overseer of roads shall be liable for all damages occasioned by the non-performance of any work which ought to have been performed within his division or section, unless he can shew that he has used all legal means in his power by notice, prosecution and otherwise to compel the performance of such work; saving always the recourse of the Inspector against the Overseer, and of both against the person who was bound to perform such work.

County Superintendent may have portions of road made as models.

LIX. The County Superintendent may from time to time cause portions of roads to be made by the persons liable to statute labour, to serve as models for the remainder of such roads or for roads in their neighbourhood: and in superintending the making of Roads the Road Officers and others shall govern themselves by such models, as far as the foundation and position of such Roads and other circumstances will permit.

Overseer may cause unperformed work to be done, and recover the costs from the proper party, with 20 per cent additional.

LX. Whenever any road work which ought to be done, or any materials which ought to be furnished upon, or for, any front road, by-road or bridge, in respect of any lot or by any person, shall remain unperformed or unfurnished after the owner or occupant of such lot or such person shall have been required as aforesaid to perform or furnish the same, it shall be lawful for the Overseer of roads to cause such work to be done or such materials to be furnished by some other person, and to recover the value of such work or materials from such owner or occupant or person in default, with twenty per cent in addition thereto and costs of suit,



as a debt due to such Overseer, and in any way in which debts of like amount are recoverable, or such amount may be levied, as arrears of taxes due to the Municipality, in the manner hereinafter provided, and paid to such Overseer by the Secretary-Treasurer :

2. Or, the Overseer of roads may report to the Inspector of roads of his division that any such work remains unperformed or any such materials unfurnished, and that the person who ought to perform or furnish the same has been by him required so to do, or that such person has no residence in the division ; and on such report the Inspector may, if he thinks proper, authorize such overseer to cause the work to be done or the materials to be furnished by some person or persons to be employed by him for that purpose, and the sum expended shall be recoverable by the Municipality from the person in default with twenty per cent in addition thereto, as a penalty for such default and costs ; and the sum actually expended shall be paid by the Secretary-Treasurer of the Municipality to the order of the Inspector, out of any moneys in his hands applicable to road purposes, or to the general purposes of the Municipality ;

Or the Inspector may cause it to be done by the Municipality which shall recover the expenses and 20 per cent additional.

3. The affidavit of the Overseer sworn before a Justice of the Peace that the formalities of the law were complied with, and that the work was done or the materials furnished, that the sum charged is the true value thereof, and that the defendant is the person liable for the same by law, and the certificate of the Inspector that to the best of his knowledge and belief the facts stated in such affidavit are true, shall be *prima facie* evidence of such facts, and if not controverted, shall be sufficient to maintain the claim and demand of the Municipality or of such Overseer ;

What shall be proof of the necessary facts in the foregoing cases.

4. In either of the cases last above mentioned, the person in default shall not be liable to a penalty, but the twenty per cent above mentioned shall stand in stead thereof.

The 20 per cent to be in lieu of penalty.

LXI. The actual occupant of any lot shall always be liable for the work or contribution assigned to such lot, and for one year's arrears thereof, saving his recourse (if any) against any previous occupant, or against the owner of the lot, or any other party ; and if any lot be divided after the making of the *Procès-Verbal*, or there be from any other cause more than one occupant thereof, they shall be jointly and severally liable, saving to each his recourse against the others ;

Occupant of land liable for road charges, and one year's arrears thereof.

2.- All persons shall be liable for all damages arising from the non-performance of work they are bound to perform, and if any persons are jointly and severally bound, they shall be jointly and severally liable.

Liability for damages for non-performance of work.

Overseer to report arrears, and Inspector to sue for the same.

LXII. Each Overseer shall from time to time report to the Inspector of his division, the arrears of labour and materials remaining unperformed and undelivered in his section, and of penalties remaining unpaid, specifying the lands in respect of which the same are due, the owners or occupants of such lands, if known, and the value in money of such materials delivered at the place where they ought to have been delivered by the persons in default. And it shall be the duty of the Inspector to sue for and recover the same from the persons liable if they have any goods or chattels whereupon the same can be levied.

Mile posts and guide posts may be set up: expenses how paid.

LXIII. The County Superintendent may cause mile-posts or mile-stones to be set up on the main road in his County, shewing the distance from the principal Towns to which such roads lead, and may cause Guide-Posts to be set up at the intersections of roads; and the expenses incurred for those purposes shall be paid by the Secretary-Treasurer of the Local Municipalities respectively, in which such mile-stones or mile-posts, or guide-posts shall be set up, on the order of the County Superintendent, and out of any moneys in the hands of the Secretary-Treasurer applicable to road purposes or to the general purposes of the Municipality:

Inspectors may be required to procure snow plough, rollers and scrapers; how the same shall be used.

2. The County Superintendent may, under the authority of a Resolution passed by the Council, direct any Inspector of Roads to procure a snow plough, a roller and an iron or steel shod scraper, or either, to be used on the roads in his division, and to be carefully kept by such Inspector, and by him handed over to his successor in office for the like purposes; and when the same are so procured, the Inspector shall command each Overseer of Roads in his division, to use and work such snow plough, roller or scraper at the expense of the Municipality, and shall command every such Overseer to require the persons bound to perform road work in his section to use and work such snow plough, roller or scraper (when necessary) as part of the work they are so bound to perform: and the cost of such snow ploughs, rollers and scrapers, and of using and working the same, when so used and worked at the expense of the Municipality, and of all necessary repairs thereto, shall be paid by the Secretary-Treasurer of the Municipality on the order of the County Superintendent, as provided in the next preceding paragraph;

How the cost shall be paid.

County Superintendent may employ a Surveyor, Engineer or Draughtsman, &c.

3. The County Superintendent may, under the authority of any Council, employ a sworn Surveyor, Engineer or Draughtsman, whenever he shall deem it necessary for the due execution of any of the powers vested in him by this Act, and charge the sum paid to such Surveyor for his services, as part of the expenses lawfully incurred by him in executing such power: and to any *Procès-Verbal*, or other act of the County Superintendent, plans or drawings may be annexed and referred to as part thereof, when he shall deem it necessary for the proper understanding of such *Procès-Verbal* or act;

4. The County Superintendent may in his *Procès-Verbal* direct or allow a footpath to be made in any place where in his judgment it shall be necessary or allowable, and where any such footpath shall be made, the Road Inspector may permit trees to be planted thereon by the owners of the adjoining lands on such conditions as he may think proper, subject always to any direction he may receive in this behalf from the County Superintendent.

Footpaths may be directed or allowed, and also the planting there-of with trees.

## EXECUTION OF COUNTY WORKS.

LXIV. When the work to be performed is the construction or partial reconstruction of a bridge or the opening or widening of a road, concerning the inhabitants, or any number of the inhabitants of more than one County Municipality, or of one or more Local Municipalities in two or more County Municipalities, if the said work is to be undertaken by the job, by agreement or contract, for a price in money or partly for money, and partly by means of materials and days' labour, to be contributed by the assessable inhabitants, it shall be the duty of the County Superintendent who shall have drawn up the *Procès-Verbal* of such work, to submit such work to public competition :

Proceedings where the work is to be done by the job or contract.

Public competition.

2. For the purpose of obtaining tenders, the said County Superintendent shall give public notice, specifying clearly the work to be so given out, and the day on or until which tenders for the performance thereof will be received by him ; and the said County Superintendent may, in cases in which he shall deem it expedient so to do, insert such notice in one or more newspapers published in the said County or the District in which it is situated, or if there is no newspaper published therein, in an adjoining County or District ;

Advertisement for tenders.

3. The contract for the said work shall be adjudged to the person who shall tender for the lowest price and on the most favorable terms, provided he fulfil the conditions and give the security required for the execution thereof ;

Work to be adjudged to the most favorable bidder giving security.

4. Every contract or agreement relative to any such work shall be entered into, or considered as having been entered into with the said County Superintendent, in his name and capacity ; it may be accepted by the said County Superintendent or in his name by the Mayor, or by any Road Inspector of a Local Municipality interested in the said work, being thereunto specially authorized by the County Superintendent ; and every such contract or agreement shall be binding on each Municipality interested ; and every such Municipality may sue in its own name, to enforce the performance thereof in any Court of competent jurisdiction, in case the said County Superintendent fail

In whose name the contract shall be made.

Enforcing the contract.

fail so to do in his name and quality aforesaid within a reasonable time ; but no such Municipality shall be authorized to bring any such action until the expiration of fifteen days' notice given by the Council thereof to the County Superintendent requiring him to bring such action ;

Good security  
to be given by  
Contractor.

5. The person with whom any such contract for work is made shall furnish good and sufficient security to the satisfaction of the said County Superintendent for the performance of the said work, and the payment of all damages, costs and interest in the event of his not fulfilling his contract ;

Inspectors to  
superintend  
performance  
of contract  
when required.

6. The said County Superintendent may require any Inspector of roads in the Local Municipality in which the said work is to be executed to superintend the performance thereof ; and every such Inspector shall obey all such orders for that purpose, as he shall receive verbally or in writing from such County Superintendent ; and for every refusal or neglect so to do, every such Inspector shall incur a penalty of two pounds currency ;

County Super-  
intendent to  
make an ap-  
portionment of  
the cost.

7. The said County Superintendent shall make an apportionment among the different Local Municipalities interested, by an instrument under his hand, of the contributions required for the performance of the said work, establishing the proportion of the said contribution to be borne by each Local Municipality, or by such of the inhabitants thereof as are bound to bear the same, either in money, materials or days' labour ; and he shall serve a certified copy thereof on the County Superintendent of every other County interested ; and he shall also deposit a copy thereof in the office of the Municipal Council of each Local Municipality interested.

## VALUATORS AND VALUATION.

Valuation of  
property to be  
made by the  
Valuators ;

LXV. The Valuators shall make the valuation of all the real and other assessable property in the Local Municipality for which they have been appointed within two months after the date of their appointment, including in the said valuation the value of the houses and other buildings erected on such property ; a majority of the said Valuators may make or complete the said valuation notwithstanding the absence of the other Valuator ; and such valuation may be made either at one time or at several times, the proceedings had at each meeting being signed or attested by the Valuators who shall have assisted thereat : Provided, that when any lot occupied by a tenant or lessee shall be situated partly within the limits of any City Corporation and partly within any Village or Parish Municipality, the capital of the rent received by virtue of the said lease shall be deemed to be the value of the said lot during the existence of the said lease, and the amount of the assessment shall be paid to such City Corporation and Village or Parish Municipality

Or a majority  
of them ; and  
how.

Proviso : as to  
lots being  
partly in one  
Municipality  
and partly in  
another.

Municipality in proportion to the extent of ground lying in their respective limits, notwithstanding any of the provisions of this Act to the contrary :

2. In making the said valuation, the Valuator may require the services of the Secretary-Treasurer of the Council, or employ any clerk whom they may think proper to appoint ; and every clerk so employed shall be entitled to receive for his services, on the certificate of two of the Valutors, a sum not exceeding five shillings currency for every day during which he shall have been necessarily employed, and such remuneration shall be paid out of the general fund of the Local Municipality ;

They may require assistance of the Secretary-Treasurer of Municipality, or employ a Clerk.

3. A Valuation-Roll, setting forth such valuation, shall be drawn up and signed by the said Valutors, or by such of them as shall have assisted in making the valuation, and shall be by them delivered to the Mayor of the Municipality within eight days from the making thereof, and every such Valuation-Roll shall remain of record in the office of the Council of such Municipality. The Valutors shall specify in the Valuation-Roll, not only the names and designation of all owners or occupants of real or other assessable property, but also the names and designation of all persons not being owners or occupants of real property who are liable to statute labor under the provisions of this Act ; and the said valuation shall, so soon as the Valuation-Roll is delivered to the Mayor, be binding on all parties concerned, and be considered as the basis of any apportionment, assessment or collection which may from time to time be made, of any sum or sums to be levied, or of the quantity and kind of materials to be furnished, or of the number of days' work to be performed in the Municipality, under this Act ; subject however to such amendments as may be made thereto in the manner hereinafter provided ;

Valuation-Roll to be made ;

[Form E E.]

And recorded. What it shall contain.

Its effect and due.

Subject to amendment.

4. Every Railway Company shall annually transmit to the Secretary-Treasurer of every local Municipality in which any part of the road or other real property of such Company is situate, a statement describing the value of all the real property of the Company other than the roadway, and also the actual value of the land occupied by the road in such local Municipality, according to the average value of land in the locality, and the Secretary-Treasurer shall communicate the same to the Valutors ; and the said Valutors shall enter the same in their Valuation-Roll ; and the said Secretary-Treasurer shall immediately after the deposit of the said Valuation-Roll deliver at or transmit by post to any station or office of the Company, a notice of the total amount at which the Valutors have assessed the real property of the Company in their Municipality, distinguishing the value of the land occupied by the road, and the value of all other real property of the Company within the Municipality.

Railway Companies to transmit annual statements of value of their real property to Secretary-Treasurer of Municipality amount at which they are to be assessed.

Governor to appoint Valuators, if Valuation-Roll be not made within a certain time.

LXVI. If the Valuators appointed by the Council have not made the said valuation, and transmitted the Valuation-Roll to the Mayor within two months from the date of their appointment, it shall be the duty of the Secretary-Treasurer of the Local Council to inform the Governor, by letter addressed to the Provincial Secretary, of the failure of the said Valuators in that respect, and the Governor shall thereupon appoint three other Valuators :

They shall proceed as the first Valuators ought to have done.

2. The Valuators so appointed by the Governor shall make the said valuation in the same manner as the Valuators who ought to have made the same in the first place, and shall exercise the same powers and authority, perform the same duties, and be subject to the same penalties in the event of any failure or neglect on their part ;

Such Valuation to be made at the cost of the Valuators in default.

3. The valuation which the three last mentioned Valuators or the majority of them shall make as aforesaid, shall be made at the expense of the former Valuators who should have made the same ; an allowance at the rate of fifteen shillings currency shall accordingly be made to each of the said three last Valuators, for each and every day during which he shall be employed in making the said valuation ; the amount of the said allowance shall be determined and taxed by the Mayor, whose Certificate to that effect, stating the amount of the said allowance, shall be deemed an authentic document ;

Taxing such cost.

Recovery of such costs.

4. Each Valuator so appointed by the Governor, shall have a right of action in any Court of competent jurisdiction against the Valuators who shall have failed to make the Valuation and transmit the Valuation-Roll, as aforesaid, jointly and severally, for the recovery of the amount of the said allowance so determined and taxed as aforesaid.

Owners of assessed property to pay assessments in proportion to its value.

LXVII. The owners of assessable property mentioned or described in the Valuation-Roll shall respectively pay such sum or furnish such quantity and kind of materials, or such number of days' work as they shall be from time to time required to pay in proportion to the assessed value of such property, for their share of any apportionment or assessment authorized by this Act :

Assessments to be a special and preferable charge on the property, not requiring registration.

2. And whenever any such sum of money, quantity or kind of materials, or number of days' labour shall be so apportioned or assessed, the said sum of money, or the price of the said materials, or the value of the said number of days' labour, shall from the day of their being so apportioned or assessed, be a special charge on the real property so assessed which shall not require to be registered in any Registry Office established for the registering of privileges and hypothecs, and shall have, nevertheless, a preference over all other charges, excepting debts due to the Crown.

LXVIII. The Council of the Local Municipality in respect of which such Valuation-Roll was made, may at any time within thirty days next after the day on which it was delivered to the Mayor, amend the valuation therein made in the cases herein-after mentioned, and in the manner hereinafter provided :

Council may revise and amend the Valuation-Roll.

2. If the Council be of opinion that the valuation of any real property has been made under its true value so as to prejudice the owners of other property, or above its value so as to prejudice the owner thereof, then it shall be lawful for the said Council to amend the said Valuation-Roll by fixing such sum as they shall think just and reasonable, as the value of such property ; all such amendments shall be entered upon the said Valuation-Roll or on a paper annexed thereto ; the date thereof shall be mentioned and they shall be certified by the Secretary-Treasurer of the Council, and every such Valuation-Roll so amended, shall continue to be binding to all intents and purposes, but only as amended, and as such, only from the date of the Certificate of the said amendments ;

How such amendments may be made.

Entry thereof.

To be binding as amended.

3. Before any Council proceeds to the examination or revision of any such Valuation-Roll, the Secretary-Treasurer of such Council shall give public notice, to the inhabitants of the Local Municipality, of the day on which the Council will commence such examination or revision ;

Notice to be given before revision.

[Form F F.]

4. The Secretary-Treasurer shall at all reasonable hours of the day, allow any person interested to take communication of the aforesaid copy of the Valuation Roll ;

To be open to inspection.

5. It shall be the duty of the Council, in proceeding as aforesaid to the examination or revision of the said Valuation-Roll, to hear the parties interested therein, as well as the Valuers who have made the valuation if required so to do ;

Parties to be heard.

6. If the said period of thirty days during which the said Valuation-Roll may be so amended, be allowed to elapse without the Council amending the same, then the said Valuation-Roll shall remain in force as originally made by the Valuers ;

Valuation-Roll not amended within a certain period, to be binding.

7. It shall be the duty of the Mayor to cause a true copy of such Valuation-Roll with such amendments as may have been made thereto by the Council, to be delivered to the Warden of the County on or before the seventh day next after the expiration of the said thirty days.

Copy to be delivered to Warden.

LXIX. Every such Valuation-Roll shall remain in force during five years next after the date of the appointment of the Valuers who have made the same, and further after the expiration of the said five years until the day on which a new Valuation-Roll shall have been duly homologated.

Valuation-Roll to remain in force five years, and until a new one is homologated.

ASSESSMENT OF BUSINESS OF MERCHANTS AND OTHER PERSONS, AND THE INCOMES OF PROFESSIONAL MEN.

Value of business of certain parties to be entered on Roll.

How calculated.

LXX. Every merchant, manufacturer, trader and master artificer (*maitre ouvrier*), carrying on his trade, business or calling in a Local Municipality, whether resident therein or not, whether he does or does not possess therein any real property, shall, by reason of such trade, business or calling, be liable for all the purposes of this Act, to assessment; the value of his business shall be estimated by the Valuers of the Municipality as a distinct property, according to the average annual profits thereof, based upon the proceeds of the next two preceding years:

The same of practice of professional men, and office holders.

2. Every judge or other civil functionary and every advocate, notary, physician, surgeon, civil engineer, or surveyor, residing in a Local Municipality, and performing the duties of his office or practising his profession therein, shall be liable to assessment in like manner; the value of such office or practice shall also be estimated by the Valuers, for the same purposes and in the same manner, as a distinct property.

STATUTE LABOUR.

Owners of assessed property to be liable to statute labour.

LXXI. In addition to the road work and other contributions to which the occupant of any lot of land or other property may be otherwise liable, he shall, in proportion to the value at which such property shall be assessed, be liable yearly to a certain number of days' statute labour on the roads, that is to say: if such property be assessed—

And in what proportion.

1. At not over one hundred pounds, to one day's labour, and to one additional day's labour for every one hundred pounds of additional value, reckoning any fraction of a hundred pounds as a hundred pounds;

Persons not otherwise liable.

2. And every male inhabitant between the age of eighteen and sixty years, and not otherwise liable to statute labour, shall be liable to one day's labour;

Exemption.

3. But no officer on full pay, nor any soldier on actual service shall be liable to statute labour, except in respect of some land owned or occupied by him otherwise than for Her Majesty's service;

How and where such labour shall be performed, and under whose orders.

4. Labour performed under this Section, shall be performed at such places as the County Superintendent shall from time to time appoint by order in writing,—or in default of such order, at such places in the division as the Inspector shall appoint by order in writing,—or in default of such order, then at such places in the division as the overseer shall think proper,—in aid of such persons as shall in the opinion of such County Superintendent,  
Inspector



Inspector or Overseer, have more than their proportionate share of work to perform in making and maintaining the front road on their lots, by reason of some difficulty arising out of the nature of the ground or other circumstances of such front road, or at such other places as in his discretion he shall think proper, or as may be determined by any *Procès-Verbal*, By-law or Order ;

5. The commutation money for statute or joint labour shall be four shillings currency for each day, and any person may commute his statute labour at that rate instead of performing the same ; but the commutation money shall be paid before the time at which the person commuting shall have been notified by the overseer to perform such labour, otherwise the penalty shall be payable instead of the commutation money, if the labour be not performed according to the notice.

Commutation for statute labour.

When to be paid.

#### PROPERTIES AND PERSONS EXEMPTED FROM ASSESSMENT.

LXXII. All public buildings intended for the use of the Civil Government, for military purposes, for the purposes of education or religious worship, all parsonage houses, burying grounds, charitable institutions, and hospitals duly incorporated and the lands upon which such buildings are erected, shall be exempt from all assessments or rates imposable under this Act :

Public property, or property used for public purposes.

2. All persons who, by reason of their poverty or the scantiness of their means, shall, in any year, by a By-law of the Municipality in which they reside, be declared exempt from the payment of the said assessments or rates imposed during and for the said year, shall be thereby exempted from the payment thereof.

Indigent persons.

#### COLLECTION OF ASSESSMENTS.—DUTIES OF SECRETARY-TREASURER AND OTHER OFFICERS IN RELATION THERETO.

LXXIII. All assessments imposed under this Act shall be due and payable not only by the owner of the property upon which they shall be imposed, but also by the possessor or occupant of the said property as owner, and by the tenant or lessee of such property, but the payment in full of any such assessment by any such person shall discharge all others concerned :

Assessments to be payable either by owner or occupant.

2. In the event of the payment or contribution of any assessment by the tenant or lessee of any such property, he shall have a right of personal action against the owner of the property assessed, or the lessor, holder or occupier of the same as owner, as aforesaid, for the recovery, with interest and costs of the amount of such assessment, or of the price or value thereof, paid or contributed by him ;

Recourse of occupant paying against owner.

He shall be subrogated to Municipality.

3. In such case, such tenant shall be fully subrogated, without any formality whatsoever, in the rights and privileges of the Municipality upon the property in question ;

As to assessments imposed in labour.

4. It is nevertheless hereby declared that when the said assessments shall be imposed in labour, no more than one year's arrears thereof shall be recoverable.

Secretary-Treasurers to be Collectors in their localities of assessments, and penalties.

LXXIV. The Secretary-Treasurer of the Local Council shall be the Collector of all the assessments imposed within the limits of each Local Municipality and of all penalties imposed under this Act, except in any case in which the said assessments or penalties are required to be collected by any other officer or in any other manner :

Inspectors may be sued for accounts, &c.

2. Every such Secretary-Treasurer, as assessment Collector may be sued by the Mayor, in the name of the Local Municipality, or by the County Superintendent in the name of the County Municipality, before any Court of competent jurisdiction, to compel him to render an account of the assessments levied by him ; and the said Secretary-Treasurer shall in every such suit be condemned to pay to the Municipality interested the amount of the assessments in money, and the price and value of the assessments in materials and day's labour then due unless he shew to the satisfaction of the Court, proof of sufficient diligence having been used by him for recovering the said assessments ; and if he render an account of such assessments, he shall be condemned to pay such sum as he shall acknowledge or as shall be declared to be in his hands, and such further sums as he ought to have received, or as the Court shall think he ought to be held accountable for, for want of proof of sufficient diligence on his part for the recovery thereof ; every judgment pronounced in every such action shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit ; and in every such action a certified copy of the Collection-Roll of the division, shall to all intents and purposes be *prima facie* evidence against the said Secretary-Treasurer ;

Judgment in such cases.

Interest to be recovered at 12 per cent.

Evidence.

Secretary-Treasurer to make general Collection-Roll.

3. The Secretary-Treasurer of every Local Council shall on or before the fifteenth day of May in each year make out the general Collection-Roll for the Municipality, and set down therein the name of each person assessed, whose name appears on the Valuation-Roll, the value of the real property of each such person, as specified in such Valuation-Roll, and the amount of personal property for which such person is assessable ; and he shall also calculate and set down the various assessments, payable by such person under any By-law or otherwise, and the total amount with which each person is chargeable ; Provided however, that in any year when a new Valuation-Roll is to be made, and such Roll is not finally revised and homologated at least fifteen days before the said fifteenth day of

[Form C C.]

Contents  
It shall shew the amount payable by each person.

Proviso : as to year when a

May,

May, the delay for completing the general Collection-Roll shall be extended to a period of fifteen days next after the date of such final revision or homologation ;

new Valuation is made.

4. And whenever any special rate is imposed in the same year after the said fifteenth day of May, he shall make out a special Collection-Roll in the manner prescribed by the next preceding section ;

Special Collection-Rolls in certain cases.

5. And upon completing his Collection-Roll, he shall proceed to collect the assessments therein mentioned, and for that purpose shall leave at the usual place of residence or domicile of each person assessed, a statement in detail of the various sums and the total amount of assessments due by such person, and shall at the same time in and by a notice annexed to such statement demand payment of the assessments therein mentioned ;

He shall forthwith collect the assessments due : and in what manner. [Form Z.] Notice.

6. If any person neglect to pay the amount of assessments imposed upon him, for the space of thirty days after such demand made as aforesaid, the Secretary-Treasurer shall levy the same with costs, by seizure and sale by Warrant under the hand of the Mayor of the Municipality of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the local Municipality ; and no claim of property, or privilege thereon or thereto shall be available to prevent the sale thereof for the payment of the assessments and costs out of the proceeds thereof ;

Taxes to be levied by distress if not paid in 30 days : and of what goods.

[Form H H.]

No claim to property allowed to prevent sale.

7. If the goods and chattels seized be sold for more than the whole amount of assessments levied for, and the costs attending the seizure and sale, the surplus shall be returned to the person in whose possession such goods and chattels were when the seizure was made ; but if any claim for such surplus shall be previously made by any other person, by reason of any alleged right of property or privilege upon such surplus, and such claim be admitted by the person for whose assessments the seizure was made, such surplus shall be paid to such claimant ; and if such claim be contested, the surplus money shall be retained by the Secretary-Treasurer, until the respective rights of the parties be determined by a competent tribunal ;

Surplus of proceeds under distress to be returned to owner.

As to claim to the same by contending parties.

8. The Secretary-Treasurer shall give public notice of the day and place of the sale, and the name of the person whose goods and chattels are to be sold ;

Notice of sale.

[Form I I.]

9. In every case in which any sum is to be levied for County purposes, the County Council shall, by By-law, direct what portions of such sum shall be levied in each Local Municipality ; and it shall be the duty of the Secretary-Treasurer of the County Council, before the first day of May in each and

When sums are to be raised for County purposes, Council to fix the and

sum to be raised in each locality.  
[Form J J.]  
To be guided by Collection-Rolls.

and every year, to certify to the Secretary-Treasurer of each Local Municipality the total amount which shall have been so directed to be levied therein in the then current year for County purposes; and for the guidance of such County Council, the Secretary-Treasurer of every Local Municipality therein, shall, immediately after the final revision of the Valuation-Roll for the same, transmit to the Secretary-Treasurer of the County Council, a statement of the aggregate yearly value of all real property and of all assessable personal property appearing on such Rolls as finally revised;

[Form K K.]

Return of doings on Collection-Rolls to Secretary-Treasurer of County; paying over moneys to him.

10. On or before the fifteenth day of November in each year, the Secretary-Treasurer of each Local Municipality, shall prepare a statement of all the assessments remaining due on the Collection-Rolls for the twelve preceding months, and of all the arrears due to the Municipality, with the particulars thereof including the amount of, or balance due, on all judgments pronounced against any of the inhabitants, or owners of land, and other persons within the Municipality for contributions or penalties due or incurred under this Act, and in such statement he shall shew opposite to each separate debt, the reasons why he could not collect the same, by inserting the words "non resident" or "no personal property to seize," as the case may be, and a designation of the lots or parcels of land in respect of which such assessments or other debts are due, and he shall transmit a copy of such statement, duly certified, to the Secretary-Treasurer of the County;

Certain particulars to be shewn in such return.

Secretary-Treasurer of County to prepare list of lands on which taxes, &c., are not paid.

[Form L L.]

Notice to be published, containing certain particulars.

11. And on, or before, the first day of December in each year, the Secretary-Treasurer of the County Council shall prepare a list of all lands in the County Municipality upon which any assessments or other dues shall remain unpaid, stating opposite the lots or parcels of land respectively, the amounts due, and shall cause to be inserted at least three times during the said month of December, in the *Canada Gazette*, and in at least one newspaper published within the district, or in the adjoining district, if there be none published therein, a notice in the English and French languages, containing a list of all lots or parcels of land respectively, on which any such assessments or other dues remain unpaid, shewing opposite, or after, the number or description thereof, the amount to be raised for the discharge of such assessments or other dues, including all costs and expenses, and announcing that all such lots or parcels of land shall be sold on the first Monday of the month of February then next ensuing, at the place where the last session of the Local Council was held, for the payment of such assessments and other dues; and he shall also give public notice of every such sale in the manner provided by this Act;

Further notice of sale.

12. Every such sale may take place either before or after suit for the recovery of the payment of the said assessments ; but it shall not take place if, at any time before the two days next preceding such sale, the person liable pay to the Secretary-Treasurer of the Local Council the full amount due by him for such assessments, as well as for any contributions or penalties imposed upon him, together with his just proportion of the costs and expenses incurred for effecting the said sale, which said share shall be fixed by the Secretary-Treasurer of the Local Council, whose duty it shall be to inform the Secretary-Treasurer of the County Council of every payment so made after the transmission to the latter of the statement hereinbefore mentioned ;

Small: unless the taxes are paid, with costs and penalty.

Return to Secretary-Treasurer of County.

13. Every such notice shall specify the place, day and hour at which such sale shall commence ; each lot or parcel of land, if the same be situated in a township, shall be designated therein by its range and number, and if it be within the limits of a fief or seignory by its metes and boundaries ;

Notice to specify place and time of sale, description of land, &c.

14. All the lots thus for sale in the municipality may be included in the same statement and in the same notice ;

One notice may include all lots.

15. Every Secretary-Treasurer of a Local Council may, under the authority of such Council, and at the expense of the Municipality, employ one or more persons to assist him as Collector of assessments and of other debts due to the Municipality, but he shall be responsible for the acts and omissions of all persons so employed.

Secretary-Treasurer of locality may employ Assistants.

SALES OF PROPERTY.

LXXV. All lands, goods and chattels to be sold under the authority of this Act for the payment of taxes or other dues, shall be offered to public competition ; but such lands, goods or chattels so publicly sold, shall be exempt from auction duty, and shall not be required to be sold by a licensed auctioneer :

Sales to be by public auction.

No duty, &c.

2. At the place, day and hour appointed for the sale of lands, the Secretary-Treasurer of the County Council shall make known the amount of the sum to be raised as aforesaid upon each such property, to which amount he shall add the just proportion of the costs and expenses to be borne by each such property ; the person who shall then and there offer to pay to such Secretary-Treasurer the amount of the said sum thus to be raised, together with costs and expenses for the smallest part, quantity or portion of the said property, shall be considered the purchaser, and such said part, quantity or portion of the said property shall be adjudged to him by the Secretary-Treasurer, who shall sell such portion of the property as shall appear to him best for the interest of the proprietor thereof ;

Mode of Sale.

In Sales of real property, so much only to be sold as will pay taxes and cos's.

What part shall be sold first.

If the purchaser fail to pay, another sale to be had in 8 days.

3. If any purchaser fail to pay on the day of sale the amount of the said purchase, the Secretary-Treasurer shall adjourn the sale to any day not more than eight days distant, by giving all persons present notice of such adjourned sale, in an audible and intelligible voice, in both the English and French languages; and on the day of such adjourned sale the Secretary-Treasurer shall again put up the said property for sale, and shall sell the same or any portion thereof, unless the first purchaser shall in the meantime have paid the full amount of assessments and charges due thereon;

Certificate to purchaser:

4. On payment by the purchaser of the said amount of purchase, the Secretary-Treasurer shall give a certificate under his signature to such purchaser, specifying the particulars of such sale, and the said purchaser may forthwith enter upon and take possession of such lot or parcel of land;

Owner may redeem within the year, paying price and 20 per cent more.

5. If within twelve calendar months from the time of such sale, the original proprietor of the lot, or any one on his behalf, pay to the Secretary-Treasurer the amount levied, together with twenty per cent in addition to the same, then he shall be entitled to recover possession of the lot or parcel of land so sold, and the Secretary-Treasurer shall on demand pay to the purchaser thereof, his heirs, assigns or representatives, the amount so received by him, after deducting therefrom two and a half per cent as his own fees; and the right acquired by such purchaser in such land shall thenceforth wholly cease and determine;

If the land be not redeemed, deed of sale to be given to purchaser: its effect.

6. If at the expiration of twelve calendar months from the time of such adjudication, the land so adjudged be not redeemed as aforesaid, then the Secretary-Treasurer, on demand by the purchaser, his heirs, assigns or representatives, and upon payment of the arrears of any other assessments which may, in the meantime, have become due thereon, shall execute a deed of sale in due form of law, conveying, in the name of the County Municipality, the property so adjudged to such purchaser, his heirs, assigns or legal representatives; and such deed of sale shall be a legal conveyance of the said land, and shall not only transfer to the purchaser all rights of property which the original holder had therein, but shall also purge and disencumber such Land from all privileges and hypothecs due thereon. But whenever any lot of Land situate in any Township shall be so sold before the issuing of Letters Patent from the Crown granting the same, such sale shall in no wise affect the rights of Her Majesty in such land, but shall solely have the effect of transferring to the purchaser such rights of pre-emption or other claims, as the holder of such Land or any other person had acquired in respect of the same.

As to lands sold before issue of Patent for them.

## PENALTIES.

LXXVI. Every person who being elected or appointed to any of the Offices mentioned in the following List, shall refuse or neglect to accept of such Office, or to perform the duties of such Office during any portion of the period for which he was so elected or appointed, shall incur the penalty mentioned in such List opposite the name or designation of such Office, that is to say :

Penalty on persons elected or appointed to office and not accepting.

The Office of Warden of a County, ten pounds currency ;

The Office of Mayor of a Local Municipality, seven pounds ten shillings currency ;

The Office of Councillor of any Municipal Council, five pounds currency ;

2. Whenever the Valuators of a Local Municipality neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the Valuation-Roll containing such valuation to the Secretary-Treasurer of the Local Council, within two months from the date of their appointment, every such Valuator shall incur a penalty of ten shillings currency, for each day which shall elapse between the expiration of the said period of two months, and the day upon which such Valuators' Roll shall be so delivered, or upon which their Successors in Office shall be appointed ;

On Valuators failing to perform certain duties.

3. Every Member of any Municipal Council, every Officer appointed by such Council, every Justice of the Peace, and every other person who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon, him by this Act, shall incur a penalty not exceeding five pounds and not less than one pound currency ;

On Members of any Council, Justices of the Peace, &c. failing to perform any duty.

4. Every person who shall vote at any Election of Municipal Councillors without having at the time of giving his vote at such election, the qualifications by law required to entitle him to vote at such election, shall thereby incur a penalty of five pounds currency ;

On unqualified persons voting.

5. Every Inspector of roads who shall refuse or neglect to perform any duty assigned to him by this Act, or to obey any lawful order of the County Superintendent, shall for each day on which such offence shall be committed or shall continue, incur a penalty of one pound currency, unless some other and heavier penalty be by law imposed on him for such offence ;

On Inspectors of roads failing to perform any duty.

6. Every Overseer of roads who shall refuse or neglect to perform any duty assigned to him by this Act, or to obey any lawful order of the County Superintendent, or of the Inspector of Roads for his division, shall for each day on which such offence shall be committed or shall continue, incur a penalty of one pound

On Overseers of roads failing to perform any duty.

pound currency, unless some other and heavier penalty be by law imposed on him for such offence ;

On persons hindering the execution of this Act.

7. Every person who shall hinder or prevent or attempt to hinder or prevent any Municipal Officer in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, shall incur a penalty of five pounds currency for every such offence, over and above any damages which he may be liable to pay ;

On persons wilfully tearing down notices, &c.

8. Every person who shall wilfully tear down, injure or deface any advertisement, notice, or other document, required by this Act to be posted up at any public place for the information of persons interested, shall incur a penalty of two pounds currency for every such offence.

### RECOVERY OF PENALTIES, TAXES, &c.

Taxes and penalties may be recovered before a Justice of the Peace.

LXXVII. All rates or assessments either in money, materials or labour, and all penalties imposed by this Act or by any By-law made by competent authority in virtue of this Act (except in cases where special provision to the contrary may be made,) shall be recoverable before any one of the Justices of the Peace in the Local Municipality where the person sued resides, other than the Chief Officer of such Municipality, and if there be no Justice of the Peace in such Local Municipality, then before any one of the Justices of the Peace in an adjacent Local Municipality ; and all the rates, assessments or taxes payable, and all the fines and penalties incurred by any one person may be included in the same suit :

All due by one person may be included in one suit.

Costs and execution.

2. Every judgment rendered in any such suit shall be so rendered with costs, and execution may issue thereon at the expiration of eight days from the date of such judgment ;

Secretary-Treasurer of Local Municipality to be Clerk of such Justice.

3. The Secretary-Treasurer of the Local Municipality in which such suit is brought, shall be *ex officio* in every such suit, Clerk to the Justice of the Peace, and it shall be his duty to keep in a faithful and correct manner, a separate Register in which he shall enter the judgments of the Justices of the Peace in all such suits ; and the summons and every other proceeding relating to such suit shall remain of record in his office ;

Right of Justice issuing summons to sit in preference to others.

4. On the day of the return of the summons, and at every other stage of the proceedings thereon, the Justice of the Peace who shall have signed the summons shall have the right to sit in the case, in preference to, and to the exclusion, of any other Justice of the Peace present ;

Delay between service and summons.

5. There shall be an interval of at least three clear days between the day of the service of the summons and the day of the return thereof ;



6. Every such suit shall be decided upon the oath of any Evidence. Municipal Councillor, or of the County Superintendent, or of any Inspector or other Municipal Officer; or of any other credible witness;

7. Every person condemned in every such suit shall be Costs. liable to pay the same costs to which he would have been condemned in a case brought for the recovery of an equal amount of money before a Court of civil jurisdiction;

8. Every suit brought for the recovery of penalties under this Act shall be commenced within six months of the date on which such penalty shall have been incurred; and all penalties paid either before or after such suit as aforesaid shall belong, one half to the Municipality with reference to which, or to the infraction of the By-laws of which, such suit is brought, and the other half to the prosecutor, unless such suit is instituted by the order of any Municipal Council or by any of its Officers, in which case the whole of the penalty shall belong to such Municipality. Limitation of suit for penalties.  
Application of penalties.

#### OATHS.

LXXVIII. Any Oath required by this Act may be made before any Warden or Mayor, or Justice of the Peace : By whom to be administered.

2. Any person before whom any Oath may be made under this Act, is empowered and required to administer such Oath, without payment, whenever called upon to do so; and to deliver to the person taking the same a certificate thereof, and the person taking such Oath shall, without delay, deliver such certificate to the Secretary-Treasurer of the Council in relation to the affair of which such Oath was made. Person administering it to give certificate of its having been taken.

#### LANGUAGE OF PUBLICATION.

LXXIX. The Governor General may, by Order in Council, declare that the publication to be made under this Act of any Notice, By-law or Resolution, shall be made in one language only, in any Municipality the Council whereof shall have shewn that such publication may be so made without detriment to any of the inhabitants thereof. The Provincial Secretary shall cause a copy of every such Order in Council to be inserted in "The Canada Gazette," and from the date of such insertion the publication of all such Notices, By-laws and Resolutions may be legally made in the Municipality referred to in such Order in Council, in that language only which shall be thereby prescribed. Governor in Council may allow publication in one language only in certain cases.  
Publication of such order.

#### FORMS.

LXXX. The forms given in the Schedule to this Act shall suffice for the purposes for which they are given; but any other Forms in Schedule to be sufficient. form

Interpretation of forms and proceedings under this Act.

Merely formal objections not to prevail if the substance be not affected.

form to the like effect shall be sufficient ; and any form shall be sufficient for such purposes or any other under this Act, if according to the ordinary construction of the language, the purport and intent thereof can be *bonâ fide* understood from the words used ; and no unnecessary or irrelevant allegations or expressions, in any such form, shall affect the validity thereof, if by passing them over as mere surplusage the remainder can be made to bear the sense required ; the rules of construction embodied in the Interpretation Act, and in this Act, shall apply as well to the forms here given and to any other such form as aforesaid, as to the allegations, statements, orders or directions therein contained ; and no objections of mere form or founded on the omission of any formality shall be allowed to prevail in any action, suit or proceeding under this Act, unless substantial injustice would be done by not allowing such objection.

SCHEDULE OF FORMS.

( A. )

NOTICE OF PUBLIC MEETING FOR THE ELECTION OF LOCAL COUNCILLORS.

To the Municipal Electors of the (Township, Parish, &c., *here insert name of Municipality.*)

Sect. xxvii part 1.

Public Notice is hereby given that a Public Meeting of the Inhabitants of the Local Municipality of the (Parish, Township, &c., *here insert name of Municipality*) qualified to vote for Municipal Councillors, will be held at (*here describe the Place, Public Room, House, &c.*) in the said Municipality, on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ instant, at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, for the purpose of then and there electing seven Councillors for the said Municipality, pursuant to the provisions of "The Lower Canada Municipal and Road Act, 1855."

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

A. B.

Registrar, Deputy Registrar (*or* Warden) of the County of \_\_\_\_\_, *or* of the Registration Division Number \_\_\_\_\_ of the County of \_\_\_\_\_, *as the case may be.*)

(A 2.)

(A 2.)

NOTICE OF PUBLIC MEETING FOR THE ELECTION OF COUNCIL-  
LORS, IN PLACE OF THOSE WHOSE ELECTION HAS BEEN  
DECLARED NULL AND VOID.

To the Municipal Electors of the (Township, Parish, &c., *here insert name of Municipality.*)

Public Notice is hereby given that a Public Meeting of the Inhabitants of the Local Municipality of the (Parish, Township, &c., *here insert name of Municipality*) qualified to vote for Municipal Councillors, will be held at *(here describe the Place, Public Room, House, &c.,)* in the said Municipality, on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ instant, (or next) at \_\_\_\_\_ of the clock in the

noon, for the purpose of then and there electing Councillor \_\_\_\_\_ for the said Municipality, in stead of (A. B. and C. D. *as the case may be*) whose election has been declared null and void, pursuant to the provisions of "The Lower Canada Municipal and Road Act, 1855."

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

A. B.

Registrar, (Deputy Registrar or Warden)  
of the County of \_\_\_\_\_, or of the  
Registration Division Number \_\_\_\_\_  
of the County of \_\_\_\_\_, *as the case may be.*)

( B. )

CERTIFICATE OF THE PUBLICATION OF A PUBLIC NOTICE, TO BE  
ANNEXED TO OR ENDORSED ON THE ORIGINAL NOTICE.

I, A. B., residing at the (Township, Parish or place, *here insert residence,*) being duly sworn on the Holy Evangelists, do hereby certify and return that I did publish the within Original Notice, by posting a true copy thereof on the front door of \_\_\_\_\_ *(here describe the Churches or Chapels on the door of which and the other public place where the notice was so posted)* on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ instant, (or last) between the hours of \_\_\_\_\_ in the \_\_\_\_\_ noon and \_\_\_\_\_ in the \_\_\_\_\_ noon, *(if it be within a Seigniorly or Fief, add)* and by reading the same at the door of the said Church, at the close of Divine Service in the forenoon, on the \_\_\_\_\_ day of \_\_\_\_\_ last (or the \_\_\_\_\_ instant,) being the Sunday next following the \_\_\_\_\_ day

day on which the same was published by posting a copy thereof as aforesaid.)

Dated at this day of one thousand eight hundred and

Sworn before the undersigned, Warden of the Municipal Council of the County of (here insert name of County), or Mayor of the Municipal Council of the (Parish, &c., here insert name of Municipality,) or one of Her Majesty's Justices of the Peace for the District of (here insert name of District, as the case may be).

B. C.

C. D.

(C.)

SPECIAL NOTICE TO THE PERSON APPOINTED TO PRESIDE AT A PUBLIC MEETING FOR THE GENERAL ELECTION OF LOCAL MUNICIPAL COUNCILLORS.

Office of the Municipal Council of the County of (or Registry Office of the County of , as the case may be).

(Place.) (Date.) 185 .

Sir,

Sect. xxvii par. 2.

Hereby take notice, that pursuant to the provisions of "The Lower Canada Municipal and Road Act, 1855," in that behalf made, I have this day appointed you to preside at a Public Meeting of the Inhabitants of the Local Municipality of the (Parish, Township, &c., here insert name of Municipality,) to be held at in the said Municipality, on day, the day of instant, at of the clock in the noon, for the election of Municipal Councillors for the same; And that I do hereby fix (here describe the house and place,) as the place at which, and day, the day of (instant or next,) as the day and hour on and at which the first Session of the Council of the said Municipality of shall be held. And I do hereby require you to make known the said place and time of such Session, to each of the persons who shall be elected Councillors as aforesaid.

D. E.

Warden (or Registrar or Deputy Registrar) of the County of , or of the Registration Division Number of the County of , as the case may be.)

(D.)

( D. )

CERTIFICATE TO BE ANNEXED TO OR ENDORSED ON EVERY  
SPECIAL NOTICE.

I, A. B., residing at the (Parish, Township or Place, *here insert residence*) Sect. ix par. 2.  
being duly sworn on the Holy Evangelists,  
do hereby certify and return, that on \_\_\_\_\_ day, the  
\_\_\_\_\_ day of \_\_\_\_\_, in the year of

Our Lord, one thousand eight hundred and \_\_\_\_\_,  
at the hour of \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, in the  
(Parish, Township or Place), in the County of \_\_\_\_\_, I did  
serve the within Original Special Notice on the person (s)  
therein named to be notified, at his (or each of their,  
*as the case may be*) domicile (s), by leaving a true Copy thereof  
with (*here mention the manner in which the service is made, either*  
*adding* the said \_\_\_\_\_ personally, or, a reasonable  
person of his family, and then and there exhibiting to him (or  
her) the said Original Special Notice.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_,  
one thousand eight hundred and \_\_\_\_\_

Sworn before the undersigned, Warden of }  
the Municipal Council of the County of }  
(*here insert name of County*), or Mayor }  
of the Municipal Council of the }  
(Parish, &c., *here insert name of* }  
*Municipality*), or one of Her Majesty's }  
Justices of the Peace for the District }  
of (*here insert name of District, as the* }  
*case may be*). }

E. F.

F. G.

( E. )

SPECIAL NOTICE TO MUNICIPAL COUNCILLOR INFORMING HIM OF  
HIS ELECTION AND OF THE DAY OF THE FIRST SESSION.

(Place.) (Date.) 185 .

Sir,

I hereby notify you that at a public Meeting of the Electors Sect. xxviii  
of the Municipality of (*here insert name of Municipality*), con- par. 1.  
vened and held in conformity to the provisions of "The Lower  
Canada Municipal and Road Act, 1855," at the said (Parish,  
&c.,) on the \_\_\_\_\_ day of \_\_\_\_\_ (instant or last  
past,) you were then and there duly elected a Municipal  
Councillor for the said Municipality of (*here insert name of*  
*Municipality*), and you are hereby required to attend the first  
Session

Session of the said Council which will be held at (*here describe place of first Meeting,*) on \_\_\_\_\_ day, the day of \_\_\_\_\_ (instant or next,) at the hour of \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon.

G. H.  
President of the Election.

To H. I.  
Municipal Councillor.

( F. )

NOTICE FROM PRESIDENT OF ELECTION TO WARDEN OR REGISTRAR, WHEN AN ELECTION HAS TAKEN PLACE.

(Place.) (Date.) 185 .

Sir,

Sect. xxviii  
par. 2.

I hereby inform you that at the public Meeting of the Inhabitants of the Municipality of the (Parish, Township, &c.,) of (*here insert name of Municipality,*) held at \_\_\_\_\_ on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ (instant or last past) :

NAME.	RESIDENCE.	OCCUPATION.
A. B.	Quebec,	Carpenter,
C. D.	do.	do.
E. F.	do.	do.
G. H.	do.	do.
J. K.	do.	do.

were elected Councillors for the said Municipality, (by acclamation, they being the only candidates, *if such be the case,*) or they having the largest number of votes, as appears by the Poll Books, duly certified by me and herewith transmitted.

I. J.

President of Election.

To J. K., Esquire,  
Warden or Registrar of  
the County of \_\_\_\_\_

(G.)

( G. )

## APPOINTMENT OF A DEPUTY COUNTY SUPERINTENDENT.

(Name of place.) (Date.) 185 .

Sir,

I hereby nominate, constitute and appoint you to be a (or Sect. xxi  
one of the) Deputy County Superintendent (s) for the County par. 4.  
of , pursuant to the provisions of "The Lower  
Canada Municipal and Road Act, 1855."

K. L.

County Superintendent for the  
County of

To L. M.

(Address.)

( H. )

## NOTICE OF APPOINTMENT OF A DEPUTY COUNTY SUPERINTENDENT.

(Name of place.) (Date.) 185 .

Sir,

Hereby take notice, that pursuant to the provisions of "The Sect. xxi  
Lower Canada Municipal and Road Act, 1855," and under the par. 4.  
authority of a Resolution of the Municipal Council of the  
County , in that behalf made, I have this day  
nominated, constituted and appointed A. B. of (residence,  
profession or calling,) to be a (or one of the) Deputy County  
Superintendent (s) for the County of

M. N.

County Superintendent for the  
County of

To N. O.

Warden of the County  
of

## BY-LAWS AND RESOLUTIONS.

( I. )

## COUNTY COUNCIL BY-LAW.

Corporation of the }  
County of }

At a General Quarterly Session of the Municipal Council of Sects. xv &  
the County of (here insert the name of County) \* held at xix.  
in the said County, on day, the day of  
in the year of Our Lord, one thousand eight hundred and  
, in conformity to the provisions of "The Lower  
Canada Municipal and Road Act, 1855," † at which Meeting  
are present, A. B., Mayor of the Corporation of the (Parish,  
&c.) C. D., Mayor of the Corporation of (Parish, &c.) E. F.,  
Mayor

Mayor of the Corporation of (*Parish, &c.*) the said (three Mayors, or more, as the case may be,) forming a *quorum* of the said Council, the said A. B. presiding (as Warden of the said Council, *if such be the case,*) † the said Council doth hereby ordain and make the following By-law, to wit :

## A BY-LAW.

(*Here give a heading to By-law concisely indicating the purport of such By-law.*)

I. That, &c., &c.

(*Seal.*)

A. B.

Warden (*or Chairman, as the case may be.*)

Attested, C. D.,

Secretary-Treasurer of said Council.

\* (*If it be a Special Meeting of the Council, the following head should be substituted*) :

At a Special Session of the Municipal Council of the County of (*here insert the name of County*), duly convened by Special Notice given to all the Members of the said Council by (the Warden of the said Council, or by A. B. and C. D., two Members of the said Council, *as the case may be,*) and, &c.

( J. )

## LOCAL COUNCIL BY-LAW.

Corporation of the }  
(Parish, Town- }  
ship, &c.,) of }

Sects. xv.  
& xxiv.

At a General Monthly Session of the Municipal Council of the (*Parish, &c.*) (*here insert the name of Municipality*) \* held in the said (*Parish, &c.*) on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord, one thousand eight hundred and \_\_\_\_\_, in conformity to the provisions of "The Lower Canada Municipal and Road Act, 1855," † at which Meeting are present A. B., C. D., E. F., &c., (*here insert the names of the Councillors present*) Members of the said Council, and forming a *quorum* thereof, the said A. B. presiding (as Mayor, *if such be the case,*) † the said Council doth hereby ordain and make the following By-law, to wit :



A BY-LAW.

(Here give a heading to By-law concisely indicating the purport of such By-law.)

I. That, &c., &c.

(Seal.)

A. B.

Mayor (or Chairman, as the case may be.)

Attested, C. D.,  
Secretary, Treasurer of said Council.

\* (If it be a Special Meeting of the Council, the following head should be substituted) :

At a Special Session of the Municipal Council of the (Parish &c.) of (here insert the name of Parish, &c.,) duly convened by Special Notice given to all the Members of the said Council by (the Mayor of the said Council, or by A. B. and C. D., two Members of the said Council, as the case may be,) and, &c.

† (If the Meeting of any Council be continued by adjournment, add) :

And adjourned from the said day to day, the day of in the (said) year, (if further adjourned), and thence unto, &c.

( K. )

PUBLICATION OF A RESOLUTION OF A MUNICIPAL COUNCIL.

(When by any part of this Act a resolution of a Municipal Council is ordered to be published, the above heading of By-laws may be used in the public notice as far as † after which, add, It was resolved, and for the words "are present" substitute "were present.")

Sect. xxxiii par. 6.

( L. )

NOTICE FOR SPECIAL MEETING OF A MUNICIPAL COUNCIL.

Office of the Municipal Council of the (County, Parish, &c.)

(Place.) (Date.) 185 .

Sir,

Hereby take notice that a Special Session of the Municipal Council of the (County, Parish, &c., as the case may be,) will be held on day, the day of

Sect. xii par. 4.

instant

instant (or next), at the hour of \_\_\_\_\_ of the clock, in the \_\_\_\_\_ noon, at the usual place of meeting.

P. Q.

Warden, or Mayor, or Members of the Municipal Council of the (County, Parish, &c.)

To Q. R.

( M. )

NOTICE FOR AN ADJOURNED MEETING OF A MUNICIPAL COUNCIL TO BE SERVED ON MEMBERS ABSENT AT THE TIME OF ADJOURNMENT.

Office of the Municipal Council of the (County, Parish, &c.)

(Place.) (Date.) 185 .

Sir,

Sect. xii par. 9.

You are hereby notified that the Session of the Municipal Council of the (County, Parish, &c.) stands adjourned from \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ instant, to \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ instant (or next), on which latter day the said Council will meet at the usual place and at the hour of \_\_\_\_\_ of the clock, in the noon.

R. S.

Secretary-Treasurer of the Municipal Council of the (County, Parish, &c.)

To Q. R.

( N. )

OATH OF OFFICE.

Sect. xi par. 8. I, A. B., having been elected or appointed (as the case may be) Councillor, Mayor, or Warden of the Municipal Council of the (County, Parish, &c.) do sincerely and solemnly swear, that I will faithfully fulfil the duties of the said Office, according to the best of my judgment and ability.

Sworn before the undersigned, Warden of the Municipal Council of the County of (here insert name of County), Mayor of the Municipal Council of the (Parish, &c., here insert name of Municipality,) or one of Her Majesty's Justices of the Peace of the District of (here insert name of District, as the case may be).

S. T.

T. U.

( O. )

(O.)

SECRETARY-TREASURER'S SURETY BOND, WHEN GIVEN UNDER  
PRIVATE SEAL.PROVINCE OF }  
CANADA. }

Know all men by these presents, that We, A. B. (*here insert name of Secretary-Treasurer,*) of the (Parish &c.) of Sect. xiii  
par. 5.  
, in the District of , and (*here insert names, residences and occupations of two Sureties,*) are jointly and severally held and firmly bound to the Corporation of the (County, Parish, &c. *as the case may be,*) in the sum of Pounds, of good and lawful money of this Province, to be paid to and for the use of the said Corporation, for which payment well and truly to be made we jointly and severally (*solidairement*) bind ourselves and our respective heirs, executors and administrators, firmly by these presents, and do hereby specially hypothecate the properties hereinafter mentioned, to wit: the said A. B. (*here insert name of Secretary-Treasurer, if he has real property*) a certain (*description of property hypothecated*) and the said (*here insert separately the name of each surety, together with description of the property hypothecated*), signed in duplicate by our respective hands, sealed with our respective seals, and dated at ,  
the day of , in the year of our Lord, one thousand eight hundred and , in presence of (*here insert names of Witnesses,*) the subscribing Witnesses.

WHEREAS the said bounden (*here insert the name of Secretary-Treasurer elect*) hath been elected (*or appointed*) Secretary-Treasurer of the Municipal Council of the (County, Parish, Township, &c.); and whereas in accordance with the provisions of "The Lower Canada Municipal and Road Act, 1855," the said bounden (*here insert names of Sureties*) have been approved by a Resolution of the said Council as Sureties for the payment of all sums of money for which he the said (*insert name of Secretary-Treasurer*) so elected (*or appointed*) Secretary-Treasurer, may as such Secretary-Treasurer at any time be accountable to the said Corporation, including principal, interest and costs, as well as all penalties and damages to which he the said (*insert name of Secretary-Treasurer*) as such Secretary-Treasurer shall become liable in the exercise of his office.

Now the condition of the above written obligation and recognition is such, that if the above named (*insert name of Secretary-Treasurer*) do faithfully discharge the duties of the office of Secretary-Treasurer as aforesaid, to which he has been elected (*or appointed*) so as aforesaid, and do well and truly account for and pay over to the said Corporation or to such person or persons as under the said Act shall be authorized to demand and receive the same, all sums of money for which he the said (*insert name of Secretary-Treasurer*) as such Secretary-Treasurer

Secretary-Treasurer shall be accountable to the said Corporation, including principal, interest and costs, as well as all penalties and damages to which he the said (*insert name of Secretary-Treasurer*) as such Secretary-Treasurer shall become liable in the exercise of his office, for and during the time the said (*insert name of Secretary-Treasurer*) shall continue to hold the said office of Secretary-Treasurer, then this obligation to be void and of none effect, otherwise to be and remain in full force and virtue.

A. B., Signature of Secretary-Treasurer. (Seal.)  
 C. D., } Signatures of (Seal.)  
 E. F., } Sufeties. (Seal.)

Witnesses. (*Names of Witnesses.*) { G. H.  
 J. H.

( P. )

SPECIAL NOTICE OF APPOINTMENT OF A MUNICIPAL OFFICER.

Office of the Municipal Council of the (County, Parish, &c.,)  
 of  
 (Place.) (Date.)

Sir,

Sect. xiv  
 par. 1.

You are hereby notified, that at a Session of the  
 Municipal Council of the (County, Parish, &c., *as the case may  
 be,*) of held on the day of  
 instant (*or last past*), you were, by a resolution of the said  
 Council, duly appointed to the office of (*here insert name of  
 office*).

U. V.

Secretary-Treasurer of the Municipal Council of the  
 (County, Parish, &c.,) of

To V. W.

(Address.)

( Q. )

NOTIFICATION OF ELECTION OR APPOINTMENT OF MAYOR.

Office of the Municipal Council of the (Parish, Township, &c.)  
 (Place.) (Date.)

Sir,

Sect. xxx  
 par. 5.

You are hereby notified that (A. B., *here insert name of  
 Councillor*) was on the day of instant  
 (*or last*), duly elected (*or appointed, as the case may be*), Mayor  
 of the Municipality of the said (Parish, Township, &c.)

W. X.

Secretary-Treasurer of the said Council.

To X. Y.

Registrar of the County  
 of or Secretary-  
 Treasurer of the Council  
 of the County of

( R. )

( R. )

## PETITION FOR ERECTION OF A VILLAGE.

To the Municipal Council of the County of

The Petition of the undersigned Inhabitants of the (Parish, Sect. xxxiv  
Township, &c.,) of \_\_\_\_\_ qualified to vote at the Election par. 1.  
of Local Councillors—

Respectfully sheweth :

That they are desirous that the hereinafter described tract of land be erected into a separate Town (or Village) Municipality, under such name as may be given thereto by His Excellency the Governor General, under the provision of "The Lower Canada Municipal and Road Act, 1855."

That the said tract of land lies within the limits of the Municipality of the said County of \_\_\_\_\_ and is bounded as follows, to wit: (*here give boundaries and description of the said tract*), and contains at least sixty inhabited houses within the space of thirty superficial arpents.

Wherefore the said Petitioners, resident within the said tract, pray that the Municipal Council of the said County of \_\_\_\_\_ will order on their said Petition as in and by the said Act prescribed.

(Place.) (Date.)

(Signatures.)  
(Not less than forty.)

( S. )

PUBLIC NOTICE TO BE GIVEN BY THE COUNTY SUPERINTENDENT  
IN RELATION TO THE ERECTION OF A TOWN OR VILLAGE.

(Place.) (Date.)

Public Notice is hereby given, that in pursuance of an Sect. xxxiv  
order to me given by the Municipal Council of the County of \_\_\_\_\_ par. 2.  
, I shall, on \_\_\_\_\_ day, the \_\_\_\_\_ day  
of \_\_\_\_\_ instant (or next), at the hour of \_\_\_\_\_ of the  
clock in the \_\_\_\_\_ noon, visit the tract of land mentioned  
and described in the petition of certain inhabitants of the  
Municipality of the (Parish, Township, &c.,) of \_\_\_\_\_  
presented to the Municipal Council of the County of \_\_\_\_\_,  
on the \_\_\_\_\_ of \_\_\_\_\_ instant (or last past), praying  
for the erection of the said tract of land into a Town (or  
Village) Municipality; and all parties interested who may be  
desirous of being heard in relation to that petition are hereby  
notified

notified to present themselves then and there before me for that purpose.

Y. Z.  
County Superintendent.

( T. )

**PUBLIC NOTICE TO BE GIVEN BY A COUNTY COUNCIL BEFORE THE HOMOLOGATION OF A COUNTY SUPERINTENDENT'S REPORT IN RELATION TO THE ERÉCTION OF A TOWN OR VILLAGE.**

Office of the Municipal Council of the County of

(Date.)

Sect. xxxiv  
par. 6.

Public Notice is hereby given, that on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ instant, (or next) at the hour of \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, the Municipal Council of the County of \_\_\_\_\_ after having heard the County Superintendent and parties interested, will proceed to the examination of the County Superintendent's report on the petition of certain Inhabitants of the Municipality of the (Parish, Township, &c.) of \_\_\_\_\_ praying for the erection into a separate Town (or Village) Municipality of a certain tract of land therein mentioned.

V. U.  
Secretary-Treasurer of the Municipal  
Council of the County of

( U. )

**OATH TO BE ADMINISTERED TO SPECIAL CONSTABLES.**

Sect. xxvii  
par. 6.

I, A. B., do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Special Constable for the \_\_\_\_\_ of \_\_\_\_\_, without favor or affection, malice, or ill will ; and that I will to the best of my power cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects ; and that while I continue to hold the said office, I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law : So help me God.

( V. )

**WARRANT OF COMMITMENT ON VIEW.**

PROVINCE OF CANADA,  
Municipality of the (Parish, }  
Township &c.) of

To all or any of the Constables and Peace Officers in the District of \_\_\_\_\_ and to the Keeper of the (House of Correction,

Correction, Lock-up House, &c.) at \_\_\_\_\_, in the said District of \_\_\_\_\_

WHEREAS A. B. (*here describe the person*) hath this day during the Election for the Municipal Councillors for the Municipality of the (Parish, Township, &c.) of \_\_\_\_\_ broken and disturbed the public peace and tranquillity (*here describe the manner*), in the presence and within view of the undersigned duly appointed to preside and presiding at the said Election; and whereas I have adjudged the said A. B. for the said offence to be imprisoned in the (House of Correction, Lock-up House, &c.) for the time and space of \_\_\_\_\_ days. Sect. xxvii  
par. 6.

These are therefore to command you the said Constables or Peace Officers, or any one of you, in Her Majesty's name, forthwith to convey the said A. B. to the (House of Correction, Lock-up House, &c.) at \_\_\_\_\_, and there deliver him into the custody of the Keeper thereof, together with this Precept; And I hereby require you, the said Keeper, to receive the said A. B. into your custody in the said (House of Correction, Lock-up House, &c.) and there safely keep him until the expiration of the said period of imprisonment.

Given under my Hand and Seal, }  
this \_\_\_\_\_ day of \_\_\_\_\_, one }  
thousand eight hundred and \_\_\_\_\_, }  
at \_\_\_\_\_ in the Municipality }  
aforesaid. }

Z. Y.

( W. )

DISTRESS WARRANT in virtue of any By-law made under  
*Section XXIII, par. 7.*

PROVINCE OF }  
CANADA. }

The Corporation of the (Parish, Township, &c., *as the case may be,*) to wit :

To all or any Constables and Peace Officers in the District of \_\_\_\_\_

WHEREAS in and by a certain By-law made and passed by the Municipal Council of the (Parish, Township, &c., *as the case may be,*) at a (General Monthly) Session of the said Council of the (Parish, Township, &c., *as the case may be,*) held at \_\_\_\_\_, on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, one thousand eight hundred and \_\_\_\_\_, in conformity to the provisions of an Act of the Legislature of the Province of Canada, passed in the eighteenth year of Her Majesty's Reign, intituled, an Act (*here insert title of this Act,*) it was provided (*here insert part of By-law made in virtue of the fifth paragraph of the twenty-third Section of the above Act.*) Sect. xxiii  
par. 8.

And whereas certain person did lately, to wit: on the day of (instant or now last past,) hold (here state the nature of performance or exhibition,) and whereas A. B. being (the proprietor &c., as the case may be,) (here insert the connection such person may have with the performance or exhibition,) hath been required by the Secretary-Treasurer of the said Municipal Council to pay into his hands for and on behalf of the said Municipal Council, the sum of being the amount of duty imposed on every such (performance or exhibition) under and in virtue of the said Law and of the said By-law; And whereas the said A. B. hath neglected and refused to pay unto the said Secretary-Treasurer, on his said demand, the said sum of so as aforesaid, lawfully imposed on the said (performance or exhibition). These are therefore to command you forthwith to make distress of the goods and chattels of the said A. B., and of all and every the goods and chattels appertaining to the said (performance or exhibition;) or of all or any of the persons connected with such (performance or exhibition); and if within the space of days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the Secretary-Treasurer of the said Municipal Council, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to Law doth appertain.

Given under my Hand and the Seal }  
of the said Corporation, this }  
day of , in the year of our }  
Lord , at in }  
the District aforesaid. }

Y. X.  
Mayor of the said  
Corporation.

( X. )

**SPECIAL NOTICE TO BE GIVEN TO ANY PERSON APPOINTED BY THE GOVERNOR GENERAL, AND TO THE SECRETARY-TREASURER OF THE MUNICIPALITY IN WHICH SUCH PERSON HAS BEEN APPOINTED.**

Office of the Registrar or of the Municipal  
Council of the County of

(Place.) (Date.)

Sect. xxxvi  
par. 1.

SIR,—You are hereby notified that (you have) or (A. B. of , in &c. has) been appointed by the Governor in the Municipality of the (County, Parish, or Township, &c.) of (if it be addressed to a Councillor, add) and that the first (or next) Session



Session of the Municipal Council of the said (County, Parish, Township, &c.) will be held at <sup>at</sup> *(here describe place)* on day, the day of instant *(or next)* at the hour of of the clock of the noon.

W. U.

Registrar or Warden of  
the County of

To A. B., Warden, or

D. H. Secretary-Treasurer of the Municipal Council of

( Y. )

## NOTICE TO PERFORM STATUTE LABOUR.

Municipality of the (Parish, Township, &amp;c., &amp;c.) of

*(Date.)*

To Mr.

You are required to attend at *(here insert place)* on the *(insert* Sect. lvii  
*days of month)* days of *(instant or next)* at par. 2  
of the clock in the noon, bringing with you an axe  
and a hoe, *(or a horse, ox, waggon, car or other vehicle and  
harness,)* for the purpose of performing statute labour on the  
*(here describe road, bridge, &c.)*

K. L.

County Superintendent *(or Inspector or Overseer of Roads, as the  
case may be.)*

(Z.)

( Z. )

SECRETARY-TREASURER'S NOTICE FOR THE PAYMENT OF ASSESSMENT.

Sect. lxxiv par. 5.

MUNICIPALITY OF THE (Parish, Township, &c.)

MUNICIPALITY OF THE (Parish, Township, &c.) (Date of delivery.)

Mr.

Mr.

To the Corporation of the (Parish, Township, &c.)

(Copy of Account.)

	£	s.	d.
Assessment on your (here mention the property as house, land, &c.) valued at £			
, at (s.d.) in the £.....			
(Here add the various other items of taxation).....			
Total.....			

SIR,

Hereby take notice that under "The Lower Canada Municipal and Road Act, 1855," you are required to pay the within mentioned sum of £ s. d. within thirty days from the above date.

X. S. Secretary-Treasurer.

Notice served (here insert date of notice.)

(AA.)

(AA.)

## PUBLIC NOTICE OF THE EXAMINATION OF ANY PROCÈS-VERBAL.

Office of the Municipal Council of the (County, Parish, Township, &c.) of

(Place.) (Date.)

Public Notice is hereby given to all parties interested, that pursuant to the provisions of "The Lower Canada Municipal and Road Act, 1855," on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ instant (or next,) at the hour of \_\_\_\_\_ of the \_\_\_\_\_ clock in the \_\_\_\_\_ noon, at (here describe the place) the Municipal Council of the (County, Parish, Township, &c.) of \_\_\_\_\_ will proceed to the examination or revision of the County Superintendent's Procès-verbal relative to the (here give the nature of the work, &c.)

B. F.

Secretary-Treasurer of the Municipal Council of the (County, &c.) of

(BB.)

## SPECIAL NOTICE OF COUNTY SUPERINTENDENT, &amp;c.; OF HIS INTENTION TO ENTER ON OCCUPIED LAND FOR THE PURPOSE OF SURVEY.

SIR,—Hereby take notice that under the authority in me vested by the provisions of "The Lower Canada Municipal and Road Act, 1855," on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ instant (or next), I shall enter on the land occupied by you situate in (here describe land) for the purpose of then and there making a survey for a certain Road, viz: (here describe road by its direction, &c.)

C. F.

County Superintendent  
(or other person, as the case may be.)

(CC.)

## PUBLIC NOTICE OF COUNTY SUPERINTENDENT'S INTENTION TO EXAMINE ROADS IN LOCAL MUNICIPALITY.

(Place.) (Date.)

Public Notice is hereby given that on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ (January or June, as the case may be), I shall visit the (Parish or Township, here insert name of Local Municipality,) for the purpose of then and there examining the Roads within the said Municipality.

G. H.

County Superintendent.

(DD.)

(DD.)

SPECIAL NOTICE OF THE INTENTION OF INSPECTOR OF ROADS TO  
VISIT AN OVERSEER'S SECTION.

(Place.)

(Date.)

Sect. iv par. 3. SIR,—Hereby take notice that on \_\_\_\_\_ day next, the  
 \_\_\_\_\_ day of \_\_\_\_\_ instant (or next) I shall visit  
 the roads in that portion of my division of the Municipality of  
 the (*name of Local Municipality*) embraced within the section  
 thereof for which you are Overseer; and you are hereby required  
 to meet me at the hour of \_\_\_\_\_ of the \_\_\_\_\_ noon of that  
 day at (*place of meeting*) and to accompany me in my visit of  
 that section, conformably to the provisions of "The Lower  
 Canada Municipal and Road Act, 1855."

E. F.

Inspector of Roads.

To S. T.

Overseer.

(EE.)

(E E.)

Valuation-Roll of the Municipality of the (Parish, Township, &c.) of (name of Municipality.)

OWNER OF REAL PROPERTY.		OCCUPANT OF REAL PROPERTY.		LIABLE TO STATUTE LABOUR.		ASSESSABLE PROPERTY.					Other items according to By-law, &c., of Municipality.	
Name.	Designation.	Name.	Designation.	Name.	Designation.	Concession	Range.	Lot or part.	Name of Street, if in a Village.	Value of Property.		Profession or business.
John Brown.....	Notary.	John Brown....	Notary.	.....	.....	1 2	E 1 10	.....	.....	£ s. d.	£ s. d.	.....
Isaac Smith.....	Physician.	William Jones.	Advocate.	.....	.....	4 3	12	.....	.....	150 0 0	200 0 0	.....
.....	.....	.....	.....	Robert Lee....	Farm servant.	.....	.....	.....	St. James.	200 0 0	300 0 0	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

A. B. } Valutors for the said Municipality of the  
 C. D. } (Parish, Township, &c.) of

Sect. lxy  
 par. 3.

(FF.)

(FF.)

PUBLIC NOTICE OF THE REVISION OF A VALUATION-ROLL.

Office of the Municipal Council of the (Parish, Township, &c.,) of (Place.) (Date.)

Sect. lxviii par. 3.

Public Notice is hereby given to the inhabitants of the Municipality of the (Parish, Township, &c.,) of that on day, the day of instant, (or next) at the hour of of the clock in the noon, the Municipal Council of the said (Parish, Township, &c.,) will proceed to the examination or revision of the Valuation-Roll for the said Municipality.

F. G.

Secretary-Treasurer of the said Council.

(G G.)

Collection-Roll of the Municipality of the (Parish, Township, &c.) of (name of Municipality.)

TAXABLE PERSONS.		ASSESSABLE PROPERTY.										Total amount of Tax payable.							
Name.	Designation.	Real.					Personal.					Amount of Tax $\frac{1}{4}$ in the £.	Other items according to By-Law, &c. of Municipality.	£	s.	d.			
		Concession	Range	Lot or part.	Name of Street.	No. of house.	Value of Property.	Nature of.	Value of.	Total value of assessable Property.	£						s.	d.	
John Brown.	Notary.	1	E4	10	.....	.....	150	0	0	Profession.	200	0	0	350	0	0	0	7	3½
Isaac Smith.	Physician.	4	5	12	.....	.....	200	0	0	Do	300	0	0	500	0	0	0	10	0
Wm. Roe.	Merchant.	.....	.....	.....	Main.	12	300	0	0	Trade.	500	0	0	800	0	0	0	16	8
John Jones.	Printer.	5	4	18	.....	.....	100	0	0	Do.	100	0	0	200	0	0	0	4	2
Robt. Snow.	Farmer.	5	5	19	.....	.....	200	0	0	.....	.....	.....	.....	200	0	0	0	4	2
Thos. Silk.	Carter.	.....	.....	.....	St. John.	2	600	0	0	.....	.....	.....	.....	60	0	0	0	1	3

(Here insert columns according to circumstances.)

Sect. lxxiv par. 3.

F. H. Secretary-Treasurer of Municipality of the (Parish, Township, &c.) of

(HH.)

(HH.)

DISTRESS WARRANT FOR ASSESSMENTS DUE.

PROVINCE OF }  
CANADA. }

The Corporation of the (Parish, Township, &c., as the case may be,) to wit :

To all or any of the Constables and Peace Officers in the District of

Sect. lxxiv  
par. 6.

WHEREAS A. B., (*name and designation of debtor*.) hath been required by the Secretary-Treasurer of the Municipal Council of the (*name of Municipality*.) to pay into his hands for and on behalf of the said Municipal Council, the sum of \_\_\_\_\_ being the amount due by him to the said Municipality, as appears by the collection-roll of the said Municipality for the year 18\_\_\_\_; And whereas the said A. B., hath neglected and refused to pay unto the said Secretary-Treasurer, within the period prescribed by law, the said sum of \_\_\_\_\_; these are therefor to command you forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do on such day as shall be indicated to you by the said Secretary-Treasurer, sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the Secretary-Treasurer of the said Municipal Council, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to Law doth appertain.

Given under my Hand and the Seal }  
of the said Corporation, this }  
day of \_\_\_\_\_, in the year of our }  
Lord \_\_\_\_\_, at \_\_\_\_\_ in }  
the District aforesaid. }

Y. X.  
Mayor of the said  
Corporation.



## (II.)

NOTICE OF THE DAY AND PLACE OF SALE OF GOODS AND  
CHATELS SEIZED FOR TAXES.

PUBLIC NOTICE is hereby given that on \_\_\_\_\_ day, the Sect. lxxiv  
 day of \_\_\_\_\_ instant (or next) at the hour of \_\_\_\_\_ of the par. 8.  
 clock in the \_\_\_\_\_ noon, at (*here describe the place*), the goods  
 and chattels of A. B. (*name of person*) now under seizure for  
 non-payment of municipal assessments (*or other dues, as the*  
*case may be*), will be sold by public auction at (*here name place*)  
 on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ instant (or next.)

(Place.)

(Date.)

D. B.

Secretary-Treasurer of the  
Municipal Council of the

## (JJ.)

CERTIFICATE OF A SECRETARY-TREASURER OF COUNTY COUNCIL  
OF AMOUNT REQUIRED FROM A LOCAL MUNICIPALITY.

Office of the Municipal Council of the County of

(Place.)

(Date.)

SIR,—I hereby certify to you that under and by virtue of a Sect. lxxiv  
 By-law passed by the Municipal Council of the County of (*here* par. 9.  
*insert name of county*), on the \_\_\_\_\_ day of  
 instant (or last past), intituled, a By-law (*insert title of By-law*)  
 the sum of (*insert sum*) is therein directed to be levied in the  
 Municipality of the (Parish, Township, &c. *insert name of local*  
*Municipality*) for the county purposes mentioned in the said  
 By-law.

G. F.

Secretary-Treasurer of the Municipal Council  
of the County of

(KK.)

## STATEMENT OF VALUE OF ASSESSABLE PROPERTY.

Office of the Municipal Council of the (Township, Parish,  
&c.) of

(Place.)

(Date.)

SIR,—In conformity to the provisions of "The Lower Canada Sect's lxxiv  
 Municipal and Road Act, 1855," I transmit you the following par. 9.  
 statement of the value of the assessable property in the  
 Municipality

Municipality of the (Township, Parish, &c.,) according to the last Assessment-Roll as finally revised.

NATURE OF PROPERTY.	VALUE (or ANNUAL VALUE.)
Real Property.....	£25,222 0 0
Personal Property.....	20,106 0 0

K. M.  
Secretary-Treasurer of Municipal  
Council of

To Z. H.  
Secretary-Treasurer of the Council  
of the County of

(LL.)

STATEMENT OF LANDS TO BE SOLD FOR TAXES, AND NOTICE OF SALE.

Office of the Municipal Council of the County of

Sect. lxxiv  
par. 11.

I do hereby give Public Notice, that the lands hereinafter mentioned will be sold by Public Auction, at the (*here insert name of place*), on Monday, the \_\_\_\_\_ day of February next, at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, for the assessments and charges due to the Municipalities hereinafter mentioned upon the several lots hereinafter described, unless the same be paid with costs at least two days before the above day.

DESCRIPTION OF LAND.					AMOUNT DUE
Name of Municipy.	Concession.	Range.	Lot.	Extent.	ON
					EACH LOT.
	1	2	7	100 Acres.	£0 18 9
	3	1	6	175 do.	0 17 6
	5	3	8	200 do.	1 1 3
	6	4	11	200 do.	1 0 9

(If in a Seignior, give Boundaries.)

P. Q.,  
Secretary-Treasurer of Municipality of  
the County of

(MM.)

(MM.)

## FORM OF DEBENTURE.

Municipality of the (*as the case may be.*)

No. £ Cy. or Stg.

This Debenture witnesseth, that the Municipality of the *(name of Municipality)*, under the authority of a By-Law passed by the Council of the said Municipality in conformity to the provisions of "The Lower Canada Municipal and Road Act, 1855," intituled, a By-Law, &c., (*insert title of By-Law,*) have received from *(name)* of *(domicile, profession, or occupation,*) the sum of *(insert sum at full length)*, as a loan, to bear interest from the date hereof at the rate of \_\_\_\_\_ per centum per annum, payable half yearly on the \_\_\_\_\_ day of \_\_\_\_\_ and \_\_\_\_\_, at \_\_\_\_\_, which sum of *(insert sum at full length)* the said Municipality, as a Municipal Corporation, hereby binds and obliges itself to pay on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, to the said \_\_\_\_\_, or to the bearer hereof, and to pay the interest thereon half yearly, as aforesaid, according to the *coupons* or interest warrants hereto attached.

Sect. xv.  
par. 9.

In testimony whereof I, \_\_\_\_\_, Mayor of the said Municipality, being hereunto duly authorized, have signed these presents, and have hereunto affixed the Common Seal of the said Municipality, at \_\_\_\_\_, in the County of \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, one thousand eight hundred and \_\_\_\_\_.

*(Signature of Mayor.)*

Countersigned by  
*(Secretary-Treasurer.)*

[Seal.]

## C A P . C I .

An Act to abolish the publication in Courts of Justice in Lower Canada of Acts containing substitutions, and to provide for their Registration in the Registry Offices.

[Assented to 30th May, 1855.]

**W**HEREAS the reading and publication of Acts of Donation, Wills and other Acts containing substitutions, in the Courts of Civil Jurisdiction in Lower Canada, is a useless formality, and it is expedient to substitute the registration of the said Acts in the Registry Offices, in the stead of their insinuation in the Registers of the Courts: 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

Preamble.

the

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, as follows :

Reading, publication, insinuation and transcription of such Acts abolished.

I. From and after the passing of this Act, such reading and publication, in the said Courts of Civil Jurisdiction in Lower Canada, of Acts containing substitutions, is, and shall be abolished, and the insinuation or transcription thereof in the Registers of the Courts is and shall be also abolished ; any law, usage or custom to the contrary notwithstanding.

Registration in the proper Registry Office substituted for reading, &c.

II. The registration of the said Acts in the Registry Offices for the locality within the limits of which the immoveables substituted shall be situate, and in case of substitution created by Act of Donation *à cause de mort*, if the domicile of the testator be situate within the limits of a Registration Division, other than that in which the property substituted is situate, the additional registration in the Registry Office for the locality within the limits of which, the domicile of the said Testator was or shall be situate, shall be equivalent for all purposes of law to the insinuation or transcription in the Registers of the Courts accompanied by reading and publication in open Court. The delays for registration shall be the same as those established by law for the transcription and the publication in Court, and no legal provision having reference to substitutions not specially repealed, shall be affected by this Act, the sole object of which is to substitute the formality of registration in the Registry Offices for transcription and publication in the Courts of Acts containing substitutions.

Within what period such registration must be effected.

Extent of Act.

III. This Act shall apply to Lower Canada only.

## C A P . C I I .

### An Act to abolish the right of *Retrait Lignager*.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it is expedient to abolish the right of *Retrait Lignager* now existing in Lower Canada, and also all rights of action resulting therefrom or contingent thereupon : 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, as follows :

I. The right of *Retrait Lignager* and all rights of action resulting therefrom or contingent thereupon, are abolished, and the seventh title of the Custom of Paris and the thirty-one articles composing the same, are and shall remain annulled and repealed; any law, usage or custom to the contrary notwithstanding.

*Retrait Lignager and all its incidents abolished.*

II. Proceedings arising out of the right of *Retrait Lignager* now pending before Courts of Justice shall not however be affected by this Act.

*Pending proceedings continued as to costs only.*

C A P. C I I I.

An Act to amend the Seigniorial Act of 1854.

[Assented to 30th May, 1855.]

WHEREAS it is expedient to amend *The Seigniorial Act of 1854*, so as to facilitate the operation thereof: 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, as follows :

*Preamble.*  
18 V. c. 3.

I. Notwithstanding any thing in the twenty-eighth and twenty-ninth Sections or in any other part of the said Act contained, any constituted rent (*rente constituée*) established by virtue thereof in any Seignior, in relation to which an opposition shall have been filed under any of the provisions of the said Act, may, at any time be redeemed by payment to the Receiver General of the capital thereof with interest computed up to the date of such redemption :

*Rente constituée in Seigniories in respect of which oppositions are filed may be redeemed, and how.*

2. And the Receiver General shall dispose of all such moneys as follows :

If they accrue in a Seignior in relation to which opposition has been made on the ground that such Seignior is entailed (*substituée*) or held by a curator, tutor or other person holding in trust for others, and not as absolute proprietor (*jure proprietario*), the Receiver General shall, on the day in each year on which the *rente* would have become due if it had not been redeemed, and so long as such entail (*substitution*) or tenancy in trust (*fidéicommiss*) shall subsist, pay to the person entitled

*If the opposition be founded on a substitution.*

to the revenue of the Seignior, interest upon the capital of all such *rentes* at the rate of six *per centum per annum*, and he shall pay the capital thereof at the expiration of the substitution, or tenancy in trust, to such person as shall be designated by the Judgment of the Court before which such opposition shall have been made: Provided always, that it shall be lawful for the said Court, on petition of such curator, tutor or other person holding in trust for others, at any time before the expiration of the substitution or tenancy in trust, to order that such capital, or any portion thereof, shall be by such curator, tutor or other person, laid out and invested in real or immoveable property to be designated in the order, and thereupon it shall be lawful for the Receiver General to pay the sum mentioned in such order to the person or party therein designated as the vendor of such real or immoveable property or as otherwise entitled to receive the price thereof, and thereafter such real or immoveable property shall be subject to all such and the same trusts (*fidéicommiss*) or entails (*substitutions*) as the Seignior in respect to which the same was so ordered to be acquired as aforesaid.

Proviso:

Court may on petition order the money to be laid out in the purchase of real estate to be held on the same conditions to which the money itself was subject.

And if upon hypothecary claims.

And if they accrue in a Seignior in relation to which such opposition has been made by reason of hypothecary claims thereon, and not upon the ground of the same being entailed or held in trust as aforesaid, the Receiver General shall deal with such moneys in the same manner as with money accruing to the Seignior out of the Special Fund appropriated by the said Act in aid of the *Censitaires*.

In other Seignories *Censitaires* to have eight days in each year on which to redeem.

3. And in every Seignior the Seignior whereof shall have the right to receive the capital of the *rentes constituées* to be established under the said Act, such *rentes* may be redeemed without the consent of the Seignior by payment of the capital thereof to the Seignior or to his Agent either on the day on which such *rente* shall annually become due or on any one of the seven days immediately following; and whenever the capital of any such *rente* shall have been duly tendered to any such Seignior, or to his Agent, on any one of the said days, and the same, or a receipt therefor, shall have been refused, such *rente* shall become redeemable at any time thereafter.

No *Lettres de Terrier* to be hereafter issued in Seignories to which the said Act applies.

II. And whereas the objects for which Seigniors under the existing law are permitted to obtain *Lettres de Terrier* for the purpose of forming a new Terrar (*Papier Terrier*) or land-roll will be secured in a manner less onerous to the *censitaire* by the provisions of the said Seigniorial Act of 1854, in so far as such objects are reconcilable with the intention of the Legislature in passing the said Act: therefore the right of Seigniors in Lower Canada to obtain such *Lettres de Terrier* in or for any Seignior to which the said Seigniorial Act of 1854 as amended by this Act extends, is hereby abolished, and the Act of the Legislature of Lower Canada, passed in the forty-eighth year

year of the Reign of King George the Third, and intituled, *An Act which declares in whom is vested the power of granting des Lettres de Terrier in this Province*, in so far as regards every such Seignior, is hereby repealed.

Act of L. C. 48 G. 3, c. 6, repealed as to such Seigniories.

III. And whereas under the said Act no mutation fine will be payable on any mutation of land in a Seignior subject to its provisions, or of such Seignior itself, occurring after the publication of the notice of the deposit of the Schedule thereof, and there is therefore a strong temptation to defer mutations until after such publication, or to conceal the fact of their being made before it, to the great inconvenience and loss of all parties; And whereas some time will elapse before the Schedules of all the Seigniories can be completed; And whereas the appropriation in aid of the *cessitaires* made by the said Act was made with the intent that it should take effect immediately, and until it is payable, the interest upon the loan necessary to raise the sum required, is saved to the Province: Be it therefore enacted, That no *lods et ventes, quint, relief* or other mutation fine, shall accrue upon any mutation which shall take place after the passing of this Act, in any Fief or Seignior to which the said Seigniorial Act of 1854 as amended by this Act extends or applies, but instead thereof the Receiver General shall credit the Fund appropriated by the said Act in aid of the said *cessitaires*, with interest from the passing of this Act on the total amount of the appropriation, and the *rente constituée* payable by any Seignior to his Seignior Dominant shall accrue from the passing of this Act; And if the Schedules of all the Seigniories be not deposited by the first day of January one thousand eight hundred and fifty-six, so that the said Fund can be finally divided among them, the Commissioners under the said Act, or any one or more of them authorized for that purpose by instructions from the Governor through the Provincial Secretary, shall, forthwith, make an approximate estimate of the share thereof coming to each Seignior or Seignior Dominant, to the best of their ability and according to the best information they can obtain, and the interest from the passing of this Act on the share coming to each Seignior or Seignior Dominant, shall be paid to him on the first day of January and July, until his share shall be finally ascertained, when the amount so paid shall be debited to him, and he shall be credited with the interest from the passing of this Act on his share as so ascertained, and the difference shall be balanced by crediting or debiting him, as the case may require, in his account with the Receiver General in respect of such share, with a sum equal to such difference; and for the purpose of making such approximate estimates as aforesaid, the said Commissioners may require and receive from the several Seigniors such statements, attested on oath before a Judge of the Superior Court or a Circuit Judge, as they shall consider expedient for the purpose: Provided always, that the sum paid by the Receiver General as interest under this section, shall be taken into account in ascertaining

Recital-

No mutation fine to be hereafter payable in Seigniories to which the said Act applies; interest on the sum to which he may be entitled out of the Provincial aid to the *Cessitaire*, to be payable to the Seignior instead thereof and approximate estimate to be made until the Schedules are prepared.

Proviso: as to the claims of U. C.

the sum to which Upper Canada may be entitled for local purposes under section nineteen of the said Act.

*Retrait conventionnel* abolished.

IV. The right of *retrait conventionnel* which the Seigneur was allowed to stipulate solely for the purpose of securing to him the payment of mutation fines is hereby abolished.

Receiver General may invest moneys appropriated by the said Act, and not immediately required.

V. The Receiver General shall, from time to time, place any moneys in his hands as part of the Fund appropriated by the said Act, and not then required for the purposes thereof, at interest in any Chartered Bank, or invest the same in Provincial Debentures or Debentures guaranteed by the Province, and shall apply the interest thereon towards making good that allowed under this Act.

Doubts as to certain powers of the Commissioners removed.

VI. And for the avoidance of doubts, Be it declared and enacted, That any Commissioner under the said Act may give any notice required by the seventh section or by any other part thereof, with respect to any Seigniority or Seigniories, and another or others of them may afterwards act in any way under the said Act with respect to such Seigniority or Seigniories; and generally, each Commissioner who shall act with respect to any Seigniority, shall be held to be the Commissioner assigned to act in and for the same under the fourth section of the said Act, unless the Governor shall have otherwise directed and ordered.

The said Act shall apply to certain lands in Sherrington.

VII. So much of the said Seigniorial Act of 1854, as provides that none of its provisions shall apply to any lands held *en franc aleu noble*, and granted under and by virtue of the Act of the Parliament of the late Province of Lower Canada passed in the third year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act for the relief of certain Censitaires or Grantees of La Salle and others therein mentioned possessing lands within the Township of Sherrington*, shall be and is hereby repealed, and the said Act shall apply to the said lands; but inasmuch as the decision of the Special Court to be constituted under the sixteenth Section of the said Seigniorial Act of 1854, cannot affect the said lands, therefore the Schedule relating thereto may be completed and deposited without waiting for the decision of the said Special Court.

Schedules may be made for the Crown Seigniories, held for Provincial purposes.

VIII. Notwithstanding any thing in the said Seigniorial Act of 1854, Schedules may, if the Governor shall see fit so to direct, be made under the provisions thereof for the Seigniories held by the Crown and the revenues whereof belong to the Province, including the Seigniories of the late order of Jesuits, in like manner and under the same provisions as for other Seigniories (omitting such particulars as cannot apply to Crown Seigniories), and with like powers to the Commissioners: Provided that no part of the appropriation in aid of the *Censitaires* made by the said Act, shall be applied towards the redemption of Seigniorial rights



rights in such Crown Seigniories, nor shall any such Schedule be deposited in the manner provided in the thirteenth Section of the said Act, or operate any compulsory commutation of tenure, or substitution of any *rente constituée* for the Seigniorial rights and dues in such Seigniorie; but the Governor in Council may, if he see fit, allow to the *Censitaires* in the said Seigniories, upon commutation of their lands, equal advantages and relief with those which the *Censitaires* in other Seigniories shall be found to obtain under the said Act, and the Schedules made under this Section shall serve as the basis for calculating the extent of such advantages and relief to be so allowed to the *Censitaires* in the said Crown Seigniories.

Effect and use of such Schedules.

IX. And whereas some errors have crept into the French version of the said Act which it is desirable to correct: Be it enacted, that in the said French version, for the words "*tel que distingué*" in the eighth line of the fourth paragraph of the fifth section of the said Act, the words "*comme étant distinct*" shall be substituted; and for the words "*quinze jours d'avis*" in the fourth line of the sixth paragraph of the twelfth section, the words "*huit jours d'avis*" shall be substituted,—the lines herein referred to being those in the first official edition of the said Act printed by the Queen's Printer.

Errors in French version of the said Act, corrected.

X. After any Schedule shall have been completed and deposited under the said Act, it shall not be impeached or its effect impaired for any informality, error or defect in any prior proceeding in relation to it, or in any thing required by the said Act to be done before it was so completed and deposited, but all such prior proceedings and things shall be held to have been rightly and formally had and done, unless the contrary expressly appear on the face of such Schedule; and the same rule shall apply to all proceedings of the Commissioners under the said Act, so that no one of them, when completed, shall be impeached or questioned for any informality, error or defect in any previous proceeding, or in any thing theretofore done or omitted to be done by the Commissioners or any of them.

Schedules and proceedings completed under the said Act, not to be afterwards impeached for want of form.

XI. For the purposes of the said Act, every person occupying or possessing any land in any Seigniorie with the permission of the Seignior, or from whom the Seignior shall have received *rentes* or other Seigniorial dues in respect of such land, shall be held to be the proprietor thereof as *Censitaires*.

Certain persons occupying lands with consent of Seignior to be deemed *Censitaires*.

XII Any person who shall in any manner interrupt, obstruct, impede or molest a Commissioner named under "The Seigniorial Act of 1854," or any person acting under his instructions, in the execution of his duty in any matter connected with the carrying into effect of the said Seigniorial Act of 1854 or of this Act, or shall in any manner deter, prevent or hinder, by force, threats or otherwise, any such Commissioner or person acting under his instructions from performing any

Persons unlawfully impeding in any way the execution of the said Act, how to be dealt with and punished.

Conviction not to be quashed for want of form, &c.

any duties assigned to him by and under either of the said Acts, shall be liable to be imprisoned for every such offence for a period not exceeding two months, and it shall be lawful for any one Justice of the Peace to commit any person convicted before him on the oath of one credible witness of any such offence; and no conviction, order, warrant or other matter made or purporting to be made under this Act, shall be quashed for want of form, or be removed, by *certiorari* or otherwise, into any of Her Majesty's Courts of record for want of such form.

Short title of this Act.

XIII. In citing or referring to this Act in any Act or proceeding whatsoever, it shall be sufficient to refer to it as the "*Seigniorial Amendment Act of 1855*," by which title it shall be known and called.

## C A P . C I V .

### An Act to amend the Judicature Acts of Lower Canada.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it is expedient to amend the Acts relating to the judicature in Lower Canada so as to facilitate the administration of justice: 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, as follows:

On 1st July, 1855, Circuit Court in the Quebec and Montreal Circuits to cease to have jurisdiction in cases exceeding £15.

Such suits to be brought in the Superior Court.

I. The Circuit Court holden at the cities of Quebec and Montreal for the Circuits known respectively as the "Quebec Circuit," and the "Montreal Circuit," shall from and after the first day of July next after the passing of this Act, cease to have cognizance of any civil suit or action wherein the sum of money or the value of the thing demanded shall exceed the sum of Fifteen pounds currency; and all such suits and actions which otherwise would have been determined by the said Circuit Court in the said Circuits respectively, shall from and after the said day be heard, tried and determined by the Superior Court sitting at the said Cities of Quebec and Montreal respectively.

Pending suits to be transferred to the Superior Court.

II. All and every the records, documents and proceedings relating to all such suits or actions which shall be pending before the said Circuit Court in the said Quebec and Montreal Circuits respectively on the said first day of July, shall be forthwith transmitted into and make part of the records, documents and proceedings of the Superior Court holden at Quebec and Montreal respectively.

III. The Costs to be allowed in all such cases shall continue to be those established by the tariff of the Circuit Court, unless the Judges of the Superior Court or a majority of them alter the same.

Costs to continue the same until otherwise ordered.

IV. In all appealable cases before the Circuit Court in the Circuits in which there is no resident Judge, the parties shall, on the day fixed for proof proceed to the examination of their witnesses, who shall be examined *vivâ voce*, and in open Court, and it shall be the duty of the Judge to take full and complete notes of the evidence so given and of all the exceptions and objections made by the parties; and the said notes shall be read by the Judge, or by the Clerk of the Court, upon request made *vivâ voce* by any party, at any time during or immediately after the *enquête*, and they shall be read to each witness immediately after his examination, with a view to the correction of any error or omission.

In appealable cases in Circuit Court, witnesses to be examined *vivâ voce*.

Judges to take notes.

Correction of such notes.

V. A fair copy of the said notes of evidence shall be made by the Clerk of the Court, and the same having been certified by the Judge, shall be deposited with the said original notes among the documents of record in the cause, for recourse thereto when necessary, and shall in case of appeal from any judgment pronounced in any such cause, be transmitted to the Court of Appeal, as forming part of such record, and the said notes and such copies shall be considered as forming the authentic record of the evidence in the cause.

Fair copy to be made.

Use and effect of the notes and fair copy.

VI. After the closing of the *enquête*, the Court may, on the same day, or on any other subsequent juridical day in appealable cases, on application made, *vivâ voce* by one of the parties, the others being present, without any inscription in writing being necessary for that purpose, by a simple entry which shall be made by the Clerk upon the roll *de droit*, fix the case for hearing upon some juridical day during the said Term or any other Term; provided that at least one clear day shall intervene before that fixed for such hearing, in case the parties do not consent to its being previously had.

After *enquête* closed, cause to be fixed for hearing, and how.

Proviso: one clear day must intervene.

VII. Notice of the inscription of every appealable case *en droit*, for *enquête* or for final hearing, shall be given by causing a copy of the inscription to be served on the opposite party at least one clear day before the day fixed, if such notice be given in Term, or at least four clear days previous thereto if such notice be given in vacation.

Notice of inscription for hearing or *enquête* in appealable cases.

VIII. Every opposition to the execution of a Writ *de bonis*, issued out of the Circuit Court, shall hereafter be returnable into the Circuit Court in which the cause is pending, and not elsewhere; and every Circuit Judge, or Judge authorized to hold the Circuit Court, and the Clerk of the Circuit Court out of which the Writ issued, may administer all the oaths by law required in such

Oppositions to Writs *de bonis*, where to be returnable.

Who may administer the oaths.

Circuit Court to determine the same, whatever be the amount.

such cases; and the Circuit Court shall have full power and jurisdiction to hear and determine all such oppositions, whatever may be the amount or value of the sum or things thereby claimed.

Circuit Court to have concurrent jurisdiction in *certiorari* to Justices or Commissioners of Small Causes.

IX. The Circuit Court shall have concurrent jurisdiction with the Superior Court for the issuing of Writs of *Certiorari* relative to proceedings had before Justices of the Peace, or before Commissioners for the summary trial of small causes within the limits of the Circuit in which such Circuit Court is held, and the said Justices of the Peace and Commissioners shall be subject to the supervision and to the orders and control of the said Circuit Court and of the Judges thereof, both in term and in vacation in the same manner as the said Superior Court and of the Judges thereof.

Inconsistent provisions repealed.

X. Any part of any Act or Law, contrary or incompatible with the provisions of this Act, is hereby repealed.

### C A P . C V .

An Act to restrict in certain cases, the recusation of Judges in Lower Canada.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it has become necessary, in the Court of Queen's Bench, and in the Superior Court and in the Circuit Court for Lower Canada, to restrict the recusation of Judges by reason of relationship or affinity, as established by the first article of the twenty-fourth title of the *Ordonnance Civile* of one thousand six hundred and sixty-seven, (1667): 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, as follows:

No degree of relationship more distant than cousin-german to be a ground of recusation.

The Act to apply to pending cases, altho' a Judge *ad hoc* may have been appointed.

I. No degree of relationship or affinity, more distant than that of cousin-german, existing between any Judge of the said Courts and any of the parties to any actions now pending, or which may hereafter be instituted, shall be a ground for such recusation; and, in case any one of the said Judges, before the passing of this Act, shall have been or now is rendered incompetent to give judgment on account of such degree of relationship or affinity, or in case he shall have been recused in any action pending before one of the said Courts, such recusation shall cease to have any effect, and any such Judge shall be competent to sit in the said cause, whether or not he may have been replaced by a Judge *ad hoc*, in accordance with the laws now in force; and in case he shall have been so replaced, such Judge *ad hoc* shall cease to be empowered to act as such.

## CAP. CVI.

An Act to facilitate the sale of immoveables charged with hypothecs in cases in which the proprietor thereof is unknown or uncertain.

[Assented to 30th May, 1855.]

**W**HEREAS hypothecary creditors are subjected to serious Preamble.  
inconveniences and useless expense, by reason of the proprietors of immoveables charged with hypothecs being in certain cases unknown or uncertain: 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, as follows:

1. In all cases in which the proprietor of any immoveable charged with hypothec shall be unknown or uncertain, the hypothecary creditor to whom shall be due the capital sum secured by the hypothec, or at least two years' arrears of rent or interest thereupon, may present a petition to the Superior Court for the District in which the immoveable is situate, and the following matters shall be contained and set forth in the said petition, to wit:

Hypothecary creditor may present a petition in the cases mentioned in the title.

1. It shall contain a correct description of the immoveable, setting forth the limits and boundaries thereof, and giving the street of the city or town, or the range or concession of the parish or township in which it may be situate, the name of the occupier, if the immoveable be occupied, the name of the last known occupier, if unoccupied, and the period for which it has remained so, and the names of all the known proprietors since the date of the act creating the hypothec;

Contents of petition.

Description of the property.

2. It shall contain all the allegations necessary to establish the debt and the hypothec, and further such facts and circumstances as will tend to prove that the proprietor of the immoveable is unknown or uncertain, and that the petitioner has *bonâ fide* and carefully made the necessary search in order to discover the proprietor;

Allegations of fact.

3. It shall conclude by praying that public notice be given to the proprietor as hereinafter provided, and that, failing such proprietor to appear, the Court will order the sale of the immoveable to be proceeded with as hereinafter provided;

Prayer.

Certificate that allegations have been verified on oath.

4. The petition shall be accompanied by a certificate, given by any person competent for that purpose according to the practice of the Court, setting forth that the petitioner or his agent have made oath of the truth of the allegations therein contained.

Court may order proof and notice.

II. The Court shall examine the documents produced in support of the petition, and shall order such proof as it shall deem necessary, and being satisfied of the truth of the allegations of the petitioner shall order the publication of a notice in the form of Schedule A, annexed to this Act.

Publication of notice in newspapers.

III. The notice so ordered shall be inserted once a week for four consecutive weeks in a newspaper published in the English language and also in a newspaper published in the French language, in the District in which the immoveable shall be situate, and if no such newspapers be published in the District in which the immoveable shall be situate, then the publication of the said notice shall be made in the newspapers published in one of the adjacent Districts.

Publication at Church door.

IV. The notice shall be published and posted up in the French and English languages at the door of the Church immediately after Divine Service on Sunday, in the Parish in which the immoveable shall be situate.

Further proceedings on petition.

If no person appears.

V. If within the period of two months after the last insertion of the notice in the newspapers and after the publication at the Church door, no person have appeared as hereinafter provided, the petitioner shall proceed upon his petition as in any case in which the defendant makes default, and if the Court is of opinion that all the formalities by this Act prescribed have been fulfilled, and that the allegations of the petition are sufficient and well sustained, the Court shall give judgment declaring the immoveable hypothecated, and ordering that it be sold to meet the claim of the petitioner.

Judgment.

Execution of judgment.

VI. Upon such judgment so rendered, an order of the Court shall issue, upon the application of the petitioner, addressed to the sheriff of the District, and the same proceedings in all respects shall be taken in virtue of this order, as are taken in virtue of a Writ of *faciatis de terris*, and the Writ or order shall be in the form of Schedule B, and the Court shall dispose of the proceeds of the sale of the immoveable, in the same manner as in ordinary cases of Sheriff's sale, and the sale shall have all the effects of a *décret*.

Disposal of proceeds of sale.

Proprietor may appear and answer petition, and during what time and how.

VII. It shall be lawful for the proprietor of the immoveable to enter an appearance to answer the petition, in the same manner as in any other action, at any time before the rendering of the Judgment ordering the sale of the immoveable, which appearance shall be in the form of Schedule C; and after the expiration of the delay prescribed by Section V, the petitioner shall

shall file in the Office of the Court a declaration *en déclaration d'hypothèque*, against the party appearing, and the same proceeding shall be taken in every respect between the parties and by the Court as in an action *en déclaration d'hypothèque*. Petitioner to file declaration.

VIII. If several persons appear, claiming, in opposition one to the other, to be proprietors of the immoveable, unless some one of them\* pay the petitioner the amount of his claim and costs, or offer to set against the demand of the petitioner such a plea as shall be held by the Court to be valid in Law, the petitioner may, (the delay prescribed by Section V, having expired) inscribe the cause, giving notice thereof to the parties appearing, and the Court, after having heard the parties, may render judgment in conformity with Section V, which judgment shall be executed in conformity with Section VI. Proceedings in case of several proprietors appearing.

IX. In case several parties shall appear claiming to be proprietors, in opposition one to the other, and one or more of them shall set against the demand of the petitioner a plea deemed by the Court to be valid in Law, judgment shall be rendered upon any such plea before proceeding to judgment in conformity with section VIII, but no party appearing shall be admitted to make such plea unless he establish, *primá facie*, that he is proprietor of the immoveable. Contestations of petition to be first adjudicated on.

X. In case several parties shall appear and the defence made by any one of them be declared good, the parties shall be nonsuited, and the Court shall adjudge costs to the parties entitled thereto, but if all the oppositions be dismissed, judgment shall be rendered in conformity with Section VIII. In case of defence being sustained.

XI. When a judgment ordering a sale shall have been rendered, in conformity with sections VIII and X, the parties who shall have appeared, shall have their claims adjudicated upon by the Court, after the sale of the immoveable, and the same proceedings shall be had in respect of them, as in the case of the contestation of an opposition, and the Court shall adjudge the balance of the proceeds of the sale of the immoveable, all the hypothecs and costs having been first released and paid, to any one of the parties who shall prove his or her right of property, but this shall not retard the homologation of the Report of Distribution between the petitioner and the other hypothecary creditors who shall have made their oppositions. Proceeds of sale, how distributed.

XII. Any proprietor, who shall not have appeared before the rendering of the judgment ordering the sale, may, nevertheless, at any time, present a petition praying that he may receive the balance of the proceeds of the sale of the immoveable hypothecated, and the Court, upon proof by him of his right of property, shall order that the balance be paid to him. Proprietor not appearing before, may at any time claim balance of proceeds.

List of unadjudged balance to be published.  
See French.

XIII. The Prothonotary shall publish, in the month of January in each year, a list of the unadjudged balances remaining in his hands in virtue of this Act, which list shall be in the form of Schedule D.

Rules of Practice to be made.

XIV. The Superior Court shall prepare Rules of Practice, providing for any proceedings for which sufficient provision has not been made by this Act, and a Tariff of Fees to be received by the officers of the Court for the duties imposed upon them in virtue of this Act.

Service of judgment need not be made; except in case provided for in sect. 7.

XV. It shall not in any case be necessary (except in the case provided for by Section VII.) to cause service to be made of any judgment obtained in virtue of this Act, and it shall not be necessary, after the passing of this Act, to cause service to be made of any judgment *en déclaration d'hypothèque* obtained against a debtor absent from this Province, or who has no known domicile therein.

In case of known proprietors holding with others unknown.

XVI. In case there shall be one or more known proprietors holding conjointly with unknown or uncertain proprietors, it shall be lawful to prosecute the known proprietor as joint holder with unknown or uncertain proprietors, and the form of notice to be given shall in such case be changed accordingly and proceedings may be taken with respect to the unknown or uncertain proprietors, in the manner provided by this Act.

Application of this Act.

XVII. The word "proprietor" in this Act shall also extend to usufructuaries or any other holders, inasmuch as such usufructuary or other holder may, in virtue of the law now in force, exercise the rights of the proprietor, and it shall also extend to co-proprietors *par indivis*.

Extent of Act.

XVIII. This Act shall apply to Lower Canada only.

### SCHEDULE A.

#### *Form of Notice in the Newspapers.*

Province of Canada, }  
District of }  
}

(Name of place.)

day of

Know all men that A. B. of the Parish of \_\_\_\_\_ in the District of \_\_\_\_\_, by his petition filed in the office of the Court under the No. \_\_\_\_\_, prays for the sale of an immoveable situated in the said District, to wit: a land containing \_\_\_\_\_ arpents in front, by \_\_\_\_\_ in depth, in the first range of the Seigniory of \_\_\_\_\_ in the Parish of \_\_\_\_\_ in the County of \_\_\_\_\_, bounded as follows; to wit: \_\_\_\_\_ which land is now occupied by \_\_\_\_\_ D.



D. C. (or has not been occupied for \_\_\_\_\_ years, and was last occupied by N.,) and the said A. B., alleging that by Deed of \_\_\_\_\_ entered into by D. E. of \_\_\_\_\_ before F. G., Notary, at \_\_\_\_\_ on the \_\_\_\_\_ a hypothee was constituted upon the said immoveable hereinabove described, for the sum of \_\_\_\_\_, claims from the present proprietor of the said immoveable the sum of \_\_\_\_\_ due to him for \_\_\_\_\_

The said A. B. further alleges that the present proprietor of the said immoveable is unknown (or uncertain) and that the known proprietors since the date of the said Deed of \_\_\_\_\_, have been N. G. and F.

Notice is therefore given to the proprietor of the immoveable to appear before this Court within two months, to be reckoned from the fourth publication of this present notice, to answer to the *demande* of the said A. B., failing which, the Court will order that the said immoveable be sold by Sheriff's sale (*decrét*).

• First insertion.

H. P.  
Prothonotary.

### SCHEDULE B.

#### *Form of Writ for sale of the immoveable.*

To the Sheriff of the District of \_\_\_\_\_

Whereas the following notice hath been given in conformity with the Act to facilitate the sale of immoveables charged with hypothees in cases in which the proprietor thereof is unknown or uncertain (*recite the notice*); and whereas judgment was rendered on the \_\_\_\_\_ day of \_\_\_\_\_, ordering the sale of the immoveable described in the said notice, you are hereby enjoined to make the ordinary announcements thereof and to sell the said immoveable in order to the payment to the said A. B., of the sum of \_\_\_\_\_ and \_\_\_\_\_ taxed costs, and you will make a return of this Writ and of the oppositions which shall have been placed in your hands, on the \_\_\_\_\_

H. P.

Attest, A. F.,  
Judge.

### SCHEDULE C.

#### *Form of Appearance.*

I, B. C., appear to answer to the petition of A. B., as proprietor of the immoveable described in the said petition, in virtue of (*state in virtue of what title you are proprietor, and give*

give the dates of the Acts or Deeds in virtue of which you are such proprietor.)

### SCHEDULE D.

#### *Form of List to be published.*

List of sums remaining unadjudged in the hands of the Prothonotary of the Superior Court for the District of \_\_\_\_\_, in virtue of the Act to facilitate the sale of immoveables charged with hypothecs in cases in which the proprietor thereof is unknown or uncertain.

Hundred pounds balance of the proceeds of the sale of an immoveable situate at \_\_\_\_\_, in the District of \_\_\_\_\_, (repeat the description as given in the notice) sold upon the petition of \_\_\_\_\_ for a hypothec stipulated by C. B.;—last known occupier A. F., known proprietors, C. L., H. F.

H. P.,  
Prothonotary.

### C A P. C V I I.

An Act to enable creditors to attach the effects of debtors before Judgment, in cases under ten pounds.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS debtors by secreting their effects and by absconding, often evade the payment of their just debts, in cases where their indebtedness is less than ten pounds, and it is expedient to provide a remedy: 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, as follows:

Attachment before judgment may issue in cases under £10 and not less than £1 5s. 0d. upon affidavit as in cases over £10.

I. Process of attachment, *arrêt simple* or *saisie arrêt*, prior to trial and judgment, may issue from the Circuit Court in Lower Canada, in all cases under ten pounds and not less than one pound and five shillings, currency, and from the Commissioners' Courts in Lower Canada, in all cases within their Jurisdiction, and for a sum not less than one pound and five shillings, currency, upon the affidavit of the plaintiff or his agent to the effect that the debtor is secreting or about to secrete his estate, debts and effects, or is about to abscond, such affidavit to be conformable to the laws now in force in Lower Canada, with reference to cases exceeding ten pounds currency.

II.

II. The Clerk of the Circuit Court in and for any Circuit, and the Clerk of any Commissioners' Court, or any person authorized by law to act as such Clerk, shall have power and authority to receive the necessary affidavits and to issue such writs of attachment, *arrêt simple* or *saisie arrêt*, in the same manner as by law the Clerks of the said Circuit Court might heretofore do in cases exceeding ten pounds currency; Provided however, that nothing herein contained shall prevent any Judge of the Superior Court or any Circuit Judge, or any Commissioner of small causes, from receiving such affidavit upon which to issue such writs of attachment as aforesaid; and the said Judges and Commissioners are hereby empowered to administer the necessary oaths and receive the said affidavits, and grant a *fiat* or order for any such writs returnable into the said Circuit Court and Commissioners' Court respectively, to be therein heard, tried and determined, according to law and the course and practice of the said Courts respectively.

Clerks of Courts may receive the required affidavit.

Proviso: Judge or Commissioner may also receive it.

III. The additional costs of issuing and executing such writs of attachment as hereinbefore provided for, shall be taxed by the Judges holding the Court wherein the said proceedings are had, at such sum as shall in their discretion seem reasonable, subject always to the provisions of any tariff now in force or hereafter to be adopted in reference to such cases; and the costs of such writs and proceedings in the Commissioners' Courts shall be the same as in cases of seizure on writs of execution issuing from the said Courts.

Costs under this Act, how taxed.

Costs in Commissioners' Courts.

IV. This Act shall apply to Lower Canada only.

Extent of Act.

## C A P. C V I I I .

An Act to repeal certain Acts and to consolidate the laws relating to Lessors and Lessees.

[Assented to 30th May, 1855.]

**W**HEREAS it is expedient to reform and consolidate the Acts and Ordinances regulating the rights of Lessors and Lessees: 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, as follows:

Preamble.

I. The Act of the Parliament of Lower Canada passed in the third year of the reign of King William the Fourth, intituled, *An Act to regulate the exercise of certain rights of Lessors and Lessees*, the Ordinance of the Special Council for the affairs of Lower

Repeal of present Acts.

L. C., 3 W. 4, c. 1.

Lower

L. C., 2 V. c. 47. Lower Canada, passed in the second year of Her Majesty's Reign, intituled, *An Ordinance to amend and continue the Act to regulate the exercise of certain rights of Lessors and Lessees*, and the Act of the Parliament of this Province passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to amend the Act to regulate the exercise of certain rights of Lessors and Lessees in Lower Canada*, are hereby repealed.

Rights of action of the Lessor as regards—

Not garnishing.

Waste.

Using for undue purposes.

Retaining unlawful possession.

Damages for contravening lease or law.

Recovery of rent.

Right of action of Lessee as regards—  
Repairs.

Damages for contravening lease or law.

Rescission for lease.

II. The Lessor or Proprietor shall have a right of action under this Act—

1. To rescind the lease, when the tenant fails to garnish the house, tenement, farm or premises leased with sufficient furniture or stock to secure the rent as required by law ;

2. To rescind the lease, when the tenant commits waste upon the premises leased ;

3. To rescind the lease, when the tenant uses the premises leased for illegal purposes, or contrary to the evident intent for which the same are leased ;

4. To recover possession of the property leased in all cases when there is a cause for rescission of the lease, and when the tenant shall continue in possession of the premises leased, against the will of the proprietor or lessor after the expiration of the lease, or without paying the rent according to the stipulations of the lease, when a lease exists, or according to the sixteenth section of this Act when there is no lease ;

5. To recover damages arising from a violation of an agreement of lease, or of the legal obligations arising from the relation of lessor and lessee ;

6. To join with any action to enforce the aforesaid remedies, a *demande* for rent due, or to which the lessor or proprietor is entitled, with or without attachment (*saisie gagerie*), and to exercise the *droit de suite* when necessary.

III. The Lessee shall have the right of action—

1. To compel the proprietor or lessor to make the repairs and ameliorations stipulated in the lease, or incumbent upon him by law, of the property leased, and to obtain power to make such repairs at the expense of such proprietor, or if such lessee shall so declare his option, to have a rescission of the lease in default of such repairs and ameliorations being made ;

2. For the recovery of damages arising out of an agreement of lease, or of the relation of lessor and lessee ;

3. For the rescission of a lease for a breach of the contract on the part of the lessor, or a failure to perform the obligations devolving upon him by law.

IV.

IV. Any tenant sued under this Act shall be permitted to urge any matters in defence, that he could do, if sued under the ordinary process of law. Defence under this Act.

V. Actions under this Act shall be instituted in the usual manner in the Superior and Circuit Courts, and the annual value or rent of the property leased shall determine the jurisdiction of the Court, whatever may be the amount of damages and rent sued for. In what Court suit may be brought under this Act.

VI. Any judge of the Superior Court in vacation, shall have and exercise on any juridical day, all the powers of the Superior Court in term, in all suits instituted in such Court under this Act. Powers of Judges in Superior Court in vacation.

VII. Any judge of the Superior or Circuit Court shall have the same power in vacation as in term of the Circuit Court, to hear and determine suits under this Act. Of Circuit Court in vacation.

VIII. It shall be competent for the Court or Judge, as the case may be, to hear and determine all cases arising under this Act, or growing out of the relation of lessor or lessee, and award costs and every process necessary to enforce Judgment. To what such powers shall extend.

IX. Writs of summons, attachment and execution, shall be directed to and executed by the officers to whom the like writs in other cases in the Superior and Circuit Courts are directed and executed, except writs of possession issuing in the Circuit Court in any suit under this Act, which last mentioned writs shall be directed to and executed by a Bailiff of the Superior Court. By whom Writs shall be executed.

X. It shall be lawful in any action brought under this Act, with which a *demande* for rent is joined, to sue out a writ of *saisie arrêt* or *arrêt simple* founded upon affidavit according to law, and any moveables seized under such writs which have been used to furnish the property leased, if seized upon the premises leased, or after their removal, but within eight days thereafter, shall be sold subject to the privilege of rent, in the same manner as if seized by *saisie gagerie*. Arrêt simple may be taken out in suits for rent: privilege on goods seized.

XI. One clear day between service of summons and return in any suit under this Act, shall be sufficient when the place of service is within five leagues from the sitting of the Court, and an additional delay of one day for every additional five leagues. Delay between service and summons.

XII. If the Defendant does not appear on the day of the return of the writ of summons, and before noon of the said day, default shall be recorded against him, and the Plaintiff shall be permitted to proceed *ex parte*; if the Defendant appears, he shall be held to plead in writing before noon of the next juridical Default. Delay for pleading after appearance.

juridical day following the return day of the writ, and in default thereof, the Plaintiff may, upon filing certificate of such default to plead, proceed *ex parte*.

Delay for answering plea.

XIII. The Plaintiff shall be held to answer the plea of the Defendant on or before noon of the juridical day next after the filing thereof, and in default thereof the Defendant may obtain from the Prothonotary or Clerk of the Court, *acte of foreclosure* of the Plaintiff from the right of filing such answer, upon application therefor founded upon mere lapse of time and such default to answer, without any demand of plea or service thereof; and every subsequent pleading rendered necessary shall be made and filed before noon of the next juridical day after the filing of the Plaintiff's answer, and in default thereof foreclosure shall be granted to the Plaintiff, and he shall be permitted to proceed to trial and judgment without further completion of the issues in such cause.

For subsequent pleadings.

*Enquêtes.*

XIV. In causes under this Act, when the issues are complete or either party has obtained foreclosure or right to proceed *ex parte*, the plaintiff or defendant may inscribe the cause upon the roll *des enquêtes* for any juridical day subsequent to the day of the filing of such inscription, and proof shall be adduced on such day, and continued from day to day till closed by both parties; and whenever on any *enquête* day the party whose *enquête* is proceeding shall cease to adduce further evidence, his *enquête*, on the application of the opposite party, shall be declared closed: and upon the *enquête* of both parties being closed, either plaintiff or defendant may inscribe the cause for final hearing on the next juridical day after the closing of such *enquête*, without notice to the opposite party, but if such cause is inscribed upon any day subsequent to such last mentioned day, notice thereof shall be served upon the opposite party.

Closing *Enquêtes*.

Final hearing.

Appeals, and to what Courts to lie.

XV. Appeal shall be allowed from any judgment rendered in a suit under this Act instituted in the Circuit Court, to the Superior Court, and in suits instituted in the Superior Court, to the Court of Queen's Bench, under the same rules and subject to the same conditions as other appeals are instituted from judgments of the said Courts, as well if such judgments are rendered in vacation as in term.

How persons holding by permission only without lease shall hereafter be considered.

XVI. Persons holding real property by permission of the proprietor, without lease, shall be held to be lessees and bound to pay to the proprietor the annual value of such property, and their term of holding shall expire on the first day of May of each year, and such holding shall be treated for the purposes of this Act, as an annual hiring or lease, subject to *tacite reconduction*, and all rules of law applicable to leases, and the person so in occupation shall be liable to ejection for holding over, for allowing more than three months' rent to remain unpaid, or for any of the causes mentioned in this Act.

XVII.

XVII. *Enquêtes* in suits or actions instituted under this Act in the Circuit or Superior Court, shall be taken in writing unless the parties shall otherwise consent; and if in any case by consent of parties the *Enquête* is not taken in writing, it shall be the duty of the Court or Judge before whom such case proceeds, to take minutes of the evidence, which minutes shall be deposited of record, and in the event of such case being appealed, such minutes of evidence shall for the purposes of such appeal, be treated as the evidence adduced in such case.

*Enquêtes to be in writing, except by consent, in which case Judge shall take notes.*

XVIII. Whenever a writ of *saisie gagerie* shall issue either under this Act or under the common law, to seize the effects of a tenant, the same shall not be left in the guardianship of the defendant without the consent of the plaintiff, or unless he shall offer securities to be approved by the Sheriff or bailiff as the case may be, for the production of the said effects, who shall be liable to the same penalties and obligations therefor as guardians now are under ordinary writs of execution.

*Defendant not to be guardian under *saisie-gagerie*, except by consent or on giving security.*

XIX. The proprietor or lessor may proceed to recover possession of the property leased, if the lessee shall hold over at any time after the expiration of three days after the lease has expired, or after the term of holding has expired.

*Holding over for three days to give right of action.*

XX. It shall be lawful for the Court or Judge in cases under this Act, to award and tax costs according to the tariff of the Superior Court, in actions instituted in the Circuit Court wherein the amount of all the matters in contestation exceed fifty pounds, and in all cases the costs shall be taxed according to the amount in contestation: Provided that in no case shall the costs be less than what is allowed in an appealable case of the lowest class in the Circuit Court.

*Costs in cases under this Act. Proviso:*

XXI. Nothing in this Act shall affect any cause or proceeding instituted or commenced before this Act shall have become law, but all proceedings of such nature shall be continued and finally determined and enforced in the same manner as if this law had not been passed.

*Pending suits not affected*

XXII. This Act shall apply to Lower Canada only.

*Extent of Act.*

C A P . C I X .

An Act to amend the Judicature Laws with respect to the qualification and appointment of Bailiffs in Lower Canada.

[Assented to 30th May, 1855.]

WHEREAS great inconvenience arises in the administration of justice in Lower Canada, from the want of capacity on the part of a certain number of bailiffs who act as such before the civil tribunals, and it is expedient to subject future

*Preamble:*

future bailiffs to a more strict examination than that to which bailiffs are at present subject: 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, as follows :

- Bailiffs must write English or French grammatically.**  
**Examination.** I. No person shall hereafter be admitted as a bailiff of the Superior Court of Lower Canada and registered as such, unless he be able, at the time of his admission, to write with sufficient grammatical correctness the French or English language ; Every petition addressed to the said Court for the purpose of getting the Petitioner included in the number of bailiffs of such Court, shall be by the Justices thereof, or one of them, referred to the Clerk, who shall examine the candidate and report to the said Court touching his qualifications, both as regards those now required and that required by this Act : and the prayer of such petition shall not be granted, unless it shall appear by the Report of the Clerk that the petitioner can write with sufficient grammatical correctness as aforesaid.
- Report.**
- Fee on examination.** II. The Clerk shall receive from each Petitioner the sum of one pound for each examination, which sum shall include the cost of his Report to the Court.
- Candidate may be rejected tho' qualified as above.** III. Nothing herein contained shall exempt a candidate from the qualification at present required, nor deprive the Court of its discretionary power to reject such Petition, even though the Petitioner should possess the qualification above mentioned.
- Inconsistent provisions repealed.** IV. The provisions of the several Judicature Acts now in force, which may be inconsistent with the provisions of this Act, are hereby repealed.
- Act not to apply to Gaspé.**  
**Commencement.** V. This Act shall apply to Lower Canada only, with the exception however of the District of Gaspé, which shall not be subject to its operation ; and it shall come into force on the first day of September, one thousand eight hundred and fifty-five.

### C A P . C X .

An Act to regulate the Proceedings on Forced Licitations, and to give them the effect of Sheriff's Sales  
 (*Décrets.*)

[Assented to 30th May, 1855.]

**Preamble.**

**W**HEREAS it is necessary to provide a more simple and less expensive mode of proceeding to the forced licitation of immoveables held *par indivis* in Lower Canada : Be it therefore enacted by the Queen's Most Excellent Majesty, by and



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, as follows :

I. In any case in which a licitation shall be ordered, the party prosecuting the same, and who shall have obtained such order, shall cause to be inserted three times during the space of four months in the *Canada Gazette* published by authority, a public notice setting forth that the immoveables subject to licitation will be put up to auction and adjudged to the highest bidder, at a sitting of the Superior Court held after the expiration of four months from the date of the first insertion of the said notice in the *Canada Gazette* ; which said notice may be in the form of the Schedule A to this Act annexed.

How the sale under a forced licitation shall be advertised.

Form of Notice.

II. The above-mentioned notice shall in like manner be published on the three Sundays immediately preceding the day fixed for the sale and adjudication, at the door of the Church of the Parish in which the said immoveables shall lie, and if there be no Church, or if the said immoveables be situate without the limits of any Parish, then in the most public place of the locality ; and the said notice shall be posted up at the door of the said Church or at the said most public place, on the first Sunday on which it shall have been so published.

Publication at Church door.

If no Church.

Posting up Notice.

III. The adjudication which shall be made after the above prescribed formalities have been complied with, shall have all the effect of a *décret*, and shall purge the property from all charges, privileges, hypothecs and vested rights (*droits ouverts*) in the same manner as adjudication upon execution against immoveables, excepting the charges entered in the register of charges, as regards the said licitation.

To have the effect of a *décret* as to all vested rights.

IV. Every opposition *afin d'annuler*, *afin de charge*, or *afin de distraire* in respect of immoveables under licitation, shall be filed in the office of the Court by which the licitation has been ordered, at least fifteen days before the day fixed for the public sale thereof ; and on failure to file such opposition, the legal recourse of the party who shall have neglected to file his opposition, shall be converted into an opposition *afin de conserver* on the moneys arising from the adjudication.

When oppositions to the sale must be filed.

May be converted into claims on the proceeds.

V. In all cases in which any opposition *afin d'annuler*, *afin de charge*, or *afin de distraire* so filed, cannot be tried before the day fixed for the sale, the licitation shall be suspended until judgment shall have been rendered thereon, and the Court may appoint another day for the sale and adjudication, notice being given

Sale suspended until oppositions to it are decided.

Notice of new day of sale. given by the parties interested, in the said *Canada Gazette*, of the day so appointed, which said notice shall be published once at least ten days before that appointed by the Court as aforesaid.

To what charges the adjudication shall be subject. VI. The adjudication shall be made in accordance with the conditions contained in the list of charges approved by the Court after hearing the parties thereupon, and the purchase money shall be disposed of in the manner provided for the disposing of moneys arising from execution against the immoveables of any debtor by virtue of a judgment.

Penalty on purchaser failing to pay. VII. The purchaser of any immoveables sold as aforesaid shall, in default of payment of the price of sale, be subject to the same penalties and obligations as any other purchaser of property sold under execution.

When claims on the proceeds may be filed. VIII. All oppositions *afin de conserver* must be filed before the expiration of the six days next after the adjudication.

#### SCHEDULE A.

Lower Canada,  
District of

}

LICITATION.

Public notice is hereby given that under and by virtue of a judgment of the Superior Court sitting at \_\_\_\_\_, in the District of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, in a cause in which A. B. (*description at length*) is Plaintiff and C. D. (*description at length*) is Defendant, ordering the licitation of certain immoveables described as follows, to wit: (*here insert the description of the property to be sold*) the property above described will be put up to auction and adjudged to the last and highest bidder on the \_\_\_\_\_ day of \_\_\_\_\_ next, sitting the Court, in the Court Room of the Court House in the said city (or town) of \_\_\_\_\_ subject to the charges, clauses and conditions contained in the list of charges deposited in the Office of the Clerk of the said Court; and any opposition *afin d'annuler, afin de charge* or *afin de distraire*, to the said licitation, must be filed in the Office of the Clerk of the said Court fifteen days at least before the day fixed as aforesaid for the sale and adjudication, and oppositions *afin de conserver* must be filed within the six days next after the adjudication, and failing the parties to file such oppositions within the delays hereby limited, they will be foreclosed from so doing.

(Date.)

## C A P . C X I .

An Act to amend the Act for the organization of the  
Notarial Profession in Lower Canada.

[Assented to 30th May, 1855.]

**W**HEREAS great difficulty is frequently experienced, in Procuring a *quorum* of the Members of the Boards of Notaries in Lower Canada, to be present on the days appointed for the meetings of the said Boards, more particularly in Districts in which the Members of the Board reside at a great distance from the place of holding the meetings thereof; And whereas it frequently happens that no business can be transacted at several consecutive meetings by reason of a *quorum* of the said Board not being present; And whereas in consequence of the delays to which candidates for admission to the study of the Notarial Profession are thus subjected, from their being unable to pass the examination required by law in order to such admission, the said candidates suffer great injustice and hardship, and it is expedient to provide a remedy therefor: 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, as follows:

I. Any person who shall have *bonâ fide* served under Articles of Clerkship duly executed, with any Notary practising as such in Lower Canada, and who shall previous to the execution thereof, have complied with all other conditions and formalities prescribed by law in order to admission to the study of the Notarial Profession, but who shall not have undergone the examination required by law in consequence of the want of a *quorum* of Members of the Board for the District in which he shall reside, but who shall after the execution of the said Articles, at the first meeting of the said Board at which such a *quorum* for examination shall be present, have passed the necessary examination, may be admitted to the practice of the Notarial Profession at the expiration of four or five years, as the case may be, according to the term of study fixed by his Articles of Clerkship, to be computed from the date of the execution of the said Articles and not from the date of admission to the study of the Profession by the Notarial Board as heretofore; any thing in the Acts of one thousand eight hundred and forty-seven and one thousand eight hundred and forty-nine, organizing the Notarial Profession, or in any other Act amending the same, to the contrary, notwithstanding.

Preamble.

Persons having been unable to get themselves examined as Students for want of a *quorum* of the Board of Examiners may be examined afterwards, and their time shall be computed from their first presentation for examination.

Delay for registration of Articles of Law Students.

II. The delay for the registration of the Articles of Law Students fixed by the Act of one thousand eight hundred and fifty-one, chapter twenty, shall be held to have been in force up to this date, and shall continue to be in force for the period of six months after the passing of this Act.

Public Act.

III. This Act shall be a Public Act.

## C A P . C X I I .

An Act to amend the Acts and Ordinance concerning the civil erection of Parishes, and the building and repairing of Churches, Parsonage Houses, and Church-yards.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it is expedient to amend the laws in force concerning the civil erection of Parishes, and the building and repairing of Churches, Parsonage Houses and Church-yards, in the manner hereinafter mentioned: 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, as follows:

Notwithstanding—

2 V. c. 29,

13 & 14 V. c. 44, and

14 & 15 V. c. 103.

Suits for sums levied under them to be brought in Circuit Court without ap-

I. For and notwithstanding any provision in the Ordinance of the Governor and Special Council of Lower Canada, passed in the third Session of the said Council, held in the second year of Her Majesty's Reign, intituled, *An Ordinance concerning the erection of Parishes and the building of Churches, Parsonage Houses and Church-yards*, or in the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to continue and amend the Ordinance concerning the erection of Parishes, and the construction and repairing of Churches, Parsonage Houses, and Church-yards*, or in the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to amend the Act to continue and amend the Ordinance concerning the erection of Parishes, Churches and Church-yards in Lower Canada*, respecting the manner in which any sums of money are hereafter to be levied for the purposes in the said Acts and Ordinance mentioned, and suits brought for the recovery of the said sums of money under and by virtue of the said Acts and Ordinance,—all suits which shall be hereafter brought for the recovery of any sums of money to be levied under and by virtue of the said Acts and Ordinance, for the purposes therein mentioned, shall be brought either before a Circuit Court, as provided in and by the said Acts and Ordinance, without appeal

fr

from any judgment either final or interlocutory, rendered by the said Court, or before the Commissioners' Court nearest to the residence of the party sued, or before one or more Justices of the Peace of the locality in which the assessment is leviable, and in default of such resident Justice, then before the Justice or Justices nearest to the said locality, and all such actions may be maintained by the production of duly authenticated certificates of papers and documents, the production whereof might be required to maintain such actions, if this Act had not been passed.

peal, or Commissioners' Court or before Justices of the Peace.

Evidence therein.

II. Whenever the sums of money to be so levied shall exceed three pounds currency, they shall be levied and payable in equal and quarterly payments, and not otherwise ; any law to the contrary notwithstanding.

Sums over £3 to be levied by instalments.

III. Whenever the construction of any Church (of the description mentioned in the said Ordinance) in any Parish or Mission in Lower Canada, shall either have been begun before the passing of this Act, or shall hereafter be begun by voluntary subscription, or having been constructed by voluntary subscription, any work shall remain to be done to such Church, the completion thereof or of the works necessary to such completion, may be proceeded with and performed in the same manner as provided for the building of Churches under and in virtue of the said above cited Ordinance, or of any Act or Ordinance amending the same, as if the construction of the said Church had been originally commenced under the provisions of the said Acts and Ordinance.

Work begun by voluntary subscription may be completed under the Ordinance and Acts.

IV. Should a majority of the Parishioners, at the same or any other time, present a petition praying for permission to erect a public Hall or any other edifice, in conformity with the Acts and Ordinance hereinbefore cited, it shall be lawful for the Commissioners to accede to the prayer of the said Petitioners, provided that such buildings be erected upon land belonging to the Fabrique, and not elsewhere.

Public Hall may be erected under the said Laws, if erected on lands of the Fabrique.

V. The builder or contractor who shall have been employed for the erection or repair of any Church, Parsonage House, Sacristy or other buildings or works belonging to any Fabrique, which shall have been erected without the observance of the formalities required by law, shall have his recourse against the said Fabrique, so soon as they shall have taken possession of the said buildings or works, for any amount that may be due to him on account of labor performed by him ; Provided always, that in such case the Fabrique shall be empowered to sue for and recover the amount of subscriptions remaining due by the Parishioners, and to compel the Trustee, Attorney or Agent, if any such shall have been appointed to superintend the said works, to render an account of the moneys by him collected for the said works, and of his expenditure thereof.

Builder to have his recourse against the Fabrique.

Proviso : Recourse of Fabrique.

Publication of canonical decree erecting or altering a Parish.

VI. Any decree for the canonical erection of a new Parish, or for the subdivision, dismemberment, or union of any Parishes, or with regard to the alteration or modification of the boundaries, limits and division lines of Parishes already erected or established according to law, rendered before the passing of this Act according to the canonical laws, form and usages followed in the Roman Catholic Dioceses in Lower Canada may, and every such decree rendered hereafter shall be publicly read and published on two consecutive Sundays from the pulpit in the Churches or Chapels of the Parishes or missions interested in the said erection, dismemberment, division, union, alteration of limits, boundaries or lines of demarcation, (or, in default of such Parish Church or Chapel, from the pulpit of the Church or Chapel of the Parish whence the inhabitants of the Parish or Mission in question are ministered to) together with a notice informing the parties interested, that on the expiration of thirty days, or one day later if the thirtieth day be a holyday (*fête d'obligation*) after the last reading and publication of the said canonical decree, ten or a greater number of the inhabitants being freeholders mentioned in the petition presented to the ecclesiastical authorities for the rendering of the said canonical decree, will apply to the Commissioners for the civil recognition thereof; and that all having or pretending to have any opposition or claim to bring against the said civil recognition, will be bound to file and deposit the same before the expiration of the said thirty days, in the custody of the Clerk of the said Commissioners; and if, within the said period no opposition be made to the said civil recognition of the said canonical decree, and filed and deposited as aforesaid in the custody of the said clerk, or if the said opposition be made and filed, and dismissed by the said Commissioners, the said Commissioners shall make their report to the Governor of this Province for the time being; in conformity to the said canonical decree.

Notice of application for civil recognition of decree, and of time limited for oppositions.

Report to the Governor by the Commissioners.

Present Commissioners to act under this Act.

VII. The Commissioners appointed in the different districts, by virtue of the said Acts and Ordinance cited in the first section of this Act, shall be vested with all the powers necessary for the due execution of this Act, and shall retain all the powers already vested in them by the said Acts and Ordinance.

## C A P. C X I I I .

An Act to prevent furious driving on certain Highways in Lower Canada.

[Assented to 30th May, 1855.]

Preamble.

WHEREAS great inconvenience has been caused to foot passengers and others, by the practice which at present prevails of racing and driving furiously on the public Highways in Lower Canada, and whereas it is expedient to prevent the occurrence of such nuisance in future: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent

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, as follows:

I. From and after the passing of this Act, it shall not be lawful for any person to ride or drive any horse upon any of the public Highways in this Province, within the distance of ten miles from either of the Cities of Quebec or Montreal, or the Town of Three Rivers, at a rate faster than an ordinary trot. Fast driving in certain places forbidden.

II. If any person shall be convicted of any offence against the next preceding section, before any one or more of Her Majesty's Justices of the Peace for the District in which the offence shall have been committed, upon the oath of one or more credible witness, or on view had of such offence by any such Justice, such person shall, upon conviction, as aforesaid, forfeit and pay a sum not exceeding five pounds, nor less than twenty shillings, current money of this Province, at the discretion of such Justice or Justices, with all reasonable costs, both before and after conviction. Penalty on persons offending against this Act.

III. Upon any such conviction as aforesaid, it shall be lawful for the Justice or Justices before whom such conviction shall have been had, forthwith to issue his or their warrant of distress against the goods and chattels of the offender, directed to any constable in the said District, and commanding him to levy the said fine and costs of the goods and chattels of the said offender; and in default of payment of such fine and costs as aforesaid by such offender, and if no goods and chattels of such offender can be found whereof such fine and costs can be levied as aforesaid, it shall be the duty of such Justice or Justices to commit such offender to the common gaol of the District, for a term not exceeding thirty days, unless the fine and costs are sooner paid. How such penalty may be levied if not forthwith paid. Commitment of offender.

IV. Of all fines to be levied or collected by virtue of this Act, one half shall belong to the Informer and the other half shall be paid to the Receiver General of this Province, for the public uses thereof. Application of penalties.

V. No appeal shall lie from the decision of any Justice rendered under this Act. No appeal.

## C A P . C X I V .

## An Act for the protection of Fisheries in Lower Canada.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it is expedient to provide against the destruction of Salmon, Maskinongé and Trout Fisheries in Lower Canada, which would result from a continuance of the present practices of killing and taking those Fish during the spawning season, and with stake or barrier nets, and by the aid of artificial lights at night: 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, as follows :

Certain fish to be killed only at certain times in L. C.

I. It shall not be lawful to take or kill any Salmon, Maskinongé or Trout, or to buy, sell, or possess any Salmon, Maskinongé or Trout taken or killed in any River, Lake or Stream in Lower Canada, between the first day of October in any year, and the first day of February following.

They shall not be taken in certain ways.

II. It shall not be lawful at any time to take or kill Salmon, Maskinongé or Trout in any River, Lake or Stream in Lower Canada, by means of stake nets or barrier nets, or any other self-acting machine, nor by the aid of torch-light or any other artificial light; Provided always, that during the months of June, July and August in every year, the Proprietors of Salmon Fisheries may take and kill Salmon by means of nets other than stake or barrier nets, and having meshes of at least two inches in diameter each.

Proviso: in favor of proprietors of fisheries.

Penalty for contravention.

III. Every offender against any of the provisions of this Act, shall for each offence incur a penalty not exceeding two pounds ten shillings, currency.

## C A P . C X V .

An Act to amend the Act of last Session relative to the Enregistration of the Articles of Clerkship of Law Students, and for other purposes therein mentioned.

[Assented to 19th May, 1855.]

Preamble.

16 V. c. 130.

**W**HEREAS it is expedient to extend the benefit of the first section of the Act passed in the last session of the Provincial Parliament, and intituled, *An Act to declare valid the Articles of Clerkship of Law Students enregistered within a certain period after the delay granted by the Act to incorporate the*



the Bar of Lower Canada, and to amend the said Act, to Law Students whose Articles of Clerkship, having been passed after the coming into operation of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to incorporate the Bar of Lower Canada*, have not been enregistered in conformity with the provisions of the said last mentioned Act: 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, as follows:

12 V. c. 46.

I. It shall be lawful for the Council of any section of the Bar of Lower Canada, to admit to practice as a Barrister, Advocate, Attorney, Solicitor and Proctor, any Law Student whose Articles of Clerkship have been executed before Notaries or under private seal before the passing of the Act first above cited, provided it shall appear to such Council, that such Law Student has served a *bonâ fide* and continued Clerkship in conformity with the provisions of the said Act to incorporate the Bar of Lower Canada, and that his Articles of Clerkship shall have been duly enregistered six months before his application to be admitted to practice.

Present Students may be admitted if their Articles are registered six months before their application for admission.

II. And whereas doubts have arisen respecting the interpretation of the twenty-sixth section of the Act secondly above cited, in consequence of the difference between the English and the French versions thereof; Be it enacted, that every Law Student who shall have commenced his Clerkship before the passing of this Act, may be admitted to practice, provided he shall in conformity with the said section have had his Articles of Clerkship or his certificate of admission to Study, enregistered within the time prescribed in and by the foregoing section; but every Student shall hereafter be required to enregister his Articles of Clerkship, and the time of his Clerkship shall only be reckoned from the day of such enregistration.

Recital.  
Sect. 26 of 12 V. c. 46.  
Act to apply to Students who have commenced their Clerkship.  
Proviso as to future Students.

C A P. C X V I.

An Act to amend the Act for the encouragement of Building Societies in Lower Canada.

[Assented to 19th May, 1855.]

**W**HEREAS the great number of Shareholders in Building Societies often renders it difficult to obtain a meeting of one-third of such Shareholders; And whereas inconvenience arises from the manner in which such Societies are required to sue

Preamble.

sue

12 V. c. 57.

sue and be sued, and it is therefore expedient to amend the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to encourage the establishment of Building Societies in Lower Canada*: 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, as follows:

Part of sect. 7  
repealed.

I. So much of the seventh section of the said Act as provides that no rule shall be altered, rescinded or repealed, unless at a general meeting of the members of such Society, such meeting to consist of not less than one third of the Shareholders,—shall be and is hereby repealed.

How any Rule  
of a Building  
Society may  
be repealed or  
amended.

II. Provided always, that if more than one half of the number of members of a Building Society shall sign a requisition calling a general meeting of the Shareholders, and recommending a modification, rescision or repeal of the rules of the said Society, and specifying the terms thereof, the said meeting, without limitation as to the number of Shareholders present, shall be and is hereby authorized to make and pass such modification, amendment, rescision or repeal.

Societies may  
sue by the  
name taken in  
their decla-  
ration under  
sect. 1 of 12  
V. c. 57.

III. Notwithstanding any thing to the contrary in the said Act or in any other Act amending the same, and specially the twelfth section of the said Act, such Society shall hereafter sue and be sued by the name and style declared in and by the declaration mentioned in the first section of the said Act as that under which such Society shall be known.

## C A P. C X V I I .

An Act to repeal so much of any law in force in Lower Canada, as authorizes the sale of any property by the authority of justice on Sundays.

[Assented to 19th May, 1855.]

Preamble.

**W**HEREAS it is not right that the Lord's Day should be desecrated by the sale of property by auction under the authority of Justice: 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*,

Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same :

That so much of the second section of the Act of the Legislature of Lower Canada, passed in the forty-fifth year of the reign of King George the Third, and intituled, *An Act to prohibit the sale of goods, wares and merchandize, wine, spirits and other strong liquors, on Sundays*, as provides that the said Act shall not extend or be construed to extend, to prevent selling at the Church doors of the Country Parishes on Sundays, the usufruit or produce of the estates of minors, absentees or persons that are interdicted, shall be and the same is hereby repealed ; and it shall not be lawful to sell any goods, wares or merchandize or any property moveable or immoveable on Sunday under the authority of any Court of Justice, in Lower Canada, and any such Sale made on Sunday shall be void and of no effect.

Part of sect. 2,  
of Act of L.  
C., 45 G. 3, c.  
10 repealed.

No goods to  
be sold on  
Sunday under  
authority of  
Justice.

### C A P . C X V I I I .

An Act to explain an Act intituled, *An Act to amend and extend the law relative to the remedy by Replevin in Upper Canada.*

[Assented to 19th May, 1855.]

**W**HEREAS doubts have arisen whether by the provisions of a certain Act of the Parliament of this Province, passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend and extend the law relative to the remedy by Replevin in Upper Canada*, when any goods and chattels or other personal property and effects in the said Act mentioned, have been seized and taken in execution or by attachment or otherwise under process from any Court of Record in Upper Canada, the same can be replevied and taken out of the hands and custody of the Sheriff or other Officer to whom the execution of such process of right belongs ; And whereas it is expedient to remove such doubts : Be it therefore declared and 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 declared and enacted by the authority of the same, as follows :

Preamble.

14 & 15 V.  
c. 64.

I. The said Act did not authorize, and shall not be construed to have authorized and permitted, or to authorize and permit the replevying and taking out of the hands and custody of any Sheriff or other Officer, as aforesaid, any such goods and chattels which such Sheriff or other Officer shall have seized and taken

The said Act  
does not au-  
thorize the  
replevin of  
goods seized  
under process  
taken

of a Court of  
Record.

taken and shall have in his lawful keeping, under and by virtue of any process whatsoever issued out of Her Majesty's Courts of Record in and for Upper Canada.

## C A P . C X I X .

An Act to authorize the Sale or Lease of Lands in Upper Canada, held in Trust for the use of Congregations or Religious Bodies.

[Assented to 19th May, 1855.]

Preamble.

**W**HEREAS Grants of Land have frequently been made by the Crown to Trustees, and Lands have in many instances been acquired by purchase and by Donations from individuals for the use of various Congregations and Religious Bodies in Upper Canada, and such Congregations and Religious Bodies are unable to manage such Lands advantageously from the want of power to bind the Successors of any Trustees entering into agreements for leasing or otherwise disposing of such portions thereof as may not be immediately required for the use of the respective Congregations or Religious Bodies, and it is expedient to grant such power and authority: 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:

Trustees may lease lands for 21 years, and make such leases renewable on terms to be fixed in a certain manner, or may bind their successors to pay for improvements, &c.

I. That the Grantees named in any Letters Patent from the Crown or the Survivors or Survivor of them, or the Trustees for the time being appointed in manner prescribed in such Letters Patent, and the Trustees entitled by Law to hold any Lands in Trust for the use of any Congregation or Religious Body for the time being, shall from and after the passing of this Act, have full power and authority to demise or lease for any term not exceeding Twenty-one years, any Lands held by them in trust for the use and benefit of their respective Congregations or Religious Bodies or Societies, at such Rent and upon such terms as they or a majority of them shall deem reasonable and just, and that such Trustees shall have authority to execute such Leases as may be necessary for periods not exceeding Twenty-one years, and to enter into any Covenant or agreement therein, which shall bind their Successors for the renewal of any such Lease or Leases at the expiration of any or every term of Twenty-one years for a further period or term of Twenty-one years or lesser period, at such Rent and on such terms as may then by the Trustees for the time being be agreed upon with the Lessee, his Heirs or Assigns, or for the payment to the Lessee, his Heirs or Assigns, of the value of any

Buildings

Buildings or other Improvements which may at the expiration of any Term be on the demised premises, and that the mode of ascertaining the amount of such Rent or the value of such improvements may be stipulated and agreed upon and specified in such original Lease or Leases, and such stipulation or agreement shall be binding on the Trustees for the time being and may be enforced by any Court of Law or Equity having Jurisdiction in such cases.

II. Provided always that in any case in which a majority of Trustees or a majority of them may execute a lease under this Act for the unexpired portion of any term already granted, altho' it exceed 21 years.

any such Grantees, or of the Survivors, or the Survivor, of them, or a majority of any such Trustees for the time being as aforesaid, may before the passing of this Act, have entered into an agreement or contract in writing, with any person for the leasing of any portion of such lands for any term of years, it shall and may be lawful for such Grantees or the Survivors or Survivor of them, or the majority of such Trustees for the time being, to execute a Lease or Leases of the land, for the unexpired portion of the term, and with the conditions and stipulations mentioned in such agreement or contract, although such term or the unexpired portion thereof exceed twenty-one years; and the execution of such a lease may be enforced by the party having a right to claim the same, his heirs or assigns.

III. And be it further enacted, that the Trustees for the time being entitled by Law to hold Lands in trust for any Congregation or Religious Body shall have power in their own names or by any name or designation by which they may hold such Lands, to sue or to distrain for any Rent in arrear, and to take all such lawful ways and means for the recovery thereof as Landlords in other cases are now by law entitled to take to enforce the payment of Rents.

Trustees may sue or distrain for rent in arrear, and in what name.

IV. And be it further enacted, that nothing herein contained shall be taken to confer on Trustees any power to Lease or demise any Lands without the consent of the Congregation or Religious Body for whose use they hold the same in trust, signified by the votes of a majority of the Members present at a meeting thereof duly called for that purpose, nor any Lands which at the time of making such Lease may be necessary for the use of the Congregation for which the same may be held for the purpose of erecting a Church or place of Worship or other Building thereon, or for a Burial Ground for such Congregation.

Land required for Church or Burial Ground may not be leased without consent of Congregation.

V. And be it further enacted, that when any piece or parcel of Land held by Trustees for the use of any Congregation or Religious Body, shall have become unnecessary to be retained for such use by reason of other ground having been obtained or from any other cause, and it shall be deemed advantageous to sell such piece or parcel of Land, it shall and may be lawful for the Trustees, for the time being, to give Public Notice of

Land in trust may be sold when no longer required by the Congregation, and how.

Public Notice  
and Auction.

an intended Sale, specifying the premises to be sold, and the time and terms of Sale, and after publication of such notice in any weekly Paper published in or near the place where the Lands are situated, for four successive weeks, to proceed to sell such Lands at Public Auction according to the terms of such notice, but the Trustees shall not be obliged to complete or carry into effect such Sale, if in their judgment an adequate price shall not have been offered for such Lands; and that after such offer at Public Sale, the Trustees may proceed to sell such Lands either by public or private sale: Provided always, that a less sum shall not be accepted at Private Sale than may have been previously offered at Public Sale: Provided also, that before any Deed shall be executed in pursuance of any Public or Private Sale, the Congregation or Religious Body for whose use the Lands have been held shall be duly notified thereof, and the sanction of the Court of Chancery shall be obtained for the execution of such Deed.

Proviso.

Proviso.

Trustees to  
prepare and  
shew state-  
ments annual-  
ly.

VI. And be it further enacted, that it shall be the duty of Trustees acting under the authority of this Act on the first Monday in July in each year, to have prepared and open for the inspection of the Congregation or Religious Body which they represent, or any Member thereof, a full and detailed statement of all Rents which may have accrued during the preceding year, and all sums of money whatever in their hands for the use and benefit of such Congregation or Religious Body, which may have in any manner been derived from the Lands under their control or subject to their management, and also shewing the application of any portion of such moneys, in case any shall have been expended in behalf of their respective Congregations or Religious Bodies.

Trustees may  
be called upon  
to account by  
Court of Chan-  
cery.

VII. And be it further enacted, that the Court of Chancery may in a summary manner, on complaint on oath of any three Members of a Congregation or Religious Body, of any misfeasance or misconduct by or on the part of any Trustees in the performance of duties authorized by this Act, call upon such Trustees to give in an account, and may enforce the rendering of such account, the discharge of any duties, and the payment of any moneys, so that such Congregation or Religious Body may have the benefit thereof; and the said Court may compel such Trustees, in case of any misconduct, to pay the expense of such application, or may award costs to such Trustees in case such application shall be made on grounds which the Court shall consider insufficient or frivolous or vexatious.

## C A P . C X X .

## An Act further to amend the Act to establish Mutual Insurance Companies in Upper Canada.

[Assented to 19th May, 1855.]

**W**HEREAS it is expedient to amend the provisions of the Preamble.  
 Act of the late Province of Upper Canada, passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to authorize the establishment of Mutual Insurance Companies in the several Districts of this Province*, so as to allow of the establishment of Town and Village Mutual Insurance Companies in Upper Canada : 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 as follows :

Act of U. C.  
6 W. 4, c. 18.

I. So much of the fifth section of the Act cited in the Preamble, as provides that there shall not be more than one Mutual Insurance Company in any one District, shall be and the same is hereby repealed. Part of sect. 5, repealed.

II. It shall be lawful at any time for any ten freeholders in any town or village in Upper Canada, to call a meeting of the freeholders of such town or village, for the purpose of considering whether it be expedient to establish in such town or village a Mutual Fire Insurance Company, which said meeting shall be called by an advertisement in the newspaper or newspapers published in or nearest to such town or village, mentioning the time, place and object of such meeting, and inserted in such newspaper or newspapers three weeks previous to such meeting. Meeting for establishing a town or village Company.  
How called.

III. If at such meeting there shall not be fewer than thirty freeholders present, and a majority of them shall determine that it is expedient to establish such Company, they may elect three persons from among the freeholders of the town or village then present, to open and keep a book in which all freeholders in such town or village may sign their names, and enter the sums for which they shall be respectively bound to effect insurance with the Company. Books of subscription to be opened if the majority be for establishing a Company.

IV. Whenever the number of persons duly qualified who shall have signed their names in the said subscription book shall be forty or more, and the sums for which they shall have bound themselves to effect insurance shall amount together to

When the subscribers amount to forty and the subscriptions

to £10,000,  
Company to  
be formed.

Corporate  
name and  
powers.

ten thousand pounds currency, or upwards, such persons and all other persons who may thereafter become members of the said Company, by effecting insurance therein in the manner hereinafter provided, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by and under the name and style of "The Mutual Fire Insurance Company, of \_\_\_\_\_", naming the town or village for which the Company shall have been established; and by that name may mutually insure their respective dwelling houses, stores, shops, and other buildings, household furniture and merchandize, against loss or damage by fire, whether the same shall happen by accident, lightning or any other means excepting that of design in the assured or by the invasion of an enemy or insurrection; and by that name they and their successors shall and may have continued succession, and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also they and their successors by their corporate name aforesaid, shall be capable of purchasing, having and holding, to them and their successors, any estate, real, personal, or mixed, to and for the use of the said Company, and of letting, conveying, and otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient.

First meeting  
for organizing  
the Company,  
how called.

V. Provided always, that any ten members of the Corporation, to be so formed as hereinbefore mentioned, may call the first meeting of any such Company, at such time and place within such town or village as they may determine upon for holding such meeting, by advertising the same in such of the Provincial newspapers printed and published within or nearest to such town or village as they shall think proper, giving at least thirty days' notice of the time, place and design of such meeting, for the purpose of choosing the first Board of Directors, of making and establishing By-laws, and of transacting any business necessary and proper to carry into effect the provisions and intentions of this Act: Provided, however, that no policy of Insurance shall be issued by the Company until application shall be made for insurance on ten thousand pounds at the least:

Proviso.

Every Mutual  
Insurance  
Company may  
divide its bu-  
siness and  
Members into  
two branches.

VI. Each and every Mutual Insurance Company now established or hereafter to be established in this Province, under the provisions of the Act above cited or of this Act, shall have power to separate their business into two branches or departments, one for the insurance of isolated buildings and property not hazardous, and the other for insuring buildings and property hazardous and not hazardous, in towns and villages.



VII. It shall be the duty of the Directors of each such Mutual Insurance Company to make a scale of risks for each branch, and to direct that the accounts of each shall be kept separate and distinct the one from the other.

Scale of risks to be made for each branch.

VIII. Members of any such Company insuring in one branch shall not be held liable for any claims on the other branch; and all necessary expenses incurred in the conducting and management of the said Companies shall be assessed upon and divided between each branch in proportion to the amounts insured in such branches respectively.

Members of one branch not to be liable for losses in the other.

IX. Notwithstanding any thing contained in the sixteenth section of the Act above cited, no member of any Mutual Insurance Company established under the provisions of the said Act, or of this Act, shall be liable for any sum beyond the amount of his premium note.

No Member to be liable beyond his premium note.

X. Every such Mutual Insurance Company shall, when so established, be subject in every respect to the provisions and restrictions of the Act cited in the Preamble to this Act, as amended by this Act, or by the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to amend an Act of the Parliament of the late Province of Upper Canada, intituled 'An Act to authorize the establishment of Mutual Insurance Companies in the several Districts of this Province,'* or by the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the Act relating to Mutual Insurance Companies in Upper Canada,* or by the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to amend an Act of the Parliament of the late Province of Upper Canada relating to Mutual Insurance Companies,* all which Acts shall extend and apply to the said Companies, save in so far as they are modified by this Act, as fully and effectually as to Companies established under the said Act cited in the Preamble, before the passing of this Act.

Certain Acts to apply to Companies under this Act.

4 & 5 V. c. 64.

12 V. c. 86.

16 V. c. 192.

## C A P . C X X I .

An Act to provide means for the sale of lands held for the purposes of public Educational Institutions in Upper Canada, when such lands cannot be conveniently used for such purposes.

[Assented to 19th May, 1855.]

**W**HEREAS it hath happened and may happen, that lands have been or may hereafter be surrendered, granted, devised or otherwise conveyed to the Crown, or to the Trustees of any District or County Grammar School, or to some other party, in trust for the purposes of or as a site for any such Grammar School, or of any other Educational Institution established in

Preamble.

in

in some County or place, and for the benefit of the inhabitants thereof generally,—and that such lands may be found not to afford the most advantageous site for such School or Institution, or there may be no School or Institution bearing the precise designation mentioned in the deed of surrender, grant, devise or other conveyance, or that it may be for the benefit of such School or Institution that such lands be disposed of and others acquired in their stead for the same purpose, or the proceeds of the sale applied thereto: 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, as follows:

Lands held in trust for Educational purposes, and not conveniently situated for their purpose may be surrendered to the Crown, and sold, and the proceeds applied to the purchase of other lands.

If there be a surplus or no other lands required.

Surrender, &c., to the Crown need

I. In any of the cases mentioned in the Preamble of this Act, it shall be lawful for the Trustees of any Grammar School or Institution or other party in whom any lands shall be vested in trust as therein mentioned, with the consent of the Municipal Council of the Municipality in which such School or Institution is or is to be established, to surrender and convey such lands to the Crown unconditionally; and any lands so surrendered, as well as any lands which have been or may hereafter be surrendered, granted, devised or otherwise conveyed to the Crown for any such purpose as aforesaid, may be sold by order of the Governor in Council, and the proceeds applied to the purchase of other lands to be vested in the Crown for the purposes of the same School or Institution, or in the case of there being no School bearing the precise designation intended as aforesaid by the party from whom the lands so sold came to the Crown, then for the purposes of the Grammar School or other Public Educational Institution established for the benefit of the Inhabitants of the Municipality generally, which shall, in the opinion of the Governor in Council, come nearest in its purposes and designs to that intended by such party as aforesaid; and if such proceeds are applied to the purchase of lands for Grammar school purposes, the title to such Lands may be vested in the Board of Trustees for any Grammar School, by their Corporate name: and if there be any surplus of such proceeds after such purchase, or if it be found that no lands are required as a site for or for other purposes of such School or Institution, then such surplus or proceeds (as the case may be) may be invested or applied for the purposes of such School or Institution in such manner as the Governor in Council shall deem most for the advantage thereof.

II. It shall not be necessary that any such surrender, grant, devise or other conveyance to the Crown as aforesaid, be formally accepted by the Crown or by the Governor or other Officer

Officer or person for the Crown, but the same shall be valid, and shall vest the lands absolutely in the Crown, without such acceptance; and a certificate under the hand of the Head of the Municipality and the corporate Seal thereof, that the Municipal Council hath, by a majority of its members present at any legal meeting thereof, consented to any surrender for which such consent is necessary under this Act, shall be sufficient evidence of such consent. not be formally accepted.

III. No purchaser of land from the Crown under this Act shall be in any way bound to see to the application of the purchase money by him paid, to the purpose to which it is to be applied. Purchaser not bound to see to trusts.

IV. Nothing in this Act shall be construed to impair the rights of any private party in or upon any lands, in so far as such rights would have existed and could be exercised without this Act. Rights of private parties not affected.

V. It shall be lawful for the Crown to grant to the Trustees of any Grammar School or of any other Public Educational Institution established for the benefit of the Inhabitants of the Municipality generally, any lands which have been or may hereafter be surrendered, granted, devised or otherwise conveyed to the Crown as aforesaid. Lands so surrendered, &c., may be granted to Trustees of Grammar Schools, &c.

VI. This Act shall apply only to Lands and Educational Institutions in Upper Canada. Extent of Act.

C A P . C X X I I .

An Act to extend and continue the Act intituled, *An Act to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada*, and for other purposes.

[Assented to 19th May, 1855.]

**W**HEREAS the Law Society of Upper Canada in consideration of the sum of six thousand pounds to them paid or to be paid in pursuance of the Act, intituled, *An Act to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada*, did on the twentieth day of June one thousand eight hundred and forty-six, covenant with our Sovereign Lady the Queen, to provide suitable accommodation for the Superior Courts of Law and Equity in Upper Canada at the seat of the said Society, for all time to come; And whereas for the purpose of carrying out the said arrangement, a tax or levy on certain proceedings in the Superior Courts of Law and Equity, and the Court of Appeal of Upper Canada, was authorized under and by virtue of the said recited Act; And whereas the Law Society of Upper Canada have in pursuance of the said Preamble. 9 V. c. 33.

said arrangement made the necessary alterations and additions at Osgoode Hall in the City of Toronto, for the use of the said Courts; And whereas the said Society have by their Petition, dated Hilary Term 1852, represented, that in order to adapt their new building appropriately in its outward appearance to those already erected and to make adequate internal arrangements for the purposes intended, they were obliged to lay out and expend a much larger sum of money than was originally contemplated, and that consequently they now find themselves involved in a debt of four thousand pounds; And whereas since the date of the covenant so entered into by the Law Society as aforesaid, the Legislature has increased the number of the Superior Court in Upper Canada and thus occasioned the necessity for further accommodation and additional expenditure; And whereas it is expedient to assist the said Law Society in discharging the said debt of four thousand pounds, and it is further expedient to provide increased accommodation for the Superior Courts in Upper Canada, and in order to accomplish the same it is necessary to extend and continue the provisions of the said recited Act until the debt of the Law Society, and all costs of the said alterations and further accommodation shall have been discharged and paid: 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, as follows:

Debentures  
for £10,000  
may be issued.

I. For the purposes aforesaid, it shall and may be lawful for the Governor of this Province, to authorize the issue of debentures for the sum of ten thousand pounds, in such form and in such sums as may be found convenient; such debentures to be at a rate of interest not to exceed six per cent. per annum and redeemable within twenty years.

Payment of  
interest and  
principal pro-  
vided for.

II. For the purpose of paying the interest on such debentures and liquidating the principal thereof, there shall be levied, imposed and collected on the proceedings in Law and Equity in Upper Canada, the sums set forth in that behalf in the Schedule to the said recited Act, and law proceedings shall be subject to the said levy, whether had in the Court of Queen's Bench or in the Court of Common Pleas.

Act 9 V. c. 33  
to apply to  
Debentures  
under this Act.

III. All the provisions of the said recited Act, so far as the same may be applicable, are hereby extended to the debentures to be issued under the authority of this Act, and to all matters relative to the said debentures, and to the sum to be thereby raised, in as full and ample a manner to all intents and purposes, as if the said sum of ten thousand pounds to be raised  
under

under the authority of this Act, had formed part of the sum to be raised under the provisions of the said recited Act.

IV. The Interpretation Act shall apply to this Act.

Interpretation-

### C A P. C X X I I I .

An Act to explain and amend the Act establishing the Court of Error and Appeal in Upper Canada.

[Assented to 30th May, 1855.]

**W**HEREAS in appeals under the Act passed in the twelfth year of the reign of Her Majesty Queen Victoria, and intitled, *An Act to make further provision for the administration of Justice, by the establishment of an additional Superior Court of Common Law, and also a Court of Error and Appeal in Upper Canada, and for other purposes*, from judgments, orders or decrees directing the payment of money, the perfecting of the security for such appeal may be deemed, notwithstanding the provisions of the said Act, not to be a stay of execution in the original cause, if execution shall have issued and a levy shall have been made by the Sheriff under the same, before the said security shall be perfected as directed by the said Act; And whereas it is proper that the perfecting of such security should operate to save the party or parties so appealing and desiring to stay execution, from being compelled to pay the said judgments, orders or decrees in the meantime: 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 intitled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

I. So soon as the security for appeal from judgments, orders or decrees directing the payment of money, shall be perfected according to the said Act and the rules of Court framed under the same, and such security shall have been allowed as thereby directed, it shall and may be lawful for the Appellant or Appellants, his or their Attorney, to apply to any Judge of either of the Superior Courts of Common Law or of the Court of Chancery of Upper Canada, and upon proof before such Judge that such security has been allowed under the said rules, it shall be lawful for such Judge, in his discretion, to issue his *fiat* to the Sheriff to whom any such execution may have issued, to stay the execution thereof, and the said execution shall thereby be deemed to be stayed whether a levy shall have been made under it or not.

On completion of Security, Appellant may obtain a Judge's order to stay execution.

If the money has been made but not paid over, it shall be paid to Appellant.

II. If, at the time of the receipt by such Sheriff of such *fiat* or a copy thereof, the money shall have been made or received by him under any execution in such original cause as aforesaid, but not paid over by him to the party who issued the execution, his Attorney or Agent, it shall be lawful for the party or parties so appealing and desiring to stay such execution, to demand back from such Sheriff the amount he may have made or received under such execution, or so much thereof as may be in his hands not paid over as aforesaid, and in default of payment by the said Sheriff upon such demand, to recover the same from him in an action for money had and received.

Commencement of Act: It shall not affect suits now pending.

III. This Act shall take effect from and after the first day of June next after its passing, and shall not in any manner affect any suit at Law or in Equity instituted before its passing.

## C A P . C X X I V .

### An Act to amend the law as to Dormant Equities.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS by the Act to establish a Court of Chancery in Upper Canada, it was provided that the rules of decision in the said Court should be the same as governed the Court of Chancery in England; And whereas in regard to Mortgages under which, before the passing of the said Act, the estate had become absolute in law by failure in performing the condition, the said Act, after reciting that from the want of an equitable jurisdiction, a strict application to such cases of the rules established in England might be attended with injustice, did in effect enact that the Court so established should have power and authority to make such Order and Decree as to the said Court might appear just and reasonable under all the circumstances of the case, subject to the appeal thereby provided; And whereas in regard to claims upon or interests in real estate, arising before the passing of the said Act, it is just to restrict the future application of the said rules of decision to cases of fraud, and in regard to other cases, it is expedient to extend thereto in manner hereinafter provided, the power and authority so given as aforesaid to the said Court in cases of Mortgages: 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, as follows:

Title, &c., at Law without

I. No title to or interest in real estate which is valid at law, shall henceforward be disturbed or otherwise affected in Equity by

by reason of any matter or upon any ground which arose before the passing of the said Act, or for the purpose of giving effect to any equitable claim, interest or estate, which arose before the passing of the said Act, unless there has been actual and positive fraud in the party whose title is sought to be disturbed or affected.

fraud not to be disturbed by equitable claims which arose before the establishment of the Court of Chancery.

II. In regard to any other equitable claim or right, which may have arisen before the passing of the said Act, the said Court shall have power and authority (subject to appeal) to make such Order and Decree as may appear to the said Court just and reasonable, under all the circumstances of the particular case, provided that the suit is brought within twenty years from the time when the right or claim arose; and no further time shall be allowed for bringing any such suit, notwithstanding any disability of the claimant or of any one through whom his right accrued.

Court may make orders in other cases of claims arising.

Proviso.

III. This Act shall not apply to any such claims or rights as aforesaid for which suits may now be pending in the said Court.

Act not to affect pending suits.

## C A P . C X X V .

### An Act to extend the Jurisdiction of the Division Courts of Upper Canada.

[Assented to 30th May, 1855.]

**W**HEREAS it is expedient to extend the Jurisdiction of the several Division Courts in Upper Canada, so as to enable those Courts to try causes and pronounce Judgment therein, within the Jurisdiction of such Courts as to amount, when the defendant does not reside in the Division or County where the cause of action arose: 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, as follows:

Preamble.

I. Any suit or cause of action cognizable in a Division Court in amount, may be entered and tried in the Court holden in the Division in which the cause of action arose, or in the Court holden in the Division in which the defendant, or either of them when there are more than one, shall reside or carry on his business at the time the action is brought, notwithstanding that the defendant or defendants may at such time reside in a different County or Division, or different Counties or Divisions, from that in which the cause of action arose: and all such proceedings shall be taken for the obtaining Judgment and the recovery

Cases may hereafter be brought and tried in the division in which the cause of action arose or in which any Defendant resides, although it be not the division or with-

in the County in which the cause of action arose.

Exception as to execution.

Proviso as to service of summons ;

And as to Defendants desiring to make any defence under sect. 43 of 13 & 14 V. c. 53.

In certain cases Bailiff of Division Courts may serve Writs, &c., out of their County.

Proceedings when a Plaintiff having obtained a judgment in a Division Court in one County, wishes to enforce it in another County in U. C.

recovery thereof, and in the same manner to all intents and purposes as if the defendant or defendants resided, and the cause of action arose in the same Division, except that no writ in the nature of a writ of *Fieri Facias* or attachment, shall be executed out of the limits of the County or United Counties over which the Judge of the Court from which the same issued, shall have jurisdiction: Provided that when the defendant, or when there is more than one defendant, when one of them, resides in a County adjoining the one in which the action is brought and none of the defendants resides in the last mentioned County, the summons shall be served fifteen days, and when the defendant does not, nor does either defendant where there is more than one, reside in the County where the action is brought, or an adjoining County, the summons must be served twenty days at least before the holding of the Court at which the cause is to be tried, and if the defendant or defendants desire to make any defence mentioned in the forty-third section of the Upper Canada Division Courts Act of 1850, he, or one of them, shall give notice thereof in writing to the Clerk of the Division Court in which the action is to be tried, in the manner provided by that section, at least five days before the holding of such Court; provided that if it shall appear to the Judge that such notice had not been given, without the wilful default of the defendant or defendants, and that injustice would be done unless such defence should be allowed, he may adjourn the hearing of the cause, or such defence thereto, or any part thereof, until the next sitting of the Court, upon such terms as to payment of costs as shall appear to him to be just.

II. The Bailiff of any Division Court in Upper Canada may, and he is hereby authorized and required to serve and execute all summonses, writs and orders of any Division Court that shall be delivered to him for service, although the same may have been issued from a Division Court of which he is not Bailiff, and to return the same to the Clerk of the Court of which he is Bailiff: Provided that he shall not be required to travel beyond the limits of the Division of which he is Bailiff, or allowed to charge mileage for any distance travelled beyond the limits of the County in which the Court of which he is Bailiff is situated, in the service or execution of such process: And provided that nothing herein contained shall be construed so as to alter the law for the issuing or execution of attachments as provided for by the said Division Courts Act of 1850.

III. It shall be the duty of the Clerk of any Division Court in Upper Canada, upon the application of the plaintiff or defendant, or one of them when there are more than one, having an unsatisfied Judgment in his favor in such Court, or his agent, to prepare a transcript of the entry of such Judgment in such Court, and to send the same to the Clerk of any other Division Court, in any other County in Upper Canada, with a certificate at the foot thereof, signed by such Clerk and attested by the

seal



seal of the said Court, stating the amount unpaid upon such Judgment, and the date at which the same was recovered, which certificate shall be addressed to the Clerk of the Division Court to whom it is intended to be delivered; and it shall be his duty upon the receipt of such transcript and certificate, to enter the transcript in a book to be kept in his office for such purpose, and the amount due on such Judgment according to such certificate; and all other proceedings shall and may be had and taken for the enforcing and collecting such Judgment in such Division Court, by the officers thereof, that can be had or taken, under the Upper Canada Division Courts Acts, upon Judgments recovered in any Division Court, for the like purpose: such Clerk shall also be bound when required, to forward all summonses to the Clerk of any other Division Court for service, and to receive the same when returned, and to receive those sent to him by any other Division Court Clerk for service, and to enter them in a book to be kept for that purpose, and to hand the same to the Bailiff for service, and to receive them from the Bailiff and return them to the Clerk from whom he received them; and also to give to any party to a suit, or his agent, copies of subpoenas for his witnesses, when requested so to do.

Clerk to forward summonses to another division for service when required, and in like manner to receive and return them.

IV. All the provisions of the Upper Canada Division Courts Acts, in reference to costs in any suit brought in any Superior Court for a cause of action cognizable in a Division Court under those Acts, shall apply to any action which shall be so brought for any cause of action cognizable in the Division Courts under this Act.

Certain provisions of 13 & 14 V. c. 53, and 16 V. c. 177 to apply to suits under this Act.

V. And whereas it is desirable to increase the fees of the Clerks and Bailiffs of the said Courts: Be it enacted, that from and after this Act shall come into force, the said Clerks shall be entitled to the fees enumerated in the Schedule A hereto annexed, for the services therein mentioned, instead of the fees mentioned in the said Acts; and that the Bailiffs shall be entitled to five pence per mile instead of the mileage allowed by the said Act.

Fees to Clerks and Bailiffs increased.

VI. This Act shall come into force on the first day of July next after the passing thereof.

Commencement of Act.

## SCHEDULE.

(A.)

AMENDED TARIFF OF FEES AND ALLOWANCES to be received by  
Clerks of Division Courts in Upper Canada.

	Not exceed- ing £5.			Exceeding £5 and not £15.			Exceeding £15.		
	£.	s.	d.	£	s.	d.	£	s.	d.
Entering every Account and issuing Summons.....	0	1	0	0	1	6	0	2	0
Copy of Summons, Particulars of Demand or Set Off, each.....	0	0	6	0	0	9	0	1	0
Every Summons to Witnesses with any number of names.....	0	0	6	0	0	6	0	0	6
Entering Bailiff's returns to Summons to Defendant.....	0	0	3	0	0	3	0	0	3
Every copy of Subpœna when made by the Clerk.....	0	0	3	0	0	3	0	0	3
Entering Set Off or other Defence requiring notice to Plaintiff.....	0	0	9	0	1	0	0	1	0
Adjournment of any Cause.....	0	1	0	0	1	0	0	1	0
Entering every Judgment or order made at hearing.....	0	0	9	0	1	0	0	1	3
Taking confession of Judgment...	0	0	9	0	0	9	0	0	9
Every Warrant, Attachment or Execution.....	0	1	3	0	1	6	0	2	0
Every copy of Judgment to another County.....	0	1	3	0	1	3	0	1	3
Transcript or Certificate of Judgment for Registration in the County Registry Office.....	0	1	3	0	1	3	0	1	3
Entering and giving notice of Jury being required.....	0	1	0	0	1	3	0	1	6
Making out Summons to Jury, for each Jurymen.....	0	0	6	0	0	6	0	0	6
For every Affidavit taken, and drawing the same.....	0	1	0	0	1	0	0	1	0
Returns to Treasurer, to be paid out of the Fee Fund, including attendance on the Judge to Audit the same, each, and to be retained from the Fee Fund in his hands..	1	0	0	1	0	0	1	0	0
Every search on behalf of a person not a party to a Suit, to be paid by the Applicant.....	0	0	6	0	0	6	0	0	6
Every search for a party to a Suit when the proceedings are over a year old.....	0	0	6	0	0	6	0	0	6
Transmitting papers for service to another County or Division, in addition to the necessary Postage on transmission and return.....	0	1	0	0	1	0	0	1	0
Receiving papers from another County or Division for service, entering same in a book, handing the same to the Bailiff, and receiving his return, to be paid when the claim is filed or defence entered.	0	1	0	0	1	0	0	1	0

## C A P . C X X V I .

An Act to amend the Law relating to the custody of Infants.

[Assented to 30th May, 1855.]

**W**HEREAS it is desirable that the law relating to the custody of infant children shall be so amended as to enable the Judges of the Superior Courts of Law or Equity in Upper Canada, to give the custody of such children to their mothers in certain cases : 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, as follows :

Preamble.

I. It shall be lawful for any of the Superior Courts of Law or Equity in Upper Canada, or for any Judge of either of such Courts, upon hearing the petition of the mother of any infant, being in the sole custody or control of the father thereof, or of any person by his authority, or of any guardian after the death of the father, if such Court or Judge shall see fit, to make order for the access of the petitioner to such infant, at such times and subject to such regulations as such Court and Judge shall think convenient and just, and if such infant shall be within the age of twelve years, to make order for the delivery of such infant to the petitioner, to remain in the care and custody of the petitioner until such infant shall attain such age of twelve years, subject to such regulations as such Court or Judge shall direct, and also to make order for the maintenance of such infant by the father thereof, or out of any estate to which such infant may be entitled, by the payment by such father or out of such estate, of such sum or sums of money from time to time, as according to the pecuniary circumstances of such father or the value of such estate, such Court or Judge shall think just and reasonable.

Court or Judge may make order for allowing the mother access to any infant in the sole custody of the father or other person : or for its delivery if under 12 years, and also order for its maintenance.

II. Such Court or Judge as aforesaid shall have power to enforce the attendance of any person before such Court or Judge, to testify on oath respecting the matter of such petition, by order or rule to be made for that purpose, on the service of a copy thereof and the payment of expenses as a witness, in the same manner as in any proceeding in any suit or action in the said Courts respectively, or to receive affidavits respecting the matters in such petition, such affidavits to be sworn before any Master, ordinary or extraordinary, in Chancery, or any Commissioner for taking affidavits in either of the Superior Courts of Common Law ; and any person who shall swear falsely and corruptly

Court or Judge in any such case may compel the attendance of witnesses.

Punishment for false swearing. corruptly on any personal examination, or in any affidavit so sworn, in such matter, shall be deemed guilty of perjury and incur the penalties thereof.

Orders enforceable by process of contempt. III. All orders that shall be made by any Court or Judge by virtue of this Act, shall be enforceable by process of contempt by the Court or any Judge thereof, by which or whom such order was made.

Order not to be made in favor of mother guilty of adultery. IV. No order shall be made by virtue of this Act, whereby any mother, against whom adultery shall be established by judgment in an action for criminal connection, at the suit of her husband against any person, shall have the custody of any infant, or access to any infant; any thing herein contained to the contrary notwithstanding.

Extent of Act. V. This Act shall apply only to Upper Canada.

## C A P . C X X V I I .

### An Act to amend the Registry Laws of Upper Canada.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it is necessary to amend the Registry Laws of Upper Canada in certain particulars: 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, as follows:

Judgments to give no lien or charge on lands until registered. I. No judgment of any Court of Record in Upper Canada, shall create a lien or charge upon any lands, tenements or hereditaments within the same, or upon any interests in lands that are now or may at any time hereafter be liable to seizure or sale on any execution against lands, until such judgment shall be registered in the manner now required by the law for registering judgments, in the Registry Office of the County or Union of Counties in which such lands are situate.

Judgment creditor not registered need not be a party to foreclosure. II. No judgment creditor shall be a necessary party to any bill for the foreclosure of any mortgage, so as to prevent a mortgagee obtaining a complete title by such foreclosure, unless such judgment creditor shall have registered his judgment in such County Registry Office as aforesaid, before the filing of the bill of such mortgagee for such foreclosure.

III. The filing of any bill, or the taking of any proceeding, in the Court of Chancery in Upper Canada, in which bill or proceeding any title or interest in lands may be brought in question, shall not be deemed notice of such bill or proceeding to any person not being a party to such bill or proceeding, unless and until a certificate shall be given by the Registrar of the said Court of Chancery to some person demanding the same, in the form mentioned in this section, and registered in the Registry Office of the County or Union of Counties in which the lands are situate the title or interest in which is questioned in such bill or proceeding.

What only shall be deemed notice of proceedings in Chancery by which title or interest in lands shall be called in question.

“ I certify that in a suit or proceeding in Chancery between “ A. B. and C. D., some title or interest is called in question “ in the following lands, (*stating them*).”

Provided always, that no such certificate shall be required to be registered in any suit or proceeding for foreclosure of any registered mortgage.

Proviso as to suit for foreclosure.

IV. Every decree of foreclosure, and every other decree in Chancery affecting any title or interest in land, shall and may be registered by any person, in the County Registry Office in the County or Union of Counties where such land is situate, on a certificate to be given by the Registrar of the said Court, stating the substance and effect of such decree, and the lands affected thereby.

How decrees of foreclosure, &c., shall be registered.

V. A memorial of any deed, conveyance, will or power of Attorney, affecting or relating to any lands, tenements or hereditaments in Upper Canada, which shall have been or may be hereafter executed or published in any place without Upper Canada, shall be registered by the Register or his Deputy of any County in which such lands are situate, either on the evidence already required by law, or on an affidavit sworn before any Judge of either of the Superior Courts of Common Law or Equity in Upper or in Lower Canada, or before any Judge of the County Court in Upper Canada or Circuit Court in Lower Canada, or a Commissioner duly authorized to take affidavits in Upper or Lower Canada, by any of the Superior Courts of Common Law, or the Register or Deputy Register of the County in which such lands are situate, wherein one of the witnesses to the execution of such deed, will, conveyance or power of Attorney, shall swear to the execution of the same, and also to the place where the same was executed.

On what proof memorials of deeds, &c., executed out of U. C. shall be registered.

VI. It shall be the duty of the Register of any County from which any City, Town, Township, reputed Township or place has been or shall be detached, in addition to the books and plans mentioned in the first Section of the Statute, sixteenth Victoria Chapter one hundred and eighty-seven, to deliver to the Register of the County to which the same has been or shall be attached, the original memorials of all Deeds, Wills and other

Register of any County from which a place shall have been detached to deliver memorials relating to lands in it,

to Register of County to which it shall be attached.

conveyances whatever of or relating to any lands within such City, Town, Township, reputed Township or place only; and if any such first mentioned Register shall refuse to deliver any such books, plans or memorials as in the said recited Act or this Act mentioned, to such last mentioned Register within three months after a demand in writing has been made upon him therefor by such last mentioned Register, such first mentioned Register shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any Court of Oyer and Terminer and general gaol delivery, shall forfeit his office, and be liable to a fine in the discretion of such Court, not exceeding one hundred pounds.

Penalty for default.

Fees.

VII. The following fees shall be taken for the services to be performed under this Act by the Register of any County :

On registering any certificate of a suit or proceeding in Equity, two shillings and six pence.

On registering any certificate of decree, five shillings.

Commencement and application of this Act.

VIII. This Act shall come into operation on the first day of July, one thousand eight hundred and fifty-five, and shall apply as well to judgments entered of record, and bills filed or proceedings had in Chancery, before as after the passing of this Act.

## C A P. C X X V I I I .

An Act to amend and consolidate the Acts relating to the appointment of Reporters to the several Courts of Law and Equity in Upper Canada, and to repeal certain Acts therein mentioned.

[Assented to 30th May, 1855.]

Preamble.

WHEREAS it is expedient to repeal several Acts and parts of Acts relating to the appointment of Reporters of Her Majesty's several Courts of Law and Equity in Upper Canada, and to amend and consolidate the provisions 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, as follows :

Act of U. C.  
4 G. 4, c. 2.

I. The Act of the Parliament of the late Province of Upper Canada, passed in the fourth year of the reign of His late Majesty, King George the Fourth, chapter three, and intituled,  
An

*An Act providing for the publication of Reports of the decisions of His Majesty's Court of King's Bench in this Province, and also, the first, second, third, fourth, fifth, sixth and seventh Sections of the Act of the said Province, passed in the third year of the reign of Her present Majesty, chaptered two, and intituled, An Act for the better regulation of the Office of Reporter to the Court of Queen's Bench in this Province, and also the Act of the Parliament of this Province, passed in the eighth year of Her Majesty's reign, chaptered thirty-nine, and intituled, An Act to authorize the appointment of a Reporter in the Court of Chancery, the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's reign, chaptered sixty-five and intituled, An Act to increase the Salary of the Reporter of the Court of Chancery in Upper Canada, and also the sixth, seventh, eighth, ninth, tenth and eleventh Sections of the Act of the Parliament of this Province, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's reign, chaptered fifty-one, and intituled, An Act to confirm and give effect to certain Rules and Regulations made by the Judges of Her Majesty's Court of Error and Appeal for Upper Canada, and for other purposes relating to the powers of the Judges of the Courts of Law and Equity in that part of the Province, and the practice and decisions of certain of those Courts, shall be and the same are hereby repealed.*

Part of Act of U. C. 3 V. c. 2  
8 V. c. 39.  
12 V. c. 65, and part of  
13 & 14 V. c. 51, repealed.

II. It shall and may be lawful for the Law Society of Upper Canada in Convocation, by Instruments under the seal of the Society, to appoint some fit and proper person and persons to be Reporters respectively of each of Her Majesty's three Superior Courts of Law and Equity in Upper Canada, that is to say, one for the Court of Queen's Bench, one for the Court of Chancery, and one for the Court of Common Pleas, such Reporters to be severally amenable to the said Society in Convocation for the correct and faithful discharge of their respective duties, and to be subject to such rules and regulations for the discharge of the duties of their respective offices, including the printing and publishing of their reports, as already have been made, or as shall or may from time to time hereafter be made for that purpose by the said Society in Convocation, with the approbation of the Judges of Her Majesty's three Superior Courts of Law and Equity for Upper Canada, as Visitors of the said Society, passed and approved according to the usual course practised in respect of other general rules of the said Society, with power to the said Society in Convocation from time to time to remove any of such Reporters, and to appoint another in his place; Provided always, that no person shall be eligible to the office of Reporter of any of the said Courts other than the members of the said Society of the degree of Barrister at Law, and that no appointment to or removal from any of the said offices shall take place without the assent of the Judges of the particular Court to which such person shall be appointed Reporter, or to which he shall belong,

Law Society of U. C. in convocation to appoint Reporters.  
Provide.

signified to the said Society in writing under the hands of such Judges upon report made to them by the said Society in Convocation, of the purposed appointment or removal of such person.

What shall be reported.

III. It shall be the duty of each of such Reporters respectively, to report as well the substance of such of the oral decisions of the Court to which he shall belong as shall be of general importance, as also to report such decisions as may be delivered in writing, and it shall further be his duty, without any unnecessary delay, to cause such reports to be fairly entered in a book and to submit the same for inspection of the Judges of such Court, which reports after due examination and correction shall be signed by such Judges respectively or such of them as shall not be prevented by absence or sickness from doing so.

Judges to examine reports.

Provision may be made for reporting the decisions of the Judges sitting separately.

IV. It shall be lawful for the said Law Society of Upper Canada in Convocation, by any rule or rules already made or from time to time hereafter to be made with such approbation as aforesaid, according to the usual course of the said Society, to make it part of the duty of the Reporters to the said two Courts of Common Law jointly, or of either of such Common Law Reporters separately, to act as Reporter of the decisions of the several Judges of such Courts of Common Law when sitting in Banc apart from their brethren for the disposal of such matters relating to the business of the said Courts as may be so disposed of according to Law, or when sitting at Chambers, and in and by any such rule or rules so made or to be made as aforesaid, to regulate and direct the manner in which the reports of such last mentioned decisions shall be made, entered and submitted for correction and approval of the individual Judges who may have pronounced the same, and afterwards printed and published, as the said Society is by this Act empowered to do with respect to the decisions of such Common Law Courts in Banc generally.

Provision may be made for reporting the decisions of the Court of Error and Appeal.

V. It shall be lawful for the said Law Society of Upper Canada in Convocation, by any rule or rules already made or from time to time hereafter to be made with such approbation as aforesaid according to the usual course of such Society, to make it part of the duty of the said three Reporters jointly or of any two of such Reporters jointly or of any one of such Reporters separately, to act as Reporter of the decisions of Her Majesty's Court of Error and Appeal for Upper Canada, or to make it the duty of each of such Reporters separately to act as Reporter of such of the decisions of the said Court of Error and Appeal as shall have been pronounced by such Court on Writs or Petitions of Error or Appeal from the particular Court below of which such Reporter shall be the appointed Reporter as aforesaid, and by any such rule or rules so made or to be made as aforesaid, to regulate and direct the manner in which the reports



reports of such last mentioned decisions shall be made, entered and submitted for correction and approval, and afterwards printed and published, as the said Society is by this Act empowered to do with respect to the decisions of Her Majesty's said three Superior Courts of Law and Equity for Upper Canada, as aforesaid.

VI. Each of such Reporters shall be at liberty to print and publish such his Reports or a digest thereof, and it shall be his duty so to do whenever thereto required by the said Law Society in Convocation, when the same shall be done in such manner as the said Society by any general rule or rules made and approved as aforesaid already has directed, or from time to time hereafter shall or may direct in that behalf as aforesaid; *Provided* always, nevertheless, that the profits to arise from the publication of such Reports shall belong to each of such Reporters respectively. Printing and publishing of Reports.

VII. The Salary of each of such Reporters shall not exceed the sum of One Hundred and Fifty Pounds per annum, and shall or may be fixed at or varied within that amount, as the said Society in Convocation, with such approbation as aforesaid, shall or may from time to time think just and proper. Salary of Reporters.

VIII. For the purpose of providing such Salaries, it shall and may be lawful for the said Law Society in Convocation, by any rule or rules made or to be made by them with such approbation as aforesaid, to appoint such sum as they may think proper not exceeding the sum of One Pound Five Shillings in respect of each Court, to be paid to the Treasurer of the said Society annually, by every Attorney of either of the said Courts of Queen's Bench and Common Pleas practising therein, and by every Solicitor of the said Court of Chancery practising therein; and in case of persons being as well Solicitors of the said Court of Chancery as also Attorneys of both of such first mentioned Courts or either of them, it shall and may be lawful for the said Society as they shall think fit, to appoint one sum of money to be paid by every such person annually as such Attorney or as such Solicitor and Attorney. How the money requisite to pay such salaries may be raised.

IX. And whereas it would tend not only to the greater convenience of the gentlemen practising in the said Courts, but also to the more easy and certain detection of such persons as shall so practise without having taken out the certificate heretofore issued by the officers of the different Courts, upon the production to them respectively of the receipt of the Treasurer of the said Society for the said sum of money so appointed by the said Society as aforesaid, if such certificates were issued from the same office where such money is required to be paid as aforesaid: Be it therefore enacted, that such certificate shall hereafter be issued by the Secretary of the said Law Society instead of the officers of such Courts, for which purpose such Recital.  
Certificates to be issued by the Secretary  
Secretary

of the Law  
Society.

Proviso.

Secretary shall be annually furnished with such certificates in blank by the respective Clerks of the Crown and Pleas and Registrar of such Courts respectively, as hereinafter more particularly provided: Provided always nevertheless, that no such certificate shall be so issued or delivered to any such Attorney or Solicitor, being at the time a Member of the said Law Society of Upper Canada of what standing or degree soever, who shall at the time of such payment of the said certificate fee, as hereinafter provided, be indebted to the said Society for any term fee, or other fee or due payable to the said Society, until all such last mentioned fees and dues shall have been fully paid and satisfied to the Treasurer of the said Society as well as the said sum of money so appointed to be paid in respect of such certificate as aforesaid.

Certificates to  
be issued year-  
ly in Michael-  
mas Term,  
upon payment  
of the fees  
therefor.

X. Every Attorney practising in either of the said Courts of Queen's Bench or Common Pleas, and every Solicitor practising in the said Court of Chancery, shall annually, in Michaelmas Term in each year, pay to the Treasurer of the Law Society of Upper Canada such sum of money as already has been or hereafter shall be in that behalf appointed as aforesaid, and thereupon the Secretary of the said Society shall fill up, issue, and deliver to such Attorney or Solicitor one or more of the certificates with which he shall have been so furnished in blank as aforesaid, of such Attorney or Solicitor being an Attorney or Solicitor of such Court, respectively.

Clerks of  
Courts to fur-  
nish the Se-  
cretary of the  
Law Society  
with Copies of  
the Rolls of  
Attorneys,  
&c., of such  
Courts.

XI. The Clerks of the Crown and Pleas of Her Majesty's Courts of Queen's Bench and Common Pleas at Toronto, and the Registrar of the Court of Chancery there, shall as soon as conveniently may be after the passing of this Act, prepare and deliver to the Secretary of the said Society, a copy certified under their respective hands and the seals of such Courts respectively, of the Rolls of Attorneys and Solicitors of their respective Courts, as the same stood on the last day of the Vacation after Trinity Term in the year of our Lord one thousand eight hundred and fifty-four, and shall hereafter annually on or before the last day of the Vacation after Trinity Term in each year, prepare and deliver to such Secretary or leave for him at his office in Osgoode Hall, a copy certified as aforesaid of all entries on such Rolls made on or before that day and subsequently to the last return made by them respectively to the said Secretary according to the provisions of this Act.

Secretary to  
enter such  
Rolls.

XII. The Secretary of the Law Society of Upper Canada shall enter all such certified copies of Rolls in a book to be kept in his office for that purpose, adding to each name a number by which the same may be the more readily referred to on the same, so that the names on each copy of Roll when so entered shall be numbered from one forward in the whole series of numbers belonging to such Roll respectively.

XIII. Whenever any Attorney or Solicitor of any of the said Courts shall be struck off the Roll of Attorneys or Solicitors of such Court, the Clerk of the Crown and Pleas or Registrar of such Court shall certify the same under his hand and the seal of such Court to the Secretary of the said Society, stating whether the same had been so struck off at the request of such Attorney or Solicitor or otherwise, and such Secretary shall thereupon attach such certificate to the certified copy of Roll on which the name of such person stands, and shall in the book so to be kept in his office as aforesaid, make a note or memorandum near or opposite to the name of such party, of his having been so struck off such Roll as aforesaid.

Certificate of striking off Attorneys, &c., to be furnished.

XIV. The Clerks of the Crown and Pleas of Her Majesty's Courts of Queen's Bench and Common Pleas at Toronto, and the Registrar of the Court of Chancery there, shall annually on or before the last day of Trinity Vacation in each year, furnish to the Secretary of the Law Society of Upper Canada, as many blank Attorneys' and Solicitors' certificates as there shall be Attorneys or Solicitors then standing on the Rolls of such Court respectively, which certificate shall bear date of the said last day of Trinity Vacation in such year.

Blank certificates to be furnished to the Secretary.

XV. The Secretary of the said Society when he shall issue any of such certificates to any Attorney or Solicitor as aforesaid, shall in the margin thereof, under his hand, note the day of the actual issue of such certificate to the Attorney or Solicitor taking out the same, and shall at the commencement of every new year, destroy all blank certificates of the previous year then remaining with him unissued.

Memorandum of issue of certificates, &c.

XVI. The Secretary of the said Society shall, in a second book to be kept in his office for that purpose, enter all the names on the copies of Rolls to be so transmitted to him as aforesaid, alphabetically arranged, with a reference to the numbers of each name on the Roll or Rolls on which the same shall stand; and shall moreover, annually on or before the first day of February in each year, put up in his office and also in the offices of each of the Clerks of the Crown and Pleas and Registrar in Chancery, respectively, an alphabetical list certified by him, under his hand, of all such Attorneys and Solicitors as shall have taken out their certificates for the then current year, which said list so to be put up in his office as aforesaid, he shall, from time to time, amend by the addition of the name or names of such Attorneys and Solicitors as may from time to time take out their certificates at a subsequent period of such year, adding a note of the date when such last mentioned certificates were respectively taken out as aforesaid.

Alphabetical lists of Attorneys, &c., to be kept and posted up.

XVII. If any Attorney or Solicitor shall omit to take out such annual certificate within the time aforesaid, he shall not

Penalties on Attorneys, be

&c., not taking out certificates in due time.

be entitled thereto until he shall have paid to the Treasurer of the Law Society of Upper Canada, as well the sum that shall have been or shall be so appointed as aforesaid, together with any fees or dues that he, if a Member of the said Society, shall be indebted to them as aforesaid, and also the additional sum hereinafter mentioned by way of penalty in respect of each of such Courts, that is to say, if he shall not take out such certificate until after the last day of Hilary Term in any such year, the further sum of ten shillings, if not until after the last day of Easter Term in any such year, the further sum of fifteen shillings, and if not until after the last day of Trinity Term in any such year, the further sum of twenty shillings.

Penalty for practising without certificate.

XVIII. If any Attorney or Solicitor shall practise in any of the said Courts of Queen's Bench, Chancery, or Common Pleas, respectively, without such certificate, he shall forfeit the sum of ten pounds, to be recovered by information, in either of the said Courts of Queen's Bench or Common Pleas, and to be paid into the hands of the Treasurer of the said Society for the uses thereof.

Exceptions as to persons admitted after Michaelmas Term in any year.

XIX. Nothing herein contained shall extend to require any person admitted as an Attorney or Solicitor of any of the said Courts during Michaelmas Term, or during the vacation after the same in any year, to take out any such certificate in respect of such admission before the Michaelmas Term next following such admission.

Clerks of the Courts to make out yearly lists of persons appearing to have practised during the then last year.

XX. The Clerks of the Crown and Pleas of the said Courts of Queen's Bench and Common Pleas and the Registrar of the said Court of Chancery shall, and also the Deputies of such Officer in the country shall, at the commencement of each calendar year, make out a list of the names of all such Attorneys and Solicitors as by the papers or proceedings filed, taken or had in their respective offices during the preceding year, ending with the thirty-first day of December of the same, shall appear to have practised as such Attorney or Solicitor at any time during the same, which lists, certified under their respective hands, such Clerks and Registrar and their respective Deputies shall, on or before the first day of Hilary Term in the year next to that for which they shall be made up, deliver or hand to the Secretary of the Law Society of Upper Canada at Osgoode Hall.

Office of present Reporters not vacated by this Act.

XXI. Nothing herein contained shall extend to vacate the Office of any of the present Reporters of the said three Courts, but any such Reporter shall continue to hold his Office, subject to removal as herein provided, and to all the other provisions of this Act, as well as to the Rules and Regulations of the said Society, made or to be made under or according to the same.

XXII. Notwithstanding the Repeal of the several Acts and parts of Acts in the first Section of this Act mentioned, any certificate fee that shall have been paid, and any certificate that shall have been taken out for the year commencing in the year one thousand eight hundred and fifty-four, in accordance with the provisions of the said Acts and parts of Acts so hereby repealed, shall avail to the benefit of the Attorney or Solicitor who shall have paid and taken out the same respectively, for the year commencing with the first day of Michaelmas Term, in the year of our Lord, one thousand eight hundred and fifty-four, as if such payment had been made and such certificate taken out in Michaelmas Term in that year, under and according to the provisions of this Act.

Present certificates to remain valid, &c.

C A P. C X X I X .

An Act to remove doubts respecting certain Marriages in Upper Canada.

[Assented to 30th May, 1855.]

**W**HEREAS doubts have arisen respecting the legality of certain Marriages heretofore contracted and solemnized by certain Ministers in Upper Canada after the passing of the Act of the Parliament of Upper Canada, eleventh George the Fourth, chapter thirty-six, and before such Ministers had obtained Licenses from the Quarter Sessions, as provided for by the said Act: 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 intitled; *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, as follows:

Preamble.

Act of U. C. 11 G. 4, c. 36.

I. The Marriage or Marriages of all persons, not being under any canonical disqualification to contract Matrimony, which had been publicly contracted in Upper Canada before any Minister or Ministers who were, before the passing of the above recited Act, allowed to solemnize Matrimony, and before such Ministers had obtained a License from the Quarter Sessions as above provided, are hereby declared to have been valid, and shall be considered as good and valid in law: And the parties to such Marriages, and the issue thereof, shall be entitled to all the rights, and subject to all the obligations resulting from such Marriages and consanguinity; any law, or usage or custom to the contrary in any wise notwithstanding.

Marriages by Ministers qualified but then without license made valid.

Rights of parties and issue.

## C A P . C X X X .

An Act to amend the Act to provide for the payment of Jurors in Upper Canada, by providing that a City included within a County for judicial purposes, shall pay a fair proportion of the sum required for the payment of Jurors in such County.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it is just and right that Cities in Upper Canada which for judicial purposes form part of the Counties in which they are situate, should pay a fair proportion of the expenses incurred for the payment of Jurors in such Counties: 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, as follows:

Municipal Corporations of Counties entitled to recover from City Corporations a portion of the expenses incurred for Jurors, under—

I. The municipal corporation of any County in Upper Canada of which any City shall form part, shall be entitled to demand and recover from the municipal corporation of any City which shall form part of such County for judicial purposes, a portion of the expenses incurred by such County, in any year, for the payment of Jurors, which portion shall be determined as follows:

14 & 15 V.  
c. 14.

From the total sum expended in the County in any year, for the payment of Jurors and fees and other disbursements under the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled: *An Act to provide for the payment of Petit Jurors in Upper Canada*, there shall be deducted the sums paid to Jurors for attendance at the Courts of Quarter Sessions, and the sum actually received by the County in such year for fees and penalties, which under the said Act, are appropriated towards the payment of Jurors.

Portions to be borne by Cities and Counties to be in proportion to value of rateable property in each.

Of the sum remaining after such deduction, the portion to be finally borne by the City and by the County respectively, shall be in proportion to the assessed value of all the rateable property in each, and the sum to be finally borne by the City shall be that to be repaid by the municipal corporation thereof to that of the County.

Value, how reckoned.

In comparing the value of the rateable property in any City and County for the purposes of this Act, the assessed annual value shall be held to be ten per cent of the actual value.

II. The year for the purposes of this Act shall be the calendar year, and this Act shall have effect from the first day of January, one thousand eight hundred and fifty-five, so far as to enable any County to recover under it the proportion above mentioned of moneys expended for the purposes aforesaid, since that day.

Act to take effect from 1st January, 1855.

III. The actual or annual value of rateable property in a City or County for the purposes of this Act, shall be that shewn by the Assessment Rolls of each, for the year in which the expenses to be divided between them were incurred, and the portion of such expenses to be finally borne by the City shall be payable to the County immediately after the close of each year.

Annual value of rateable property to be that shewn by Assessment Rolls.

IV. The common council of any City shall have full power and they are hereby required to raise by assessment any sum of money required by such City for the purposes of this Act, or to pay such sum out of any moneys belonging to the City and applicable to municipal purposes generally.

Council of any City to have power to raise money required by City for purposes of this Act.

V. The word "County" in this Act shall include a Union of Counties for judicial purposes.

Interpretation.

C A P. C X X X I.

An Act to amend the laws relating to Separate Schools in Upper Canada.

[Assented to 30th May, 1855.]

WHEREAS it is expedient to amend the laws relating to Separate Schools in Upper Canada so far as they affect the Roman Catholic inhabitants thereof: 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, as follows:

Preamble.

I. The nineteenth Section of "the Upper Canada School Act of 1850," and the fourth Section of "the Upper Canada Supplementary School Act of 1853," and all other provisions of the said Acts or of any other Act inconsistent with the provisions of this Act, are hereby repealed so far only as they severally relate to the Roman Catholics of Upper Canada.

Sect. 19 of 13 & 14 V. c. 48, and sect. 4 of 14 & 15 V. c. 111, repealed as regards Roman Catholics in U. C.

II. Any number of persons not less than five heads of families being freeholders or householders resident within any School Section of any Township or within any Ward of any City or Town, and being Roman Catholics, may convene a public meeting

Meeting of persons desirous of establishing a Separate meeting

R. C. School. meeting of persons desiring to establish a Separate School for Roman Catholics in such School Section or Ward for the election of Trustees for the management thereof.

Election of Trustees.

III. A majority of the persons present, not less than ten in number, being freeholders or householders, and being Roman Catholics, at any such meeting may elect three persons resident within such Section to act as Trustees for the management of such Separate School, and any person, being a British subject, may be elected as such Trustee whether he be a freeholder, or householder, or not.

Notice to Reeve, &c., by R. C.'s desiring to establish such Separate School, of election of Trustees.

IV. A notice addressed to the Reeve, or to the Chairman of the Board of Common School Trustees, in the Township, City or Town in which such section is situate, may be given by all persons resident within such Section being freeholders or householders, and being Roman Catholics, favorable to the establishment of such Separate School, whether they were present at such meeting or not, declaring that they desire to establish a Separate School in such School Section, and designating by their names, professions and places of abode the persons elected in the manner aforesaid as Trustees for the management thereof.

Notice to be endorsed by Reeve, &c., and copy delivered to a Trustee.

V. Every such notice shall be delivered to the proper officer by one of the Trustees so elected, and it shall be the duty of the officer receiving the same to endorse thereon the date of the reception thereof, and to deliver a copy of the same, so endorsed and duly certified by him, to such Trustee.

Trustees incorporated from receipt of such notice.

VI. From the day of the date of the reception of every such notice, the Trustees therein named shall be a body Corporate under the name of "The Trustees of the Roman Catholic Separate School for the Section Number \_\_\_\_\_, in the Township (City or Town, as the case may be), in the County of \_\_\_\_\_."

Trustees of several Separate Schools in one City or Town may unite as one body.

VII. If a Separate School or Separate Schools shall have been established in more than one Ward of any City or Town, the Trustees of such Separate Schools may, if they think fit, form an union of such Separate Schools, and, from the day of the date of the notice in any public newspaper published in such City or Town announcing such union, the Trustees of the several Wards shall together form a Body Corporate under the title of "The Board of Trustees of the Roman Catholic United Separate Schools for the City (or Town) of \_\_\_\_\_, in the County of \_\_\_\_\_."

Trustees and Teachers of S. School to have like rights and

VIII. All Trustees elected and forming a body Corporate under this Act shall have the same power to impose, levy and collect school rates or subscriptions upon and from persons sending children to, or subscribing towards the support of Separate Schools,



Schools, and all other powers in respect of Separate Schools; as the Trustees of Common Schools have and possess under the provisions of the Acts hereinbefore cited in respect of Common Schools; and they shall also be bound to perform all duties required of, and shall be subject to all penalties provided against the Trustees of Common Schools; and Teachers of Separate Schools shall be liable to all penalties provided against Teachers of Common Schools.

obligations as those of other Common Schools.

IX. All Trustees elected under this Act shall remain in office until the second Wednesday of the month of January next following their election, on which day in each year an Annual Meeting shall be held, commencing at the hour of ten of the clock in the forenoon, for the election of Trustees for Separate Schools theretofore established; but no Trustee shall be re-elected at any such meeting without his consent, unless after the expiration of four years from the time when he went out of office.

Term of office of Trustees.

Annual Election.

X. All Trustees elected under this Act shall allow children from other School Sections to be received into any Separate School under their management, at the request of the parents or lawful guardians of such children, provided such children or their parents or guardians are Roman Catholics; and no children attending such School shall be included in the return hereafter provided to be made to the Chief Superintendent of Schools unless they shall be Roman Catholics.

All children of R. C's. to be received at any Separate Schools on request of parents, and none but R. C's. to be returned as attending such Schools.

XI. A majority of the Trustees in any Township or Village or of the Board of Trustees in any Town or Village elected under this Act, shall have power to grant Certificates of qualification to Teachers of Separate Schools under their management, and to dispose of all School Funds of every description coming into their hands for School purposes.

Trustees may grant certificates to Teachers, and manage School Fund, &c.

XII. Every person paying rates, whether as proprietor or tenant, who, on or before the first day of February of any year, shall have given notice to the Clerk of the Municipality in which any Separate School is situated, that he is a Roman Catholic and a supporter of such Separate School, shall be exempted from the payment of all rates imposed within such Ward or School Section for the support of Common Schools and of Common School Libraries for the year then next following, and every Clerk of a Municipality, upon receiving any such notice, shall deliver a certificate to the person giving the same to the effect that such notice has been given, and shewing the date of such notice; but any person who shall fraudulently give any such notice, or shall wilfully make any false statement therein, shall not secure any exemption thereby, but shall, on the contrary, be liable to a penalty of ten pounds currency, recoverable, with costs, before any Justice of the Peace at the suit of the Municipality interested: Provided

R. C. supporting a Separate School and giving a certain notice, exempt from paying rates for other Schools or School Libraries.

always,

Proviso: not to be exempted from rates theretofore imposed.

always, that nothing herein contained shall exempt any such person from paying any rate for the support of Common Schools or Common School Libraries, or for the erection of a School-house or School-houses, which shall have been imposed before such Separate School was established.

Separate Schools to share in Common School Fund in proportion to the number of children attending them.

XIII. Every separate School established under this Act shall be entitled to a share in the fund annually granted by the Legislature of this Province for the support of Common Schools, according to the average number of pupils attending such school during the twelve next preceding months or during the number of months which may have elapsed from the establishment of a new separate school as compared with the whole average number of pupils attending school in the same City, Town, Village or Township: Provided always that no Separate School shall be entitled to a share in any such fund unless the average number of pupils so attending the same be fifteen or more, (periods of epidemic or contagious diseases excepted). Provided also, that nothing herein contained shall entitle any such separate School within any City, Town, Village or Township to any part or portion of School moneys arising or accruing from local assessment for Common School purposes within any such City, Town, Village or Township, or the County or Union of Counties within which such Town, Village or Township is situate: Provided also, that if any Separate School shall not have been in operation for a whole year at the time of the apportionment, it shall not receive the sum to which it would have been entitled for a whole year, but only an amount proportional to the time during which it has been kept open.

Proviso: fifteen at least must attend.

Proviso: Separate School not to share in moneys raised by local rates

Proviso: a proportionate sum to be apportioned for any period less than a year.

Return to be made on oath by Trustees of S. Schools: and share of Common School Fund apportioned accordingly.

XIV. The Trustees of each separate School shall on or before the thirtieth day of June and the thirty-first day of December of each year, transmit to the Chief Superintendent of Schools for Upper Canada a correct statement of the names of the children attending such school, together with the average attendance during the six next preceding months, or during the number of months which may have elapsed since the establishment thereof, and the number of months it shall have been so kept open, and the Chief Superintendent shall thereupon determine the proportion which the Trustees of such separate school will be entitled to receive out of such Legislative grant, and shall pay over the amount thereof to such Trustees, and every such statement shall be verified under oath before any Justice of the Peace for the County or Union of Counties within which such separate school is situate by at least one of the Trustees making the same.

Separate School must be established within two months from election of Trustees.

XV. But the election of any Trustee or Trustees made under this Act shall become void unless a separate school be established under his or their management within two months from the election of such Trustee or Trustees.

XVI. And no person subscribing towards the support of a separate school or sending children thereto shall be allowed to vote at the election of any Trustee for a common school in the City, Town, Village or Township in which such separate school is situate.

Supporters of S. Schools not to vote at other School Election.

## CAP. CXXXII.

## An Act to make further provision for the Grammar and Common Schools of Upper Canada.

[Assented to 30th May, 1855.]

**W**HEREAS it is expedient to make further provision for the promotion of education and the diffusion of useful knowledge in connexion with the Grammar and Common Schools of Upper Canada: 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, as follows:

Preamble.

I. The additional grants which have been made or may be made during the present Session of the Legislature for Grammar and Common School purposes in Upper Canada, shall be annually disposed of in the following manner:

How additional grants shall be disposed of.

1. A sum not exceeding one thousand pounds per annum, may be expended under the direction of the Council of Public Instruction for the establishment and maintenance of a Model Grammar School in connexion with the Normal and Model Schools for Upper Canada, including also any expenses which may be incurred in the examination of Candidates for Master-ships of Grammar Schools;

Model Grammar School.

2. A sum not exceeding two hundred and fifty pounds per annum, may be expended in the payment of Inspectors of Grammar Schools, who shall be appointed, their duties prescribed, and their remuneration fixed by the Council of Public Instruction;

Inspectors of Grammar Schools.

3. A sum not exceeding two thousand and five hundred pounds per annum, may be expended in providing the Grammar and Common Schools in Upper Canada, with maps and apparatus, upon the same terms and in the same manner as books are or may be provided for Public School Libraries;

Maps and apparatus for Grammar and Common Schools.

4. A sum not exceeding three thousand five hundred pounds per annum, may be expended as heretofore provided by law, in further

Further aid to Libraries in further

connexion with Schools. further aiding in the establishment and extension of Public Libraries in connexion with the Grammar and Common Schools in Upper Canada ;

Assistance in depository of Public Instruction Department. 5. A sum not exceeding three hundred and fifty pounds per annum, shall be allowed for the payment of two assistant clerks and salesman of the Public Library, map and school apparatus depositories, in connexion with the department of Public Instruction in Upper Canada ;

Superannuated Teachers. 6. A sum not exceeding five hundred pounds per annum, shall be allowed for the support and maintenance of superannuated Teachers ;

Remainder in aid of Common Schools. 7. The whole of the remainder of the said grants shall be expended as further aid to common schools in Upper Canada, according to the provisions of the Common School Acts of Upper Canada, and of this Act.

County Judge may try contested elections of Trustees. II. The Judge of any County Court shall have authority, within twenty days after the meeting for the election of a Common School Trustee in any City, Town or incorporated Village of such County, to receive and investigate any complaint respecting the mode of conducting such election, and to confirm it, or set it aside and appoint the time and place of holding a new election, as he shall judge right and proper : Provided always, that if the returning officer at such election shall be clearly convicted before such County Judge of disregarding the requirements of the law or acting partially in the execution of his office, he shall be fined a sum of not less than five pounds, nor more than twenty-five pounds, at the discretion of such County Judge : Provided also, that the expenses of such School election contest shall be paid by the parties concerned in it, as may be decided by the said County Judge.

Proviso.

Proviso.

Chief Superintendent to account yearly to the Legislature. III. The Chief Superintendent of Education in Upper Canada shall annually lay before the Legislature, at each sitting thereof, a correct and full account of the disposition and expenditure of all moneys that may come into his hands as such Chief Superintendent.

## C A P . C X X X I I I .

An Act to require that all By-laws of City, Town, Village or Township Councils in Upper Canada, for raising money upon the credit of such City, Town, Village or Township Corporations, shall be approved by a majority of the Municipal Electors before they come into force.

[Assented to 30th May, 1855.]

**W**HEREAS it is expedient to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, Chapter one hundred and nine, intituled, *An Act to amend the Upper Canada Municipal Corporations Act of 1849, by adapting the same to the late change in the Upper Canada assessment laws, and for other purposes relating to the Municipal Corporations of that section of the Province*, by restricting and prohibiting any City, Town, Township or Village Corporation, from raising money not required for their ordinary expenditure, without the previous consent of the qualified Electors of such City, Town, Township or Village, being first had and obtained in the manner hereinafter mentioned: 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, as follows :

1. All the provisions of the second section of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, and all the sub-sections thereof, in so far as the same make the consent of the Municipal Electors necessary, and refer to the mode of obtaining the consent of the said Electors of such City, Town, Township or Village Corporation, shall extend and apply from and after the passing of this Act, to any By-law to be hereafter passed for raising money upon the credit of such City, Town, Township or Village Corporation, and no such By-law shall have force or effect until the approval of the said Municipal Electors shall have been so obtained : Provided always, that the approval of the Governor in Council, of any such By-law, shall in no case be required.

Preamble.

14 & 15 V.  
c. 109.

Provisions of  
sect. 2, of 16  
V. c. 22, ex-  
tended to cer-  
tain By-laws.

Proviso.

## CAP. CXXXIV.

An Act to amend the Act passed in the now last Session, relative to certain duties of Excise in Upper Canada.

[Assented to 30th May, 1855.]

Preamble.

16 V. c. 184.

**W**HEREAS it is expedient to amend the Act of the Legislature of this Province, passed in the sixteenth year of the Reign of Her Majesty, intituled, *An Act to repeal certain duties of Excise, so far as regards Upper Canada, and to vest certain powers in the Municipal authorities of that part of the 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, 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, as follows :

The said Act not to apply to persons selling articles the growth, &c., of the Province.

I. Nothing in the before recited Act shall, after the first day of January after the passing of this Act, be construed as authorizing the imposition of any duty by any municipality, upon persons hawking or peddling goods, wares and merchandize of the growth, produce or manufacture of this Province, any thing in the said Act to the contrary notwithstanding.

By-laws imposing duties on such persons to be void after 1st January, 1856.

II. From and after the first day of January next after the passing of this Act, all By-laws passed by any municipality for the imposition of any such duties shall be and they are hereby declared to be null and void.

## CAP. CXXXV.

An Act further to amend the laws concerning Inspectors of Weights and Measures in Upper Canada.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it is necessary to amend the law concerning the appointment of Inspectors of Weights and Measures in Upper Canada: 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, as follows :

I. From and after the passing of this Act, the Municipal Council of each County and City, in Upper Canada, shall have power to appoint, from time to time, one or more Inspectors of Weights and Measures for such Municipality, under the provisions of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the several laws therein mentioned, relative to the appointment and duties of Inspectors of Weights and Measures in Upper Canada*; Provided that each Inspector holding office at the time of the passing of this Act, shall be and remain Inspector for the County and City in which he shall reside, until another be appointed by such Council.

County and City Municipalities in U. C. may appoint Inspectors of Weights and Measures under 12 V. c. 85.

II. Any thing in the Act recited herein, or in any other law, inconsistent with the provisions of this Act, shall be and the same is hereby repealed.

Inconsistent enactments repealed.

C A P . C X X X V I .

An Act to amend the Act to regulate the duties between Master and Servant in Upper Canada.

[Assented to 30th May, 1855.]

**W**HEREAS it appears that doubts have been entertained whether the Act hereinafter mentioned, does or does not extend and apply to Journeymen or skilled Labourers in the various trades and callings, and their respective Masters or Employers: For the removal of such doubts, Be it therefore declared and 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, as follows:

Preamble.

I. That the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to regulate the duties between Master and Servant, and for other purposes therein mentioned*, extends and applies to Journeymen or skilled Labourers in any trade, calling, craft or employment, and to their Masters, that is to the tradesmen or persons employing them as such Journeymen or skilled Labourers, as fully to all intents and purposes as to other Servants and Labourers and their Masters or persons employing them, and the said Act shall be construed and have effect accordingly.

Act 10 & 11 V. c. 23, declared to apply to Journeymen and skilled Labourers.

II. Notwithstanding any thing contained in the Act last above cited, the provisions of the said Act shall apply to engagements entered into for the performance of any service or work, and to the parties thereto, whether the same may have actually been entered upon or not.

Act to apply to engagements made but not entered upon.

## CAP. CXXXVII.

An Act to amend the Act relating to Line Fences and Water Courses in Upper Canada.

[Assented to 30th May, 1855.]

Preamble.

8 V. c. 20.

WHEREAS it is by the third section of the Act of the eighth Victoria, Chapter twenty, provided, that the party who shall neglect or refuse to make or repair an equal or just proportion of the division or line fence, shall pay therefor a sum not exceeding the sum of two shillings and six pence currency, per rod; And whereas it is found from the scarcity of timber and materials in many localities, that the said sum of two shillings and six pence per rod aforesaid, is not an adequate or fair remuneration to the party who shall make such fence: 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, as follows:

Value of fence to be determined in the same way as the proportion to be made by each party.

I. So much of the said third section of the above recited Act, as limits the said sum to two shillings and six pence per rod, is hereby repealed, and the amount shall be determined in like manner as is provided by the said Act as to the parties who shall pay therefor, and the parties may be heard to ascertain the amount in like manner as they may be heard as to the proportion of fence to be made.

## CAP. CXXXVIII.

An Act to repeal the Act of last Session, Chapter one hundred and eighty-nine, and to regulate travelling on Public Highways in Upper Canada.

[Assented to 30th May, 1855.]

Preamble.

WHEREAS it is necessary to make better provisions than exist, to regulate travelling on the Highways in that part of this Province formerly Upper Canada: 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, as follows:

I.



I. The Act of the Parliament of this Province passed in the sixteenth year of Her Majesty's Reign, chaptered one hundred and eighty-nine, and intituled, *An Act to provide for the safety of Her Majesty's Subjects and others on the Highways in Upper Canada, and to regulate the Travelling thereon*, and all other Acts and parts of Acts now in force, inconsistent with the provisions of this Act, shall be and are hereby repealed.

Repeal of 16  
V. c. 189, and  
other Acts in-  
consistent  
with this  
Act.

II. All persons proceeding, going or travelling upon any highway in Upper Canada, in charge of any vehicle drawn by one or more horses, or other animal or animals, shall, when meeting any other vehicle drawn by one or more horse or horses, or other animal or animals, turn out to the right from the centre of the road, allowing to such vehicle so met one-half of the road; and if by reason of the extreme weight of the load on either of such vehicles the driver thereof shall find it impracticable so to turn out, he shall immediately stop, and if necessary for the safety of the other vehicle, and when required so to do, he shall assist the person or persons in charge thereof to pass without damage.

Carriages  
meeting to  
drive to the  
right, giving  
half the road.

If the weight  
of one of them  
prevents this.

III. Every person proceeding, going or travelling on any highway as aforesaid, or on horseback, when overtaken by any vehicle or horseman travelling at greater speed, shall quietly turn out to the right, and allow the said vehicle or horseman to pass; and in the case of one vehicle being overtaken by another, if by reason of the extreme weight of the load on the vehicle so overtaken the driver thereof shall find it impracticable so to turn out, he shall immediately stop, and if necessary for the safety of the other vehicle, and when required so to do, shall assist the person or persons in charge thereof to pass without damage.

Carriage over-  
taken to turn  
to the right.

If the weight  
of one of them  
prevents this.

IV. Every person in charge of any vehicle on any highway aforesaid, or of any horse or other animal used as the means of conveyance, who shall through drunkenness be unable to ride or drive the same with safety to Her Majesty's subjects and to others travelling the said highway, shall, upon conviction thereof, be liable to the penalties imposed by this Act.

Penalty on  
drivers, &c.,  
too drunk to  
manage their  
horses.

V. All racing or furious driving upon any highway in Upper Canada, shall be unlawful, and the person or persons so racing or furiously driving, or shouting or using blasphemous or indecent language, shall, on conviction thereof, be liable to the penalties imposed by this Act.

Racing,  
swearing, &c.,  
on highway  
forbidden.

VI. Any person or persons riding or driving any vehicle, horse or other beast of burden, over any bridge above the length of thirty feet, at any pace faster than a walk, shall be liable to the penalties imposed by this Act: Provided always, that a notice of the regulation hereby imposed shall first be conspicuously placed on such bridge.

Fast driving  
over bridges  
forbidden.

Proviso.

VII.

Sleigh horses  
to have bells.

VII. Every person travelling on any highway aforesaid, with any sleigh, sled or cariole, drawn by one or more horse or horses, or mule or mules, shall have at least two bells attached to the harness of such horse or horses or mule or mules.

Penalty for  
contravening  
this Act, and  
how enforced.

VIII. For any contravention of any of the preceding sections of this Act, duly proved upon the oath of any credible witness, before any Justice of the Peace having jurisdiction within the County where the offence shall have been committed, the offender shall incur a penalty of not less than five shillings nor more than five pounds, in the discretion of the said Justice, with costs, to be levied by distress and sale of the goods and chattels of the offender; and in default of payment and distress, the offender shall be imprisoned in the Common Gaol of the County, for a period of not less than one day and not more than twenty days, at the discretion of the convicting Justice: Provided always, that the said fine and imprisonment shall be no bar to the recovery of damages by the injured party before any Court of competent jurisdiction.

Proviso: not  
to bar action  
of damages.

Application of  
penalties.

IX. All fines collected under this Act shall be paid to the Treasurer or Chamberlain of the Township, Village, Town or City where the offences for which they were imposed were committed, to be applied to the general purposes of such Township, Village, Town or City.

Appeal.

X. All convictions under this Act shall be subject to appeal in the same manner as other summary convictions before Justices of the Peace.

Extent of Act.

XI. This Act shall apply only to Upper Canada.

## C A P . C X X X I X .

An Act to amend the Upper Canada Road, Bridge, Pier or Wharf Joint Stock Companies Act of 1853.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it is expedient that the Municipal Corporations of Cities and Towns in Upper Canada should be authorized to assist with Subscriptions for Stock or Loans of Money, the formation or construction of Roads or Bridges within or without such Cities or Towns, the making whereof will benefit the inhabitants thereof, as well as those passing through or along the boundaries of such Cities and Towns: 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

of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same,

I. That all and every the provisions of the twenty-third and twenty-fourth sections of the Act passed in the Sixteenth year of Her Majesty's Reign, intituled, *An Act to amend and consolidate the several Acts for the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*, shall, in so far as respects the Municipal Bodies Corporate of Cities and Towns in Upper Canada, apply and be held and construed to apply to all cases of Companies formed or to be formed under the said Act, or heretofore chartered by any Act of the Legislature, for the formation of Roads, or the construction of Bridges within or without such Cities and Towns respectively.

Secs 23 and 24 of 16 V. c. 190, to be held to apply to certain Companies as regards the Municipalities of U. C.

II. And be it enacted, that all Subscriptions for Stock in any such Company heretofore made by or on behalf of any such Municipal Body Corporate, and all acts done, and rights exercised in relation to the same, as well as all Loans of Money heretofore negotiated and effected by any such Municipal Body Corporate to any such Company, and all Debentures issued in pursuance thereof shall be held and deemed to have been legally and rightfully made, done, exercised, negotiated, effected and issued, and the same shall be, and be deemed as good, valid, and effectual and binding to all intents and purposes whatsoever as if the first section of this Act had formed part of the Act therein mentioned.

Subscriptions for Stock, Loans, &c. already made by such Municipality, to be deemed valid.

### C A P . C X L .

An Act to remove doubts as to the true application of the Act to provide for the recovery of certain Rates and Taxes intended to be imposed by certain By-laws of the late District Councils or County Councils, in Upper Canada.

[Assented to 30th May, 1855.]

**W**HEREAS the Act passed in the sixteenth year of Her Majesty's reign, intituled, *An Act to provide for the recovery of the Rates and Taxes intended to be imposed by certain By-laws of the late District Councils of Upper Canada*, was passed with the view of legalizing certain rates imposed by certain of the late District Councils of Upper Canada, under and by virtue of the Act passed in the fourth and fifth years of Her Majesty's reign, intituled, *An Act to provide for the better internal Government of that part of this Province which formerly constituted the Province of Upper Canada*, by the establishment of local or Municipal authorities therein, which said By-laws or some of them, were informal, and contained certain provisions not strictly in accordance with the said last mentioned Act, and of removing any doubt which might exist as to the legality of certain sales for arrears of taxes accruing under the said

Preamble.

16 V. c. 183.

4 & 5 V. c. 10.

said

said informal By-laws; And whereas certain provisions were made in and by the said first mentioned Act, and certain proceedings were required to be taken, for the purpose of remedying the difficulties which had arisen and might arise from the said informalities, and doubts have arisen whether the said provisions were applicable to any other than Counties the former District Councils representing which had passed informal By-laws, and it is expedient to remove 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 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, as follows:

Failure to advertise, &c., under sect. 7, not to invalidate claim of Counties.

I. The failure to advertise lands in arrear for taxes, in the year one thousand eight hundred and fifty-three, as provided by the seventh section of the hereinbefore first recited Act, shall not invalidate the claim of such Counties for taxes which were then lawfully due.

## C A P . C X L I .

An Act to prohibit Interments in certain Burial Grounds in the City of Quebec.

[Assented to 19th May, 1855.]

Preamble.

**W**HEREAS it is essential to the salubrity of the City of Quebec and the health of the Inhabitants of the said City, that the interment of dead bodies in the burial grounds hereinafter mentioned, situated in populous wards of the said City, should be prohibited for the future: 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 from and after the passing of this Act, it shall not be lawful to inter any dead body in the Roman Catholic burial ground known by the name of *Cimetière des Picotés*, situate in Palace Ward in the said City, nor in the burial ground which surrounds the Parochial Church of the Parish of *Notre-Dame de Québec*, nor otherwise than in tombs or vaults now owned and possessed by individuals or families in the burial ground known by the name of the English Burial Ground, situate in Saint John Street, in Saint John's Ward in the said City.

Burials not to take place in certain Cemeteries and places.

II. Each and every transgression of the prohibitions of the preceding section of this Act shall be punished by a fine of Fifty Pounds currency, recoverable with costs by an action of debt in a Court of competent jurisdiction from the *Marguilliers* of the *Ceuvre* and *Fabrique* of the Parish of *Notre-Dame de Québec*, in the case of an interment in the said *Cimetière des Picotés*, or in the burial ground surrounding the Parochial Church of the said Parish, and in the case of an interment in the said English Burial Ground, from the Trustees of the said burial ground.

Penalty for  
contravening  
the preceding  
section.

III. After the lapse of one year from the passing of this Act, it shall be lawful for the Corporation of the City of Quebec, to prohibit the interment of any dead body in either of the following burial grounds in the City of Quebec, that is to say : the burial ground known by the name of the Wesleyan Methodist Cemetery, situate in D'Artigny Street, Saint Lewis Suburbs, Saint John's Ward in the said City, the burial ground in the Saint Roch's Ward in the said City, bounded in front by Dorchester Street, in rear by Caron Street, to the south by Saint Joseph Street, and to the north by Saint François Street, and the several burial grounds situate in Panet, Smith, Stuart and Dorchester Streets, in the vicinity of the Marine Hospital in Saint Roch's Ward in the said City ; Provided always, that before the said interments shall cease within the Wesleyan Cemetery, in D'Artigny Street, and the English Burial Ground, in St John Street, aforesaid, the Corporation of the City of Quebec shall be bound to indemnify the Owners, Trustees, or other Representatives of the ground so prohibited, in a reasonable sum to compensate for their loss of property, the same to be ascertained by Experts to be chosen, one by each party; the said Experts having the right to appoint an Umpire, and in case the said Experts do not agree in the appointment of such Umpire, the same shall be named by one of the Judges of the Superior Court for Lower Canada.

After one year  
Corporation  
may prohibit  
Burials in cer-  
tain other  
places.

Proviso :  
Corporation  
must indemni-  
fy the Owners  
before prohib-  
iting Burials  
in certain  
places.

How the  
amount of in-  
demnity shall  
be ascertained.

IV. Each and every transgression of the prohibitions of the next preceding section of this Act shall be punished by a fine of Fifty Pounds currency, recoverable with costs by an action of debt in a Court of competent jurisdiction, from the party or person or body corporate or politic, having the legal control and custody of the burial ground in which such transgression shall be committed.

Penalty for  
contravening  
next preceding  
section.

V. Every action for the recovery of fines under this Act shall be brought in the name of the Mayor and Councillors of the City of Quebec ; and proof of the offence shall be made by the oath of one or more credible witness or witnesses ; and the Officers and Servants of the said Mayor and Councillors shall be competent witnesses in every such action.

Recovery of  
penalties.  
Evidence.

Application of penalties.

VI. All fines recovered under this Act shall belong to the City of Quebec, and shall be paid to the Treasurer of the said City.

How disinterments shall be conducted.

VII. In each case in which it shall be necessary to disinter a body buried in either of the said burial grounds, the disinterment shall take place by the direction and under the superintendence of the person or persons appointed for that purpose, by the Police Committee of the City Council of the said City, and according to the regulations in that respect made by the said Council.

Public Act.

VIII. This Act shall be a Public Act.

## CAP. CXLII.

An Act to transfer to the City of Montreal, all the property, rights and privileges heretofore enjoyed by the Wardens of the House of Industry, in the City of Montreal, and for other purposes.

[Assented to 19th May, 1855.] -

Preamble.

Act of L. C.,  
58 G. 3, c. 15.

WHEREAS by an Act of the Legislature of Lower Canada passed in the fifty-eighth year of the Reign of King George the Third, intituled, *An Act to establish a House of Industry in the City of Montreal*, a Corporation and body politic and Corporate by the name of *The Wardens of the House of Industry in the City of Montreal*, was erected and established for carrying into effect the last will and testament of the late John Conrad Marsteller, who died on the seventeenth day of May, one thousand eight hundred and eight, having by his said will bequeathed certain real and immoveable estates, and the rest, residue and remainder of all and every his Estate, property and effects, after payment of his debts and legacies, for the purpose of establishing in the said City of Montreal, a House of Industry; And whereas the said Corporation so established hath been found ineffectual for the proper establishment and management of the said House of Industry, and the benevolent intentions of the said John Conrad Marsteller in bequeathing the aforesaid estate and property are thereby likely to be defeated, unless the control and direction of the affairs of the said House of Industry be transferred to and vested in other management; And whereas by the joint petition of the said Wardens of the said House of Industry and of the Corporation known as *The Mayor, Aldermen and Citizens of the City of Montreal*, it is prayed that the powers, rights and privileges conferred on the said Wardens by the aforesaid Act, as well as the property, estate, chattels and effects of the said House of Industry so incorporated, may be transferred to and made to vest in the said Corporation known as *The Mayor, Aldermen and Citizens of the City of Montreal*, and the entire management

management and control thereof in future be confided to them, and that such further powers may be granted to them for the making of By-Laws and the appointment of overseers and other officers for the well governing and management of the said House of Industry and of the estate and property thereof, as may by them be deemed necessary effectually to carry out the object of the late John Conrad Marsteller, as expressed in his said will ; And whereas it is believed that the purposes for which the said late John Conrad Marsteller so bequeathed the said property will be more effectually accomplished by such transfer of the said estate, property and effects to the said Mayor, Aldermen and Citizens of the City of Montreal : 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, as follows :

I. From and after the passing of this Act, the said Act of the Parliament of Lower Canada, passed in the fifty-eighth year of the Reign of King George the Third, chapter fifteen, and the several Acts of the said Parliament of Lower Canada amending the same, passed in the second year of the Reign of King George the Fourth, in the seventh year and in the ninth year of the said Reign, shall be and the same are hereby repealed.

The said Act and the 7 G. 4, c. 4, and 9 G. 4, c. 43, amending it, repealed.

II. From and after the passing of this Act, the real or immoveable estates, and the rest, residue and remainder of all and every the estates, property and effects, after the payment of his just debts and legacies, left by the said late John Conrad Marsteller under and by virtue of his said last will and testament, for the purpose of establishing in the said City of Montreal a House of Industry, and all and every the real and personal estate, property, chattels and effects in any way belonging and pertaining to the said Corporation or body politic and corporate known as *The Wardens of the House of Industry in the City of Montreal*, in the hands and possession of whomsoever the same may be, shall vest in and become and be the property of the said Mayor, Aldermen and Citizens of the City of Montreal, for the purpose of sustaining and keeping up in the said City of Montreal a House of Industry, as contemplated and provided for by the said will of the said late John Conrad Marsteller ; and the said Mayor, Aldermen and Citizens of the City of Montreal shall and may take and claim, and if necessary, sue for and recover the same, of and from the said Wardens and every of them, and of and from every other person or persons in whose possession the same or any part thereof is, may be, or be found.

Property now held for the said Institution transferred to the Corporation of Montreal.

Powers of the Corporation as to such property.

III.

Corporation empowered to establish and maintain a House of Industry in the City, and to make By-laws for its governance.

III. The said Mayor, Aldermen and Citizens of the City of Montreal, are hereby authorized and empowered to establish, sustain and keep up a House of Industry in the said City of Montreal, and to use and apply the property, estates, moneys, chattels and effects by this Act declared to be vested in and to become the property of the said Mayor, Aldermen and Citizens of the City of Montreal, for the purpose of establishing, sustaining and keeping up the said House of Industry, and from time to time to make and pass such By-Laws, Rules and Regulations for the management and direction of the said House of Industry, as they may think fit, provided the same are not repugnant to the Laws in force in this Province; and from time to time to appoint, discharge and re-appoint such overseers and other officers as they may deem it necessary to appoint for the management of the said House of Industry.

Corporation to have power to acquire and hold property for the purposes of the Institution.

IV. The said Mayor, Aldermen and Citizens of the City of Montreal, at all times hereafter, shall and may have power and authority to purchase, take, acquire and hold by will, gift or otherwise, lands, tenements, real and immoveable estates, rents, usufructs, servitudes and hereditaments, and to erect houses and buildings thereon for the use and purposes of the said House of Industry in the City of Montreal, and shall also have power and authority at all times hereafter, to sell and dispose of the real and immoveable estate by this Act vested in the said Mayor, Aldermen and Citizens of the City of Montreal, or which may be hereafter purchased or acquired by them for the purposes of the said House of Industry; but in case the said Mayor, Aldermen and Citizens of the City of Montreal, shall so sell and dispose thereof, or of any part thereof, they shall, as soon as may be convenient thereafter, apply the proceeds thereof to the purposes of the said Institution, by the purchase of other Lands and Tenements, real or immoveable estate, more fit and proper for promoting the permanent establishment thereof.

And to alienate the same and acquire other property.

Public Act.

V. This Act shall be deemed a Public Act.

### C A P . C X L I I I .

An Act to provide for the management and improvement of the Harbour of Montreal and the deepening of the Ship Channel between the said Harbour and the Port of Quebec, and to repeal the Act now in force for the said purposes.

[Assented to 19th May, 1855.]

Preamble.

16 V. c. 24.

WHEREAS it is expedient to amend the Act passed in the sixteenth year of Her Majesty's Reign, chaptered twenty-four, and intituled, *An Act to provide for the improvement and enlargement of the Harbour of Montreal and for the deepening*



*deepening of Lake St. Peter and the improvement of the Navigation of the St. Lawrence between the said points, and for other purposes* : 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 intitled, *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, as follows :

I. This Act shall come into force and effect upon the first day of July one thousand eight hundred and fifty-five, upon, from and after which day the said Act passed in the sixteenth year of Her present Majesty's Reign, and chaptered twenty-four, shall be and the same is hereby repealed, except in so far as it repeals any former Act or enactment ; and except so far as may be necessary for supporting or continuing any proceeding heretofore taken or hereafter to be taken upon any matter or thing whatsoever arising out of the said Act or any Act thereby repealed, or upon any criminal or civil Process ; and except as to the recovery and application of any penalty for any offence committed against any of the said Acts before the commencement of this Act.

The said Act 16 V c. 24 repealed from 1st July 1855, when this Act shall come into force.

Exception as to proceedings commenced, &c.

II. All contracts and undertakings made and entered into by the Harbour Commissioners of Montreal, and all debentures issued by them under the authority of the aforesaid Act or Acts, and all things done and rights acquired in virtue thereof, shall be and the same are hereby declared to be valid and confirmed, as if all the said Acts were in full force and vigor.

Contracts, Debentures, &c., under repealed Act to remain valid.

III. The Body Corporate and Politic created by the aforesaid Act, under the name of the Harbour Commissioners of Montreal, shall be continued by this Act under the same name, and shall continue to have power to hold, take and purchase immoveable property for the purposes of this Act, and to build, acquire, hold and possess such Steamboats, Dredges, Scows, and other Vessels as it may deem necessary for the efficient discharge of the duties devolved upon it by this Act, and to take out Registers for such Vessels, in its corporate name and capacity, and to dispose of the same as well as of the said immoveable property, as often as it may see fit to do so, and to do all other things necessary to carry out the provisions of this Act according to their true intent and spirit.

Corporation of Harbour Commissioners continued.

Corporate powers continued.

IV. The said Corporation shall be constituted from and after the passing of this Act, as follows, that is to say : It shall be composed of Five Members, three of whom shall be appointed by the Governor as heretofore, and shall hold their appointments during pleasure, and the Mayor of the City of Montreal, and the President

The Corporation after 1st July 1855, to consist of three Members appointed

by the Crown,  
the Mayor and  
the President  
of the Board  
of Trade.

President of the Board of Trade for the time then being, shall be the other two Members; and if the President of the Board of Trade be at the same time Mayor of the said City, the Vice President of the said Board shall be one of the Members of the said Corporation so long as the President shall be Mayor, but no longer; and if any one of the Commissioners appointed by the Governor be elected President of the Board of Trade, the Vice President of the said Board of Trade shall be one of the Members of the said Corporation so long as the Commissioner so appointed shall continue to act as President of the Board of Trade, but no longer.

Harbour of  
Montreal de-  
fined.

V. The Harbour of Montreal, which shall be under the control and management of the said Corporation, shall be bounded as follows, that is to say: "Commencing at the mouth of the little River St. Pierre; thence, downwards, following the course of the bank of the River St. Lawrence and including the beach of the said River as far back as high water mark and the ground above high water mark reserved for a public road or path, down to the lower extremity of the lower basin of the Lachine Canal; thence, downwards, following the north-west side of the water course running parallel with and adjoining the revetment wall in the street or highway running along the whole line of the Wharves now known as Commissioners street, to a point where the said wall joins the Government works at the Commissariat store and the Government wharf; thence, downwards, following the course of the bank of the River St. Lawrence and including the beach of the said River as far back as high water mark, and any ground above high water mark reserved for a public road or path, as far as Ruisseau Migeon."

Part of 12 V.  
c. 117 repeal-  
ed by 16 V.  
c. 24, to re-  
main repealed.

VI. So much of the Act of the Legislature of Canada passed in the twelfth year of Her present Majesty's Reign, Chaptered one hundred and seventeen, and intituled, *An Act to repeal a certain Act and Ordinance therein mentioned, relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof*, as was repealed by the aforesaid Act passed in the sixteenth year of Her Majesty's Reign and chaptered twenty-four, shall continue to be and remain repealed.

Corporation to  
make By-laws  
for certain  
purposes.

VII. The said Corporation of the Harbour Commissioners of Montreal shall, for the purposes of this Act, have power and authority to make By-laws not repugnant to the laws of this Province or to the provisions of this Act, and to impose penalties under the same, not exceeding five pounds currency, or sixty days' imprisonment, against all persons who may infringe the same, and to revoke, alter and amend such By-laws as often as they may deem the same expedient; And the purposes of this Act shall be construed and defined to be:

Fines and im-  
prisonment  
under such  
By-laws.

The direction, conduct, and government of the said Corporation and of its property Real and Personal ; Management of property.

The good government, improvement and regulation of the Harbour throughout the year ; Government of Harbour.

The preventing injury thereto and encroachments and incumbrances thereon, and the removal of the same ; Preventing injury.

The anchoring, mooring, riding and fastening of all Vessels therein, and the ordering of the same, while lying in the Stream or at any Wharf or other landing place or beach therein ; Placing Vessels.

The regulation and control of the use of Light and Fire on board of Vessels when lying any where within the limits thereof ; Lights and Fires.

The regulation and control of the landing and shipping of Gunpowder therein ; also of the manner of boiling and melting pitch, tar, turpentine, rosin or any other inflammable substance therein ; also the maintaining order and regularity and the prevention of thefts and other depredations therein ; also the collection of all dues and penalties imposed by or under the authority of this Act ; Landing Gunpowder, melting pitch, &c.

And finally, the doing of every thing necessary to carry out the provisions of this Act according to their intent and spirit : Provided always, that no By-law made by the said Corporation, shall have force or effect until sanctioned by the Governor and published in the *Canada Gazette*. General purposes.  
Proviso.

VIII. Copies of any such By-laws certified by the Secretary under the seal of said Corporation, shall be admitted as full and sufficient evidence of the same in all Courts of Law or Equity in Canada. Proof of By-laws.

IX. It shall be lawful for the said Corporation to appoint such officers, assistants and servants as may be deemed necessary to carry out the objects and provisions of this Act, and to allow them such compensation or salaries as may be deemed fitting, and to require and take from them such security for the due and faithful performance of their respective duties as may be deemed necessary. Appointing and paying Officers and Servants.

X. All dues and penalties imposed by this Act or by any By-law made under the authority thereof or any By-law previously made, may be recovered by civil action or proceeding at the suit of the said Corporation before any one or more Magistrates in any place in this Province, in a summary manner and on the oath of one credible witness ; and any member of the said Corporation or any of its officers or servants may be such witness. Recovery of Harbour dues and penalties.

Harbour dues,  
to be those  
mentioned in  
the Schedule.

XI. It shall be lawful for the said Corporation to levy upon all vessels entering or departing from the said Harbour, or being at anchor or otherwise moored therein, and upon all goods landed or shipped or deposited therein, except arms, ammunition and military accoutrements, and other munitions of war for the use of the Government of this Province, or for its defence, and also Vessels wholly laden therewith, the several rates and dues mentioned in the Schedules appended to this Act :  
 Provided however, that goods landed shall pay only the landing dues, and goods shipped shall pay only the outward dues, and that goods transhipped from one vessel to another within the Harbour, without being landed, shall pay only the landing or shipping rate, as may be settled by the By-laws of the said Corporation :  
 Provided also, that goods landed within the Harbour and shipped shall be liable for both landing and shipping dues unless otherwise ordered by the By-laws of the Corporation.

Proviso.

Proviso.

XII. The said rates and dues shall be levied as follows :

By whom  
payable ;—  
On seagoing  
Vessels.

1. On seagoing vessels.—The tonnage dues thereon shall be levied from the master or person in charge thereof, and the wharfage rates on goods landed or shipped, shall be levied from the consignee, shipper, owner or agent thereof.

On other  
Vessels.

2. On all other vessels.—The tonnage dues thereon, as well as the wharfage rates upon the cargoes, shall be paid by the master or person in charge thereof, saving to him such recourse as he may have by law against any other person for the recovery of the sums so paid :  
 Provided however, that it shall be lawful for the said Corporation to demand and recover the said wharfage rates from the owners or consignees, or agents, or shippers of such cargoes, if they see fit to do so.

Seizure of  
Vessels and  
Goods for non-  
payment of  
Dues.

XIII. In case of the non-payment of the said dues or rates or any part thereof, it shall be lawful for the said Corporation to seize forthwith before judgment, any vessel or goods whatsoever upon which such dues may be owing, and to detain the same at the risk, cost and charges of the owner, until the sum due and the costs and charges incurred for the seizure and detention of the same, be paid in full.

How such  
seizure may  
be effected.

XIV. Such seizure may be effected upon the order of any Judge or of any Magistrate for the District of Montreal, or upon the order of the Collector of Customs at the Port of Montreal, (which order such Judge, Magistrate or Collector aforesaid, is hereby authorized and required to give, upon the application of the said Corporation or its authorized Agent, on the affidavit of any one credible person that any sum is due to the Corporation for the rates or dues aforesaid,) and such order may and shall be executed by any Constable, Bailiff or other person whom the said Corporation may choose to entrust with the execution thereof, and the said Constable, Bailiff or other person is hereby authorized

authorized and empowered to take all necessary means and to demand all necessary aid, to enable him to execute the same.

XV. It shall be lawful for the said Corporation to require the Collector of Customs at the Port of Montreal, to collect such portion of the aforesaid rates and dues on its behalf, as it may be deemed expedient for the convenience of the trade of the Harbour to collect through him.

Collector of Customs to collect dues, if required.

XVI. It shall be lawful for the said Corporation to require from the Master or person in charge of every Vessel in the said Harbour, a report in writing, signed and certified by him, of his Vessel's cargo inwards and her draft of water, before he shall break bulk, also of her outward cargo and draft of water before his Vessel shall leave the Harbour, and such other particulars as may be necessary to carry out the provisions of this Act; and it shall also be lawful for the said Corporation or its authorized Agent to require the Master or person in charge of such Vessel, to exhibit unto them the Bills of Lading, Cargo Book, or such other Vouchers of the said cargoes as may be deemed necessary by them to arrive at an exact account of such cargoes; and in case of refusal or neglect to make such reports and to exhibit the Bills of Lading, Cargo Book or other Vouchers, it shall be lawful for the said Corporation or its authorized Agent to seize and detain such Vessel at the risk, cost and charges of the Master or person in charge thereof, until the aforesaid requirements are complied with: Provided always, That nothing herein contained shall prevent the said Corporation from making such mutual agreement with the masters, owners or agents of steamboats and other vessels plying between Montreal and any other place in the River St. Lawrence with respect to making such Reports, and the payment of all Harbour and other dues imposed by this Act as may be considered expedient; And provided also, that nothing herein contained shall be construed to prevent the said Corporation from commuting with such masters, owners or agents of steamboats and other vessels plying between Montreal and any other place in the River St. Lawrence, for all dues accruing thereon under this Act, on such terms and conditions and for such sum or sums of money as to the said Corporation may seem fit and expedient.

Masters of Vessels may be required to make certain reports.

Penalty for refusal or neglect to make such report.

Proviso: Corporation may agree with Masters of Steamboats, &c.

Proviso: for further agreement.

XVII. The valuation of goods on which *ad valorem* rates of wharfage are imposed by this Act, shall be made according to the provisions contained in the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the law relative to duties of Customs*, or in any Act which may have been or may hereafter be substituted in lieu thereof for the collection of the said duties; and the provisions of the Act or Acts aforesaid shall for the purposes of such valuation of goods, be held and considered to form part of this Act, as if the said provisions were actually embodied herein; and it shall be the

Flow Goods on which the dues are *ad valorem* shall be valued.

Customs' Appraiser to value.

duty of the Collector of Customs at Montreal to direct the Appraiser at the said Port, to attend and make such valuation at any place and time needful, on application being made to him to that effect by the said Corporation or its authorized Agent; and the said Appraiser shall act herein without taking any new oath of office for the purpose.

Lower Basin of Canal to be deemed part of Harbour.

XVIII. For the purposes of this Act, the Lower Basin of the Lachine Canal shall be held to form part of the Harbour of Montreal, and it shall be lawful for the said Corporation to levy from all vessels entering the same through the Harbour for the purpose of discharging or loading there, the same rates and dues as may be levied in the Harbour under this Act, and under the same regulations and penalties: Provided however, that this shall not be held to apply to canal craft trading between Montreal and places above the same; and also that in all other respects the said Lower Basin shall be and remain under the jurisdiction of the Commissioners of Public Works.

Proviso.

Vessels to be conspicuously numbered.

Penalty for default.

And Corporation may then paint numbers on them.

Enforcing penalty.

XIX. It shall be lawful for the said Corporation to require all Vessels in the said Harbour to have a name or number painted conspicuously on some suitable part thereof, and if the master or person in charge of any such Vessel shall neglect to put such name or number thereon, for twenty-four hours after being required by any authorized Agent of the said Corporation to do so, he shall thereby incur a penalty of not exceeding five pounds for each and every offence; And it shall then be lawful for the said Corporation, to put a name or number on such Vessel, and the master or person in charge thereof shall incur an additional penalty of not exceeding five pounds if he remove or deface such name or number, or permit the same to be removed or defaced; and for the aforesaid penalties as well as all other penalties imposed under or by virtue of this Act, it shall be lawful for the said Corporation to seize the Vessel or Goods belonging to or in the charge of the person upon whom such penalty may be imposed, and to detain the same at the risk of such person, until such penalty, together with the costs and charges attendant upon such detention, shall be paid in full.

Vessels may be seized for injury done to Wharves, &c.

XX. If any injury shall be done to any of the Wharves, Piers or other works in the said Harbour, constructed or to be constructed, by any Vessels or by the carelessness or wantonness of the crew thereof, while in the execution of their duty or the orders of their superior officers, it shall be lawful for the said Corporation to seize such Vessel and detain her until the injury so done shall have been repaired by the master or crew, or until security shall have been given by the said master to pay such amount for the injury and costs as may be awarded in any suit which may be brought against him for the same, and he is hereby declared to be liable to the said Corporation for any such injury.

XXI. For the purpose of extending and improving the Wharves and other accommodations in the said Harbour, and the construction of Docks in Hochelaga Bay or for either of the said purposes, it shall be lawful for the said Corporation to borrow, in such sums and for such number of years and at such rates of interest not exceeding eight per cent per annum, as may be found expedient, any sum or sums of money not exceeding in the whole the sum of one hundred thousand pounds sterling at par, in sterling or in currency, and either in this Province or elsewhere, and to expend the same in the said Harbour in such manner as may be deemed best calculated to promote the commerce and interests of the City of Montreal.

Corporation may borrow £100,000 for improving Harbour.

XXII. The interest upon the sums of money which may be borrowed under the next preceding section, as well as upon all sums already borrowed for the improvement of the said Harbour, shall be paid out of the revenue arising from the dues, rates and penalties imposed by or under this Act for and on account of the said Harbour; And the lawful charges upon the said revenue shall be as follows and in the following order, that is to say:

Interest to be paid out of Harbour dues, penalties, &c.

1. The payment of all expenses incurred in the collection of the same, and other indispensable charges;

Order of charges on Harbour Revenues.

2. The defraying of the expenses attendant on keeping the Harbour clean, and on keeping the Wharves and other works therein in a thorough state of repair;

3. The payment of interest due on all sums of money borrowed under this or previous Acts of Parliament, without priority or preference;

4. The paying off the principal of temporary loans.

XXIII. For the purpose of enabling the said Corporation to carry on the improvements begun in the Ship Channel in Lake St. Peter and in the River St. Lawrence, and to complete the same to a depth of not less than twenty feet at low water throughout the said Channel between Montreal and Quebec, it shall be lawful for the said Corporation to borrow under the authority of this Act, in such sums and at such rates of interest not exceeding eight per cent per annum, and for such number of years as may be found expedient, any sum or sums of money not exceeding in the whole the sum of one hundred thousand pounds sterling at par, in currency or in sterling, and in this Province or elsewhere, and to expend the same in such manner as may be deemed best for the purpose of obtaining the Ship Channel aforesaid, with a depth at all times of not less than twenty feet of water therein.

Corporation may borrow £100,000 for completing a Channel from Quebec to Montreal not less than 20 feet deep.

Interest and Sinking Fund, how to be provided for.

XXIV. The interest upon any sums of money borrowed under the next preceding Section, as well as upon all sums of money borrowed for the same purpose under preceding Acts of Parliament, shall be provided for as follows, without priority or preference, and the sinking fund hereinafter mentioned shall also be provided out of the same Funds :

Tonnage Duty for paying such interest, &c.

1. Out of a tonnage duty of not exceeding one shilling per ton, register tonnage, which it shall be lawful for the said Corporation to impose and levy upon all Vessels drawing upwards of eleven feet of water navigating the said Ship Channel, such duty to be payable for each time of passing through the said Channel ; and it shall be lawful for the Corporation to require the Collectors of Customs at Montreal or Quebec, to collect such duty on their behalf, and to pay over the amount collected to the Corporation at such times as may be appointed ; and such tonnage duty may be collected and recovered and payment thereof enforced in the same manner as is provided by this Act for Harbour dues ; and no Vessel upon which such duty shall be payable, shall be entered or cleared at the Port of Montreal, or cleared at the Port of Quebec if she have left Montreal without being cleared, until the Collector or other Officer granting such clearance shall be satisfied that such duty has been paid ;

How to be collected.

Further Fund.

2. Out of any surplus Revenue that may remain in the hands of said Corporation from Harbour dues, after defraying out of the same, all the charges mentioned in Section twenty-two of this Act.

If the dues imposed for meeting charges under this Act be insufficient, the Governor may increase them.

XXV. If all the imposts mentioned in this Act should prove insufficient to enable the said Corporation to meet the charges upon its revenue as provided by this Act, and the sinking fund hereinafter mentioned, it shall then be lawful for the Governor, on report of the Corporation to that effect, to add such per centage to all dues whatsoever imposed by this Act, as will in his judgment afford the said Corporation a sufficient revenue for the said purposes, as well as to form a Sinking Fund to pay off the sums of money borrowed or to be borrowed for the purpose of deepening and improving the said Ship Channel, which Sinking Fund shall be not less than two per cent. per annum upon the sums borrowed, and shall be managed and invested as the Governor shall from time to time direct.

Governor in Council may remit duties on articles imported for Corporation.

XXVI. It shall be lawful for the Governor in Council to waive or remit all duties of Customs on any articles or merchandize whatsoever imported by the said Corporation for the purposes of this Act, but not for private use or profit, on application being made to him to the said effect by the Corporation.



XXVII. For the purposes of this Act, it shall be lawful for the Commissioners of Public Works to place at the disposal of the said Corporation any vessels, machinery or tools in their possession which may have been acquired by the said Commissioners of Public Works for the purpose of deepening a Channel for ships in Lake St. Peter, and also to pay over to the Corporation any unexpended balance of money which may be in their hands or in the hands of the Receiver General of the Province, of the moneys which have been heretofore appropriated by Parliament for the said purpose.

Commissioners of Public Works to hand over certain machinery and money to Corporation.

XXVIII. For the purposes of this Act, the said Corporation shall have the same rights and powers in conducting its operations in Lake St. Peter and the River St. Lawrence, as the Commissioners of Public Works would have if the works were conducted under their direction and control, and shall also have power to make such By-laws concerning vessels navigating the improved Ship Channel as may be required therefor, not inconsistent with the general laws of this Province; any thing in any law to the contrary notwithstanding.

Corporation to have the powers of Board of Works as regards the said Ship Channel.

XXIX. It shall be lawful for the said Corporation at any time to borrow money under this Act, for the purpose of paying off sums already borrowed for which Debentures have been or may be issued; Provided always, that the sums thus borrowed shall never in any case exceed the sums to be paid off, and shall not be applied to any other purpose whatsoever.

May borrow money to pay off Debentures.

Proviso.

XXX. It shall be lawful for the said Corporation to acquire such Real Estate at Hochelaga, as may be considered necessary for the purpose of constructing Docks and Warehouses there, in connexion with the Harbour of Montreal.

May acquire land for works at Hochelaga.

XXXI. Whenever the said Corporation shall desire to acquire land for the aforesaid purpose or for any other purpose provided for by this Act, and an amicable arrangement with the proprietor shall not take place, the price to be paid for such land shall be determined as follows: The said Corporation and the proprietor shall each appoint a disinterested Arbitrator, and the two Arbitrators shall name a third also disinterested, and the three Arbitrators, after being sworn by or before any Judge or Justice of the Peace, to fulfil their duty honestly and impartially, and having reciprocally given notice of the time and place of their meeting, shall determine the price to be paid by the said Corporation for such land, and their decision shall be final: Provided however, that if the proprietor aforesaid shall, after being notified and thereunto required by the said Corporation, refuse or neglect to appoint an Arbitrator as aforesaid, or if the two Arbitrators appointed by the two parties interested shall not agree upon a third, then one of the Judges of the Superior Court shall name an Arbitrator for the proprietor, or the third Arbitrator,

The price of such land to be determined by arbitration in case of disagreement.

Proviso.

Proviso.

Arbitrator, as the case may require ; Provided further, that in case of the death of an Arbitrator or his refusal to act, the party who shall have appointed him, or the Judge, as the case may be, may appoint another in his place : and the three Arbitrators being respectively sworn by any Judge or Justice of the Peace, shall decide finally on the price to be paid by the said Corporation for the land.

Award to be final.

Corporation may take the land on paying the compensation, and may clear the land of charges by paying the price into Court, &c.

XXXII. When the Arbitrators aforesaid shall have determined the price of any land, the said Corporation may take the same and become proprietor thereof, by paying the price so fixed either to the proprietor or into the hands of the Prothonotary of the Superior Court at Montreal for the proprietor ; and the price agreed upon or awarded for any land taken or kept by the said Corporation shall be in the place and stead of the land, and all claims to or upon the land shall be converted into claims to or upon such price, and if the Corporation have reason to apprehend that any claims may exist to or upon the price on the part of any third party, it may pay such price into the hands of the Prothonotary of the Superior Court at Montreal, filing at the same time a copy of the deed of purchase or of the award, and the Court after having caused due notice to be given for the calling in of all claimants, shall make such order for the distribution of the price as well as of the interest thereof, and as to costs, as to law may appertain.

Certain accounts to be kept by Corporation.

XXXIII. The said Corporation shall keep separate accounts of all moneys borrowed, received and expended by it under the authority of this Act, and shall account for the same annually to the Governor, in such manner and form as he may see fit to direct ; but the Provincial Guarantee shall not be given for the payment of either principal or interest of any sum borrowed under this Act, nor shall the Province be in any way responsible therefor.

No Provincial guarantee.

Members, &c., of Corporation exempt as Jurors, &c.

XXXIV. The members, officers and servants of the said Corporation shall be exempt from serving on Juries or Inquests whatsoever, or as assessors or constables.

Interpretation clause.

XXXV. The words " By-laws," " Vessels " " Goods " and " Dues " in the provisions of this Act, shall severally be construed to mean and shall mean as follows : the word " By-laws " shall mean and include all By-laws, Rules, Orders and Regulations made by the said Corporation ; the words " Vessel " or " Vessels " shall mean and include all Ships, Vessels, Boats, Barges, Steamboats, Scows, Rafts and floating Craft whatsoever ; the word " Goods " shall mean and include all Merchandize, Wood, Animals, Articles and things whatsoever landed from a Vessel, or deposited on the wharves for the purpose of being shipped or otherwise ; the word " Dues " shall mean and include all Rates, Tolls, Duties and Dues whatsoever imposed by this Act.

XXXVI. This Act shall be a Public Act.

TARIFF.

## TARIFF.

Public Act.

Tolls, Rates, Duties and Dues to be levied in the Harbour of Montreal, under and by virtue of this Act.

## SCHEDULE A.

Dues to be levied on all Vessels in the Harbour :

On Steamboats measuring fifty tons and upwards, per ton of their burden per Register, for each day of twenty-four hours they remain in the Harbour, reckoned from the hour of their arrival to that of their departure.....	½d.
On all other Vessels measuring fifty tons and upwards, per ton and per day, as aforesaid.....	¼d.
On Steamboats measuring under fifty tons for each day reckoned as aforesaid, each.....	2s.
On all other Vessels measuring from twenty-five to fifty tons per Register, each per day, reckoned as aforesaid.....	1s.
On all Vessels of less than twenty-five tons burden, each per day as aforesaid.....	6d.

## SCHEDULE B.

Goods, Wares, Merchandize, Animals and Things, on which the Rates affixed to each shall be levied :

Flour and Meal, Fish, Beef, Pork, and other Meats, Tar, Pitch and Rosin, per barrel or per two hundred pounds.....	1d.
Puncheon Packs or Shooks, Empty Puncheons or Pipes, Canoes, Carts, Burr Stones and Animals undescribed, each.....	1d.
Tobacco Clay Pipes, Corks and Matches, per twelve gross.....	1d.
Spades, Shovels and Axes, per dozen.....	1d.
Baskets, Buckets, Pails and Corn Brooms, per dozen.....	1d.
Window Glass, per one hundred feet.....	1d.
Canada Plates, Tin Plates, Lemons and Oranges, per box.....	1d.
Poultry or Game, per dozen.....	1d.
Untanned Skins (undescribed) per dozen.....	1d.
Apples and other Green Fruit, per minot.....	¼d.
Potatoes, Onions, and other Green Vegetables, per minot.....	½d.
Oysters and other Shell-fish, per minot.....	½d.
Casks, (empty, undescribed,) each.....	½d.
Corn Whisks or Dusters, per dozen.....	½d.
Laths and Shingles, per thousand.....	2d.
Eggs, per thousand.....	2d.
Boats, undescribed, each.....	2d.

Vehicles,

Vehicles, undescribed, each.....	2d.
Neat Cattle and Horses, each.....	2d.
Hoop Poles, per hundred pieces.....	3d.
Firewood and Bark, per cord.....	3d.
Empty Bottles, per gross.....	3d.
Hides, per dozen.....	3d.
Ashes, (Pot or Pearl,) per barrel.....	4d.
Cinders, Coal and Coke, per chaldron.....	6d.
Clay, Sand, Lime and Ballast, per ton.....	6d.
Timber, per hundred cubic feet.....	6d.
Sawed Lumber of every kind, per thousand feet, board measure.....	6d.
Lathwood, per cord.....	6d.
Bateaux and Carriages, each.....	6d.
Buffalo Skins, per dozen.....	6d.
Earthenware, (loose,) per hundred pieces.....	9d.
Handspikes, Oars and Billets, per hundred pieces...	9d.
Barrel Staves, per mille.....	9d.
Hay and Straw, per hundred bundles.....	9d.
Marble, per hundred cubic feet.....	1s.
Stone, (except ballast,) per hundred cubic feet.....	1s.
Puncheon Staves, per mille.....	1s.
Empty Barrels, per hundred.....	1s.
Empty Boxes, per hundred.....	1s.
Grain, Seeds, Indian Corn, Pulse, Malt and Salt, per hundred minots.....	1s. 3d.
Railway Sleepers, per hundred pieces.....	1s. 3d.
Bricks, Tiles and Slates for roofing, per thousand...	6d.
Pipe Staves, (Standard,) per mille.....	3s.

### SCHEDULE C.

Goods on which there shall be levied a rate of nine pence per one thousand pounds gross weight :

Arrowroot,—Barley,—Pot or Pearl,—Batting,—Biscuit,—Bread,—Butter,—Blue,—Brimstone,—Cheese,—Crackers,—Coffee,—Cocoa,—Chocolate,—Candles,—Cork, unmanufactured,—Cordage,—Cotton Wool,—Flax,—Feathers,—Fruit, dried,—Gluc,—Grease,—Gunpowder,—Ginger,—Hemp,—Hops,—Honey,—Junk,—Leather,—Lard,—Lampblack,—Nuts of all kinds,—Oakum,—Oil-Cake,—Ochre,—Paints,—Putty,—Rice,—Rags,—Rope,—Sugar, raw or refined,—Soap,—Starch,—Spices,—Sago,—Salaratus,—Salts,—Snuff,—Saltpetre,—Sulphur,—Teas,—Tobacco,—Tow,—Tallow,—Wadding,—Wool,—Wire,—Wax,—Wrapping-paper,—Wheatstones.

### SCHEDULE D.

Goods on which there shall be levied a Rate of one shilling and three pence per ton gross weight :

Anchors,—Anvils,—Alum,—Chains,—Metals of all kinds in Pigs, Bar, Bolts, Rods, or Sheets,—Hollow iron-ware,—Plough-Moulds,—

moulds,—Nails,—Spikes,—Shot,—Stoves,—Ores of all kinds,—  
Chalk,—Cement,—Gypsum,—Plaster of Paris,—Whiting,—  
Copperas,—Grindstones,—Mill-stones,—Dye-Woods,—Soda-  
Ash,—Raft Gear,—Bran,—Shorts,—Luggage,—Bones,—  
Hoofs,—Horns.

#### SCHEDULE E.

Goods on which there shall be levied a Rate of one shilling  
per one hundred gallons thereof :

All Liquors, Wines, Oils and Fluids whatsoever in wood or  
other packages except bottles.

#### SCHEDULE F.

Goods on which there shall be levied a Rate of nine pence  
per ton measurement of forty cubic feet :

Earthenware, Stoneware, Chinaware and Glassware in  
packages.

#### SCHEDULE G.

On all Goods, Wares and Merchandize whatsoever not other-  
wise classed or described, there shall be levied a Rate of three  
shillings and four pence upon every one hundred pounds of the  
value thereof : Provided always, that upon Goods, the value of  
which cannot be ascertained satisfactorily, it shall be lawful for  
the Harbour Commissioners to levy a Rate of one shilling and  
three pence per ton weight or measurement, as they may see fit.

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

An Act to prevent the taking of Trout with nets in the  
Lakes of the County of Saguenay.

[Assented to 19th May, 1855.]

**W**HEREAS it is highly desirable that the Trout now found Preamble.  
in the lakes and streams in the County of Saguenay,  
should be preserved from the destruction with which they are  
threatened by the pernicious practice of fishing with seines or  
other nets : 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, as follows :

Trout not to be taken with nets in the County of Saguenay.

Proviso.

Penalty for contravening this Act.

How recoverable.

Application of penalty.

I. After the passing of this Act no person shall, at any season of the year, take or attempt to take any Trout in any of the lakes or waters in the County of Saguenay, with any seine net, gill net or other kind of net whatever, or stretch, place or use such net in any of the lakes or waters in the said County, or catch or attempt to catch any Trout therein by other means than by hook and line, or with a spear; Provided always that the words "waters in the said County," shall not apply to the waters of the river St. Lawrence.

II. Each and every person offending against the provisions of this Act shall, for the first offence, incur a penalty of not less than twenty shillings, and not more than five pounds, and for a second or any subsequent offence a penalty of not less than thirty shillings, nor more than ten pounds, in the discretion of the Magistrate before whom he shall be convicted; and such penalty shall be recoverable with costs on complaint before any one Justice of the Peace, on the oath of any one credible witness other than the informer or prosecutor, or on the oath of such informer or prosecutor if he shall renounce all share of the penalty, and shall, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender on the warrant of such Justice, or if the offender have no known goods and chattels whereon the penalty can be levied, then, if the penalty be not forthwith paid, he may be committed to the common Gaol of the district, for a time not less than eight days nor exceeding fifteen days, unless the penalty and costs be sooner paid; and one moiety of such penalty shall belong to the Crown for the public uses of this province, and the other moiety to the informer or prosecutor, unless he shall have renounced his right to such moiety, in which case the whole of such penalty shall belong to the Crown for the uses aforesaid.

## C A P . C X L V .

An Act to confirm the City of Toronto in the possession of the Peninsula and Marsh now held by it under License.

[Assented to 19th May, 1855.]

Preamble.

**W**HEREAS the Mayor, Aldermen and Commonalty of the City of Toronto now hold, under a license of occupation from the Crown, bearing date the twelfth day of January, one thousand eight hundred and forty-seven, the Peninsula in front of the said City, and also the marsh adjoining the said Peninsula, to the eastward of the Bay in front of the said City, and being desirous to improve the said Peninsula, and to reclaim the said marsh, have expended large sums of money in surveying the same, and have laid out the said Peninsula in roads and streets, with a view of leasing the same to individuals, and have also entered into a correspondence with, and adopted a resolution to co-operate with the Harbor Commissioners, to carry out any measures that

may

may be adopted for the benefit and improvement of the Harbor, by the construction of a Canal across the said Peninsula, or by such other means as may be found necessary: 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 intitled, *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, as follows:

I. It shall and may be lawful for the Government of this Province, by an Order in Council or otherwise, to grant to the said Mayor, Aldermen and Commonalty of the City of Toronto, the said Peninsula, and the marsh to the eastward of the said Bay (commonly known as Ashbridge's Bay), upon such terms and conditions as the Governor of this Province in Council may think fit: Provided always, that in any Order in Council, Letters Patent, or other Instrument granting to the said Corporation the said Peninsula, or marsh, or any part thereof, or any other lands now vested in the Crown, it shall be lawful to insert any conditions or restrictions as to the manner in which the same shall be used, or the purposes to which they shall be applied, or the buildings and works which shall or shall not be erected thereon, or any other conditions or restrictions whatever which the Governor shall think it for the public interest to cause to be inserted; and such conditions and restrictions shall have full force and effect, any rule of law as to the conditions or restrictions which may be inserted in grants and enforced at law to the contrary notwithstanding.

Governor in Council may grant the said Peninsula, &c, to the Corporation.

Proviso: conditions may be inserted in the grant and enforced.

II. This Act shall be deemed a Public Act.

Public Act.

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

An Act to enable the Trustees of the Toronto General Burying Ground, to close the same, to sell a portion thereof, and to acquire other ground for the purposes of the Trust.

[Assented to 19th May, 1855.]

**W**HEREAS the Trustees of the Toronto General Burying Ground, the Municipal Council of the Village of Yorkville, and many of the inhabitants of the said Village and of the City of Toronto, have, by their Petition to the Legislature, represented that by reason of the great increase in the extent and population of the said City, and of the rapid growth of the said Village within which the said Burying Ground is situate, it hath become highly desirable that the same be closed, and that the portion thereof in which there may be no graves, be disposed

Preamble.

disposed

disposed of and the proceeds applied to the purchase of another and more eligible site for a Public Cemetery: 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-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

No further interment to take place in the said ground.

Act 12 V. c. 104.

Act of U. C. 7 G. 4, c. 21.

Trustees may sell part of the said ground in which there are no graves.

Portion where there are graves not to be sold until the bodies are removed to new Cemetery, &c.

Power to Trustees to sell land containing no graves.

The part in which there are graves to

I. The Trustees for the time being, in whom the Toronto General Burying Ground is vested, under the authority of the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Act therein mentioned, and to vest the Toronto General Burying Ground in certain Trustees and their Successors*, and the Act of the Parliament of Upper Canada, passed in the seventh year of the Reign of King George the Fourth, and intituled, *An Act to authorize certain persons therein named and their successors, to hold certain lands for the purpose therein mentioned*, shall not, after the expiration of three months from the passing of this Act, permit any interment to take place in the land now used as the said Burying Ground and described in the Act last aforesaid; And it shall be lawful for the said Trustees for the time being or for any four or more of them, to demise or to sell and convey to any person or persons who may agree to lease or to purchase the same, all that portion of the land vested in the said Trustees as aforesaid, in which there shall then be no graves containing bodies; and that portion thereof in which there are such graves shall not be sold or occupied until the bodies buried therein shall have been removed by the relations or friends of the dead, to the Public Cemetery to be purchased by the said Trustees, as aforesaid, in which Cemetery there shall be allotted to such parties burial places corresponding in size with those in the Toronto General Burying Ground, in case such Bodies shall be removed to such Public Cemetery by the said Trustees, with the consent of the relatives and friends of the dead, or by such friends and relatives of their own accord; And the said Trustees or any four of them, shall have power to sell such land containing no graves or from which the bodies buried therein shall have been removed, for such prices and upon such terms and conditions as may be agreed upon, and to receive the purchase money and discharge the purchaser, who shall not be bound to see to the execution of the trust on which the land is held, or to the application of the purchase money.

II. The said Trustees and their Successors shall keep that part of the land aforesaid in which there shall be graves containing bodies, properly fenced and in decent and becoming order



order as a Cemetery, until the remains of the dead shall have been removed therefrom, as provided in the first section of this Act, and shall allow free access thereto at seasonable times, to those having relations or friends buried there, but without allowing any further burials therein, and may apply to such purpose any part of the proceeds of the land to be sold by them as aforesaid:

be properly kept.

III. It shall be the duty of the said Trustees or their successors, to select and contract for the purchase of a piece of ground well adapted for the purposes of a Public Cemetery, in the Township of York, and not more than two miles beyond the boundaries of the City of Toronto and the liberties thereof, and such piece of ground shall and may be conveyed to and vested in the said Trustees and their successors for ever, and shall be by them held and used as a Public Cemetery, and in trust for the purposes of the Acts hereinabove cited, and of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to authorize the Trustees of the Toronto General Burying Ground to acquire an additional lot of land*, and subject to the provisions thereof; And it shall be lawful for the said Trustees or their successors to apply such part of the proceeds of the land they are hereby empowered to sell, as may not be required for the purpose mentioned in the next preceding section, to the payment of the purchase money of the land to be acquired by them under this section, and the land so to be acquired by them may be in addition to the twenty-five acres they are empowered to acquire by the Act last aforesaid: Provided always that the said Trustees shall not be capable of acquiring or holding, and they are not hereby authorized to acquire or hold, any such piece of ground for the purposes aforesaid, nor shall the same be vested in them until after the Municipal Council of the Municipality within the limits of which the same may be situate shall have passed a By-law consenting to and authorizing in express terms the establishment of a Cemetery on such piece of ground; and provided also that it shall not be lawful for the said Trustees at any time after such piece of ground shall become vested in them for the purposes aforesaid, to make or suffer to be made any other use of the same than for the purposes of such Cemetery.

Trustees to purchase another piece of land for a Cemetery.

14 & 15 V. c. 167.

Out of what Funds such lands shall be paid for.

Proviso. Consent of Municipality must be obtained for new Cemetery.

Proviso.

IV. This Act shall be deemed a Public Act.

Public Act.

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

An Act to authorize the City of Hamilton to negotiate a Loan of Fifty Thousand Pounds.

[Assented to 19th May, 1855.]

WHEREAS by an Act of Parliament of this Province, passed in the sixteenth year of the Reign of Her Majesty Queen Victoria, chapter ninety-five, it was enacted that it should

Preamble. 16 V. c. 95.

should

should be lawful to and for the Mayor, Aldermen and Commonalty of the City of Hamilton to raise by way of Loan upon the credit of the Debentures thereafter mentioned the sum of fifty thousand pounds, for the purpose among others of carrying on and completing certain public improvements within the said City; And whereas the Common Council have commenced the construction of large and extensive sewers within the said City, and the balance of the said sum of fifty thousand pounds remaining after payment of the sums specifically charged upon it by the said Act, has been found quite insufficient to complete the same, and they have accordingly petitioned to be authorized by Law to borrow a further sum of fifty thousand pounds for the purpose of completing the said sewers and other improvements required within the City: 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, as follows:

Additional  
Loan of  
£50,000 au-  
thorized.

I. It shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of Hamilton, to raise by way of Loan upon the credit of the Debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding the sum of fifty thousand pounds of lawful money of Canada, in addition to the sum of fifty thousand pounds mentioned in the said in part recited Act.

Debentures  
may be issued  
for such Loan.

II. It shall and may be lawful for the Mayor of the said City of Hamilton, for the time being, to cause to be issued Debentures of the said City under the Corporation seal, signed by the Mayor and countersigned by the Chamberlain of the said City for the time being, in such sums not exceeding in the whole the said sum of fifty thousand pounds authorized to be borrowed under this Act, as the Common Council shall direct and appoint; and the principal sum secured by the said Debentures and the interest accruing thereon shall be made payable either in sterling or currency, in this Province, in Great Britain or elsewhere, as the said Common Council shall deem expedient or necessary.

Rate to be im-  
posed for a  
Sinking Fund  
on such Loan.

III. For the payment, satisfaction and discharge of the Debentures to be issued by virtue of this Act, it shall and may be lawful for the Common Council of the said City of Hamilton, and they are hereby required so to do in any By-law or By-laws to be passed authorizing the said Loan or any part thereof and the issuing of the Debentures therefor, to impose a special rate per

per annum, over and above and in addition to all other rates to be levied in each year and over and above the interest to be payable on such Debentures, which shall be sufficient to form a Sinking Fund of two per cent. per annum for that purpose.

IV. It shall be the duty of the Chamberlain of the said City of Hamilton, from time to time to invest all sums of money raised by special rate for the Sinking Fund provided in this Act, either in the Debentures issued under this Act or in any Debentures issued by the Government of Canada, or in such other securities as the Governor of this Province shall by order in Council direct or appoint, and apply all dividends or interest on the said Sinking Fund to the extinction of the debt created under this Act.

Investment and application of Sinking Fund.

V. Any By-law to be passed under this Act shall not be repealed until the debt or debts created under this Act and interest thereon shall be paid and satisfied ; and the one hundred and seventy-eighth section of the Municipal Corporations Act of Upper Canada, shall extend to any By-law passed under this Act.

By-laws made under this Act not to be repealed.

VI. The funds derived from the negotiation of the Debentures to be issued under this Act shall when received, be deposited by the Chamberlain of the said City for the time being in some one or more of the chartered Banks of this Province, on such conditions as the said Common Council shall from time to time agree upon, and only be withdrawn therefrom as they 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 the Corporation of the said City.

Deposit and application of moneys borrowed under this Act.

VII. This Act shall be deemed a Public Act.

Public Act.

### CAP. CXLVIII.

An Act to incorporate the Town of Paris, and to define the limits thereof.

[Assented to 19th May, 1855.]

**W**HEREAS the Municipal Council of the Village of Paris, by Petition have prayed the Legislature to incorporate the same into a Town ; And whereas the population of the same amounts to about two thousand four hundred inhabitants ; And whereas it is expedient and necessary, and would tend to promote the benefit and convenience of the inhabitants, if the prayer of the said Petition were granted : 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, as follows :

Preamble.

Village of Paris incorporated as a Town, from 1st January, 1856.

I. The tract of land within the boundaries or limits hereinafter described, shall upon, from and after the first day of January, in the year eighteen hundred and fifty-six, be incorporated into a Town to be called and designated as the Town of Paris.

All the provisions of the U. C. Municipalities Acts to apply to it.

II. So much of the Upper Canada Municipal Corporations Acts as relates to Towns, shall be and is hereby incorporated in this Act, and the said Town of Paris shall have and exercise all and singular the same rights, powers, privileges and jurisdiction, as are given, granted or conferred upon, or as shall by virtue of any Act or parts of Acts now in force in Upper Canada, or which shall hereafter be in force, belong to incorporated Towns; and all the rules, regulations, provisions and enactments therein contained or which shall in any wise relate or belong to the same, shall apply to the Town of Paris as fully as if the said tract of land had become a Town under the ordinary operation of the said Acts, with the exception hereinafter made for the first election.

Description of the Town of Paris.

III. The Town of Paris shall consist of all that part of this Province situate in the County of Brant, and lying within the following limits, that is to say: commencing at the North-westerly angle of Lot number Twelve in the First Concession of the Township of Brantford; thence, Southerly, along the limit between the said Lot and Lot number Eleven in the said Concession, for a distance equal to three quarters of the depth of the said Concession; thence, Easterly, by a line drawn parallel to the line in front of the Concession to the Grand River, and across the same to the Easterly bank thereof; thence, Northerly, along the water's edge of the said river, against the stream, to the Southern limit of the allowance for road between the Townships of Brantford and South Dumfries; thence, Easterly, along the Southern limit of the said allowance for road, to a point ten chains Eastward of the limit between Lots numbers Twenty-eight and Twenty-nine in the First Concession of the Township of South Dumfries, produced; thence, Northerly, parallel to the governing boundary of the Lots in the Gore of the said Township of South Dumfries to the limit between the said Gore and the First Concession of South Dumfries; thence, Westerly, along the last mentioned limit to the limit between Lots numbers Twenty-eight and Twenty-nine in the First Concession of the Township of South Dumfries; thence, Northerly, along the limit between the last mentioned Lots to the centre line of the said First Concession; thence, Westerly, along the said centre line to the Easterly limit of the Galt road; thence, Northerly, along the Easterly limit of the Galt road, six chains, sixty links, more or less, to an angle in the said road; thence, Westerly, at right angles to the part of the Galt road before mentioned, to the rear line of Lots fronting on Jane street; thence, North-westerly, along the rear line of the said Lots to the limits between Lots numbers Thirty and Thirty-one in the First Concession of the Township

Township of South Dumfries; thence, Northerly, along the limit between Lots numbers Thirty and Thirty-one aforesaid, to the allowance for road in the rear of the said First Concession; thence, Westerly, along the Southerly limit of the last mentioned allowance for road to the Westerly limit of the grounds belonging to the Buffalo, Brantford and Goderich Railway Company; thence, Southerly, along the Westerly limit of the said grounds as far as it continues on a straight line; thence, South-easterly, in prolongation of the said straight line, to the Northerly bank of Smith's Creek; thence, Southerly, following the Northerly bank of the said Creek, with the stream as it turns and winds to the centre line of the First Concession of the Township of South Dumfries; thence, Westerly, across the said Creek and along the said centre line of the First Concession to the Westerly limit of the South-easterly quarter of Lot number Thirty-one in the First Concession of the Township of South Dumfries; thence, Southerly, along the Westerly limit of the South-westerly quarter of Lot number Thirty-one aforesaid and prolongation thereof, to the Southerly limit of the allowance for road between the Townships of South Dumfries and Brantford; thence, Easterly, along the Southerly limit of the last mentioned road allowance to the place of beginning.

IV. The said Town of Paris shall be divided into four Division into Wards, to be called, respectively: the South Ward, Wards. Queen's Ward, King's Ward and North Ward. The said South Ward South. to comprise all that part of the said Town which lies South of Dundas street; Queen's Ward to comprise all that part of the said Queen's. Town North of Dundas street, following Grand River and the South and West side of Smith's Creek to the Town boundary; King's Ward, to comprise all that part of the said Town which King's. lies on the South side of Charlotte street to Smith's Creek, including the East side of Grand River and East side of River street North to the Railway, following it to the Grand River; North Ward to comprise all that part of the said Town which North. lies North of the South line of Charlotte street to the Town limits.

V. The Clerk for the time being of the said Village of Paris, shall be *ex officio* Returning Officer and Deputy Returning Officers at first election. Returning Officer for the purpose of holding the first Municipal Election under this Act, and shall, on or before the Twenty-first day of December next after the passing of this Act, by his warrant, appoint a Deputy Returning Officer for each of the four Wards into which the said Town of Paris is hereby divided, to hold the first Election therein; and in the discharge of their duties such Deputy Returning Officers shall severally be subject to all the provisions of the said Upper Canada Municipal Corporations Acts applicable to first Elections in Towns incorporated under the said Acts.

VI. This Act shall be deemed a Public Act.

Public Act.

## CAP. CXLIX.

An Act to authorize the Municipal Council of the County of Welland to raise means to liquidate certain debts and claims against the said County, and for other purposes.

[Assented to 19th May, 1855.]

Preamble.

**W**HEREAS the Provisional Municipal Council of the County of Welland have by their Petitions prayed to be authorized by law to borrow upon the credit of Debentures of the said County, such sum and sums of money as shall be sufficient to liquidate certain debts and liabilities of the said County and to pay certain balances due upon the purchase of the Marsh Lands Tract and for constructing improvements thereon; and also for some further powers in respect to the sale and management of the said Lands; And whereas it is expedient to grant the prayer of the said Petitions: 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, as follows:

The said Council may raise a Loan to pay off debts incurred before 1st February, 1854; subject to certain provisions.

I. It shall and may be lawful for the Provisional Municipal Council of the County of Welland, or their successors, to ascertain and allow the amount of all just debts and legal or equitable liabilities of the said County contracted or incurred prior to the first day of February, one thousand eight hundred and fifty-four, and subject to the restrictions and limitations imposed upon Municipal Councils generally in Upper Canada for passing By-laws for creating debts or contracting loans, to pass a By-law or By-laws to raise a loan for such an amount as shall be sufficient to pay off such debts and liabilities, and to issue any number of debentures, in sums of not less than twenty-five pounds each, which may be necessary and requisite therefor, and to dispose of the same and to apply the proceeds thereof to the purpose for which such loan is hereby authorized.

Lands acquired by the first Provisional Municipal Council, to vest in that now existing.  
12 V. c. 78.

II. The fee simple of any and all lands acquired and held by Deed of Conveyance by the Provisional Municipal Council of the County of Welland, erected such Provisional Municipal Council under the provisions of a certain Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary unions of Counties for judicial and other purposes, and for the future dissolutions of such unions as the increase of wealth*

wealth and population may require, shall be and become vested in the Provisional Municipal Council of the County of Welland, now erected and being such Provisional Municipal Council, their successors and assigns; and it shall be lawful for the said Provisional Municipal Council last named, or their successors, by By-law or By-laws, to sell and convey in fee simple to any purchaser or purchasers whatsoever, and for such sum or sums of money as to such Municipal Council shall seem best, so much and such parts of the said lands as are not now or shall not be required for the uses of the said County, and to apply the proceeds of such sale or sales to the general purposes of the said County.

Council may dispose of such as shall not be required by the County.

III. It shall and may be lawful for the Provisional Municipal Council of the County of Welland aforesaid, or their successors, to pass a By-law or By-laws, subject to the restrictions and limitations imposed upon Municipal Councils generally in like cases, to raise a loan of an amount sufficient to pay off the instalments, with the interest thereon, due and to become due upon a certain mortgage made on behalf of the said Council by John Frazer, Esquire, and others, Commissioners therein named, to Her Majesty the Queen, bearing date the twenty-ninth day of April, one thousand eight hundred and fifty-four, upon the Marsh Lands Tract in the said County, together with the sum of three hundred and twenty-two pounds sixteen shillings, and interest, advanced by the said Commissioners for the benefit of the said County, in part payment of the said tract; and for paying such expenses as shall have been incurred by the said Commissioners and the said Council in the purchase and acquisition of the said tract of land; and to defray the costs and expenses of constructing the drains and other improvements mentioned in the said mortgage and therein required to be constructed, and such improvements in the way of opening roads and drains through the said tract or otherwise as may be thought necessary by such Council; and to issue any number of Debentures payable in sums of not less than twenty-five pounds each which may be necessary and requisite therefor; and to dispose of the same, and to apply the proceeds to the purposes for which such loan is hereby authorized: Provided, firstly, that it shall be lawful for the Commissioner of Public Works for this Province for the time being, to accept from the said Council such an amount of the Debentures in this section authorized to be issued and payable at such time and times as may be agreed upon between the Commissioner of Public Works and the said Council, in payment and satisfaction of the said mortgage, and thereupon to discharge the said mortgage: And provided, secondly, that a certain By-law of the said Provisional Municipal Council, passed on the twelfth day of December, one thousand eight hundred and fifty-four, intituled: *An Act to raise the sum of five thousand pounds by way of loan to pay certain liabilities of the County of Welland on account of the purchase of the marsh lands tract, and to defray the expenses*

Council may raise money to pay off a certain mortgage on the Marsh Lands Tract and other expenses connected therewith

And may issue Debentures therefor.

Proviso

Proviso.

By-law of 12th December, 1854, confirmed.

of necessary improvements thereon, shall have all the effect of a By-law passed under authority of this Act, as if the same had been passed after the passing hereof, any law or statute to the contrary notwithstanding.

Council may convey Marsh Lands to purchasers, and take mortgage for purchase money.

IV. It shall and may be lawful for the said Provisional Municipal Council; or their successors, in such manner and under such regulations as shall be determined by By-law or By-laws to be passed by such Council for the purpose, to sell to any purchaser or purchasers whatsoever, any or all of the said lands more particularly described in a certain indenture of bargain and sale made by the Commissioner of Public Works for this Province to the Provisional Municipal Corporation of the County of Welland aforesaid, bearing date the tenth day of February, one thousand eight hundred and fifty-four, and to convey the same in fee or for a less estate under the corporate seal of such Council, and under the hand of the Warden thereof, the instruments of conveyance to be countersigned by the Municipal Clerk; and to take and hold from the purchaser or purchasers a mortgage or mortgages or other lien upon the lands sold or other lands, to secure payment of the purchase moneys or parts thereof, with such covenants on the parts of the mortgager or mortgagers for the payments of the moneys mentioned therein and interest, and for the execution of such clearing and fencing of the land described in such mortgage or mortgages, and the erection of buildings thereon and otherwise improving the same, and for actual settlement upon and occupation thereof, and such other covenants as shall be in conformity with the terms or conditions of sale which may be established by any By-law or By-laws to be passed as aforesaid: Provided, firstly, that any and all By-laws heretofore passed by the said Provisional Municipal Council providing for the sale of the said lands or parts thereof shall be deemed and taken to be and to have been passed under authority of this Act, and all sales of the said lands and conveyances thereof and mortgages taken by the said Council to secure payment of balances of the purchase moneys of the said lands, are hereby declared to be valid and effectual as if the same had severally been executed after the passing of this Act: And provided, secondly, that the proceeds of all sales of the said lands, with the interest thereon, shall form part of the general funds of the said County, and may be applied in such manner and for such purposes as the Provisional or Municipal Council thereof shall see fit.

Proviso: certain By-laws and Deeds confirmed.

Proviso: how the proceeds of such Lands shall be dealt with.

Council may purchase Cook's Mills and hold or dispose of the same.

V. It shall and may be lawful for the said Provisional Municipal Council or their successors to purchase or acquire and to hold by any title whatsoever for the benefit of the said County, the Mills, Mill Site, Mill Dam and privileges and appurtenances thereof respectively, situate in the Township of Crowland in the said County commonly called "Cook's Mills" upon Lyon's Creek, and in their discretion to remove the said Mills and Mill Dam for the purpose of securing better drainage of the said Marsh Lands Tract, and also to purchase, acquire and hold in like manner any other



other lands, moveable or immoveable property, which in their discretion it may be thought necessary to acquire to facilitate the drainage of the said Tract and the improvement of the same, and such lands, moveable or immoveable property, or parts thereof to sell, when no longer required for the said purpose, and the same to convey to the purchaser or purchasers in such manner as by By-law or By-laws of the said Council shall be determined.

VI. It shall and may be lawful for the said Provisional Municipal Council or their successors from time to time to pass a By-law or By-laws for the preservation, protection and keeping open of the ditches or drains constructed or to be constructed by such Council, and for authorizing and requiring the construction, preservation or keeping open of any other ditches or drains upon Lands in the Townships of Crowland, Humberstone and Wainfleet in the said County, as well the "back ditches" of the Welland Canal and Welland Canal Feeder as other ditches, and for the widening or deepening of the channels of any stream, therein, which may be deemed necessary by the Council to secure the better and more perfect drainage for the said Marsh Lands Tract or other Lands in the said Townships, and for providing for the manner in which the expenses thereof shall be defrayed, either by authorizing and requiring the performance of labor thereon by the owners or occupants of lands adjoining such ditches, drains or streams, or in default thereof, by an assessment or assessments upon such Lands or by an assessment or assessments upon the rateable property of such Townships generally, or such of them or such portions thereof, as shall be most benefitted by such works; and within the limits applicable by law in that behalf to Municipal Councils generally in Upper Canada, to impose penalties for violations of the provisions of such By-laws, and also to appoint from time to time a competent person to be called an Overseer of Drains, to see that such By-laws are faithfully observed, and also to prescribe the duties and provide the remuneration of such Overseer: Provided always, that no assessment or other charge whatever shall be imposed upon the said Welland Canal or upon any lands or other property held by the Board of Public Works of this Province, in the said County, for any of the purposes mentioned in this Act.

Council may make By-laws for keeping the drains on the said Marsh Lands Tract in order.

And impose penalties for infraction of such By-laws and appoint an Overseer.

Proviso.

VII. The map or plan of that part of the Village of Port Colborne situate upon lot number twenty-seven in the first concession of the said Township of Humberstone, surveyed and laid off into village lots under authority of the said Provisional Council by Andrew Hood, Esquire, a Deputy Provincial Land Surveyor, which map is dated the eleventh day of December, one thousand eight hundred and fifty-four, certified by the said Andrew Hood and by the Provisional Warden of the said Council, and entered and registered in the Registry Office of the said County of Welland, on the sixteenth day of the same month of December, shall be deemed and taken to be and to have been registered in conformity with the provisions

A certain map of part of Port Colborne to be held to be duly registered under 12 V. c. 35.

provisions of the forty-second and forty-third sections of the Act twelfth Victoria, chapter thirty-five.

Public Act. VIII. This Act shall have force and effect from the day of the passing thereof, and shall be deemed a Public Act.

### C A P . C L .

An Act to amend the Act authorizing the Town of Dundas to become security to a certain amount, for the Desjardins Canal Company, to the Great Western Railway Company.

[Assented to 19th May, 1855.]

Preamble.  
16 V. c. 54.

WHEREAS under the provisions of the Act 16 Victoria, chapter 54, the Municipality of the Town of Dundas in the County of Wentworth, was authorized to become surety, or to issue Debentures, to the extent of fifteen thousand pounds, for the Desjardins Canal Company to the Great Western Railway Company, for certain improvements, at the passing of the said Act then going on for improving the navigation of that Canal, by means of a cut passing directly through Burlington Heights; And whereas the said Municipal Council, under a By-law No. 72, passed by virtue of the Act above recited, did execute Debentures in the ordinary form, for the amount of Fifteen thousand pounds for the purpose aforesaid, which have not been negotiated or disposed of, and having since the making of the said Debentures, been desirous of obtaining under the provisions of the Act 16 Victoria Chapter 22, commonly known as the Consolidated Municipal Loan Fund Act, the necessary funds to meet their liability to the Great Western Railway Company, have for that purpose passed another By-law No. 88, to which the assent of the rate-payers of the said Town has been duly given, and the conditions and requirements of the Consolidated Municipal Loan Fund Act have in proper form been observed; And whereas doubts have arisen as to the legality of the said last mentioned By-law No. 88, and the proceedings had under it, and it is desirable that effect should be given to the application of the said Municipal Council to obtain assistance under the provisions of the said Consolidated Municipal Loan Fund Act to enable them to meet their liability to the Great Western Railway Company for improvements to the said Canal; And whereas it is desirable that all doubts as to the legality of the said By-laws or either of them should be removed and relief granted: 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,*

By-law cited.

By-law cited.

and for the Government of Canada, and it is hereby enacted by the authority of the same, as follows :

I. From and after the passing of this Act, it shall and may be lawful for the Municipality of the said Town of Dundas to call in, cancel and annul all and every of the Debentures made, executed or issued by them under the said By-law No. 72, for the purpose of raising money, or being treated as security to the Great Western Railway Company, for the purpose hereinbefore recited, and to repeal the said By-law; and the proceedings already had by them under and by virtue of the By-law No. 88, for all the purposes of the said Consolidated Municipal Loan Fund Act, shall be held and taken to be valid and effectual, and not inconsistent with or repugnant to the provisions, spirit and meaning of the said Act 16 Victoria, chapter 54; and it shall and may be lawful for the Governor in Council to approve the said By-law No. 88, so passed by the said Municipality, subject to any requirement provided for in the said Consolidated Municipal Loan Fund Act, which the Governor in Council may demand or deem necessary.

Debentures issued under By-law No. 72, may be cancelled.

Proceedings under By-law No. 88, to be valid.

Governor may approve By-law No. 88.

II. This Act shall be deemed a Public Act.

Public Act.

## C A P. C L I.

An Act to declare the Act confirming a Survey of the Township of Ameliasburgh to extend to the Township of Hillier, which at the time of the said Survey formed part of Ameliasburgh.

[Assented to 19th May, 1855.]

**W**HEREAS an Act was passed during the Session of the Provincial Parliament, held in the thirteenth and fourteenth years of Her Majesty's reign, intituled, *An Act to confirm a certain survey of the Township of Ameliasburgh in Upper Canada*, which confirmed a survey of the aforesaid Township made by Samuel Street Wilmot, a Deputy Provincial Surveyor; And whereas, when the said survey was performed, the Township of Hillier formed part of the said Township of Ameliasburgh, and it was intended by the aforesaid Act to confirm the said survey, as well with regard to that part of the said Township now forming the Township of Hillier, as with regard to that now forming the Township of Ameliasburgh, but doubts have arisen as to whether the aforesaid Act applies to the said Township of Hillier: Be it therefore declared and 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*

Preamble.

13 & 14 V. c. 88.

*Provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby declared and enacted by the authority of the same, as follows :*

The said Act applies to Hillier.

I. The provisions of the Act cited in the Preamble to this Act were intended to apply and do apply to the said Township of Hillier.

Public Act.

II. This Act shall be deemed a Public Act.

## C A P. C L I I.

An Act to determine the manner in which the division or side lines of the Lots in the Township of Wolfe Island shall be drawn.

[Assented to 19th May, 1855.]

Preamble.

12 V. c. 35. **W**HEREAS it appears by the Petition of the Inhabitants and Municipality of the Township of Wolfe Island, in the County of Frontenac, that serious evils would result to the proprietors of the lands in the said Township, if the division or side lines of the lots were drawn parallel to the governing boundaries, as provided by the thirty-seventh section of the Act of the Legislature of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of lands in this Province*; And whereas the said Inhabitants and Municipality have expressed their desire that the division or side lines of the lots in the said Township be drawn from the posts at one front of the concession to the posts bearing the same numbers at the other front thereof, without regard to the course of the base line of the Township, and it is expedient to grant their prayer: 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-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows :

How the side lines in Wolfe Island shall be drawn.

I. For and notwithstanding any thing to the contrary in the thirty-fifth, thirty-seventh and thirty-ninth sections of the Act cited in the preamble to this Act, all the division or side lines of the lots in the said Township shall be drawn from the posts at one front of the concession to the posts bearing the same numbers at the other front thereof.

Public Act.

II. This Act shall be deemed a Public Act.

## CAP. CLIII.

An Act to determine the course of the division or side lines of the Lots in certain Concessions in the Township of Smith.

[Assented to 19th May, 1855.]

**W**HEREAS the owners of land in the Township of Smith, Preamble. in the County of Peterborough, have set forth by their petition, that owing to the Township being nearly surrounded by water, and to the irregularity of the original survey thereof, it is necessary to determine the course on which the division or side lines of the Lots in all the Concessions, except the first three, should be drawn, and have expressed their desire that the course of the said division or side lines of the Lots be established in the manner hereinafter provided, and it is expedient to grant their prayer: 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, as follows:

I. For and notwithstanding any thing to the contrary in the thirty-fifth, thirty-seventh and thirty-ninth sections of the Act of the Legislature of this Province, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors, and the Survey of lands in this Province*, the mean course of that part of the south-western boundary of the said Township of Smith, which constitutes the governing boundaries of the first, second and third Concessions thereof, determined in the manner prescribed in the thirty-ninth section of the Act above cited, shall be and the same is hereby declared to be the course of the division or side lines of the Lots and of any lines required to run parallel with the division or side lines of the Lots, in all the Concessions of the said Township, except the first, second and third, and those fronting on the Centre Communication Road.

Sides lines, except in Con. 1, 2 and 3, and on the Centre Road, to be governed by the mean course of a certain part of the S.W. boundary of the Township.

II. The division or side lines of the Lots, and of any lines required to run parallel with the division or side lines of the Lots, in the Concessions fronting on the said Centre Communication Road, shall be drawn at such angle with the mean course of that part of the south-western boundary of the Township, which constitutes the governing boundaries of the first, How the lines in concessions on Centre Road shall be drawn. second

second and third Concessions thereof, as is stated in the plan and field notes of the said Township, of record in the office of the Commissioner of Crown Lands of this Province.

Public Act. III. This Act shall be deemed a Public Act.

### C A P. C L I V .

An Act to repeal the Act confirming a certain allowance for Road in the Township of Monaghan.

[Assented to 19th May, 1855.]

Preamble.  
16 V. c. 228.

**W**HEREAS owing to an error in the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to confirm a certain allowance for Road in the Township of Monaghan, and to provide for the compensation of persons suffering loss by the confirmation of such allowance*, by which the eastern limit of the said road allowance is declared to be the rear boundary of the Park lots numbered from number one to number ten inclusive, in the twelfth concession of the Township of Monaghan aforesaid, instead of the rear boundary of the Park lots numbered from number one to number twenty inclusive, the Act is inoperative; And whereas the said Act by derogating from the provisions of the general Act, (twelfth Victoria, chapter thirty-five,) in so far as relates to the easterly limit of lot number twelve in the twelfth Concession of the Township of Monaghan and establishing an erroneous limit instead thereof, interferes with the vested rights of the proprietors of the aforesaid lot number twelve in the twelfth Concession, and it is expedient that the Act first above cited be repealed, and that the provisions of the said general Act be left to their operation in the premises: 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, as follows :

The said 16  
V. c. 228, re-  
pealed.

I. The Act first mentioned in the preamble to this Act shall be, and the said Act is hereby repealed.

## C A P. C L V .

An Act to confirm the present boundaries of certain Lots  
in the Township of Winchester.

[Assented to 19th May, 1855.]

**W**HEREAS it appears by the plans and field notes of the original Survey of the township of Winchester, in the County of Dundas, performed by Deputy Provincial Surveyor Lewis Grant, in the year one thousand seven hundred and ninety-eight, that he laid out a commons fifteen chains in width between the eastern boundary of the township and lots number twenty-four in the several concessions he surveyed; And whereas the commons aforesaid has not been laid down on the plan of the township by Deputy Surveyor John Stegmann, who surveyed the third concession, nor on the plan thereof signed Wm. Chewett, Senior, Surveyor, Upper Canada, and dated Williamsburgh, tenth of April, one thousand seven hundred and ninety-four, and on which the entries of the grants of the lots in the said township were made; And whereas it appears by the memorial of certain freeholders, householders and inhabitants of the said township, that owing to the original posts on the concession lines of the township having decayed or having been destroyed, all trace of the commons aforesaid disappeared, and that all the boundaries of the lots in the said township, excepting a few lines recently run in the eleventh concession, have for the last thirty years been established without leaving a commons, in the full assurance that none had been left in the original survey, and in all cases dividing the surplus land according to law; And whereas no part of the said commons has been sold or granted by the Government, and serious injury would be sustained by the proprietors of the lands in the said township, if a re-survey thereof was made, leaving a commons, and it is therefore expedient to comply with the request of the said proprietors by abolishing the said commons: 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, as follows:

I. For and notwithstanding any thing to the contrary contained in the Act of the Legislature of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in this Province*, the aforesaid survey of the said Deputy Provincial Surveyor Lewis Grant of the commons aforesaid, shall

Notwithstanding 12 V. c. 35, the present boundaries of lots in the Township to be valid, and L. Grant's

be

survey set  
aside.

be and the same is hereby set aside, and lot number twenty-four, in each of the concessions of the said township of Winchester, shall extend to and adjoin the allowance for road on the eastern boundary of the township, and the surplus of land in each concession shall be divided in the manner provided in the fortieth section of the Act last before cited.

Public Act.

II. This Act shall be deemed a Public Act.

## C A P . C L V I .

An Act to confirm and establish a certain portion of the original Survey of the Township of Niagara.

[Assented to 19th May, 1855.]

Preamble.

**W**HEREAS the Municipal Council of the Township of Niagara, in the County of Lincoln, have by their Petition represented, that in the original Survey of the said Township, made by Augustus Jones, Esquire, Deputy Provincial Surveyor, the said Surveyor commenced at the East and West line at the Township of Niagara, and ran along the River to the Township of Stamford, leaving an allowance for Road between every second Lot, and that many of the said Roads are now opened and used in accordance with the original Survey, but that notwithstanding the said Survey, it happened at the time the Letters Patent from the Crown for the land in the said Township were issued, that the Lots were numbered from the said Township of Stamford to the East and West line of the said Township of Niagara, the effect of which would be to establish the road allowance between other Lots than those between which they were established by the original Survey; And whereas the said Municipal Council have prayed that the said allowances as originally surveyed from the said East and West Line, to the Queenston and Grimsby Macadamized Road, lying between Lots Numbers Three and Four in the First Concession of the said Township of Niagara, may be confirmed, and it is expedient to grant 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, as follows:

Allowances  
for Roads con-  
firmed accord-  
ing to original  
survey.

I. The said allowances for roads as laid out and established by the said original Survey, shall be and the same are hereby declared to be the true and unalterable allowances for roads between the said East and West Line and the said Queenston and Grimsby Macadamized Road in the said Township of Niagara; any thing in any Letters Patent to the contrary notwithstanding.

II.



II. It shall be the duty of the said Municipal Council for the said Township of Niagara, within six months from and after the passing of this Act, to cause permanent stone monuments to be planted, under the direction of a Deputy Provincial Surveyor, at the several angles of the several alternate Lots between the said East and West Line and the said Queenston and Grimsby Macadamized Road, at the points of intersection of the said Lots with the road allowances of the said Township so established as aforesaid, as nearly as may be in the exact position intended by the said original Survey; and it shall be lawful for the said Municipal Council to impose and levy a rate upon the inhabitants of the said Township interested in the confirmation of the said Survey, or upon such of them and their property as the said Council may deem just and right, to defray the expenses of establishing the said Survey and of planting the said monuments; and a map and report of the Surveyor who shall be employed by the said Municipal Council for the purpose aforesaid, shall be lodged by him as a public record in the Office of the Commissioner of Crown Lands, and a copy thereof shall also be deposited in the Registry Office of the said County of Lincoln.

Stone boundaries to be placed at the angles of the lots adjoining the said allowances of Roads, according to the original survey.

Costs and deposit of plan.

III. From and after the time when the said Survey so to be made under the direction of the said Municipal Council shall have been approved of and accepted by them, the allowances for roads as reserved and established by the original Letters Patent from the Crown, shall be and remain for ever thereafter closed up, and whenever the same shall adjoin the Lands of any person or persons from whom any Land may be taken under the provisions of this Act for the purpose of opening and establishing the Road allowances according to the original Survey, the same or so much thereof as shall be equal in quantity to the Land so taken, shall immediately vest in and become the property of such person or persons, his or her heirs and assigns, and shall be accepted and received by him, her or them in lieu of and as full and ample compensation therefor.

Allowances for Roads mentioned in Letters Patent to be closed up; in whom the land shall be vested.

IV. When any person or persons whose Land shall be so taken as aforesaid, shall not receive an equivalent in Land under the provisions of the next foregoing section of this Act, it shall and may be lawful for the Municipal Council of the said Township, out of any funds in their hands belonging to the said Township, to remunerate such person or persons for the Land and buildings which shall be so taken for the purposes aforesaid; and in the event of the parties not being satisfied with the amount proposed to be paid by the said Municipal Council, it shall be the duty of the said Council to select an Arbitrator and the owner of the land shall select another, and the Judge of the County Court of the County of Lincoln shall name a third Arbitrator, and the three Arbitrators so chosen shall proceed to determine the value of the Land, first giving to each of the parties interested, eight days' notice of the time and place

Parties whose land will be taken for Roads under this Act, and who shall not receive an equivalent in land, to be paid in money by the Municipality; how such compensation shall be determined and paid.

place of meeting ; and the said Arbitrators shall have power to summon witnesses, and to swear them, and having heard them on oath, the said Arbitrators, or any two of them, shall make their award in writing under their hands, and they shall determine and adjudge by whom the costs attending such award shall be paid, and such award is hereby declared to be final and conclusive between the said parties.

Public Act. V. This Act shall be deemed a Public Act.

## C A P. C L V I I .

### An Act to authorize Investigations in cases of Accident by Fire in Quebec and Montreal.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it is highly desirable that the cause or origin of every Fire, by which any house or other building, in either of the cities of Quebec or Montreal, is either wholly or in part consumed, should be ascertained, in order to the adoption of such measures as may be required for the purpose of diminishing the frequency of such Fires : 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, as follows :

Inspector and Superintendent of Police to inquire into the origin of every fire.

Power to examine on oath.

I. That it shall be the duty of the Inspectors and Superintendents of the Police for the cities of Quebec and Montreal respectively, whenever any Fire shall occur, whereby any house or other building, in such cities respectively, shall be wholly or in part consumed, to institute an inquiry into the cause or origin of such Fire ; and for that purpose they are hereby authorized and required to summon and bring before them all persons whom they may deem capable of giving information or evidence touching or concerning such Fires, and to examine such persons under oath, and to reduce their examinations to writing and return the same to the Clerk of the Peace for the District within which the same may be taken respectively.

To inquire whether fire was accidental or otherwise.

II. Such Inspectors and Superintendents of the Police shall inquire into the cause or origin of the Fire, and whether the same was kindled by design or was the result of accident or of negligence, and shall act accordingly.

Power to compel the attend-

III. If any person, summoned to appear before an Inspector and Superintendent of the Police, in virtue of this Act, shall neglect

neglect or refuse to appear at the time and place specified in the Summons, or if any person, appearing in obedience to any such Summons, shall refuse to be examined or to answer any question that may be put to him in the course of his examination, it shall be lawful for such Inspector and Superintendent of Police to enforce the attendance of such person, or to compel such person to answer, as the case may require, by the same means as are used by him for such purposes in other cases.

## C A P . C L V I I I .

## An Act to alter and extend the limits of the Quebec Circuit.

[Assented to 30th May, 1855.]

**W**HEREAS it would be much more convenient to the inhabitants of the Parishes of St. Michel, St. Vallier and St. Raphael in the County of Bellechasse, that they should be detached from the St. Thomas Circuit and included in the Quebec Circuit: 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, as follows:

I. Upon, from and after the first day of July one thousand eight hundred and fifty-five, the said Parishes of St. Michel, St. Vallier and St. Raphael, in the County of Bellechasse, shall cease to form part of the St. Thomas Circuit, and shall be attached to and make part of the Quebec Circuit, and so much of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the laws relative to the Courts of original civil jurisdiction in Lower Canada*, as includes the said Parishes in the St. Thomas Circuit, shall be repealed: Provided always, that all suits and proceedings commenced in the St. Thomas Circuit before the day last aforesaid, may be continued to final judgment and all proceedings in such actions after judgment may be had in the St. Thomas Circuit, as if this Act had not been passed.

Preamble:

On and after 1st July, 1855, the Parishes of St. Michel, St. Vallier and St. Raphael to be detached from the St. Thomas and added to the Quebec Circuit.

Proviso.

## CAP. CLIX.

An Act to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town.

[Assented to 30th May, 1855.]

Preamble.

3 & 4 V. c. 35. 4 V. c. 31. 8 V. c. 60. 9 V. c. 22.

**W**HEREAS it has become expedient and necessary to amend and consolidate the provisions contained in a certain Ordinance of the Legislature of the Province of Lower Canada, made and passed in the Session held in the third and fourth years of Her Majesty's Reign, intituled, *An Ordinance to incorporate the City and Town of Quebec*; and in a certain other Ordinance of the Legislature of the said Province, made and passed in the fourth year of Her Majesty's Reign, intituled, *An Ordinance to amend the Ordinance to incorporate the City and Town of Quebec*; and also in a certain Act of the Legislature of this Province, made and passed in the eighth year of Her Majesty's Reign, intituled, *An Act to amend the Ordinances incorporating the City of Quebec*; and also in a certain Act of the Legislature of this Province, made and passed in the ninth year of Her Majesty's Reign, intituled, *An Act further to amend the Ordinances incorporating the City of Quebec, and for other purposes*, and to vest more ample powers in the Corporation of the said City and Town: 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, as follows :

Inhabitants of Quebec to remain incorporated.

Corporate name and powers.

I. The inhabitants of the said City and Town of Quebec, and their successors, inhabitants of the same, incorporated under the said Ordinance herein first mentioned, shall continue to be and shall be, as provided in and by the said Ordinance herein first mentioned, a body corporate in fact and in name, by and under the name, style and title of *The Mayor, Councillors and Citizens of the City of Quebec*, and as such shall have perpetual succession and a common seal, with power to break, renew, change and alter the same at pleasure, and shall be capable of suing and being sued, and of impleading and being impleaded in all Courts of Law and Equity, and other places, in all manner of actions, causes and matters whatsoever, and of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, moveable and immoveable estate, and of granting, selling, alienating, assigning, demising and conveying the same, and of entering into and becoming

becoming a party to contracts, and for granting and accepting any bills, bonds, judgments, or other instruments or securities for the payment or securing of the payment of any money borrowed or lent, or the performance or securing the performance of any other duty, matter or thing whatsoever.

II. As well the tract of land which in and by a certain Proclamation of His Excellency Sir Alured Clarke, Lieutenant Governor of the Province of Lower Canada, issued under the Great Seal of the said Province, and bearing date the seventh day of May, in the year of our Lord one thousand seven hundred and ninety-one, is described as being comprehended within the City and Town of Quebec, and which it was declared by the said Proclamation should be thenceforward called by that name, as well as all land extending to low water mark of the River St. Lawrence, in front of the said City and Town, together with the bed of the River St. Charles, opposite the said City, adopted at high water mark of the northern side of the said River, from the prolongation of the line from St. Ours Street, to the westerly line of the Nuns of the Hotel-Dieu's farm, thence, running southward, along the said line about five hundred and fifty feet, to the southern extremity of a pier erected on the said farm, at low water; Thence, running due East, about eight hundred feet, to the intersection of the line limiting the Beach grants of the Seignior of Notre-Dame Des Anges, at low water; and finally, thence, along the said Beach line, running North forty degrees East, to the intersection of the prolongation of the Commissioners' line for the Harbour of Quebec, and thence, following the said Commissioners' line, to the westerly line of the City,—shall, from and after the passing of this Act, constitute and be and be called the City of Quebec: And all wharves, piers, and other erections, made or to be made in the said River St. Lawrence opposite to or adjoining the said City and Town, though beyond the low water mark of the said River, and extending as far as the aforesaid Commissioners' line, and beyond the same, should it be hereafter extended, shall be held and considered to be within the limits of the said City.

Boundaries of  
the City of  
Quebec.

III. For the purposes of this Act, the said City of Quebec shall be and is hereby divided into eight wards, to be called respectively, St. Lewis Ward, Palace Ward, St. Peter's Ward, Champlain Ward, St. Roch's Ward, Jacques Cartier Ward, St. John's Ward and Montcalm Ward.

City divided  
into Wards.

IV. The boundaries and limits of the said Wards shall be as follows, that is to say:

Boundaries of  
Wards.

1st. Saint Lewis Ward shall comprise all that part of the Upper Town within the fortifications, and south of a line drawn from Prescott Gate to St. John's Gate, along the middle of Mountain

St. Lewis  
Ward.

Mountain Street, Buade Street, Fabrique Street, and St. John's Street ;

Palace Ward. 2nd. Palace Ward shall comprise all that part of the Upper Town within the fortifications, and not included in St. Lewis Ward ;

St. Peter's Ward. 3rd. Saint Peter's Ward shall comprise all that part of the Lower Town, bounded on the south by a line drawn in the middle of Sous-le-Fort Street, and prolonged in the same direction to low water mark in the River St. Lawrence at the one end, and to the cliff below the Castle of St. Lewis at the other, and on the west by the eastern limits of the Parish of St. Roch, together with all wharves, piers and other erections opposite to this part of the Lower Town, although built beyond the low water mark in the said River ;

Champlain Ward. 4th. Champlain Ward shall comprise all that part of the Lower Town lying between St. Peter's Ward and the limits of the said City, together with all wharves, piers, and other erections, opposite to this part of the said Lower Town, although built beyond the low water mark in the said River ;

St. Roch's Ward. 5th. Saint Roch's Ward shall comprise all that part of the Parish of St. Roch which lies within the limits of the said City of Quebec, on the north-west side of a line drawn in the middle of St. Joseph Street, from one end to the other ;

Jacques Cartier Ward. 6th. Jacques Cartier Ward shall comprise all that part of the Parish of St. Roch which lies within the limits of the said City of Quebec not comprised in St. Roch's Ward ;

St. John's Ward. 7th. Saint John's Ward shall comprise all that space bounded by Jacques Cartier Ward, the fortifications, the limits of the said City on the west, and a line drawn in the middle of St. John Street from St. John's Gate to the western limits of the City ;

Montcalm Ward. 8th. Montcalm Ward shall comprise all that space bounded by the fortifications on the east, and on the west by the City limits, on the north by St. John's Ward, and on the south by the *Côte du Cap* of the St. Lawrence.

Mayor and Councillors to be elected. V. There shall be elected, from time to time, in the manner hereinafter mentioned, one fit person, who shall be and be called the Mayor of the said City of Quebec, and a certain number of fit persons who shall be and be called Councillors of the said City, and such Mayor and Councillors for the time being shall be and be called the Council of the said City.

Qualifications for Councillors and Assessors. VI. No person shall be capable of being elected a Councillor of the said City of Quebec, unless he shall have been a resident

resident householder within the said City for one year next before such election, nor unless he shall be seized or possessed to his own use of real or personal estate, or both, within the said City, after payment or deduction of his just debts, of the value of five hundred pounds currency; and no person shall be capable of being appointed an Assessor for the said City unless he be seized or possessed to his own use of real or personal estate, or both, within the said City, after payment of his just debts, of the value of two hundred and fifty pounds currency.

VII. No person shall be capable of being elected Mayor or Councillor of the said City of Quebec, or of voting at any election of City Officers, who shall not be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years; nor shall any person be capable of voting or being elected at any such election who shall have been attainted for treason or felony in any Court of Law within any of Her Majesty's Dominions.

Mayor or Councillor to be a subject of Her Majesty, &c.

VIII. No person being in Holy Orders, or being a minister or preacher of any dissenting religious sect, nor any Judge or Judges, clerk or clerks of any Courts, or any Member of the Executive Council, or any person accountable for the City revenue, or receiving any pecuniary allowance from the City for his services, nor any officer or person presiding nor any clerk or assistant employed by him at any such election, while so employed, shall be capable of being elected a Councillor for the said City.

Parties incapable of being elected Councillors.

IX. The Councillors of the said City of Quebec, at the periods hereinafter mentioned, shall be chosen by the majority of votes of the qualified electors within the wards for which such election shall be had, and no others than the persons having the qualifications in this clause mentioned shall have a right to vote, that is to say:

Councillors to be chosen by votes of qualified electors.

All persons aged twenty-one years and upwards, who are assessed and have paid their assessment at least one month before the election, for the financial year immediately preceding an election of a City Councillor and Assessor, shall have a vote at such election, including co-proprietors and usufructuaries.

Who shall be Electors.

X. Every voter shall vote in the Ward in which he is assessed unless he be qualified to vote in more than one Ward, then in the Ward in which he shall reside; and each voter qualified to vote in one Ward only shall vote in such Ward, and when such voter shall be qualified to vote in more Wards than one and shall reside without the limits of the City, he shall declare at least one month before the election, in which Ward he wishes to vote, and in default he shall not be

In what Ward each Voter shall vote.

permitted to vote at the next election ; and no person shall be permitted to give more than one vote in any case.

Assessors to make out yearly a list of Voters.

XI. And whereas provision for the Registry of Voters has been found equitable and convenient, Be it enacted, That before the first day of November in every year, the Assessors hereinafter mentioned shall make out from the last Assessment Roll, an alphabetical list of the Voters qualified to vote at the election of Councillors in each Ward, to be called "The Voters' List," to which they shall add the names of all such persons, not on the said Assessment Roll, as they know are then entitled to vote at such election, according to the provisions of this Act, and the said Assessors shall sign such list, certifying that it is correct to the best of their knowledge and belief, (and shall also keep a true copy thereof,) which list they shall deliver to the City Clerk, to be by him submitted to the Board of Revisors.

They shall certify it, &c.

List to be kept open at City Hall.

XII. The said list shall be kept in the City Hall for the examination of all concerned, at reasonable hours, from the first to the fifteenth day of November inclusive, of which fact the City Clerk shall give immediate public notice, either by printed placards or by advertisement in not less than one newspaper published in the English language, and one published in the French language, in the said City ; and any person who shall claim to be added to the said "Voters' List," or any Elector who shall desire to have any name erased therefrom, shall prefer his request in writing, signed with his name, stating the Ward to which he belongs, and shall cause the same to be delivered to the City Clerk on or before the said fifteenth day of November.

Claims of persons to be entered on it may be filed.

Boards of Revisors to be constituted : how appointed.

XIII. At their last Quarterly Meeting in every year, after the passing of this Act, the City Council shall choose from among their own number four Members of the said Council, who, together with the Mayor for the time being, shall be and constitute a Board of Revisors, any three of whom shall be a quorum, to revise the said Voters' List, and decide according to the best of their judgment upon the claims previously made as aforesaid for the insertion or omission of names in or from the said List ; and the Mayor, or in his absence such person as the other Members of the Board shall choose at the meeting, shall preside at such meeting of the Board, and such Board shall, on their first day of meeting, be duly sworn by a Justice of the Peace for the District of Quebec, well and impartially to perform their duties as such Revisors ; and the said Board shall give public notice before their first day of sitting, of the order in which they will take up the Lists of the several Wards ; and they shall meet on the twentieth day of November or on the day following if that day be a holiday, at ten o'clock in the forenoon, for the purpose of hearing persons concerned in making the said claims or their duly constituted attorneys and deciding upon

President. To be sworn.

Notice of Sitings.

Meetings of Board.

upon



upon them, and shall adjourn from day to day until all the Voters' Lists are revised and settled; and the Mayor or person presiding at the said Board for the time being, shall have power to examine persons upon oath respecting the said claims and all matters connected with the revision of the said Lists; and the said Board, after hearing the best evidence of which the cases will admit, shall, and they are hereby required to decide upon and make the necessary additions and erasures to or from the said Voters' Lists in relation to the applications before them; and the said Board shall also have power to correct any mistake, or supply any incidental omission made by the Assessors in the said Lists; and the said Lists, so revised and settled, shall be signed by the presiding officer of the said Board, and sealed with the City Seal, and shall be the only correct Voters' Lists: Provided always, that the said Lists shall be finally completed before the tenth day of December: And provided also, that no person's name shall be erased from any of the said Lists without his being informed of the claim to that effect, and having an opportunity to be heard in reference thereto.

Examining  
persons on  
oath.

Correction of  
Lists.

Corrected  
Lists to be  
signed, &c.

Proviso.

XIV. The Voters' List for each Ward, when so settled and signed, shall be again placed and kept in the City Hall until after the close of the elections, and shall then be filed in the office of the City Clerk; and every person whose name shall appear in such Ward List, and who shall produce a certificate as hereinafter mentioned, shall be entitled to vote at the election for a Councillor or Councillors, as the case may be, for such Ward, without any further inquiry as to his qualification, and without taking any oath other than that he is the person named in such List, and has not before voted at such election, which oath the Mayor, or any Councillor of the said City, is hereby required and authorized to administer.

Corrected Vo-  
ters' Lists to  
be filed with  
City Clerk.

Certificate to  
entitle any  
person to vote.

XV. On the application of any person whose name shall be on the Voters' List for any ward, at any time on and after the fifteenth day of the said month of December, and until the close of the said elections, the City Clerk shall deliver to such person a certificate signed by him, that the name of such person is on the Voters' List for such Ward, and that he is entitled to vote at the election to be held for a Councillor or Councillors for such Ward, and such certificate shall be deposited by the voter in the City Hall, in the manner hereinafter provided; and no person shall be entitled to vote at the election without producing and delivering such certificate, although his name be on the Voters' List for the Ward.

Certificate to  
be delivered to  
Voters on his  
application.

No one to vote  
without certi-  
ficate.

XVI. Public notice shall be given by the City Clerk, in both languages, and in at least one newspaper published in the English language, and in one published in the French language in the said City, of the time when the elections will be held, and the said certificates may be deposited in the City Hall; such notice being given at least three days before the election.

Notice of pe-  
riod for elec-  
tion.

election to which it shall refer ; but no want of or defect in such notice, shall vitiate any election.

Election of  
Councillors to  
be made year-  
ly, and how,  
Election  
Books.

XVII. The election of Councillors aforesaid shall annually take place and be held in manner following, to wit : The Corporation of the said City shall cause Books to be prepared, in which shall annually be entered and recorded the names of all persons who, being qualified to vote at the said elections, shall produce and deposit their certificates of qualification in the City Hall of the said City, at any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, from the fifteenth day of the month of December, until Thursday intervening between the first and second Mondays in the month of January in each year, both days inclusive ; the said certificate shall be prepared and made out on a sheet of paper, having two leaves thereto, on the inner one of which shall be printed or stamped, blank lines followed by the words, " For Councillor in the Ward," printed or stamped as follows, to wit :

Form of certi-  
ficate.

For Councillor in the	Ward.
For Councillor in the	Ward.
For Councillor in the	Ward.

Filling up cer-  
tificates.

The party entitled to the said Certificate, and desirous of voting, shall fill up the said blanks, or if unable to write, shall cause the same to be filled up in the presence of two subscribing witnesses, with the names of those persons for whom he may desire to vote, and whom he may wish to have elected Councillor or Councillors, as the case may be, for the Ward in which he is entitled to vote ; The holders of the said Certificates being the parties named therein, may produce the same to the City Clerk of the said City, in the City Hall thereof, at any time within the hours and periods hereinafter specified, and after entry made by the City Clerk of the name of the said Voter, and the date of the production of the said certificate, the holder thereof being the party named therein as aforesaid, may deposit the said Certificate in a suitable and closed box, in the said City Hall, labelled with the name of the Ward in which the said party may be entitled to vote, of which description of box, appropriately labelled, the said Corporation shall furnish one for each Ward of the said City ; At the time of producing and depositing the said Certificate, the said Voter shall be under no necessity of declaring or making known for whom he may vote as Councillor, and no entry or record of the party or parties voted for shall be made by the City Clerk, but only an entry of the name of the party voting and of the date when he shall produce and deposit as aforesaid his said Certificate and vote ; It shall be lawful for the Mayor, or for any Councillor of the said City, to administer the oath prescribed in the fourteenth Section of this Act, to any party producing a Certificate of Qualification, and claiming the right to deposit

Production  
and deposit of  
certificates in  
the proper  
boxes.

Voter need not  
make known  
for whom he  
votes.

May be sworn.

the same and vote at the said election ; And it shall be imperative on the said Mayor and on each and every Councillor of the said City, to administer the said oath, upon the requisition to that effect, of any duly qualified Voter in the said City, and likewise in all cases where doubts are or may be entertained of the identity of the party desirous of voting ; and any person who shall swear falsely upon the said oath being administered to him, shall be guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence. The said eight Boxes (one for each Ward) shall severally be locked with five locks each ; each lock shall be different from the others, and shall be opened with a key of a different construction from the keys of any other of the said locks, so that no two of the said locks may be opened with the same key ; and the keys of the said locks shall be given in custody to the Board of Revisors appointed by the Council, each of whom shall keep one key, so that the said Boxes cannot be opened unless in the presence of all the Members of the said Board ; Immediately after the said Thursday intervening between the first and second Mondays in January, the said Board of Revisors shall meet in the City Hall, shall open the said Boxes, and shall cause the entries and record of the City Clerk in the said Books to be perfected, by entering and recording in the said Books the names of the persons for whom each Voter shall or may vote, to be elected Councillor or Councillors as aforesaid ; And the said Board of Revisors shall ascertain and report to the Council of the said City, at its next Meeting the total number of votes given for the Candidates for the office of Councillors, and for whom the greatest number of votes shall have been given, in each of the said several wards ; And the said Council shall, after examination of the said Books, Certificates and Report of the said Committee, thereupon declare the parties having the greatest number of votes to be elected Councillors of the said City ; and in case of an equality of votes, the said Council shall determine which of the parties having the said equality shall be elected to office : Provided, That the newly elected Members, respecting whose election there is no question, shall, if present, be first sworn in, that they may vote in the said cases of equality of votes, if desirous of so doing ; and the said Councillors elect shall afterwards respectively take the oaths prescribed by this Act ; and the said Books, with the names of the said Voters, and the names of the parties for whom they have respectively voted, together with the Certificates produced and deposited by the said Voters, shall remain in the office of the City Clerk, where they shall be open to inspection by any Elector on payment of one shilling.

Must be sworn in in certain cases.

False swearing to be perjury.

Boxes for deposit of certificates to be locked.

Keys, how kept.

Opening the boxes and recording votes.

Report of Revisors.

Council to declare the Candidates elected.

Proviso : Newly elected Members to be sworn in, and may vote.

Books, &c., to remain in office of City Clerk open to inspection. Fcc.

XVIII. Provided always, that in the event of decease or absence from illness, or otherwise, of any one or more of the members of the said Board of Revisors, the Council shall appoint from among themselves, other Revisors in the stead of those

Proviso for case of absence of one or more Revisors.

those who shall be so deceased, or absent as aforesaid, which said Revisors so appointed shall be sworn in the same manner as those in whose stead they shall be so appointed, and any member who shall be so appointed in the stead of the absent Revisor, shall only act as such for the purposes of the Election which shall be then going on; but if the Council shall be unable to appoint such other Revisors in the stead of those who shall have so deceased, or be absent as aforesaid, then it shall be lawful for the remaining members of the said Board to perform all the duties in and by this Act declared to be done by the said Board of Revisors.

Their absence not to vitiate proceedings.

Penalty on Revisor refusing to perform his duty.

**XIX.** If any Revisor appointed under the provisions of this Act shall neglect or refuse to perform any of the duties required of him, under the next preceding sections, he shall incur a penalty of two hundred pounds currency.

Representation of Wards in Council.

**XX.** The said several wards shall be represented in the Council of the said City, by three Councillors.

How and when Candidates for Councillors shall be nominated.

**XXI.** On the first Monday in December which will be in the year one thousand eight hundred and fifty-five, the qualified electors shall openly assemble in the several wards aforesaid, and nominate from the persons qualified to be Councillors, one or more fit and proper person or persons to be Councillor for each of the said wards, to supply the places of those who shall then be about to go out of office: and on the first Monday in December in each succeeding year, the qualified electors aforesaid shall openly assemble in the several wards aforesaid, and nominate from the persons qualified to be Councillors for each of such wards, fit and proper persons to supply the places of those who shall then be about to go out of office: Provided always, that if the day so appointed for such nomination shall in any year happen to be a holiday, such nomination shall take place on the day following.

Proviso.

No Councillor to sit for more than one Ward.

**XXII.** If at any election of a Councillor or Councillors as aforesaid, any person shall be elected a Councillor for more than one ward of the said City, he shall within three days after notice thereof from the City Clerk, make his option, or on his default the Mayor of the said City shall declare for which one of the said Wards such person shall serve as Councillor, and thereupon such person shall be held to have been elected in that ward only.

Option if elected for more than one.

Certain fines payable in case of refusal to accept office.

**XXIII.** Any and every Councillor so appointed under the provisions of this Act, who shall refuse or neglect to accept such appointment, or who shall refuse or neglect to perform the duties resulting from such appointment, or any one or more of those duties, shall pay to the Treasurer of the said City a fine of fifty pounds currency: and every Councillor so appointed under the provisions of this Act shall accept such

such appointment by serving a notice in writing to that effect upon the City Clerk, within forty-eight hours after notice given to him of his appointment by the Clerk of the said City ; if such appointment be not accepted, or if the duties thereof be not fulfilled within the proper time, a new appointment may be made by the Mayor, or in case of a vacancy in the office of Mayor, by the Council of the said City ; and after such new appointment shall have been made either by the Mayor or Council, but not before, the appointment previously made of the Councillor in default shall be void and of no effect ; Provided always, that the neglect of any Councillor to accept such appointment in writing as aforesaid, if he in other respects discharge the duties resulting from such appointment, shall not invalidate any act or thing done by him under such appointment, although such neglect shall subject the party so in default to the penalty aforesaid ; Provided always, that such appointment by the Mayor or Council shall only be valid until the next annual election, when the vacancy shall be filled up in the usual manner by the electors.

Notice of acceptance.

Proviso.

XXIV. Each and every person who shall at an election of a Councillor or Councillors, to be had as aforesaid, wear or carry any flag, ribbon or cockade, or other badge or mark whatever, to distinguish him or them as supporting any particular candidate or candidates at such election, or who shall by violence, menace or malicious practice, or in any manner or way whatsoever, impede or disturb or thereby endeavour to impede or disturb any election, or thereby prevent or endeavour to prevent any elector or electors from giving his or their votes at the same according to his or their wish or desire, shall, on conviction thereof, forfeit and pay the sum of twenty-five pounds current money of this Province for every such offence, or in default of such payment shall be committed to prison for three months.

All party badges or marks forbidden at such elections.

Penalty in case of contravention.

XXV. Every Councillor or other person holding any such election, shall have power and authority to maintain and enforce order, and keep the peace at the election held by him, and all officers and non-commissioned officers of militia, constables and other peace officers, and also all others Her Majesty's subjects, within the limits of the ward of the City for which such election is held, or who shall be present thereat, are hereby required to be aiding and assisting him therein ; and if any person or persons shall commit violence, or be engaged in any affray or riot, or be armed with clubs, staves or other offensive weapons, or wear or carry any flag, ribbon or cockade or other badge or mark whatsoever, to distinguish him or them as supporting any particular candidate or candidates, or in any wise disturb or threaten to disturb the peace or order at any such election, or wilfully prevent or endeavour to prevent any elector or person from coming to vote thereat, or in any wise interrupt the poll or the business thereof, the said Councillor

Councillor holding any election to maintain order.

Parties breaking the peace or guilty of certain other offences may be committed to jail.

Councillor or other person holding any such election shall have power and authority, on view or on the oath of one credible witness (which oath the said Councillor or other person holding such election is hereby authorized and empowered to administer,) to arrest or confine or commit to prison any such person or persons so offending, by an order in writing directed to any officer of militia or any peace officer within the limits of the place for which such election is held, or to the Gaoler of the District of Quebec, which order such officer of militia, peace officer or gaoler is hereby required and commanded to obey, under a penalty not exceeding twenty-five pounds current money of this Province for disobedience thereto; Provided the time of such arrest, confinement or imprisonment, shall not exceed twenty-four hours; And provided also, that no such arrest, confinement or imprisonment, shall in any manner exempt the person or persons so arrested, confined, imprisoned or detained, from any of the pains and penalties to which he or they may be liable for any thing done contrary to the true intent and meaning of this Act.

Proviso.

Proviso.

Regulations for the duration of present offices of the Corporation.

Who shall retire in 1856.

Proviso as to St. John's Ward.

Proviso as to vacancies not arising from expiration of term of service.

Proviso.

XXVI. The Mayor and Councillors of the City of Quebec, who shall be in office when this Act shall come into force, shall continue in office until required to go out of office under the provisions of this Act; and the person who shall so be the Mayor of the City of Quebec at the time this Act shall come into force, shall continue in office until his successor in the said office of Mayor shall have been appointed and sworn in, according to the provisions of this Act; and on the third Monday in January, in the year eighteen hundred and fifty-six, and on the third Monday in January in each succeeding year, those members of the Council for each ward respectively, shall go out of office who shall have been members thereof for the longest time without re-election; Provided always, that at the next ensuing election of Councillors for the said City for St. John's Ward, the Councillor who had the least number of votes at the election in the year eighteen hundred and fifty-two shall go out of office at the next election, to be held on the third Monday in January, in eighteen hundred and fifty-six, and the Councillor having the lowest number of votes at the election in eighteen hundred and fifty-three shall go out of office at the election to be held on the third Monday in January, eighteen hundred and fifty-seven; and at all ensuing annual elections, when two or more Councillors in each ward have been elected the same day, the Councillor having the lesser number of votes shall go out of office first: Provided also, that if on the third Monday in January, eighteen hundred and fifty-six, or in any subsequent year, there shall be a vacancy or vacancies in the office of any member or members of Council for any ward, who would not, under the provisions of this Section, have gone out of office on that day, then a member or members of the Council shall be elected for the ward to fill such vacancy, as well as in the place of the member who shall then go out of office under the provisions of this Section; And provided further that any member going out of office, may be re-elected, if then qualified, according to the provisions of this Act; And if in any year

year the third Monday in January be a holiday, all that by this Section is ordered to be done on that day, shall be done on the following day.

**XXVII.** There shall be in each year four quarterly Meetings of the said Council, which shall be held on the following days, that is to say : on the second Monday in the months of March, June, September and December, in each and every year, and the said meetings shall not at any one time be held for a longer period than three days successively, in which holidays shall not be included; Provided that if the said Monday be a holiday, the meeting shall take place on the day following.

Four quarterly Meetings of the Council to be held yearly.

Proviso.

**XXVIII.** At the first Quarterly or Special Meeting of the said Council after the election of members thereof, in the year of our Lord one thousand eight hundred and fifty-six, and in each succeeding year, the said Councillors shall elect out of the members thereof, a fit and proper person to be Mayor of the said City, who shall continue in office as Mayor until his successor in the said Office of Mayor shall have been appointed and sworn in; and in case a vacancy shall occur in the office of Mayor by reason of any who shall have been elected to that office not accepting the same, or by reason of his dying, or ceasing to hold the said office, the said Council shall, at the first General or Special Meeting of the said Council after such vacancy, elect out of the members of the Council another fit person to be Mayor for the remainder of the period for which the Mayor whose place is to be supplied was to serve.

At first quarterly Meeting in each year, Councillors to elect a Mayor.

Casual vacancy how filled.

**XXIX.** Whenever and so long as the Mayor of the said City may be absent from the said City, or from sickness be incapable of discharging the duty of Mayor of the said City, the said Council shall elect from any Members of the Council of the City, one who shall, during such absence or sickness of the Mayor of the said City, have all the power, authority and rights, vested by law in the Mayor of the said City, and shall, during any and every such absence or sickness of the said Mayor, discharge and perform all the duties imposed by law on the said Mayor of the said City; and whenever and so often as a vacancy shall occur in the office of Mayor of the said City, the said Council shall elect from any members of the said Council one who shall during such vacancy act as Mayor of the said City, and shall, until such vacancy be filled up, have all the authority, power and rights, vested by law in the Mayor of the said City.

When the Mayor is incapable of discharging duty, Council to appoint a substitute for the time being.

**XXX.** At any quarterly or special meeting of the said Council after the election of Members thereof, in the year of our Lord one thousand eight hundred and fifty-six, and in each succeeding year, the said Council shall appoint as many Assessors for the said City, not exceeding eight in number, as may be necessary, and the said Council may grant the said Assessors such remuneration for their services as the said Council may deem fitting; and the said Council may order and determine in what and how many Wards the said Assessors

Council to appoint Assessors, and when and how.

Assessors

Duties of Assessors.

How property shall be valued.

Vacant lots to be assessed at full value.

Assessors to take an oath of office.

The oath.

Assessments need not be made at any particular time of the year.

Assessors shall act, and if they see fit, that the Assessors to be appointed shall act as such throughout the whole city limits; and it shall be the duty of the said Assessors to make the assessments, to assess all property, and to make returns of all persons liable to pay any rate, duty, tax or impost for or by reason of any cause whatsoever, in the said City, in like manner as the same has been hitherto done in the said City; and the said Assessors shall not hereafter, in the performance of the duties vested in and imposed upon them by law, base their proceedings, estimate, or assessment of property, on a fancied value or rental thereof as has heretofore often been done, but they, the said Assessors, shall be, and they are hereby required to determine the assessment to be made by them on all such property, upon the actual and *bonâ fide* rent thereof, if the said rent be a fair and equitable one, and proportionate to the value of the property, but if otherwise, then on the interest of the actual value of the property assessed; and where property to be assessed is in the occupation or possession of the proprietors thereof, the said Assessors shall be, and they are hereby required to determine the assessment to be paid thereon, upon and according to the rent which the said property may be worth and ought to obtain, were the same to be leased at a fair and equitable rental by the said proprietor at the time; and henceforth, all vacant and unoccupied lots of land within the limits of the said City shall be assessed in all their depth, to their whole extent, and at their full value; that is to say, on the interest of the actual value thereof.

XXXI. Every person to be appointed Assessor as aforesaid, shall, before he begins to act as such, or execute the duties of his said office, take the Oath of Allegiance, and also the Oath in the thirty-fifth Section mentioned, and the following Oath, before any two members of the Council of the said City, that is to say:

“ I, \_\_\_\_\_ having been appointed Assessor for the \_\_\_\_\_ Ward of the \_\_\_\_\_ City of Quebec, or for the \_\_\_\_\_ said City, (*as the case may be*) do swear that I will faithfully, impartially, honestly and diligently execute all the duties of the said office, according to the best of my skill and knowledge; So help me God.”

XXXII. Notwithstanding any thing to the contrary in any Act or law heretofore passed or in force in this Province, it shall not be necessary for the Assessment in the said City to be made at any particular period in each year, but the powers and authority of the Assessors elected and appointed, or to be hereafter elected and appointed under and by virtue of this Act, shall be and continue in force, and may be exercised for and during the period and term of their election and appointment, to wit, until the first Monday in January in the year next following their said election and appointment.



XXXIII. It shall be lawful for the said Council, at any meeting or meetings composed of not less than two thirds of the members thereof, to make a By-law or By-laws which shall regulate and determine the time when the Assessors of the said City shall annually commence their duties, the manner in which they shall perform them, the period within which they shall annually make their first General Return of the Assessments to be levied and obtained in the said City, and the time and manner in which they may or shall correct their said return, by extending the same, and adding thereto the names of any parties omitted or who shall have become known to the said Assessors, or shall have arrived in the said City subsequently to the making thereof, or who shall have become liable to pay any assessment, tax or duty to the said City, at any time after the said General Return shall or may have been made, and the reduction and modification of any assessment, rate, duty, tax or impost when it may be equitable and just to reduce and modify the same; and in the event of any vacancy or vacancies occurring in the office of Assessor or Assessors by the non-election of any Assessor or Assessors, at the time fixed by law therefor, or by the absence or death of any person or persons elected or appointed to that office, or by the refusal or inability of any Assessor or Assessors elected or appointed to attend to, perform and fulfil the duty or duties which he or they are or may be bound or required by law to attend to, perform and fulfil, it shall and may be lawful for the said Council, at any quarterly or special meeting thereof, to elect, nominate and appoint one or more competent and duly qualified person or persons to fill and supply such vacancy or vacancies.

Council to fix time of making assessments by By-law.

Correction of Rolls.

Vacancies among Assessors, how filled.

XXXIV. At any Quarterly or Special Meeting to be held by the said Council in the month of February or March, in the year One thousand eight hundred and fifty-six, and at any Quarterly or Special Meeting to be held by the said Council in the month of February or March in each succeeding year, or at any Special Meeting subsequent thereto, the members of the said Council shall elect by a majority of votes from the persons qualified to be Councillors, two persons who shall be and be called Auditors of the said City of Quebec; and every such Auditor shall continue in office for the year following his election: Provided always, that in every such election of Auditors, no member of the said Council shall vote for more than one person to be such Auditor as aforesaid: And provided also, that no member of the said Council, nor the Clerk, nor the Treasurer, or Assistant Treasurer of the said City, shall be capable of being elected an Auditor as aforesaid; And provided further, that any vacancy that may occur in the office of Auditor may be filled up by the said Council, by an election to be had in the manner and under the provisions aforesaid, at any General or Special Meeting; and the person so elected shall hold his office until the time when the person whose place he shall have been elected to supply would have gone out of office.

Auditors of the City of Quebec appointed.

Proviso.

Proviso.

Proviso.

Mayor, Councillors, &c. to take the following oath of office.

XXXV. No person elected to be Mayor, Councillor or Auditor, or appointed Assessor, as aforesaid, shall be capable of acting as such, except in administering the oaths hereinafter mentioned, until he shall have made and subscribed before any two or more of such Councillors (who are hereby respectively authorized and required to administer the said oath to each other,) the Oath of Allegiance to Her Majesty, Her Heirs and Successors, and also an oath in the words or to the effect following, that is to say :

Form of oath.

“ I, A. B., having been elected Mayor, (Councillor, Auditor, or appointed Assessor, *as the case may be*) for the City of Quebec, do sincerely and solemnly swear that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability ; and that I am seized or possessed for my own use, of real or personal estate, or both, in the said City of Quebec, after the payment or deduction of my just debts, of the value of  
 “ And that I have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be elected Mayor, (Councillor, Auditor, or appointed Assessor, *as the case may be*) as aforesaid : So help me God.”

Fines in case of non-acceptance of office.

XXXVI. Every person duly qualified, who shall be elected to the office of Mayor, Councillor, Auditor or appointed Assessor as aforesaid, of the said City, shall accept the office to which he shall have been so elected, or shall, in default thereof, pay to the Treasurer of the said City, and for the use of the said City, a fine as follows, that is to say :—For the non-acceptance of the office of Councillor, a fine of Fifty pounds ; for non-acceptance of the office of Auditor or Assessor, a fine of Fifty pounds ; and for non-acceptance of the office of Mayor, a fine of One hundred pounds ; and every person so elected, shall accept such office, by taking the Oath of Allegiance, and making and subscribing the declaration hereinbefore mentioned, within four days after notice of his election, and in default thereof, shall be liable to pay the fine aforesaid, as for his non-acceptance of such office, and such office shall thereupon be deemed vacant, and shall be filled up by a new election to be made in the manner hereinbefore prescribed or by law or any By-law of the said Council may be required : Provided always, that no person disabled by lunacy or imbecility of mind shall be liable to pay such fine as aforesaid ; and provided also, that every person so elected to any such office, who shall be above the age of sixty-five years, or who shall already have served such office, or paid the fine for not accepting such office, within five years next preceding the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office if he shall claim such exemption within five days after the notice of his election from the City Clerk : And provided also, that no Military, Naval, or Marine Officer, in Her Majesty's service, on full pay, nor any

Proviso : certain parties exempted, &c. :

Proviso for further exemptions.

Member

Member of the Legislature of this Province, nor any Adjutant General, or Deputy Adjutant General of Militia, nor the Postmaster or his Deputies, or any Custom-House Officer, Sheriff or Coroner, Inspector and Superintendent of Police, nor the Clerks or commissioned Officers of the Legislature or of the Executive Council, nor any Schoolmaster, shall be held or bound to accept any such office as aforesaid, or any other office in the said City.

XXXVII. If any person holding the office of Mayor or Councillor, shall be declared Bankrupt, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound by deed with his creditors, or being Mayor, shall be absent from the said City for more than two calendar months, or being a Councillor, for more than six months, at one and the same time (unless in case of illness) then, and in every such case, such person shall thereupon immediately become disqualified, and shall cease to hold such office of Mayor or Councillor as aforesaid; and in the case of such absence, shall be liable to the same fine as if he had refused to accept such office.

Mayor or Councillor disqualified in cases of Bankruptcy, absence, &c.

XXXVIII. The Mayor of the said City for the time being, shall be a Justice of the Peace for the City and District of Quebec without further qualification, and the Councillors of the said City for the time being, shall severally be Justices of the Peace for the said City of Quebec without further qualification, and it shall be lawful for the said Common Council, from and out of the moneys belonging to the said City, to grant and allow to the said Mayor for the time being in lieu of all fees and perquisites, such salary not exceeding three hundred pounds and not less than one hundred and fifty pounds, as the said Council shall think fit.

Mayor and Councillors *ex officio* Justices of the Peace.

Salary of Mayor, &c.

XXXIX. It shall be lawful for the said Council of the said City, from time to time as occasion may require, to appoint a fit and proper person, not being a member of the Council, to be Clerk of the said City; and another fit person not being a member of the said Council, and not being City Clerk, to be the Treasurer of the said City,—one or more fit person or persons, not being members of the Council, to be the Clerk or Clerks of the Markets of the said City, a City Surveyor, and one or more Surveyor or Surveyors of Highways, Streets and Bridges,—and such number of Overseers of Highways, Streets and Bridges as they may deem necessary,—and one Collector for each of the Wards of the said City,—one or more Pound-keeper or Pound-keepers for the said City,—and such other officers as they may think necessary to enable them to carry into execution the powers vested in them by this Act, and to prescribe and regulate the duties of all such officers respectively, and at their pleasure to remove any such officer, and appoint another in his place, and the said Council shall take such security for the due execution of the offices of City Clerk, Treasurer, or other Officer

Council to appoint Corporation Officers.

City Clerk.

Treasurer.

Clerks of Markets.

Surveyors and Road Officers.

Pound-keepers.

Removing Officers.

Security from them.

Salary.

Assistants to Officers.

as they shall think proper, and shall and may grant and allow to the City Clerk, Treasurer, and other officers to be appointed as aforesaid, such salary and allowance, or other compensation for their services as they may think fit; and whenever and so long as any officer named by the said Council of the said City may be absent from the said City, or from sickness or any such cause be incapable of discharging the duties of the office of the said officer, it shall be lawful for the Mayor of the said City, by a writing under his hand, to appoint a fit and proper person to be assistant to any such officer named by the said Council of the said City, and every such assistant shall, during the time for which he may be so appointed, discharge the duties of the office of any such officer named by the said Council, and all acts, matters and things done by the said assistant during the time of his appointment, shall have the same force and effect as if performed by any such officer named by the said Council of the said City.

Extraordinary vacancies in the office of Councillor to be filled by Election.

XL. If after the passing of this Act, any extraordinary vacancy shall occur in the office of a member of the Council of the said City, the persons qualified to vote in the ward for which such vacancy shall have occurred, shall, on a day to be appointed by the Mayor after such vacancy shall have occurred, elect from the persons qualified to be members of the Council, a person duly qualified to fill such vacancy, and such election shall be held, and the voting and other proceedings shall be conducted in the same manner, and subject to the same provisions in this Act contained with respect to other elections of members of the said Council; and every person so elected shall hold such office until the period at which the person in the room of whom he shall have been elected, would in ordinary course have gone out of office, and shall then go out of office, but may be immediately re-elected if then duly qualified: Provided always, that no election shall take place to supply any such extraordinary vacancy between the first day of January and the first day of March in any year; and should any Councillor, after having been in office for and during the time of six months, intimate to the Council his desire to resign, he shall be allowed to do so with the consent of three fourths of the members present when such desire may be so intimated, and his place shall be filled up in the manner herein provided for filling extraordinary vacancies.

Proviso: if occurring within certain periods.

Certain enactments to remain repealed.

36 G. 3, c. 0.

XLI. So much of a certain Act of the Legislature of the Province of Lower Canada, passed in the thirty-sixth year of the Reign of his late Majesty, King George the Third, intituled, *An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes*, as provides for the appointment of Assessors, and of a Road Treasurer for the said City of Quebec; and also of a certain Act of the Legislature of the said Province of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth,

Fourth, intituled, *An Act to increase the number of Assessors for the Cities of Quebec and Montreal*; and also so much of a certain other Act of the Legislature of the said Province of Lower Canada, passed in the thirty-ninth year of the Reign of His late Majesty King George the Third, intituled, *An Act to amend an Act passed in the thirty-sixth year of His present Majesty's Reign, and intituled, An Act for making, repairing, and altering the Highways and Bridges within this Province, and for other purposes*, as provides for the appointment of a Surveyor of the Highways, streets, lanes and bridges in the said City of Quebec, by the Governor, Lieutenant Governor or person administering the Government of the said Province of Lower Canada, and which was repealed by the said Ordinance to incorporate the City and Town of Quebec, shall continue to be and shall be, and remain repealed, and all and every the powers, authority and duties which in and by the said Acts, or any other Act or Acts of the Legislature of the said Province of Lower Canada, were, before the passing of the said Ordinance to incorporate the City and Town of Quebec, vested in and imposed on the Assessors appointed in pursuance of the provisions of the said Act passed in the thirty-sixth year aforesaid, and the powers and duties of the said Road Treasurer, and of the said Surveyor of highways, streets and bridges in the said City, appointed under the said Act passed in the thirty-sixth year aforesaid, and which under and by virtue of the said Ordinance to incorporate the City and Town of Quebec, are now vested in and imposed on the Assessors appointed in pursuance of the last mentioned Ordinance, and on the Treasurer of the said City, and on the Surveyor of Highways for the said City of Quebec, appointed respectively under the authority of the last mentioned Ordinance, shall continue to be and shall be, and remain vested in and imposed on the Assessors, Treasurer and Surveyor of Highways for the said City of Quebec respectively, who may be in office under the authority of the said last mentioned Ordinance, when this Act comes into force, and in their successors in the said offices respectively, to be appointed under and by virtue of this Act.

Certain powers mentioned in the said Acts to be vested in the Officers appointed under this Act.

**XLII.** In the event of the absence from the said City of the owner or owners of any real property therein liable to assessment, and the non-payment of the assessment on any such real property by any agent or other person on behalf of the said absent owner or owners thereof, an increase of six per cent. on the amount at which the said property may and shall be assessed, shall annually accrue upon and be made to all arrears of assessment due upon such property, so long as the same shall remain unpaid; and the said property, or any sufficient part or portion thereof, if the same be easily susceptible of division, shall, after five years' non-payment of the said arrears of assessment and increase of six per cent. thereon, be liable to be sold therefor, and the Sheriff of the District of Quebec is hereby authorized and empowered to sell and dispose of any and all such property

In case of non-payment of assessment, six per cent. on amount thereof to be added annually.

Property may be sold by Sheriff for five years' arrears of taxes or upwards; and how.

Distribution of proceeds.

after six months' notice to that effect given by him the said Sheriff in the usual manner and form, in payment and satisfaction of any judgment that may be obtained for the said arrears of assessment, and the increased per centage due thereon for the said period of five years, whether the said judgment be obtained in the Superior or Circuit Court or in any Court of Special or weekly Sessions, and the moneys levied by the sale of the said property to be so as aforesaid sold, the said Sheriff shall in all cases return before the Superior or Circuit Court to be by the said Court adjudged upon, distributed, and ordered to be paid, according to law and the rights and privileges of the parties claiming the same.

Treasurer to keep account of moneys by him received and paid.

XLIII. The Treasurer of the said City shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid as such Treasurer, and of the several matters for which such sums shall have been received and paid, and the books containing the said accounts shall at all seasonable times be open to the inspection of any of the Councillors of the said City; and all the accounts of the said Treasurer, with all vouchers and papers relating thereto, shall in the months of May and November in every year be submitted by such Treasurer to the Auditors elected for the said City as aforesaid, and to such number of the said Councillors as the Mayor of the said City shall name, on the first day of May in every year if not a holiday, and if so, on the next following day, or in case of any extraordinary vacancy of office, within ten days next after such vacancy, for the purpose of being examined and audited from the first day of November in the year preceding to the first day of May, and from the first day of May to the first day of November in the year in which the said Auditor shall have been elected and named, and if the said accounts shall be found to be correct, the Auditors shall certify the same to be so; and after the said accounts shall have been so examined and audited in the month of November in every year, the Treasurer shall make out in writing, and cause to be printed a full abstract of his accounts for the year, which abstract shall be published in two of the City newspapers of the said City, one in the French and the other in the English language, on or as near as possible to the second Friday of January in each year, and a copy thereof shall be open to the inspection of all the rate-payers of the said City.

Accounts to be audited semi-annually.

Abstract thereof to be printed and published.

Formalities as to payment of moneys.

XLIV. The Treasurer of the said City shall not pay any moneys in his hands as such Treasurer, otherwise than upon an Order in writing of the Council of the said City, signed by three or more members of the said Council, and countersigned by the Clerk of the City, or in pursuance of a judgment or order of any Court of Justice; and no Justice of Peace shall have the right to order any payments to be made out of the funds of the said City.

**XLV.** The Clerk, Treasurer and other officers of the said City, appointed by the Council as aforesaid, shall respectively, at such times during their continuance in office, and within three months after they shall respectively cease to be in office, and in such manner as the said Council shall direct, deliver to the said Council, or to such person as they shall authorize to receive the same, a true account in writing of all matters committed to their charge by virtue or in pursuance of this Act, and also of all moneys which shall have been received by them respectively, and by virtue and for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments; and every such officer shall pay all such moneys as shall remain due from him, to the Treasurer for the time being, or to such person as the said Council shall authorize to receive the same; and if any such officer shall refuse or wilfully neglect to deliver such account, or the vouchers relating to the same, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such person as they shall authorize to receive the same, within three days after being thereto required by the said Council, all books, documents, papers and writings in his custody or power as such Officer as aforesaid, then and in every such case on complaint made on behalf of the said Council, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the District or County wherein such officer shall reside or be, such Justice of the Peace shall be and is hereby authorized and required to issue a warrant under his hand and seal, for bringing such officer before any two Justices of the Peace for such District or County, and upon the said officer appearing or not appearing or not being found, it shall be lawful for the said Justices to hear and determine the matter in a summary manner; and if it shall appear to such Justices that any moneys remain due from such officer, such Justices may, and they are hereby authorized and required, on non-payment thereof, by warrant under their hands and seals to cause such moneys to be levied by distress and sale of the goods and chattels of such offender; and if sufficient goods and chattels shall not be found to satisfy the said moneys and the charges of the distress, or if it appear to such Justices that such officer has refused or wilfully neglected to deliver such accounts or the vouchers relating thereto, or that any books, documents, papers or writings, which were or are in the custody or power of such officer in his official capacity, have not been delivered as aforesaid, or are wilfully withheld, then and in every such case such Justices shall, and they are hereby required to commit such offender to the Common Gaol or House of Correction for the District or County where such officer shall reside or be, there to remain without bail, until he shall have paid such moneys as aforesaid, and shall have delivered a true account as aforesaid, and until he shall have delivered up such books, documents, papers and writings as aforesaid, or have given satisfaction in respect

Officers of Corporation to deliver account to Council of matters committed to their charge.

Proceedings in case of neglect so to do.

Complaint before Justice of the Peace.

Decision.

Levying penalty.

Imprisonment in certain cases.

**Proviso.** of the matters aforesaid to the said Council: Provided always, that no person so committed shall be detained in prison, for want of sufficient distress only, for a longer space of time than three calendar months: Provided also, that nothing in this Act contained shall prevent or abridge any remedy by action against any such officer so offending as aforesaid, or against any surety for any such officer.

**At meetings of Council all matters to be determined by majority of those present.**

**XLVI.** In all meetings of the said Council to be held in pursuance of this Act, a majority of the members present at such meeting shall determine all questions and matters submitted to or under the consideration of the said Council, provided the number present at the said meeting be not less than one third part of the whole number of the said members of the said Council; and at all such meetings the Mayor of the said City, if present, shall preside, and in case of his absence such Councillor as the members of the Council so assembled shall choose to be Chairman of any such meeting, shall preside at the same; and in case of any equality of votes, the Mayor or Chairman presiding shall have a casting vote, that is to say, such Mayor or Chairman shall not in any case, while so presiding, have a vote as a member of the Council, nor unless the votes be, as aforesaid, equally divided.

**Casting vote of Mayor, &c.**

**Periods for meeting of Council to be fixed by By-law.**

**XLVII.** The said Council shall and may meet for the despatch of the business of the City, at such fixed periods as shall be determined by a By-law, and may adjourn from time to time to such day as they shall think fit, giving notice thereof to all the Councillors not present at the adjournment.

**Minute Book of proceedings to be kept, and certified extracts therefrom held authentic.**

**XLVIII.** Minutes of the proceedings of all meetings to be held as aforesaid shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the Mayor or Councillor presiding at such meeting, and the said minutes shall be open to the inspection of all persons qualified to vote at the election of Councillors, on payment of a fee of one shilling; and the said meetings shall be held with open doors; and all extracts from the book required to be kept by this section of this Act, and all copies of entries therein, and generally all certificates, deeds and papers signed by the Mayor of the said City, and countersigned by the City Clerk of the said City, and under the seal of the said City, shall in all Courts of Justice in this Province be taken and received as evidence of the facts in such extracts, copies, certificates, deeds and papers, respectively: and that any copy of a By-law of the Corporation or other document certified by the City Clerk or his deputy, and having the common seal of the said Corporation thereto annexed, shall be held authentic, and shall accordingly be received in evidence in all Courts, civil or criminal, without further proof, unless it be expressly pleaded that such signature and seal are forged.



XLIX. It shall be lawful for the said Council to appoint, from and out of the members comprising such Council, such and so many Committees, consisting of such number of persons as they may think fit, for the better transaction of the business before the Council, and for the discharge of such duties, within the scope of their powers, as may by the said Council be prescribed, but subject in all things to the approval, authority and control of the said Council.

Committees of Council to be appointed.

L. All and every the powers and authorities which in and by any Act of the Legislature of the Province of Lower Canada, in force at the time of the passing of the said Ordinance to incorporate the City and Town of Quebec, had been and were, at the time of the passing of the last mentioned Ordinance, vested in the Court of Quarter Sessions of the Peace for the said District of Quebec, and in any Special Sessions of the Peace for the same District, and in the Justices of the Peace for the said District of Quebec, or any of them, for, touching or concerning the laying out, making, erecting, keeping in repair, and regulating the highways, bridges, streets, squares, lanes, causeways, pavements, drains, ditches, embankments, water-courses, sewers, market houses and weigh houses, and other public erections and works in the said City of Quebec, or any of them, and for, touching and concerning, the dividing of the said City into divisions, and the appointment of overseers of highways, streets and bridges in the said City, and for, touching and concerning the laying, imposing, raising, levying, collecting, applying, paying and accounting for a rate or rates of assessment upon occupiers of lands, lots, houses and buildings, in proportion to the annual value thereof, within the said City of Quebec, and which, under and by virtue of the said Ordinance to incorporate the said City and Town of Quebec, became and were vested in the said Council of the said City of Quebec, shall continue to be vested in and exercised by, and shall be and remain vested in and exercised by the said Council of the said City of Quebec; and all real and personal property within the said City, which before the passing of the said Ordinance to incorporate the City and Town of Quebec, were subject to the management, control, or authority of the Justices of the Peace for the said District of Quebec, or any of them, and which, under and by virtue of the last mentioned Ordinance, have become and are subject to the power, authority, order and control of the said Council of the said City, shall continue to be and shall be and remain subject to the power and authority, order and control of the said Council of the City: and the said Council shall moreover have the exclusive power to grant or refuse ferry licenses to persons plying as ferrymen to the said City of Quebec, from any place within twelve miles of the said City, any law, usage or custom to the contrary notwithstanding.

Certain powers formerly vested in Court of Quarter Sessions to be subject to control of the Council.

Ferry licenses.

LI. It shall be lawful for the said Council, at any meeting or meetings of the said Council, composed of not less than two thirds of the said Council, to be empowered to

thirds

make By-laws for certain purposes :

thirds of the members thereof, to make By-laws which shall be binding on all persons, for the following purposes, that is to say :

For the good rule, &c., of the City.

1. For the good rule, peace, welfare, improvement, cleanliness, health, internal economy, and local government of the said City ;

For the raising and applying moneys.

2. For the raising, assessing, and applying such moneys as may be required for the execution of the powers with which the said Council is now or hereafter may be invested, either by imposing tolls and rates, to be paid in respect of any public works within the said City, or by means of a rate or assessment to be assessed and levied each and every year, on real or personal property, or both, within the said City, or upon the owners or occupiers thereof, in respect of such property, provided that such assessment may, in any one year, amount to, but shall not exceed, (excepting as hereinafter provided,) one shilling and six pence in the pound on the assessed yearly value of the property liable to such assessment, and by imposing a duty or duties on the keepers of houses of public entertainment, as hotels, and the retailers of spirituous liquors, and on all hawkers, pedlars, and petty chapmen, within the City, and on proprietors, owners or keepers of theatres, circuses, or public exhibitions, or shows of any kind, or of horses or carriages of any kind kept for pleasure, for working, or for hiring out, or dogs or pigs, or of billiard tables or gambling houses, or places for gambling in the City, where pigeon holes, nine or ten pins (*quilles*), roulette, bagatelle, or any other game or games of chance are played, within the said City, and on wholesale and retail dealers in goods, wares, or merchandize of any kind, and the premises occupied by any and all such ; on banks, bankers, bank agencies, and banking institutions of every kind in the said City, and the premises occupied by them ; on all brokers and money changers, and their premises ; on the insurance companies and agencies therefor, and the premises occupied by them ; on agents of merchants residing without the limits of this Province ; on gas companies, and the premises used and occupied by any or all such within the said City ; on keepers of eating-houses, coffee houses or ordinaries ; on all auctioneers, grocers, bakers, butchers, hucksters, pawnbrokers, livery stable keepers, or carters within the said City ; and also on bakers, butchers, carters and hucksters, domiciliated without the limits of the City of Quebec, following their several trades or occupations within the limits of the City ; on all trades and manufactories carried on, exercised or in operation within the said City ; on all breweries, distilleries, and foundries, and agents and agencies of breweries and distilleries ; on all soap and candle factories ; camphine or other oil factories ; ginger beer, spruce beer, and root beer brewers and breweries ; on brick manufactories, wood dealers and wood-yards ; on all ball alleys and

Rates limited.

Special taxes on certain persons and properties.

other

other means of gambling; and on all tanneries and slaughter houses within the said City; and on all persons acting as ferrymen to the said City, or plying for hire for the conveyance of persons by water to the said City, from any place not more than fifteen miles distant from the same: Provided always, that any house or other building and its dependencies, and the land upon which it is erected, situate within the limits of the said City, the property of any institution for educational, charitable or benevolent purposes, now occupied and employed, or which may be hereafter occupied and employed for educational, charitable or benevolent purposes, shall be hereafter exempted from any rate or tax imposed upon real property by virtue of this Act; but nothing contained in this provision shall be applicable to other real property possessed by the said institutions within the limits of the said City, which is not employed or occupied as hereinbefore mentioned;

Proviso: property used by charitable Institutions exempted.

3. For increasing the amount of the commutation money payable by each person liable to statute labor on the highways within the said City, to any sum not exceeding five shillings currency, for each person so liable: and for obliging each and every person so liable to pay the amount of such commutation money so fixed, without being allowed to offer his personal labor on the said highways instead thereof, and for exempting from payment of such commutation money, any class of persons to whom they shall deem it right to grant such exemption on account of the limited pecuniary means of such persons liable to pay the same;

For regulating commutation money for statute labor.

4. For changing the site of any market or market-place within the said City, or to establish any new market or market-place now in existence, or hereafter to be in existence, in the said City, or to appropriate the site thereof, or any part of such site, for any other public purpose whatever, any law, statute, or usage to the contrary notwithstanding; saving to any party aggrieved by any act of the said Council, respecting any such market or market-place, any remedy such party may by law have against the Corporation of the said City for any damage by such party sustained by reason of such act;

For regulating site of public buildings, &c.

5. For determining and regulating the powers and duties of the Clerks of the markets of the said City, and of all other officers and persons employed or to be employed by the said Council in or about any of the said markets; and for letting the stalls and other places for selling or exposing to sale any kind of goods or commodities in the said markets or upon the said market-places; and for imposing, regulating, fixing and determining the duties, taxes or rates to be paid by any person or persons selling or retailing in or at any of the said markets, any provisions, vegetables, butcher's meat of any kind, grain, fowls, hay, straw, firewood, or any other thing or things whatever, and for regulating the conduct of all persons buying or selling

For regulating powers of Clerks of Markets.

selling in or at any of the said markets; and to provide for the weighing or measuring, as the case may require, at the instance of any party interested, by any officer or other person to be named for that purpose by the said Council, and the payment of such fees as the said Council may think fit to impose in that behalf, of any thing or things sold or offered for sale in or at any of such markets;

**For regulating vehicles.** 6. For regulating all vehicles of every kind whatever in which any articles shall be exposed for sale in any public market, or in any street or public place within the said City, and for imposing a duty or duties on such vehicles, and establishing the mode in which such duty or duties shall be collected and paid;

**For establishing Boards of Health.** 7. For establishing a Board or Boards of Health for and within the said City, and for appointing the members thereof, and for making all such regulations as they may deem necessary for preserving the inhabitants thereof from contagious or infectious disease, or for diminishing the danger of or arising from the same;

**For regulating weight and measure of certain articles.** 8. For regulating the weight and measurement of all firewood, coals and salt, and of all grain and lime brought into the said City for sale and consumption therein; for regulating and determining in what manner, either by measurement or weight, or both measurement and weight, any or all of the said articles shall hereafter be bought and sold in the said City, and for appointing measurers and weighers of all such articles, and establishing and regulating the fees to be paid to such officers, and the duties they shall perform;

**To compel proprietors to keep premises clean.** 9. To compel the proprietor or proprietors, occupant or occupants of all real property within the City limits, to enclose the same, and to keep the same clean and free from filth and dirt, and to make the necessary drains, sewers and privies on such property;

**For the abatement of nuisances.** 10. For directing and requiring the removal at any time of the snow from the streets and the roofs of houses, or of any filth, dirt or other nuisance offensive to the inhabitants or prejudicial to public health, or of any door-steps, porches, railings or other projections into or obstructions in any public street or highway within the said City, by and at the expense of the proprietors or occupants of the real property in or on which such projection or obstruction, filth, dirt or nuisance shall be found;

**For lighting the City.** 11. For defraying out of the funds of the said City the expense of lighting the said City, or any part thereof, with gas or with oil or in any other manner, and of performing all such work of any kind as may be necessary for such purposes, and for obliging the proprietors of real property in any part of the City so lighted or to be lighted, to allow such work to be performed on

or in such property respectively, and such pipes, lamps, lamp-posts, and other contrivances or things as may be necessary for the purpose aforesaid, to be fixed in or upon such property, or any buildings thereon; the expense of all such works being in every case defrayed by the said Council, and out of the funds of the said City;

12. For altering the level of the foot-paths or other side-walks in any street or highway within the said City, in such manner as the said Council shall deem conducive to the convenience, safety and interest of the inhabitants of the said City; Provided always, that the said Council shall make compensation out of the funds of the said City to any person whose property shall be injuriously affected by any such alteration of the level of any foot-path in front thereof;

For improving side-walks.

Provisc.

13. To pull down, demolish, and remove when necessary, at the expense of the proprietors or occupants, all walls, fences, or other buildings or erections encroaching on streets or public places, and all nuisances, old delapidated or ruinous walls, chimneys and buildings that may endanger the public safety, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by what party or parties the expenses thereof shall be borne;

For removing ruinous buildings, &c.

14. For regulating, fixing and determining the weight and quality of all bread that may be sold or offered for sale within the said City of Quebec, with the right of declaring forfeited all bread of any inferior weight or bad quality exposed or offered for sale; the bread so forfeited to be distributed to the poor, all provisions contained in the Ordinance passed in the seventeenth year of the Reign of His late Majesty King George the Third, intituled, *An Ordinance concerning Bakers of Bread, in the Towns of Quebec and Montreal*, which is hereby repealed in so far as regards the said City of Quebec, to the contrary notwithstanding;

For fixing the weight and quality of bread.

15. For restraining, ruling and governing apprentices, domestics, hired servants and journeymen in the said City of Quebec, and for the conduct of masters and mistresses towards their said apprentices, domestics, hired servants and journeymen within the said City of Quebec;

For the governing of apprentices and servants.

16. To prevent or regulate, and assess all gaming, or the keeping of any gaming-house or place for gaming in the said City;

For regulating gaming-houses.

17. For the government of persons plying as ferrymen to the said City of Quebec, from any place within fifteen miles of the said City, and to establish a tariff or tariffs of fees to be taken by such ferrymen, and also to fix and determine what places in the said City may be used as landing places, and respecting all

For regulating ferrymen.

all other matters and things connected with such ferries and landing-places ;

To compel attendance of Members of Council. 18. To compel the attendance of the Members of the said Council at all Quarterly and other Meetings of the said Council, and the regular performance by the said Members of the said Council, of their respective duties as Members of the said Council ;

For regulating the constabulary force. 19. For the governing, regulating, arming, clothing, lodging and paying of the men and officers of the constabulary force to be established under this Act, and for regulating the residence, classification, rank, service, inspection and distribution of the said force ; and for the government generally of the said constabulary force, so as to prevent any neglect of duty or abuse of power, on the part of the members composing the said force ;

For watering and sweeping the streets. 20. For assessing the citizens residing in any particular street, lane, square or section of the City, in any sums necessary to meet the expense of sweeping and watering the said street, or removing the snow from the said street, lane, square or section of the City, provided that no less than two thirds of the said citizens, residing as aforesaid, in such street, lane, square or section shall have first prayed or demanded to have the same swept or watered, or the snow removed therefrom ; and provided also that the said assessment shall in no case exceed the amount of three pence in the pound : To impose a special assessment over and above all other rates or assessment which the said Council are empowered to impose, to defray and meet the expenses of any building or buildings, or other property whatsoever that may be demolished, destroyed, injured, damaged or deteriorated in value by any mob, tumultuous assemblage or riotous persons whomsoever in the said City ;

Paying damages done by mobs. Regulating burial places. 21. For the prevention of any new burial places within the limits of the City, and for the regulation or prohibition of all burials within the City limits and the closing of all cemeteries within the same, on the payment of a reasonable indemnity to parties interested, to be ascertained in the event of disagreement, as in the case of the acquisition of real property provided for by this Act ;

For imposing fines. 22. And by any such By-law, for any of the purposes of this Act, the said Council may impose such fines not exceeding five pounds, or such imprisonment not exceeding thirty days, or both, as they may deem necessary for enforcing the same, and also may impose a similar fine and imprisonment for any continuance or continuances of an offence which any By-law of the said Council may prohibit.

Council further empowered to make By-laws. LII. It shall moreover be lawful for the said Council of the said City, at a meeting or meetings of the said Council, composed of not less

less than two thirds of the Members of the said Council, to make By-laws, which shall be binding on all persons, for the following purposes, that is to say :

1. To make a tariff of rates to be paid by all persons using any wharf or part of a wharf the property of the Corporation, and to enforce payment of the same by a penalty or imprisonment ;

To make a Tariff of wharf rates.

2. To prevent the erection or construction of any wooden buildings within the limits of the said City, or within any portion thereof ;

To prevent the erection of wooden buildings.

3. To prescribe and regulate the manner of constructing and erecting buildings so as to prevent accidents by fire ;

To regulate erection of buildings.

4. To make such rules and regulations to prevent accidents by fire, as by the said Council shall be deemed meet and just.

To prevent accidents by fire.

LIII. In the event of any person erecting or constructing any wooden building contrary to the said By-laws, it shall be lawful for the Mayor, with the consent of the Council expressed in a resolution to that effect, by a precept addressed to the Sheriff of the District of Quebec, signed by the said Mayor, countersigned by the City Clerk, and under the seal of the said Corporation, to order the said Sheriff to demolish and remove the said Building, at the expense of any such person.

Wooden buildings contrary to By-laws to be demolished.

LIV. And for the better protection of the lives and property of the inhabitants of the said City, and for preventing accidents by fire therein, Be it enacted, That from and after the passing of this Act, the said Council of the said City shall have full power and authority to make By-laws which shall be binding on all persons within the said City, for the following purposes, that is to say :

Further powers to make By-laws.

1. For establishing such rules and regulations as they shall deem expedient for preventing accidents by fire, and for the conduct of all persons present at any fire within the said City ;

Council to make By-laws to regulate conduct of persons at fires.

2. For appointing all such officers as they may deem necessary for carrying such rules and regulations as aforesaid into effect, and for prescribing the duties of such officers and providing for them adequate remuneration out of the funds of the said City ;

To appoint Officers to carry out rules.

3. For defraying, out of the said Funds, any expenses which they may deem it right to incur, for the purchase of engines or apparatus of any kind, or for any other purpose relative to the prevention of accidents by fire, or to the means of arresting the progress of fires ;

For the purchase of engines, &c.

4. For authorizing such officers as shall be appointed by the Council for that purpose, to visit and examine, at suitable times and hours, to be established by such By-laws, as well the interior as the exterior of all houses, buildings and real property of any description, within

To authorize Officers to enforce observance of By-laws.

within the said City, for the purpose of ascertaining whether the rules and regulations to be made as aforesaid have been duly observed and obeyed, and for obliging all proprietors, possessors or occupants of such houses, buildings or real property, to admit such officers and persons into and upon the same at the times and for the purposes aforesaid ;

To empower Officers to demolish buildings in case of fire.

5. For vesting in such Members of the said Council and in such officers as shall be designated in such By-laws, the power of causing to be demolished or taken down, all buildings or fences which such members or officers shall deem necessary to be demolished or taken down in order to arrest the progress of any fire ;

To prevent thefts and depredations at fires.

6. For preventing thefts and depredations at fires, and for punishing any person who shall resist or maltreat any member or officer of the Council in the execution of any duty assigned to him, or in the exercise of any power vested in him, by any By-law made under the authority of this Section ;

To assist persons in their employ who may be disabled.

7. For defraying out of the funds of the City any expense to be incurred by the said Council, in assisting any person in their employ, who shall have received any wound or contracted any disease at any fire, or in assisting or providing for the family of any person in their employ who shall perish at any fire, or in bestowing rewards in money, medals or otherwise, upon any person who shall have performed any meritorious action at any fire ;

To authorize judicial enquiries into origin of fires.

8. For establishing or authorizing to be established after any and every fire in the said City, if deemed necessary, a judicial inquiry into the cause and origin of such fire, for which purpose the said Council or any Committee thereof, authorized to the effect aforesaid, is hereby authorized and empowered to compel the attendance of parties and witnesses before them, under pain of fine or imprisonment, or both, to examine them on oath, and to commit for trial, any party or parties against whom well grounded cause of suspicion may be found, of their having wilfully or maliciously originated the said fire or fires ;

To impose an annual rate on real property, not exceeding three pence in the pound.

9. For imposing over and above all other rates, assessments or duties, which the said Council are empowered to impose, an annual rate or assessment to be assessed and levied on all real property within the said City, or upon the owners or occupiers thereof in respect of such property, provided that such assessment shall not in any one year exceed three pence in the pound on the assessed annual value of the property, lying and being within the said City, and for regulating the time and manner such rate or assessment shall be collected ; and by any By-law for any of the purposes for which the said Council are authorized by this section of this Act to make any By-law, the said Council may impose such fine, not exceeding five pounds, or such imprisonment not exceeding thirty days, or both, as they may deem expedient for enforcing the same.

Imposing fines.



LV. It shall be lawful for the said Council of the said City, at a meeting or meetings of the said Council, composed of not less than two thirds of the said Council, to impose by By-law, a penalty not exceeding one hundred pounds, currency of the said Province, on any Assessor or Assessors of, in or for the said City, or any ward thereof, refusing or wilfully neglecting to attend to, perform or fulfil the duty or duties, which he or they, the said Assessor or Assessors, are or may be bound and required by law to attend to, perform and fulfil.

Penalty on Assessors for neglecting their duties.

LVI. Any person enrolled and serving in any fire, hose, hook and ladder, or property protecting Company, established or to be established by the said Council, or in any such Company under the control and management of the said Council of the said City, shall, during the time he may so continue enrolled and serve, be exempted from the payment of the commutation money for statute labor, and from serving as a juror, constable, or militiaman excepting during any war or invasion of the Province.

Exemptions allowed to firemen, &c.

LVII. And whereas the different systems of chimney sweeping that have heretofore been in use in the said City, have proved to be defective and bad, and it is highly important to establish an efficient system of chimney sweeping: Be it therefore enacted, That it shall be lawful for the said Council to grant to persons intending to pursue the occupation of chimney sweeping in the said City, or in any part thereof, licenses to sweep chimneys for gain or hire in the said City, or in such part thereof as the license or licenses so to be granted may extend to, upon the payment of such duty or tax in that behalf, and upon such other terms and conditions as the said Council may deem it expedient to impose; and from and after the passing of this Act, no person shall, for gain or hire, sweep any chimney, or part of any chimney in the said City, or for gain or hire, cause any chimney in the said City to be swept, without having received a license from the said Council to sweep chimneys in the said City, or in some part of the said City to be designated in the said license; nor from and after the passing of this Act, shall any person having received any such license, for gain or hire sweep any chimney or part of a chimney, nor for gain or hire cause any chimney or part of any chimney to be swept, after the time for which such license shall be granted, or at any place within the said City to which such license shall not extend, or beyond the limits mentioned in such license, nor shall any person having obtained such license, charge or receive, either directly or indirectly any greater sum or allowance of any kind for the sweeping of any chimney or part of a chimney, or for any work or service connected therewith, or for any service to be performed under such license, than he may be allowed to charge under the tariff to be established in that behalf, as hereinafter provided for, under a penalty of twenty-five shillings currency, for each and every offence against any one

Recital.

Council may grant licenses to chimney sweepers.

No person to sweep unless licensed, and no licensed sweep to charge more than proper fees.

Penalty for contravention.  
or

or more of the foregoing provisions in this Section of this Act contained.

Council may  
make By-laws  
regulating  
chimney  
sweeps.

LVIII. It shall be lawful for the Council, at a meeting or meetings of the said Council composed of not less than two thirds of the said Council, to make By-laws, which shall be binding on all persons, for causing all chimneys within the said City to be swept by a licensed sweep, in such manner as, at such times and so often as the said Council shall appoint, and to establish a tariff of the rates or prices to be paid to such licensed sweeps for the sweeping of chimneys; and in every case in which a chimney shall take fire in the said City, the occupant of the house in which such chimney shall take fire shall pay a penalty of not less than twenty-five shillings currency, and not more than fifty shillings currency, at the discretion of the Court before which the recovery of such penalty shall be sought, together with the costs of suit, unless the occupant of the house in which such chimney shall take fire, shall have alleged and proved that he caused the chimney that may have so taken fire to be swept by a licensed sweep, and unless it appear that according to the By-laws of the said City of Quebec, it was not incumbent on such occupant to cause such chimney to be swept between the time of the sweeping thereof by such licensed sweep, and the time at which such chimney may have taken fire; Provided always, that any occupant of any part of a house in the said City, who may use or cause to be used the whole or any part of a chimney in or attached to or forming a part of any such house in the said City, shall be considered for all and every the purposes of this section of this Act as the occupant of such house; And provided further, that if any chimney that may so take fire be in the use or be used by the occupants of different buildings, or by occupants of different parts of the same building, each such occupant shall be subject to the same liabilities in all respects as if such chimney had been in his sole use; And provided also, that any chimney which may be used in any way for the purpose of heating any building or of conducting the smoke from any building, or for any such purpose, whether such chimney be inside or outside of such building, shall be considered as a chimney in such building for all and every the intents and purposes of this Act.

Proviso.

Proviso.

Proviso.

Copy of all  
By-laws to be  
transmitted to  
Governor.

May be dis-  
allowed.

Proviso.

LIX. Provided always, that a copy of every By-law to be made by virtue of this Act shall be transmitted with all convenient speed after the making thereof to the Governor of this Province for the time being; and it shall be lawful for the said Governor, by and with the advice of the Executive Council of this Province, within three months from and after the receipt of such copy, to disallow any such By-law, and such disallowance shall without delay be signified to the Mayor of the said City, and thenceforward such By-law shall be void and of no effect; Provided also, that all By-laws repugnant to any law of the land

land or to any Act of the Legislature of this Province, shall be null and void.

LX. Provided always, That all and every the By-laws, Rules, Orders and Regulations and acts of authority made by the said Council since the passing of the said Ordinance to incorporate the said City and Town of Quebec, or by the Justices of the Peace for the District of Quebec, or other competent authority, before the passing of the last mentioned Ordinance to incorporate the City and Town of Quebec, which may be in force at the time of the passing of this Act, shall continue, be and remain in full force and virtue, until the same shall be rescinded, repealed or altered by the said Council, under the authority of this Act, or by other competent legal authority.

Regulations in force at the time of the passing of this Act to remain in force.

LXI. The said Council shall have full power and authority notwithstanding any law to the contrary, to purchase and acquire, or take and enter into, after paying, tendering or depositing the value thereof, to be ascertained as hereinafter provided, such land, ground, or real property of any description, within the said City, as may by them be deemed necessary, for opening new streets, squares, market-places or other public highways or places, or for continuing, enlarging, or otherwise improving the streets, squares, market-places or other public highways or places now made, and the neighbourhood thereof, or as a site for any public building to be erected by the said Council, and to pay to or for the use of the proprietor or proprietors of such ground or real property, and out of any funds of the said City, now in or which shall hereafter come into their hands, such sum or sums of money as may be agreed upon as the value of such ground or other property, by the party proprietor thereof and the said Council respectively, or ascertained in the manner hereinafter mentioned, in case they shall not so agree upon the same: Provided always, that before acquiring any such land, ground or real property, it shall be the duty of the Council to make a By-law imposing forthwith a special annual tax on the real property within the ward or wards where such land, ground or real property is situate, or which may be interested in or benefited by the acquisition of such land, ground or real property for such purpose, sufficient to pay the interest of the purchase money thereof, and also two and a half per cent. annually, to form a sinking fund to liquidate the capital thereof.

Council empowered to purchase and acquire real property.

Proviso.

LXII. It shall be lawful for all Corporations, aggregate or sole, husbands, tutors or guardians, curators, *grévés de substitution*, and all trustees whatsoever, who are or shall be seized or possessed of or interested in any piece or pieces, parcel or parcels of ground or other real property within the said City, selected and fixed upon by the said Council for any of the purposes aforesaid, not only for themselves, their heirs and successors, but for and on behalf of all persons whom they represent, or for whom or in trust for whom they are or shall be

Corporations and other parties empowered to sell real property to Corporation.

be seized, possessed or interested as aforesaid, whether minors or issue unborn, lunatics, idiots, *femes covert*, or other person or persons, to contract for, sell and convey such piece or pieces, parcel or parcels of ground to the Corporation or the Mayor, Councilors and Citizens of the City of Quebec, and such contracts, sales and conveyances shall be valid and effectual in law to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding: and all Corporations and persons whatsoever so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale, which he, she or they shall respectively make by virtue of or in pursuance of this Act.

Jury to be appointed to assess value of real property in certain cases.

LXIII. In all cases where the said Council, and the persons seized or possessed of or interested in the said pieces or parcels of ground, or other real property, or any of them, or any part thereof, shall not by voluntary agreement settle and determine the price and compensation to be paid for the said premises or any part thereof, or such persons shall be absent or shall not be known, such price and compensation shall be ascertained, fixed and determined in manner following, that is to say: The Sheriff of the District of Quebec upon a petition to him addressed, and upon proof that notice in writing was given one month previously to the party seized, possessed of or interested in such pieces or parcels of ground or real property, or his, her, or their tutor, curator, administrator, attorney, agent or curator *ad hoc*, of the intention of the said Council to present such petition to the said Sheriff for the purposes of taking possession of, entering into, and appropriating to the use of the said Corporation such pieces or parcels of ground or other real property, shall summon a Jury of twelve disinterested persons, taken from among the persons resident within the said City, qualified to be special Jurors in civil cases; and the said Jury shall determine upon their oaths, the amount of the price or compensation which they shall deem reasonable to be paid by the said Corporation for such pieces or parcels of ground or real property as aforesaid: Provided always, that any determination as aforesaid, in which any nine of the Jurors shall agree, shall, for the purposes of this Act, have the same effect as if all the Jurors had agreed therein; and in case the owner of such property is unknown or is absent from that part of the Province heretofore known as Lower Canada, one month's notice shall be by the said Council given in one of the newspapers of the City, of the intention of the said Council to present a petition to the said Sheriff praying him to summon a Jury for the above purpose.

Proviso: verdict of nine to be sufficient.

Verdict being rendered, Sheriff to deliver property to Council.

LXIV. Immediately after the rendering of the said verdict, the said Sheriff shall deliver possession of the said property to the said Council, who shall thereupon adopt the requisite proceedings to obtain from Her Majesty's Superior Court a judgment confirming the title of the said Council.

LXV.

LXV. The owner of the said property shall not be entitled to claim from the said Council, payment of the sum of money awarded by the said Jury, but the same shall remain in the hands of the said Council, to be paid and distributed as ordered by the said Superior Court, and upon such payment the said Council shall become the owner and proprietor of the said property.

How the sum awarded shall be distributed.

LXVI. All the provisions and enactments in this Act contained with regard to the mode in which the value of any real property taken by the said Council shall be ascertained, and the amount thereof paid or deposited, in certain cases, shall be and are hereby extended to all cases in which it shall become requisite to ascertain the amount of compensation to be paid by the said Council to any proprietor of real property for any damage by him sustained, by reason of any alteration made by order of the said Council, in the level of any foot-path or side-walk, or in the level of any street, or by reason of the removal of any establishment subject to be removed under any By-law that may be passed in virtue of this Act, or to any party by reason of any other act of the said Council, for which they are bound to make compensation, and with regard to the amount of compensation for which damage the party sustaining the same and the said Council shall not agree.

Provisions of this Act with regard to ascertaining value of real property extended to the ascertaining of damages in certain cases.

LXVII. All Corporations, ecclesiastical or civil, whose property, or any part of whose property, shall be conveyed to, or taken by the said Corporation of the City of Quebec, under the authority of this Act, may invest the price or compensation paid for the property so conveyed or taken, in other real property in any part of this Province, and may take and hold the same without Her Majesty's Letters of mortmain, any law to the contrary notwithstanding.

Corporations, &c., may invest the price of property paid by Council in other real property.

LXVIII. For the purpose of defraying the expense of the Police Force hereinafter authorized to be established, all fines and penalties imposed or hereafter to be imposed by and in virtue of the Ordinance passed in the second year of Her Majesty's Reign, intituled, *An Ordinance for establishing an effective system of Police, in the Cities of Quebec and Montreal*, shall be paid to the City Treasurer or other Officer of the Corporation appointed to receive the same, and also all fines on persons convicted, or hereafter to be convicted of common assaults and batteries, under and by virtue of the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act for consolidating and amending the Statutes in this Province relative to offences against the person*, and also all fines recovered before any Justice of the Peace in the said City, for offences committed therein, and recovered before one or more Justices of the Peace other than in the Court of Quarter Sessions; the said several sums to form part of the funds of the Corporation

Fines in certain cases to belong to the Corporation.

2 V. c. 2.

4 & 5 V. 27.

Corporation of the said City of Quebec; any thing in the said Acts to the contrary notwithstanding.

Penalty for assaulting constable in the execution of his duty.

LXIX. If any person shall assault or resist any Officer or Constable appointed under this Act, in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being convicted thereof before any two Justices of the Peace, shall, for every such offence, forfeit and pay such sum not exceeding five pounds, as the said Justices shall think meet, or in default of such payment shall be committed to prison for one month: Provided always, that nothing herein contained shall prevent any prosecution, by way of indictment, against any person so offending, but so as that such person shall not be prosecuted by indictment and also proceeded against under this Act for the same offence.

How fines, &c., imposed by By-laws in force at the passing of this Act may be recovered.

LXX. All fines and penalties imposed by any By-law, Rule, Order or Regulation which may be in force at the time of the passing of this Act, whether made by the Justices of the Peace for the said District before the passing of the said Ordinance to incorporate the City and Town of Quebec, or by the said Council since the passing of that Ordinance, or hereafter to be made by the said Council, and all fines and penalties imposed by the said last mentioned Ordinance to amend the Ordinance to incorporate the City and Town of Quebec, or by this Act, or by any Act or Acts concerning any market or markets in the said City, or by any Act concerning any assessment law or duty to be raised in the said City, or by any law now or hereafter to be in force, shall be recovered in the name of the "Mayor, Councillors and Citizens of the City of Quebec," and for the use of that Corporation, and shall belong to and form part of the general funds of the said City, and in no other name and for no other use; and it shall be lawful for the said Council to remit any such fine or penalty, or to accept payment of any such fine or penalty from any party calling to pay the same without prosecution; and all fines or penalties that may be so paid without prosecution, shall form part of the general funds of the said City.

Assessment may be recovered from owner or tenant of real property.

LXXI. Any rate or assessment with which any real estate within the said City may be legally rated or assessed, may be exacted and recovered either from the owner of the real property so rated or assessed, or from any person occupying the same or any part thereof, either as a tenant or otherwise, and when any such rate or assessment shall be paid by any tenant not bound to make such payment by the lease or other agreement under which he holds or occupies such real estate, such tenant shall have the right to deduct the sum so paid by him from the rent payable by him in respect of the enjoyment or occupation of the real estate so rated and assessed.

Proviso.

LXXII. All debts which, from and after the passing of this Act shall become due to the said Corporation for any rate or assessment, assessed or imposed on any real or personal property, or both, within the said City, or upon the owners or occupiers thereof, in respect of such property, shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to Her Majesty, and shall, in the distribution of the proceeds of property, whether real or personal, of any person liable to pay any such debt, be so held, considered, and adjudged by all Courts of Justice, and by all Commissioners or other persons having jurisdiction in Bankruptcy in Lower Canada; Provided always, that the privilege hereby granted shall not extend beyond the rates or assessments due for two years, that is to say, for the current year when such claim may be made, and the year next preceding that year.

Debts due to Corporation to be privileged debts.

Proviso.

LXXIII. Every law, and every part of any law repealed by the said Ordinance to incorporate the City and Town of Quebec, or by the said Ordinance to amend the last mentioned Ordinance, shall continue and remain repealed, and all the provisions of any law inconsistent with the provisions of this Act are hereby repealed.

Laws inconsistent with this Act repealed.

LXXIV. Provided always, That nothing in this Act shall extend or be construed to extend, to revoke, alter or abridge, or in any manner affect the powers and authority now by law vested, or which may be hereafter vested in the Master, Deputy Master and Wardens of the Trinity House of Quebec, but that the said Council shall exercise exclusive jurisdiction over all the tract described in the second section of this Act.

Proviso: this Act not to affect powers of Trinity House.

LXXV. Nothing in this Act shall in any manner derogate from or affect, or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, except in so far only as the same may be expressly derogated from or affected by the provisions of this Act.

Nothing in this Act to affect H. M's. rights.

LXXVI. The Council of the said City may cause a general plan of the said City to be made, by which said plan, all persons whomsoever shall abide; Provided always, that the said plan shall be deposited during the space of six calendar months in the office of the Prothonotary of the Superior Court, for the District of Quebec, in the Court House of the said City, for the inspection of the public, and that due notice thereof shall be given during the said term of six months; once a week in two newspapers published in the said City, and that such notice shall mention the day on which application will be made to the said Superior Court for the homologation of the said plan, and any person who shall deem himself aggrieved thereby, shall, before the said day, file his opposition to such homologation, and the Court shall hear, try and determine in a summary manner each and every opposition

General plan of the City to be made.

Proviso.

Plan to remain six months in the office of the Prothonotary.

so filed, and shall grant costs to or against any such opposant or the Council of the said City, as to law and justice may appertain, and the said plan shall, if approved and confirmed, be attested by one of the Justices of the said Superior Court.

Council may make By-laws for the prevention of cruelty to animals.

LXXVII. The Council of the said City of Quebec is hereby authorized and empowered to pass a By-law or By-laws, to punish, either by fine or imprisonment, or both, any person or persons who shall ill-use or cruelly treat or over-drive any animal within the limits of the said City; Provided always, that such fine shall not exceed five pounds currency, nor such imprisonment, thirty days in the Common Gaol of the District.

Corporation may take more ground than actually required in certain cases.

LXXVIII. In all cases where, for the purpose of opening any new street, square, market-place, or other public highway or place, or for continuing, enlarging or otherwise improving those streets, squares, market-places, or other public highways or places now made, or as a site for any public building to be erected by the said Council, the said Council shall deem it advantageous to purchase and acquire, to take and enter upon, more than the ground actually required for any of the said purposes, it shall be lawful for the said Council so as aforesaid to purchase and acquire an extent over and above what may be required for the above purposes, provided nevertheless such extent do not exceed one hundred feet in depth, by whatever length may exist.

Licenses for taverns to be granted by Council.

LXXIX. From and after the passing of this Act, all licenses to keep taverns, hotels or houses of public entertainment within the said City, shall be granted by the Council only; and the person obtaining such license shall pay to the Council a fee to be established by a By-law for the same.

Parties erecting buildings to leave a sufficient portion of street free.

LXXX. All persons occupying a part of any public street or lane while erecting any building, shall leave unoccupied and free from all embarrassments a sufficient portion of the said street to allow persons freely to pass with their horses and carriages, under such a penalty as may be imposed by the said Council.

Parties swearing falsely in taking an oath in virtue of this Act, guilty of perjury.

LXXXI. If any person shall knowingly swear falsely in taking an oath in virtue of this Act, such person shall be deemed guilty of wilful and corrupt perjury, and suffer the pains and penalties provided by law in cases of wilful and corrupt perjury.

Interpretation clause.

LXXXII. The words "Governor of this Province," wherever they occur in this Act, shall be understood as meaning the Governor, or any person authorized to execute the commission of Governor within this Province for the time being; and the word "Councillor," and the word "Councillors," wherever they occur in this Act, shall be understood as meaning any



any member or members of the said Council of the City of Quebec, unless by the context it shall appear clearly that the words "Councillor" or "Councillors" respectively are intended to apply exclusively to a member or members of the said Council, who is not or are not the Mayor of the said City; and the words "the said Corporation" or "the said Corporation of the City of Quebec," wherever they occur in this Act, shall be understood as meaning the said Corporation of "the Mayor, Councillors and Citizens of the City of Quebec" unless the context necessarily requires a different meaning to be given to those words; and the words "Lower Canada," wherever they occur in this Act, are to be understood as meaning and comprehending that part of the Province of Canada which formerly constituted the Province of Lower Canada; and any word or words implying the singular number or the masculine gender only, shall be understood to include several matters of the same kind as well as one matter and several persons, males and females, as well as one person, and bodies corporate as well as individuals, unless it be otherwise especially provided, or there be something in the subject or context repugnant to such construction.

LXXXIII. This Act shall be a Public Act, and shall be judicially noticed as such by all Judges, Justices of the Peace, and others whom it may concern, without being especially pleaded or proved. Public Act.

### CAP. CLX.

An Act to increase the Tolls leviable on the Turnpike Roads in the neighbourhood of the City of Quebec, and for other purposes.

[Assented to 30th May, 1855.]

**WHEREAS** it is expedient to grant further powers to the Trustees of the Quebec Turnpike Roads, appointed under the authority of the Ordinance of the Legislature of Lower Canada, passed in the fourth year of Her Majesty's Reign, and intituled, *An Ordinance to provide for the Improvement of certain Roads in the neighbourhood of and leading to the City of Quebec, and to raise a Fund for that purpose*, and further to amend the said Ordinance: 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, as follows:

Preamble-  
Ordinance L-  
C. 4 V. c. 17-

Powers of Trustees extended on south side of St. Lawrence.

I. The authority and powers of the said Trustees shall extend to the Bridge over the river Etchemin, upon the road leading to St. Nicholas, on the South shore of the River St. Lawrence, known as the Etchemin Bridge, as fully as to any road mentioned in the said Ordinance, and all the rights and privileges belonging to Her Majesty with respect to, in and over the said Bridge, shall belong to the said Trustees who may exact tolls as by the following Schedule prescribed.

Trustees may build a Bridge over the River Chaudière.

II. It shall be lawful for the said Trustees to construct a Bridge over the river Chaudière in such manner, within such period of time, and at such place as it shall be found convenient notwithstanding the restriction mentioned in the ninth clause of the Act passed in the sixteenth year of Her Majesty's Reign Chapter two hundred and thirty-five.

They may raise the tolls to a certain extent.

III. The said Trustees of the Quebec Turnpike Roads shall have power to exact tolls upon the said Turnpike Roads and the Bridges under their control, not exceeding those in the following Schedule and as therein specified, in lieu of the Tolls now leviable by the said Trustees :

#### SCHEDULE.

	£	s.	d.
For every four wheel carriage or vehicle drawn by one horse or other beast.....	0	0	9
For each additional horse or other beast.....	0	0	3
For each carriage or omnibus made to carry over six and not exceeding sixteen passengers, allowing a space of eighteen inches for each passenger.....	0	2	6
For each carriage or omnibus conveying over sixteen passengers.....	0	3	4
For every gig, caleche, cab or two-wheeled omnibus carrying less than six passengers, drawn by one horse or other beast.....	0	0	8
For each additional horse or beast.....	0	0	3
For every spring cart, cart or other two-wheel vehicle, other than those above mentioned, drawn by one horse or other beast.....	0	0	6
For each additional horse or beast.....	0	0	3
For each sleigh, traine, dray, berlin or other winter vehicle, drawn by one horse or other beast..	0	0	6
For every additional horse or other beast.....	0	0	3
For every horse, mare, gelding, ass or mule, with a rider.....	0	0	4
For every horse, mare, gelding, ass, mule or cow, and head of other neat cattle.....	0	0	2
For every score of sheep, lambs, hogs or swine..	0	0	10

Tolls on certain Bridges.

The tolls leviable in crossing Dorchester Bridge, Carouge Bridge, Chaudière Bridge, Vulcartier Bridge, and Etchemin Bridge, shall be fifty per cent. higher upon each of the above vehicles;

vehicles, animals or things, than the tolls which may now be levied thereon by the said Trustees, and one half-penny for each foot passenger each time of crossing the same Bridges: and when the Suspension Bridge over the River Montmorency now in course of construction shall be completed, the tolls on the said Bridge shall be the same as those leviable on Dorchester Bridge under this Act: Provided that no Tolls shall be levied on Dorchester Bridge for foot passengers.

The said Tolls to be paid, one half in passing, and the other half in repassing, except for foot passengers, as above stated.

IV. The said Trustees shall have power to change the site of any toll-gate by law established or to be established upon the said Turnpike roads, whenever they shall consider it advantageous so to do, and shall have power also to erect any additional toll-gates at any intermediate places, and there levy tolls: but such tolls shall form part and portion of those leviable by law, and the whole of the tolls leviable upon any one of the said roads, when divided, shall not exceed the amount fixed by law for such road; and such intermediate toll-gates shall be subject to the provisions of the ordinance touching the said roads and of the statutes amending the same: And the revenues to arise from any of the roads under the control of the said Trustees now or to be hereafter opened, may be farmed out so soon as the said Trustees may see fit after erecting the toll-gates.

V. The farming and leasing out of the revenues of the said roads and bridges shall be computed from the first day of June in every year, and the commutations mentioned in the third section of an Act passed in the eighth year of Her Majesty's Reign, intituled, *An Act to amend a certain Ordinance therein mentioned relative to the Turnpike Roads near Quebec*, shall be calculated for a period of one year from that day, for every year hereafter, without any deduction for any time elapsed in the said year previous to the commutation being effected.

VI. It shall be lawful for the said Trustees to raise money upon the deposit of their Debentures in any of the Banks of this Province, and to pledge the same to the said Banks to secure to them the amount of any sums of money which they may lend to the said Trustees for the purposes of the said Turnpike Trust; and it shall be lawful for the said Banks to loan money upon such deposit of Debentures as aforesaid.

VII. The said Trustees shall have the power to require from the several Toll-keepers, accounts under oath of all receipts from tolls by them collected, which oath shall be taken before a Justice of the Peace.

VIII. So much of the Ordinance of Lower Canada cited in the Preamble, or of the several Acts of this Province amending the same, as may be inconsistent with the provisions of this Act, is hereby repealed.

## CAP. CLXI.

An Act to increase the Salaries of Superintendents of Pilots and of the Bailiff of the Trinity House of Quebec.

[Assented to 30th May, 1855.]

Preamble.

WHEREAS it is expedient to augment the salaries of the Superintendents of Pilots and Bailiff of the Trinity House at Quebec: 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, as follows:

Salaries of the said Officers raised notwithstanding 12 V. c. 114.

I. For and notwithstanding any thing to the contrary in the third section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to consolidate the laws relative to the powers and duties of the Trinity House of Quebec and for other purposes*, or in any other part of the said Act or in any other Act, the salaries of each of the Superintendents of Pilots shall be two hundred and fifty pounds per annum, and that of the Bailiff of the Trinity House of Quebec, shall be one hundred and fifty pounds per annum, to be paid in the same manner and out of the same fund as provided in the said Act with regard to the salaries therein mentioned; and any provision to the contrary in the said Act or in any other is hereby repealed.

## CAP. CLXII.

An Act to amend the provisions of the several Acts for the incorporation of the City of Montreal.

[Assented to 30th May, 1855.]

Preamble.

WHEREAS it is expedient to repeal in part, and to amend the provisions of the Acts incorporating the City of Montreal, and to vest certain further powers in the Corporation thereby constituted, and to remove certain doubts which have arisen as to the true intent and meaning of certain clauses in the said Acts: 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, as follows:

I. The second section of the Act made and passed in the fourteenth and fifteenth years of Her Majesty's reign, and intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal,* shall be, and is hereby amended by striking out the words "fifty-second and fifty-third," in the fifth and sixth lines thereof, and substituting the words "fifty-fourth and fifty-fifth," in their places respectively.

Sect. 3 of 14 & 15 V. c. 138 amended.

II. The eleventh section of the said last cited Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be and the same is hereby repealed.

Sect. 11 of the said Act repealed.

III. The Councillors of the said City of Montreal, at the periods hereinafter appointed, shall be chosen by the majority of votes of such male persons, being inhabitant householders, or owners or occupiers of dwelling-houses within the ward for which the election shall be had, as shall severally be possessed on the first day of January next preceding such election, of a dwelling-house within the ward, held by them respectively in freehold or for a term of years or for a term not less than one year, the annual value whereof, if held in freehold, shall not be less than forty shillings current money of this Province, or the rent paid therefor, if otherwise held, shall not be less than eight pounds said current money, and who, if not owners, shall have been resident within the said City, during one year or more, previous to the first day of January next before any such election, and shall have resided within the particular ward for which such election shall be had, not less than three months next before the first day of January preceding such election, and shall have been assessed under the Laws and By-laws in force on the first day of January next preceding any such election, on a sum of not less than eight pounds current money aforesaid, upon the dwelling-house so occupied; and part of a dwelling-house in which an inhabitant shall reside as a householder or occupier, but not as a boarder or lodger, and having an outer-door by which a communication with the street may be afforded, whether the said door shall be held individually or in common with other such inhabitant or inhabitants of the said house, or part of a house, likewise resident therein as such householder or occupier, shall be considered a dwelling-house within the meaning of this enactment, provided the annual value thereof, or the rent paid therefor as aforesaid, be not less than eight pounds, and the rate of assessment thereon be on a sum not less than eight pounds current money aforesaid per annum. And every male person, though not a householder, who shall have been resident in the said City during one year next before the first day of January preceding any such election of Councillors, and who, either individually or jointly as a co-partner with any other person or persons, shall have owned or occupied

Qualification of voters at elections of Councillors.

Householders being freeholders.

Tenants.

Further requisites.

What shall be a dwelling-house.

Persons occupying real property not being a dwelling-house.

any warehouse, counting-house or shop, within any of the said wards of the said City, during three months next preceding any such election, and shall have been assessed for not less than one year on such premises, on a sum not less than eight pounds if owned or occupied by one individual, or not less than eight pounds per share if there are two or more co-partners, shall be entitled to vote at the election of Councillors to be had in the ward in which such premises shall be situate; And provided also, that whether the said assessment be paid by the owner or proprietor of the property so assessed, or by the inhabitant householder, tenant or occupier thereof, the said inhabitant householder, tenant or occupier shall be entitled to vote in respect of his occupation of such property, or part thereof, as aforesaid, and shall not be deprived thereof in consequence of his not having paid the same; Provided he be otherwise rated, charged or assessed in respect of the Laws and By-laws in force; And provided also, that no such inhabitant householder or owner, tenant or occupier of a dwelling-house, part of a dwelling-house, warehouse, counting-house or shop, within the said City, shall be entitled to vote at any such election of Councillors, unless he shall, previous to the first day of January next before the holding of any such election, have paid the amount of all rates and assessments, and of every tax, duty or impost (drain accounts excepted,) lawfully imposed by any By-law, rule, regulation or order now in force or that hereafter may be in force in the said City of Montreal, that may be due and payable by him in the capacity aforesaid, or as owner or proprietor of other lands, lots, houses or other buildings, within the said City, either vacant or in the possession of tenants, householders or occupiers who have neglected to pay the assessment thereon, up to the first day of January next before the holding of any such election.

Proviso.

Proviso: all rates and assessments must have been paid.

In what Ward Elector shall vote

Not to vote in more than one.

IV. Every voter shall vote in the ward in which he is assessed, unless he be qualified to vote in more than one ward, then in the ward in which he shall reside; and each voter qualified to vote in one ward only shall vote in such ward, and each voter qualified to vote in more wards than one and resident without the limits of the City, shall declare, at least one month before the election, in which ward he wishes to vote, and in default of so doing he shall not be permitted to vote at such election; and no person shall be permitted to give more than one vote at any election.

Penalty on persons bribing or allowing themselves to be bribed at any election.

V. If any person who shall have or claim to have any right to vote at any election of a Mayor or of a Councillor in the said City, shall, after the passing of this Act, ask or take any money or other reward by way of gift, loan or other device, or agree or contract for any money, gift or office, employment or other reward whatsoever, to give or forbear to give his vote in any such election, or if any person, by himself, or by any person employed by him, shall by any gift or reward, or by any promise, agreement

agreement or security for any gift or reward, corrupt or procure, or offer to corrupt or procure, any person to give or forbear to give his vote in any such election, such person so offending in any of the cases aforesaid shall for every such offence forfeit the sum of ten pounds currency, to be recovered, with full costs of suit, by any one who shall sue for the same in the Circuit Court for the Montreal Circuit, and any person offending in any of the cases aforesaid, being lawfully convicted thereof, shall for ever be disabled to vote in any election in the said City.

VI. And whereas doubts have arisen as to the true intent and meaning of that enactment of the fifteenth section of the Act last cited, whereby power is given to the Board of Revisors to correct any mistake, or supply any accidental omission made by the Assessors in the voters' lists, Be it therefore declared and further ordained and enacted, that the power so given shall not extend to the adding to, or erasing from, the said lists, or any of them, of any voter's name, unless a request be made in writing to that effect, in the manner and within the delay prescribed by the fourteenth section of the said Act: Provided, however, that nothing herein contained shall prevent the said Board from erasing from any of the said lists the name of any person that may be proved to them to be dead at the time of the revision of the said lists, or of any person whose name may have been erroneously included in any one or more lists other than the voters' list of the ward in which, according to the provisions of the twenty-fourth section of the said Act, he is alone entitled to vote; neither shall it prevent the said Board from correcting any mistake made in the Christian or first name of any voter whose name is inserted on any of the said lists, or in the spelling of the surname of any such voter, or from adding to, or removing from the said lists, any second or intermediate name or names that may have been erroneously omitted from, or added to, the name of any voter thereon; or from correcting any obviously clerical error in the name, residence, or occupation of any voter, in the said lists.

Recital.

Sect. 15 of 14 &amp; 15 V. c. 128, explained.

amending voters' lists.

Proviso: this shall not prevent Revisors from correcting the lists in case of death, &amp;c.

VII. And whereas it is necessary to make provisions whereby a poll or contest may be avoided in certain cases where no division of opinion exists amongst the electors, in respect of the person intended to be elected Mayor of the said City, or in respect of those intended to be elected Councillors in any or all of the wards thereof; and it is also necessary to provide, that the Candidates for any of the said offices shall be publicly known, and that none other but those named shall be or may be elected: Be it therefore enacted, that hereafter the twelfth day of February in each year, or if that be a holiday, then the next following not being a holiday, shall be and the same is hereby fixed as the nomination day for all Candidates for the offices of Mayor of the said City and of Councillors for the several wards thereof; and such Alderman or City Councillor as shall at the last previous meeting of the City Council have been

Recital.

Nomination day appointed for the office of Mayor and Councillors, and provision for avoiding a poll where there is no contest.

been named and appointed for that purpose, shall preside at each of the nominations of candidates for the offices of Mayor and of Councillors respectively which shall be held in the open air, that for the office of Mayor at the Bonsecours Market, and those for Councillors at such places in the several wards, to be fixed by the said Council, as that all the electors may have free access thereto; and at ten o'clock in the forenoon of the said day, the Alderman or Councillor appointed to preside at each such nomination shall proceed to the place where the same is to be held as aforesaid, and shall then and there require the electors there present to name the person or persons whom they wish to choose as Mayor, or as Councillor or Councillors, as the case may be, and any two duly qualified electors of the said City may openly and publicly address to the Alderman or Councillor presiding at the nomination for the office of Mayor, a demand or requisition that the person by them named be elected Mayor of the said City for the next ensuing term of the said office of Mayor, and in the event of there being only one such demand or requisition made as aforesaid, or that all the demands or requisitions so made shall be for one and the same person, then the Alderman or Councillor presiding shall proclaim the said person duly elected Mayor of the said City for the next ensuing term of the said office; and any two qualified electors in any ward of the said City may, on the day aforesaid, openly and publicly address to the Alderman or Councillor presiding at the nomination for the office of Councillor in such ward, a demand or requisition that the person or persons named by them be elected Councillor or Councillors for the said ward in which the said requisitionists are electors as aforesaid, and if there be only one demand or requisition made for the election of a Councillor or Councillors in any ward of the said City, or if all the requisitions made in any such ward be for the election of the same person or persons as Councillor or Councillors for the said ward, then the said Alderman or Councillor presiding shall proclaim the said party or parties named in the said requisition or requisitions (as the case may be,) duly elected Councillor or Councillors for the said ward, for the next ensuing term of the said office or offices; and each and every such election, made as aforesaid without dissent or division therein, shall be forthwith published in at least one English and one French newspaper in the said City, and the said presiding Alderman and Councillors respectively shall, in due course report the said elections to the Council of the said City. In the event of demands or requisitions being made by two or more duly qualified electors as aforesaid for the election of two or more persons as Mayor of the said City, or as Councillor or Councillors in any ward thereof, a poll shall be granted for each and every such election by the said presiding Alderman and Councillors respectively, and the said election shall be proceeded with in the manner heretofore and now done, in all cases of contested elections for the offices of Mayor of the said City, or of Councillor or Councillors in any of the wards thereof:

Proclamation  
of persons  
elected, and  
publication of  
their names.

Poll to be  
granted where  
there are se-  
veral Candi-  
dates.



thereof: Provided, however, that no person may or shall be voted for, at any such election or may or can be elected thereat, for whose election a demand or requisition shall not have been made as aforesaid on the twelfth day of February aforesaid. Proviso.

VIII. It shall be lawful for the said Council, at any meeting or meetings of the said Council, composed of not less than two thirds of the members thereof, to make By-laws, which shall be binding on all persons, for the following purposes, that is to say: Council empowered to make By-laws for certain purposes.

1. For the preservation of peace and good order, and the suppression of vice in the said City; to restrain and prohibit all descriptions of gaming in the said City, and all playing of cards, dice or other games of chance, with or without betting, in any hotel, restaurant, tavern, inn or shop, either licensed or unlicensed in the said City; to prevent and prohibit any riot or noise, disturbance or disorderly assemblages, and to punish the perpetrators thereof; to give power and authority to enter into all groceries, grog-shops, taverns, hotels, and all other houses or places of public entertainment, whether licensed or unlicensed, in the said City, to detect and arrest on view such persons as may be found gaming, playing at cards, dice or other games of chance or in cock-fighting or dog-fighting therein, contrary to any By-laws restraining or prohibiting the same, or making, causing or creating any riot, noise, disturbance or disorder therein; to restrain and punish vagrants, mendicants, street-beggars, common prostitutes and disorderly persons; to license, regulate or prohibit exhibitions by common showmen, and shows of every kind, and the exhibitions of any natural or artificial curiosities, caravans, circusses, menageries and theatrical representations; to prohibit cock-fighting and dog-fighting, and all other cruel sports in the said City; and also to prevent horse-racing and immoderate driving or riding in the streets or highways thereof; to prohibit the flying of kites and every other game, practice or amusement in the public streets or elsewhere, having a tendency to frighten horses, or to injure or annoy persons passing in or along the highways of the City, or to endanger property; to compel all persons to remove the snow, ice and dirt from the roofs of the premises owned or occupied by them, and to punish them for not so doing; to prevent the incumbering of the streets, side-walks, squares, lanes, alleys or highways, with carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, firewood, or any other substance or materials whatsoever; to prohibit or license or regulate the sale or pedlery of fruit, nuts, cakes, refreshments; bread, jewelry and merchandize of all kinds, in and upon or along the wharves, streets, side-walks, alleys and public squares of the City; to compel the owner or occupant of any grocery, cellar, tallow-chandlers' shop, soap-factory, tannery, stable, barn, privy, sewer, garden, field, yard, passage or lot of ground, or any other unwholesome or nauseous house or place whatsoever, to cleanse, Peace and good order.  
Gaming.  
Riots.  
Inspecting taverns, &c.  
Begging, &c.  
Shows.  
Cruelty.  
Flying kites, &c.  
Cleaning roofs, &c.  
Incumbering streets, &c.  
Pedlery.  
Certain offensive trades, &c.

Dead carcasses, &c.

cleanse, remove, or abate the same, from time to time as often as may be necessary for the health, comfort and convenience of the inhabitants of the said City ; to prohibit any person from bringing, depositing or leaving within the City limits any dead body or any dead carcass, and to require the removal of the same, or of any article or thing about or liable to become unwholesome, by the owner or occupant of any premises on which the same may be ; and on his default, to authorize the removal or destruction thereof by some city officer, and to recover the expense thereof from the party or parties refusing or neglecting to remove or destroy the same ;

Prohibiting offensive Factories, &c.

Or regulating them.

2. To prohibit, if deemed necessary, the erection, use or employment in the said City of all steam engines, soap and candle, or oil or oil-cake factories, india rubber or oil-cloth factories, slaughter houses, dying establishments, and other factories or establishments whercin work, operations or processes, is or are carried on, liable or having a tendency to endanger property, or to affect or endanger the public health or safety ; and the said Council shall have power also to permit such erection, use or employment, subject to such restrictions and limitations and conditions, as the said Council may deem necessary ;

Animals running at large.

Dogs.

3. To restrain and regulate the keeping and running at large of cattle, horses, swine, sheep, goats, and to authorize the distraining, impounding, and sale of the same for the penalty incurred, and cost of proceedings, as well as the expense of their keeping ; to regulate and to prevent the running at large of dogs in the said City, and to authorize the destruction of all dogs running at large, contrary to any By-law of the said City ;

Light weight.

Bakers and bread.

4. To authorize the seizure and confiscation of grain, flour, butter, potatoes, and all other vegetables, articles and effects brought to the markets of the said City, for sale or otherwise, for or on account of deficiency in measure, weight or quality, or any other good and sufficient cause ; to regulate bakers in the said City of Montreal, and persons in their employ ; to regulate the sale, weight and quality of bread to be sold or exposed for sale in the said City, and to provide for the examination and weighing of all bread exposed for sale, and for the seizure, forfeiture and confiscation, and also the disposal after confiscation of any and all such bread so exposed for sale, contrary to the said By-laws, or that may be light or unwholesome ; and for that purpose to authorize and empower proper officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for the purpose of examining and weighing the same, and to do any other act or thing needful, necessary, or that may be deemed for the public benefit and security, to carry out such purpose, or to enforce such By-laws ;

5. To authorize the granting of licenses to carters, and owners, and drivers of public vehicles for hire, in and for the said City, and likewise for the better government of the owners and drivers thereof, and to establish rules and regulations in reference to carts, cabs, caleches, carriages, or other public vehicles for hire, in and for the said City, as well as to fix a tariff of rates and charges for the same; and to impose a fine not exceeding twenty shillings currency, or an imprisonment not exceeding ten days, or both, on any person hiring, engaging or employing carters in the said City, and neglecting or refusing to pay such carters for their services according to the rates established by such tariff; Carters, &c.
6. To regulate, clean, repair, amend, alter, widen, contract, straighten or discontinue, the streets, squares, alleys, highways, bridges, side and cross-walks, drains and sewers, and all natural water courses in the said City; and to prevent the encumbering of the same in any manner, and to protect the same from encroachments and injury; and also to determine the course of all natural water courses passing through private property in the said City, and to regulate all matters concerning the same, whether the said water courses be covered or not; they shall also have power to direct and regulate the planting, rearing and preserving of ornamental trees, in the streets, squares and highways of the said City; Streets, high-ways, sewers, &c.  
Planting trees.
7. And whereas great inconveniences and loss have been experienced in the City of Montreal, in consequence of the sale of hay, coal, peat or turf, firewood, and other woods on wharves, streets and other public places not allotted for that purpose: Be it enacted, that the said Council shall have power and authority to make and pass By-laws to regulate the sale of hay, coal, peat or turf, firewood and other woods, and the sellers thereof, and to prohibit, if deemed necessary, the sale of such hay, coal, peat or turf, firewood or other woods, in all places other than public markets or public or private wood yards, or such places as the said Council may allot or appropriate for that purpose; Sale of hay, coal, &c.
8. And the said Council shall have power to fix a tariff of fines and rates to be paid at Pounds now or hereafter to be established in the said City, in lieu of those fines and rates now paid at the same; any law or custom to the contrary notwithstanding; Public Pounds.
9. And the said Council shall have full power and authority to pass By-laws for the better observance of the Lord's Day, commonly called Sunday, in the said City of Montreal, and for that purpose to prohibit the selling, vending or retailing, by store or shop keepers, pedlars, hawkers, petty chapmen, hotel keepers, tavern keepers or other persons keeping houses or places of entertainment in the said City, and all other persons, on the said Lord's Day, of goods, wares or merchandize, wines, spirits, Better observance of Sun-day.

spirits, or other strong liquors, or the purchasing or drinking thereof, in any hotel, tavern, or house, or place of public entertainment in the said City, by any person or persons; and the said Council may by any such By-Law give power and authority to enter into all stores, shops, hotels, taverns, or other houses or places of public entertainment of any description whatsoever in the said City, for the purpose of arresting on view such parties or other persons suspected of so selling, vending or retailing, or offering or exposing for sale or of purchasing or drinking as aforesaid.

Penalties for  
infraction of  
By-laws.

And by any such By-law, for any of the purposes aforesaid, the said Council may impose such fines not exceeding five pounds, or such imprisonment not exceeding thirty days, or both, as they may deem necessary for enforcing the same, unless herein otherwise expressly provided.

Suspending  
and revoking  
licenses.

IX. The said Council shall have full power and authority to suspend or revoke all licenses granted to carters and owners, or drivers of public vehicles, in and for the said City; to ferry-men plying to and from the said City, to chimney sweeps, and generally all licenses whatsoever granted by the said Council, for any offence or cause of misconduct, or violation of any By-law relating to or concerning such persons holding any such licenses, or their trade, occupation or business in respect of the same.

Salary of Re-  
corder raised.

X. For and notwithstanding any thing to the contrary contained in the said Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, the salary of the Recorder of the said City shall not be less than four hundred pounds currency per annum, payable monthly out of the funds of the said City; and so much of the said Act as provides that the Recorder of the said City shall be assisted in holding the Recorder's Court by one or more of the Aldermen or Councillors of the said City, or that in the absence of the Recorder, from sickness or other causes, the Mayor or one of the Aldermen or Councillors of the said City shall preside in the said Court, shall be and the same is hereby repealed; and it shall be lawful for the said Recorder, from time to time, by an instrument in writing under his hand and seal, to be deposited, filed and registered in the Office of the Clerk of the said Recorder's Court, to nominate and appoint some fit and proper person, being an Advocate of not less than five years standing at the Bar of Lower Canada, to be and act as his Deputy in the event of his illness or necessary absence from the said City, and any such nomination and appointment from time to time to revoke and again to make as circumstances may seem to him to require; and each and every person so nominated and appointed shall, for and during the period of time limited in the instrument containing his appointment, or if no period of time be therein limited, then from the date of the registration thereof as aforesaid until the revocation thereof,

Aldermen not  
to sit in Re-  
corder's Court,  
but he may  
appoint a Bar-  
rister as his  
Deputy in  
case of absence,  
&c.

have,

have, hold, use, occupy, possess and enjoy, and be vested with all and every the jurisdiction, rights, powers, privileges and authority, and be bound to discharge all the duties of the Recorder for the said City, to the exclusion, for the time being, of the person so nominating and appointing him as aforesaid: Provided, nevertheless, that the said Recorder's Court shall not at any time be deemed to have been illegally held, nor shall the acts of any Deputy Recorder of the said City be deemed invalid, by reason of the absence of the Recorder not being deemed to be necessary within the meaning of this Act.

Proviso-

XI. Notwithstanding any thing in the said Act or in any other Act or Law to the contrary, the said Recorder's Court shall have exclusive jurisdiction in all cases of complaint against or objection to the assessment returns to be made in the said City; and it shall be the duty of the Treasurer of the said City, as soon as the Assessors thereof have deposited the assessment books for any ward of the said City in any year in his Office, to cause a notice to that effect to be published in one French and in one English newspaper in the said City, and in every issue thereof, for three weeks; and all persons who may think themselves aggrieved by any thing in the said assessment books contained, may, at any time within three weeks from the day of the date of the first publication of such notice, prepare, or cause to be prepared, a complaint thereof in writing, addressed to the said Recorder's Court, and file the same in the Office of the Clerk of the said Court, who shall from time to time give due and sufficient notice, by publication in one English and in one French newspaper in the said City, of the days and hours when the said Recorder's Court will proceed to hear and determine the merits of such complaints generally, or any class or number thereof, respectively; and any party aggrieved by any decision of the said Recorder's Court with respect to any such complaint, may appeal therefrom by summary petition to any one of the Judges of the Superior Court for Lower Canada, sitting at Montreal, presented either in Term or in vacation, within a delay of eight days from and after the rendering of such decision, and thereupon it shall be lawful for such Judge to order that certified copies of the entry or entries in the assessment book complained of by the Petitioner, and of the decision of the said Recorder's Court on his complaint thereof, together with such complaint itself, be transmitted to him, and upon receipt thereof he shall, after having heard the Petitioner either in person or by his Attorney, make such order in the premises as to law and justice may appertain.

Recorder's Court to have exclusive jurisdiction in cases of complaint of Assessment Returns.

Mode of proceeding in such cases.

Appeal from decision in any such case.

XII. From any judgment to be rendered by the said Recorder's Court after the passing of this Act, in any cause, matter or proceeding in which the legality of any By-law of the Council of the said City of Montreal shall have been directly in issue, an Appeal shall lie to the Superior Court for Lower Canada, sitting at Montreal; and so far as circumstances and the

Appeal from Recorder's Court in cases where legality of By-law shall come into question.

the nature of the case will permit, all and every the provisions of Law and Rules of Practice regulating Appeals from the Circuit Court to the said Superior Court shall apply to such Appeals from the said Recorder's Court to the said Superior Court.

Prosecutions  
in the said  
Court against  
joint owners  
or occupants  
of property.

XIII. Any one or more joint owners or occupiers of any lot, house or premises, or other real property in the said City, complained of for violation of any By-law of the said Council now or hereafter to be in force, bearing upon the said joint owners or occupiers, or upon the said lot, house or premises, or other real property in any manner whatsoever, by reason of nuisances committed thereon, or other offences of what nature soever, may be sued alone, or conjointly, in the said Recorder's Court, as may be deemed advisable, as well as the agent or agents of the said joint owners or occupiers or of any one of them; and in the suit to be instituted, it shall be sufficient to mention the name of one of the owners, occupiers or agents, with the addition of the words "and others," and the oral testimony of such ownership or occupancy, whether sole or joint, or of such agency, shall be deemed sufficient; any law, usage or custom to the contrary notwithstanding.

Evidence of  
joint owner-  
ship, &c.

Section 86 of  
14 and 15 V.,  
c. 128 repeal-  
ed.

XIV. The eighty-sixth section of the said Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be and the same is hereby repealed.

Policemen and  
Constables to  
apprehend on  
view, loose,  
idle, and disor-  
derly persons.

XV. It shall be lawful for any Police Officer or Constable of the said City, during the time of his being on duty, to apprehend on view, all loose, idle and disorderly persons, that is, all persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, or whom he shall find lying, loitering or wandering either by night or by day in any field, highway, yard or other place, and all prostitutes or persons wandering by night or by day or found lodging or sleeping in any barn, shed, outhouse or other building unoccupied, or in the open air, or under a tent, cart, waggon or other vehicle, not giving a satisfactory account of themselves, and all persons causing a disturbance in the streets or highways by shouting or otherwise, and to deliver any person so apprehended into the custody of the Officer or Constable appointed under the said Act, who shall be in attendance at the nearest Police Station or Watch-house, in order that such person may be secured until he or she can be brought before the Recorder's Court of the said City, to be dealt with according to law or the provisions of this enactment, or shall give bail to such Officer or Constable for his appearance before the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or Councillor, if such Officer or Constable shall think fit to take bail, in the manner prescribed by the said Act: And it shall further be lawful for the said Recorder's Court, or the said Recorder, or the said Mayor, Alderman or Councillor;

How such per-  
sons shall be  
dealt with.

Punishment  
of such per-  
sons.

by

by whom any such loose, idle and disorderly person shall be convicted of any of the said recited offences, by confession, or by the oath of one or more credible witness or witnesses, to adjudge that such person shall pay a fine not exceeding five pounds current money of the said Province, either immediately, or within such period as may be thought fit, and be imprisoned in the common Gaol or House of Correction, at hard labor, for any time not exceeding two calendar months, or to adjudge that such person shall pay a fine of five pounds, said current money, either immediately or within such period as may be thought fit, and that in default of such payment either immediately or within the time appointed as aforesaid, such person shall be imprisoned in the said Common Gaol or House of Correction, at hard labor, for any time not exceeding two calendar months, the imprisonment, however, to cease upon payment of the fine imposed; any law, usage or custom to the contrary notwithstanding.

Imprisonment  
in default of  
payment.

XVI. The ninetieth section of the above cited Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be and the same is hereby amended with respect to that part thereof imposing fine and imprisonment; and it is hereby enacted that the said Recorder's Court shall have power and authority either to fine and imprison any person convicted before it, of having assaulted or resisted any officer or constable appointed under the said Act, in the execution of his duty, or of aiding or inciting such person so to assault or resist, as declared by the said section, or to adjudge that any such person or persons so convicted as aforesaid, shall, for every such offence, forfeit and pay such sum not exceeding five pounds, either immediately or within such time as may be thought fit, and that in default of such payment, either immediately or within the delay mentioned, such person or persons be imprisoned in the Common Gaol, or House of Correction, at hard labor, for a period not exceeding thirty days.

Sect. 90 of 14  
& 15 V. c.  
128 amended.

Punishment of  
persons resist-  
ing City Offi-  
cers or Constables.

XVII. And whereas it often happens that lessees of property in the said City sub-let the same for higher rents than they pay for the same, and doubts may arise as to whether the assessment on such property should be determined upon the rent for which the same may be let, or that for which it may be sub-let: Be it enacted that in all such cases the Assessors shall determine the assessment to be made by them on such property, upon the actual *bonâ fide* rent thereof as agreed upon between the lessee and his sub-tenants, but the rate or tax so assessed shall, as respects the owner of such property, in the event of his being compelled to pay the same, be reducible and be reduced to the sum it would have amounted to if it had been assessed on the actual and *bonâ fide* rent of such property for the year in respect of which it was assessed, as agreed upon between him and his immediate tenant: Provided always, that in all such cases the full amount, or the sum or balance necessary to

Recital.

How property  
shall be assessed when it  
has been sub-let for a higher  
rent than the  
proprietor has  
reserved in the  
original lease.

Proviso.

complete the full amount, as the case may be, of the rate or tax so assessed, shall always be recoverable by the Corporation from the tenant or sub-tenant.

Recital of sect.  
74 of 14 & 15  
V. c. 128, as to  
taxes for local  
improvements.

XVIII. And whereas it is enacted in and by the seventy-fourth section of the said Act hereinbefore cited, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eighth, that in all cases where the proprietors of the majority of the real estate in any street, square, or section of the City, that is to say, the proprietors of the larger part in value of the said real estate, according to the then assessed value thereof, may apply to the said Council for any specific local improvement in or to the said street, square or section, other than the repairing of the streets thereof, it shall be competent for the said Council to allow the same, and for the purpose of defraying and covering the cost of the said specific improvement, or any part thereof, which the said Council may determine to be borne by the parties interested in the same, the said Council is empowered to impose and levy, by By-law, a special rate, tax or assessment on all real estate, in the said street, square or section of the said City, benefitted or to be benefitted by the said improvement, according to the assessed value thereof, sufficient to cover the expense of the said improvement, in whole or in part, as the said Council may decide: but no provision is made in the said section to fix and determine what real estate in the said street, square, or section of the said City, is so benefitted or to be benefitted by the said improvement, or to apportion the said special rate, tax or assessment on the said real estate, as nearly as may be in proportion to the benefits resulting, or to result from the said specific improvement: Be it therefore enacted, that in all cases where land or property may have been taken and appropriated for any specific improvement, by virtue of the said in part recited seventy-fourth section of the said Act, or where the same may hereafter be taken and appropriated by virtue thereof, the whole of the real estate in such street, square or section shall be held to have been equally benefitted by such improvement; and that so much of the said section as empowers the said Council to regulate and apply such rate, tax or assessment to and upon any such real estate to be so rated, taxed or assessed, and according and in proportion to the amount of benefit which will be conferred thereon by the said improvement, shall be and the same is hereby repealed; and the assessed value of all real estate in any such street, square or section, for the year in which any By-law is made under the said section, shall be held to be the assessed value thereof for the purposes of the said section. Sworn assessors of the said City shall, upon view of the premises, adjudge, fix and determine the real estate in any such street, square, or section of the said City, benefitted or to be benefitted by any such specific improvement heretofore made or hereafter to be made by virtue of the said section of the said Act, on the application of the proprietors of the majority of the real estate in any such street, square, or section

How the property benefitted by any local improvement shall be ascertained by the Assessors.



section of the said City ; and the said assessors shall be, and they are hereby required to assess and apportion the amount thus assessed for compensation, to cover the expense of the said improvement, and all costs incurred thereby, on the said real estate benefitted or to be benefitted by the said improvement, as nearly as may be in proportion to the benefits resulting therefrom, and they shall briefly describe the real estate on which any assessment is made by them. The said assessors shall view the premises, and in their discretion receive any legal evidence, and for that purpose they are hereby authorized to administer oaths to witnesses, to require and compel their attendance before them, and to hear and examine them when present ; and any witness refusing to attend and give evidence before the said assessors, when duly summoned by them so to do, shall incur the like fine or penalty or both, to be recovered or enforced before the Recorder's Court of the said City, as for refusal to appear when duly summoned before the said Court ; and the said assessors may, if they shall deem it necessary, adjourn from day to day. They shall also before entering upon their duties, give notice to the persons interested, of the time and place of their meeting, for the purpose of viewing the premises, and making and apportioning such assessment, at least five days before the time of such meeting, by publishing such notice in at least one English and one French newspaper published in the said City. If there be any building on any land taken for such improvement, the value thereof, with a view to the removal of the said building, shall be ascertained and stated in the said assessment, and the owner thereof may remove the same within ten days, or in such other time as the said Council shall allow, after the confirmation of the report of the said assessors ; if he shall so remove such building the value thereof so ascertained shall be deducted from the amount of compensation awarded to him. The determination and assessment of the said assessors, signed by all or the majority of them, shall be returned to the said Council, within thirty days after they shall have been required to make and apportion the said assessment. The said Council after the determination and assessment of the assessors, and their apportionment of the said assessment, is returned to them, shall give two weeks' notice, in at least one English and one French newspaper, published in the said City, that the same will, on a day to be specified in such notice be confirmed, unless objections thereto, briefly stated, shall be previously filed with the City Clerk ; if no such objections are so made, the said determination and assessment, and apportionment thereof, shall be confirmed by the said Council ; if objection be made, as aforesaid, any person interested may be heard before the said Council touching the matter, on the day specified in the aforesaid notice, or on such other day as the said Council shall appoint ; and the said Council may, after hearing such persons confirm such determination and assessment, and apportionment thereof, modify the same, by reducing any part or parts, item

Proceedings of  
the Assessors  
for that pur-  
pose.

Allowance  
when build-  
ings are re-  
moved from  
property  
taken.

Report of As-  
sessors.

Revision by  
Council after  
notice.

Objections to  
be heard.

Council's determination to be conclusive.

item or items thereof, but the said Council shall not have power to augment any part or portion thereof; and the determination of the said Council shall be final and conclusive on all the persons interested, and a By-law may be made and passed thereon, to levy the said assessment on the properties and persons, and in the proportions so finally determined upon by the said Council.

Provision where property taken for improvements is under lease.

XIX. In all cases where the whole or any part of any real estate, subject to any lease or other agreement, shall be taken by the said Council, under the said section of the said Act, all the covenants and stipulations contained in such lease or agreement, shall, upon the final confirmation of the assessment therefor, cease, determine, and be absolutely discharged; and in all cases where a part only of any real estate, shall be so taken, the said covenants and stipulations shall be so discharged only, as to the part so taken; and the decision of the said sworn assessors shall determine the rents, payments and conditions which shall be thereafter paid and performed, under such lease or agreement, in respect to the residue of such real estate.

Certain particulars to appear on lists of voters.

XX. In the lists and certificates of voters, in the several wards of the said City, for the Mayor and Councillors of the said City, there shall hereafter be stated and set forth, at full length, the Christian and surnames of the said voters, their occupations, and the streets in which they reside in the said City or in which they have their places of business therein, whenever the right of vote arises out of the business carried on by the said voters.

Recital: sect. 17 of 14 & 15 V. c. 128.

XXI. And whereas it is necessary to amend the seventeenth section of the said Act fourteenth and fifteenth Victoria chapter one hundred and twenty-eight, with respect to the formalities to be observed by the City Clerk, prior to the delivery to any person whose name shall be on the voters' list for any ward, of a certificate to the effect that the name of such person is on such voters' list, and that he is entitled to vote at the election to be held for Mayor of the said City, and for a Councillor or Councillors for such ward; Be it therefore enacted, that the said City Clerk or any person acting for him shall have full power and authority, whenever deemed necessary, to administer to such person requiring such certificate, the following oath or affirmation, before delivering the said certificate, viz:

City Clerk may administer an oath before delivering certificate of right to vote.

The oath.

"You swear (or solemnly affirm) that you are the person named and described in the certificate claimed by, and now shewn to you, (reading to the said party, at the same time, the name, occupation, and name of the street, set forth in full, in the said certificate,) and that you are entitled to vote at the election to be held for Mayor of the City of Montreal, and for a Councillor (or Councillors, as the case may be,) for the (naming the ward) ward of the said City. So help you God."

XXII.

**XII.** The sixteenth section of the said Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be and the same is hereby repealed.

Secr. 16 of 14 & 15 V. c. 126 repealed.

**XXIII.** The voters' lists for each ward of the said City, when settled and signed in the manner provided for in and by the said last cited Act, shall again be placed and kept in the City Hall, until after the close of the elections, and shall then be filed in the office of the City Clerk; and every person whose name shall appear in such ward list, and who shall produce a certificate in the manner provided for by the said Act, shall be entitled to vote at the election for Mayor of the said City, and for a Councillor or Councillors, as the case may be, in the ward stated in his certificate, without any further enquiry as to his qualification: Provided that it shall be lawful for the said Mayor, or for any Alderman or Councillor of the said City, or for the Recorder, or the City Clerk thereof, to administer either or both of the following oaths, marked one and two, included in this section, to any party producing any such certificate, and claiming a right to deposit the same, and vote at the said election; and it shall be compulsory on the said Mayor, Alderman and Councillors, and upon the said Recorder and City Clerk, to administer either or both of the said oaths, upon the requisition to that effect, of any Candidate at the said election, or any duly qualified voter in the said City, and likewise in all cases where doubts are or may be entertained of the identity of the party desirous of voting, of his being of the full age of twenty-one years, or of his having received or been promised any consideration for his vote; and any person required to take the said oaths, or either of them, and refusing so to do, shall be prohibited from voting, so long as he shall persist in his said refusal, and until he shall have taken the said oath or oaths.

Voters' lists for each Ward to be kept at City Hall:

Their effect.

Proviso: voter on list may also be required to take an oath.

Oath must be administered in certain cases.

Penalty for refusing to take oath.

*Oath Number One.*

“You swear (or if he be one of the persons permitted by law to affirm in civil cases, you affirm) that you are the person named and described in this certificate now shewn to you, (reading to the said party, at the same time, the name, occupation, and name of the street set forth in full in the said certificate); and that you have not before voted at this election. So help you God.”

Form of oath.

*Oath Number Two.*

“You swear that you verily believe that you are of the full age of twenty-one years; and you have not already voted at this election; and that you have not received any thing, nor has any other person, to your knowledge or belief, received any thing for you or on your account or behalf, either directly or indirectly; neither has there any thing been promised to you, or to your knowledge or belief, to any other person for you, or on your behalf

Form of oath.

"behalf or account, either directly or indirectly, in order to induce you to give your vote at this election, nor do you expect any remuneration, gift or reward, either directly or indirectly, for voting at this election. So help you God."

False oath to be perjury.

XXIV. Any person who shall swear or affirm falsely, upon the said prescribed oaths numbers one and two, contained in the preceding section, or either of them, being administered to him, shall be guilty of wilful and corrupt perjury, and shall be liable to all the pains and penalties of the said offence.

Auditor to take an oath of office.

XXV. Hereafter no Auditor, elected or appointed under the said last cited Act, shall be required to take an oath that he is holder of real or personal estate, as one of the qualifications for holding such office, but the following oath shall be administered to such Auditor by the Mayor, or any Alderman or Councillor thereof, or the City Clerk, to wit :

The oath.

"You (*name of Auditor*;) having been elected Auditor for the City of Montreal, do sincerely and solemnly swear, that you will faithfully fulfil the duties of the said office, according to the best of your judgment and ability. So help you God."

And no other oath shall be required of such Auditor ; any thing in the said Act to the contrary notwithstanding.

Sects. 19 & 24 of 14 & 15 V. c. 128 amended.

XXVI. The nineteenth and twenty-fourth sections of the Act last cited (fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight,) shall be and the same are hereby severally amended, by substituting in the said nineteenth section, the words "sixteenth section," in place of "fifteenth section," and in the said twenty-fourth section the words "for the particular ward" in lieu of "within the particular ward."

Sect. 33 repealed.

XXVII. The thirty-third section of the Act last cited shall be and the same is hereby repealed.

Sects. 48 & 49 amended.

XXVIII. The forty-eighth and forty-ninth sections of the said last cited Act shall be and the same are hereby amended, in so far as respects the manner of appointing a Chairman at any meeting of the said Council, in the absence of the Mayor and acting Mayor of the said City, so that the said Council shall have full power and authority hereafter, in the absence of the said Mayor and acting Mayor, to choose any Alderman or Councillor to be Chairman at any such meeting ; any thing in the said sections to the contrary notwithstanding.

Chairman in absence of Mayor.

Sect. 56 repealed.

XXIX. The fifty-sixth Section of the Act last cited, the fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be and the same is hereby repealed.

XXX. Annually between the tenth day of May and the tenth day of July, or as soon thereafter as may be found expedient by the said Council, in the present year one thousand eight hundred and fifty-five, and in each year, for two years thereafter, a special assessment not exceeding six pence in the pound of the assessed yearly value of all real property within the said City, shall be made and levied upon the owners, tenants or occupiers thereof, to be applied in defraying the expenses of the Montreal Water Works.

Special rate for the Water Works to be imposed immediately.

XXXI. In addition to the special assessment hereinbefore in the next preceding section of this Act, authorized to be made, and to be applied in defraying the expenses of the Montreal Water Works, it shall and may be lawful for the said Council of the said City to establish by a By-Law when and so soon as they are prepared to supply the said City or any part thereof with water, a tariff of rates for water supplied or ready to be supplied in the said City from the said Water Works, which said tariff of rates shall be payable at the times and in the manner to be established in the said By-law, by all proprietors, occupants or others supplied with water from the said works, or whom the said Council are prepared and ready to supply with water from the said works; which tariff of rates shall not however be made payable before the water is ready to be supplied to the said proprietors, occupants or others, by the said Council; the said tariff of rates shall and may be made payable by all such proprietors, occupants or others, as well by those who refuse, as by those who consent to receive into their houses, stores or other buildings, the water pipe to supply the said water; but the said tariff of rates shall not be payable by the proprietors or occupants of any such house, store or building, until after the said Council shall have notified them that they are prepared and ready to supply such house, store or building with water, and if from the time of such notification, to the next period appointed for the payment of such tariff of rates, there shall be any broken period, then such tariff of rates shall be payable *pro rata* for such broken period as if accruing day by day; Provided that the expense of introducing the said water into the said houses, stores or other buildings, shall be borne by the said Council, and the work performed by the same, but the distribution of the said water through the said houses, stores or other buildings, after being introduced into them, shall be borne by such proprietors or occupiers if required by them.

Another additional Water Works rate, when the Council is ready to supply the water.

Payable by all whether they take the water or not.

Broken period.

Proviso: Council to bring the water into the houses.

XXXII. And whereas in cases where the said Council have purchased, or taken and entered into, or may hereafter take or purchase and enter into property for the use of the Water Works of the said City, by virtue of the Act passed in the seventh year of Her Majesty's reign, intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works, and of the*

Recital of doubts under

7 V. c. 44, and

Act

16 V. c. 127.

As to power to take more land than is absolutely required for Water Works.

Matter to be determined by a Judge of the Superior Court on petition of either party, and his decision to be binding and without appeal.

Act passed in the sixteenth year of Her Majesty's reign, intituled, *An Act to authorize the Mayor, Aldermen and citizens of the City of Montreal, to borrow a certain sum of money, and to erect therewith Water Works for the use of the said City, and to extend and amend the provisions of any Act relating thereto—* doubts have been or may be raised, as to the right of the said Council to take more land than they absolutely require for the purposes of the said Water Works, or as to any other pretensions of the said Council, and the Appraisers appointed to fix and determine the price or compensation to be paid therefor, have no power or authority to decide such questions: Be it therefore enacted, that it shall be lawful for either party in any such case to present a petition to any Judge of the Superior Court for Lower Canada, sitting at Montreal, either in Term or in vacation, setting forth his pretensions in the premises; and thereupon it shall be the duty of such Judge, on proof of service of copies of such notice on the opposite party, and on the Appraisers, at least three days before the presentation thereof, to fix a delay, not exceeding eight days, for the said party to file his answer in writing to the said petition in the Office of the Prothonotary of the said Court at Montreal, and to serve a copy thereof on the Petitioner; and on proof of service on the party opposed to such Petitioner of the order fixing such delay, the said Judge shall name a further day and time for hearing the parties summarily on the questions raised; such petition and answer, or petition only, as the case may be, and notice of the order fixing such day for hearing, shall be given by the Petitioner to the opposite party on the day on which it is made; and after hearing the parties as aforesaid, or one party only if the other shall fail to appear after due notice as aforesaid, the said Judge shall make such order in the premises as to law and justice may appertain; and the Appraisers shall be bound by the decision of such Judge in the premises (from which no appeal shall lie), and shall govern themselves accordingly; and it shall be the duty of the Appraisers, upon, from and after the service upon them as aforesaid of a copy of such petition as aforesaid, to suspend all further proceedings in the case until they are served with a copy of the final order or decision of such Judge on the question submitted to him.

Inconsistent enactments repealed.

XXXIII. All the provisions of any law inconsistent with the provisions of this Act, shall be and the same are hereby repealed.

Public Act.

XXXIV. This Act shall be held and taken to be a Public Act.

## CAP. CLXIII.

An Act to authorize the keeping of separate Registers of Baptisms, Marriages and Burials in the Parish Churches of Notre-Dame of Montreal, of Notre-Dame of Quebec, and St. Roch of Quebec, and in the other Churches depending thereof, (*succursales d'icelles.*)

[Assented to 30th May, 1855.]

**W**HEREAS the great number of Baptisms, Marriages and Burials within the Parish of Notre-Dame of Montreal, and in the Parishes of Notre-Dame of Quebec and St. Roch of Quebec, necessitates further provisions to facilitate their regular registration: 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, as follows:

I. From and after the first day of July next, it shall be lawful for the *curé* of each of the said Parishes of Notre-Dame of Montreal, of Notre-Dame of Quebec, and of St. Roch of Quebec respectively, or for any vicar or other priest ministering in any of the Churches depending upon the said Parish Churches respectively, to keep registers therein for the registration of certificates (*actes*) of Baptism, Marriage and Burial.

A Register may be kept for each Church.

II. The said certificates may be registered in one register only or in separate registers, one of which shall be kept for certificates of Baptism, one for certificates of Marriage, and a third for certificates of Burial, the whole in accordance with the formalities required by Law.

One or three Registers may be kept in each Church.

III. Any extract from such registers, certified by the *curé* or other priest administering such Church, shall be deemed authentic.

Extracts to be authentic.

## CAP. CLXIV.

An Act to make further provision for defraying the cost of the new Court House at Montreal, and of that at Aylmer.

[Assented to 30th May, 1855.]

**W**HEREAS the sums appropriated by the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to make provision for the erection or repair of Court Houses and Goals at certain places in Lower Canada*, for the erection of a new

Preamble.  
12 V. c. 112.

new

new Court House at Montreal, and one at Aylmer, in the District of Ottawa, have been found insufficient, and it is expedient to make further provision in that behalf: 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, as follows :

£25,500 may  
be raised by  
Debentures.

I. It shall be lawful for the Governor in Council to authorize a sum not exceeding twenty-five thousand five hundred pounds, to be raised by loan for the purposes of this Act, and for that purpose to cause Debentures to be issued on the credit of the Consolidated Revenue Fund of this Province, and redeemable in twenty years from the date thereof, to an amount not exceeding the sum last aforesaid, in such form, for such sums respectively, bearing such rate of interest not exceeding six per centum per annum, and the principal and interest whereof shall be payable at such places in this Province or elsewhere, as he shall deem expedient.

£25,000 for  
Court House  
at Montreal ;

II. Out of the sum to be so raised as aforesaid, it shall be lawful for the Governor by Warrant, to cause such sums as may be necessary, not exceeding in the whole the sum of twenty-five thousand pounds, to be applied from time to time towards defraying the cost of completing the new Court House at Montreal, over and above the sum appropriated for the like purpose by the Act cited in the preamble to this Act,—and a sum not exceeding five hundred pounds, towards defraying the cost of completing the new Court House and Goal at Aylmer, over and above the sum appropriated for the like purpose by the Act last above mentioned.

And £500 for  
that at Aylmer.

Duties imposed  
by 12 V. c. 112  
to continue  
until the said  
sums are paid.

III. For the purpose of making good to the Consolidated Revenue Fund, the sum required to pay the principal and interest of the Debentures aforesaid, the duties imposed by or under the Act cited in the preamble to this Act, shall continue to be payable,—in the District of Montreal until a sum sufficient to make good the principal and interest of the Debentures to be issued for raising the said sum of twenty-five thousand pounds, and in the District of Ottawa until a sum sufficient to make good the principal and interest of the Debentures to be issued for raising the said sum of five hundred pounds,—shall be raised therefrom, and paid into the Consolidated Revenue Fund, for the purpose of being paid over by those who shall receive them, to the Receiver General: Provided always, that the moneys to arise from the said duties in each of the said Districts, shall be first applied to pay the principal and interest of the Debentures issued under the Act last mentioned, for defraying the

Proviso: ap-  
plication of  
such duties.



the cost of the Court House in the same district, and no part thereof shall be paid into the Consolidated Revenue Fund, until a sufficient sum has been raised therefrom to pay off the principal and interest of the said Debentures.

IV. The moneys received and expended under this Act, shall be accounted for to Her Majesty and to the Provincial Parliament, in the usual manner as provided by the Interpretation Act. Accounting clause.

## CAP. CLXV.

An Act to suspend parts of the Acts regulating the Notarial Profession in Lower Canada, in so far as they relate to the District of St. Francis.

[Assented to 30th May, 1855.]

**W**HEREAS the distance between the Town of Three Rivers and the Eastern Townships, renders inexpedient the keeping at Three Rivers, of the repertories of Notaries dying or ceasing to practise in the District of St. Francis: 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, as follows: Preamble.

I. All parts of the Acts tenth and eleventh Victoria, chapter twenty-one, and thirteenth and fourteenth Victoria, chapter thirty-nine, which provide that the minutes and repertories of Notaries that have heretofore resided and practised or may hereafter reside or practise within the limits of the District of St. Francis, shall, upon such Notaries ceasing to practise, be received and kept by the Board of Notaries for the District of Three Rivers, and copies thereof granted, shall be and remain suspended in so far as relates to the said District of St. Francis until a Board of Notaries for the same shall be formed. Parts of 10 & 11 V. c. 21. and of 13 & 14 V. c. 39, suspended as regards St. Francis.

II. The Prothonotary, in the District of St. Francis, for the Superior Court, shall demand from the Board of Notaries for the District of Three Rivers, and it shall be the duty of the said Board for the District of Three Rivers to deliver on demand to such Prothonotary, all and singular the minutes and repertories of every Notary who has ceased to practise in the District of St. Francis; and the Prothonotary of the said district of St. Francis shall hereafter demand and receive all minutes and repertories of Notaries that have ceased or may hereafter cease Minutes, &c., of Notaries who ceased to practise in St. Francis to be delivered to and kept by Prothonotary at Sherbrooke.

to practise in the District of St. Francis, from any person who, under the above named Acts, would be bound to deliver the same to the said Board of Notaries; and every such person shall be bound to deliver the same to the said Prothonotary.

Prothonotary  
to keep them  
safely, deliver  
copies, &c.

III. The Prothonotary of the said District of St. Francis shall keep the said minutes and repertories in a secure place, and shall give and certify copies thereof when required, and the certificate of such Prothonotary to such copies, shall have the same force and effect, and shall authenticate the same in the same manner as the certificate of any Notary upon any copy of any writing in his custody, and the said Prothonotary shall be entitled to demand and receive the same fees and emoluments as may be fixed by the said Board of Notaries for the like services.

Fees.

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

An Act to increase the number of sittings of the Courts of Justice within the District of St. Francis, and to make a more convenient arrangement thereof.

[Assented to 30th May, 1855.]

Preamble.

WHEREAS the terms and sittings of the several Courts of Justice in the District of Saint Francis, are found to be, as at present arranged, inconvenient for the public and insufficient for the due administration of Justice, and it is therefore expedient to make certain changes therein: 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-quite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

September  
Term of  
Q. B.

I. The September Term of the Court of Queen's Bench at Sherbrooke, in and for the said District, shall open and commence on the twentieth day of the month of September in each year.

Terms of Su-  
perior Court.

II. Four Terms of the Superior Court of and for Lower Canada, shall be held in each year at Sherbrooke, in the District of Saint Francis, at the following periods: from the twentieth to the twenty-seventh days (both included) of the months of January, March and October, and from the eighth to the fifteenth days (both included) of the month of June.

Circuit Court  
at Sherbrooke.

III. The Circuit Court for the Sherbrooke Circuit, shall be held at Sherbrooke, on the last five juridical days of each of the

the months of February, April, June, September, November and December in each year.

IV. The Circuit Court for the Stanstead Circuit, shall be held at Stanstead Plain, on the first four juridical days of each of the months of January, May, September and November in each year.

Circuit Court at Stanstead.

V. The Townships of Eaton, Clifton, Newport, Bury, Lingwick, Winslow, Whitton, Auckland, Marston, Ditton and Hampden, in the said District, shall form a distinct Circuit, under the name of the Eastern Circuit, and the Circuit Court for the said Eastern Circuit shall be held at the place in the Township of Eaton, where the sittings of the Municipal Council of the county of Compton shall be held, on the fifth and sixth juridical days of each of the months of January, May and September in each year.

Eastern Circuit formed.

Place and times of sitting.

VI. The Townships of Dudswell, Weedon, Stratford, Garthby, Wolfestown, Ham, South Ham and Wotton, in the said District, shall constitute and form a distinct Circuit, under the name of the Wolfe Circuit, and the Circuit Court for the said Wolfe Circuit, shall be held in the Township of Dudswell, on the seventh and eighth juridical days of each of the months of January, May and September in each year.

Wolfe Circuit.

Place and times of sitting.

VII. The Circuit Court for the Richmond Circuit shall be held at the Village of Richmond, on the tenth, eleventh, twelfth and thirteenth juridical days of each of the months of January, May, September and November in each year.

Circuit Court at Richmond.

VIII. So much of the Acts of the twelfth Victoria, chapters thirty-seven and thirty-eight, and of the Acts amending the same, and of the Acts of the sixteenth Victoria, chapter two hundred and one, as makes any provision respecting the terms and sittings of the above named Courts, inconsistent with this Act, shall be and the same is hereby repealed.

Inconsistent provisions repealed.

IX. All the provisions of the several Judicature Acts of Lower Canada now in force and not hereby expressly repealed, and all the rules of practice regulating or having reference to the Courts and Circuits now existing in the District of Saint Francis, shall apply and extend to the new Terms of the Courts, and to the new Circuits established by this Act, to all intents and purposes, as if this Act had formed part of the Act passed in the twelfth year of Her Majesty's Reign, chaptered thirty-eight.

Certain provisions to apply to new terms and Circuits.

X. The erection of the new Circuits by this Act shall not affect any suit, action, or proceeding commenced in any Circuit before this Act shall come into operation, but the same

Pending suits not to be affected.

may

As to appeal-  
able cases.

may be prosecuted and dealt with in the Court where it commenced as if the limits of such Circuit had not been changed; and if any new appealable cases are returnable on a day when the Court is not in session, they shall be treated in all respects as if returnable on the first day of the sitting of the Court which shall occur after the issue of the Writ in such cases, as fixed by this Act.

Concurrent  
jurisdiction of  
certain Cir-  
cuits.

Proviso:  
Option in favor  
of Defendant.

XI. The new Circuits (Eastern and Wolfe) created by this Act, shall not prevent or restrict the jurisdiction of the Sherbrooke Circuit, but the last mentioned Circuit shall have concurrent jurisdiction with such new Circuits over the limits assigned to the said new Circuits; Provided nevertheless that when any defendant residing in such new Circuits who shall be sued in the Sherbrooke Circuit shall, before making defence to the action, declare his option to have the suit proceeded with in the Circuit where he resides, by filing a declaration to that effect with the Clerk of the Circuit Court for the Sherbrooke Circuit, at his office, and praying *acte* thereof, the said Clerk shall immediately remit the record in such cause to the office of the Clerk of the Circuit Court within the limits of which such defendant resides, and such suit shall be proceeded with and terminated in the said last mentioned Circuit.

Commence-  
ment of Act.

XII. This Act shall take effect from and after the first day of August, one thousand eight hundred and fifty-five, but a Clerk for each of the said new Circuits may be appointed by the Governor at any time before or after that day.

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

An Act to alter the Tenure of the Indian Lands in the Township of Durham.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS an extent of eight thousand four hundred and ninety acres of land, in the Township of Durham in Lower Canada, was granted in the year one thousand eight hundred and five, to divers Indians, for them and their legal successors, under and by virtue of Letters Patent issued under the hand and seal of Sir Robert Shore Milnes, at that time Lieutenant Governor, on the condition that they should settle thereon and be incapable of selling, alienating, or even leasing the said Lands; And whereas the said Indians, or their legal successors or representatives, have in certain cases sold, leased or alienated all their rights in respect of such lands, for fixed sums or ground rents, and have all abandoned the said lands after having so conveyed them; And whereas the parties to whom such lands were so conveyed, have cleared and improved the same, erected buildings thereon and made agricultural settlements thereof, of great value, and doubts which have arisen respecting the legality of such transactions are a great obstacle

obstacle to the further progress of the said settlements, and it is desirable, both in the interest of the Indians who do not reside any more on the said lands, and in that of the public of the said locality, that the said transactions should be rendered legal, in order to secure a just compensation to the former, and incontestable titles to the parties now in possession of the said lands: 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, as follows:

I. All conveyances, sales, promises of sale or emphyteotic leases in respect of the said lands by the said Indians, their successors or legal representatives, shall hereafter be considered as having been made by persons legally qualified to lease, alienate, sell, cede and convey their property, notwithstanding any thing to the contrary contained in the Letters Patent of such lands; provided always, that an annual ground rent of not less than twelve dollars for each lot of two hundred acres shall have been stipulated in favor of the Indian to whom any such lot of land was originally granted, or of his heirs or legal representatives: And provided also, that if any dispute shall arise in regard to the said lands between the said Indians and the parties who have purchased or leased, or may hereafter purchase or lease the same, such dispute shall be referred to the Superintendent General of Indian Affairs, and his decision thereon shall be final and conclusive.

Emphyteotic lease, &c., by Indians, declared legal.

Proviso.

Proviso.

II. Any purchaser of any lot or part of a lot of the Indian Lands in the Township of Durham, now in possession of the same, may, if he thinks fit, redeem the rent attached to such land or lot of land by any instrument within the provisions of the preceding section, and payable to the Indians or their legal representatives, by paying the capital thereof, at the rate of six per cent. to the Superintendent General of Indian Affairs, who is hereby authorized to receive every such deposit and give a receipt therefor, according to Schedule A of this Act.

Purchasers in possession of lots may redeem the rent attached thereto.

III. Every such receipt, after the enregistrement thereof in the Registry Office of the County of Drummond, shall be equivalent to a title under Letters Patent of the Government, and shall discharge every such lot or part of a lot designated in such receipt, from all rents or other charges which may have theretofore been payable on the same in favor of the Indian or Indians to whom such lands were granted by the Government.

The receipt given for the redemption money equivalent to a title under Letters Patent.

Superintendent of Indian affairs to keep account of moneys deposited.

IV. The said Superintendent General of Indian affairs shall keep an account of all sums deposited in his hands, and shall pay the interest thereon annually to the Indians, their legal representatives or assigns according to the proportion to which they are entitled in respect of such property.

Provision in case any Indian has sold the rent attached to land.

V. In any case in which one or more of the aforesaid Indians shall, prior to the first day of January, one thousand eight hundred and fifty-five, have sold the rent attached to such land, the party who shall have *baná fide* and for a valuable consideration purchased the same, shall be entitled to be reimbursed the sum which he may have paid to such Indian or Indians as and for the purchase money of such rent, or the sum so paid shall be deducted from the capital which he shall have to pay for the redemption of the said rent.

Act not to affect other claims to the lands.

VI. Nothing in this Act contained shall have the effect of determining in any manner the merits of conflicting titles of parties having claims to the said Indian lands in Durham, or of rendering valid contract made by any parties with any others than the Patentee or Patentees or his or their heirs or representatives.

Public Act.

VII. This Act shall be deemed a Public Act.

#### SCHEDULE A.

I hereby certify that \_\_\_\_\_, now in possession of \_\_\_\_\_, in the \_\_\_\_\_ range of the Township of Durham (*here give description of the lot or part of lot occupied by the person to whom the receipt shall have been given, if a whole lot, or the one half of a lot is in question, it shall be sufficient to describe it by the numbers of the lot and range, but if a smaller part than one half be referred to, the limits and bounds must be set forth*) has, this day, paid to me the sum of \_\_\_\_\_, being the capital of a ground rent attached to the said lot or part of lot of land, and that the said sum has been paid to me for the purpose of redeeming the said land from all rent as provided by the Act intituled, *An Act to alter the Tenure of the Indian Lands in the Township of Durham*, and to avail him as in law may appertain.

Done in duplicate, at *Quebec*, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_.

A. B.,  
Chief Superintendent of  
Indian Affairs L. C.

## CAP. CLXVIII.

An Act to alter the limits of the Arthabaska Circuit, and for other purposes.

[Assented to 30th May, 1855.]

**W**HEREAS in consideration of the great distance between the Township of Chester and the place where the Court sits in the Richmond Circuit, and the proximity of the said Township of Chester to the Arthabaska Circuit, it would be expedient to separate the said Township from the said Richmond Circuit, and include it in the Arthabaska Circuit and in the District of Three-Rivers; And whereas the place of sitting of the Arthabaska Circuit is not situated in the centre of the said Circuit in a locality convenient to the majority of the inhabitants of the said Circuit, and a great number of them have petitioned the Legislature to change the said place of sitting: 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, as follows:

Preamble.

I. From and after the first day of August, one thousand eight hundred and fifty-five, the Township of Chester, in the County of Arthabaska, shall be separated from the District of St. Francis and from the Richmond Circuit, in the County of Sherbrooke, and shall be annexed to the District of Three-Rivers, and to the Arthabaska Circuit, for all judicial purposes whatsoever, as though it had always formed part thereof.

Chester annexed to District of Three-Rivers and Arthabaska Circuit.

II. All causes pending in the said Circuit Court for the Richmond Circuit, arising out of or relating to the Township of Chester, at the period of such separation, shall be continued in the said Richmond Circuit.

Pending cases saved.

III. From and after the First day of August, one thousand eight hundred and fifty-five, the Circuit Court for the Arthabaska Circuit shall sit at the Village of St. Christophe d'Arthabaska in the said Circuit.

Place of sitting for Arthabaska Circuit.

IV. This Act shall be a Public Act.

Public Act.

## CAP. CLXIX.

An Act to legalize a certain Assessment and School Rate in the School Municipality of St. David; in the County of Yamaska.

[Assented to 30th May, 1855.]

Preamble.

WHEREAS the School Commissioners for the School Municipality of the Parish of St. David, in the County of Yamaska, have been subjected to great difficulties in completing the assessment of the real property therein, in order to the fixing and laying of the School Rate for the year one thousand eight hundred and fifty-three, to be paid by the rate-payers in the said Municipality, and the said Commissioners were unable to fix and lay the said Rate within the time prescribed by law, the said Assessment being thereby rendered null; And whereas the said rate, in consequence, cannot be enforced, and it is expedient to legalize the said assessment and to empower the said Commissioners to enforce payment of the said Rate: 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 intitled, *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, as follows:

Assessment and School Rate of 1853, confirmed.

9 V. c 27.

1. The Assessment made and the School Rate fixed, in the year one thousand eight hundred and fifty-three, by the then School Commissioners for the School Municipality of the Parish of St. David, in the County of Yamaska, shall be, and they are hereby declared to be, as valid and effectual, to all intents and purposes, as though the said Assessment and Rate had been made and fixed within the time prescribed by the thirty-ninth section of the Lower Canada School Act; and the School Commissioners shall have full power and authority to enforce payment of the said Rate as though the same had been made and fixed within the time prescribed as aforesaid.

## CAP. CLXX.

An Act to remedy defects in the registration of certain Deeds deposited in Registry Office Number One of the County of Huntingdon.

[Assented to 30th May, 1855.]

Preamble.

WHEREAS a great number of Deeds deposited for registration in the Registry Office for Division Number One of the County of Huntingdon during the lifetime of the late William F. Hawley, Esquire, Registrar for that Division of the County



County, were not legally registered in consequence of the illness of the said Registrar; And whereas it is expedient, for the interest of the parties concerned to provide a remedy for the absence of or defect in such registration: 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, as follows:

I. That all the Deeds, to wit, the Deeds of sale and of Donation *entre vifs*, the Contracts of Marriage, Wills, Obligations, Debentures of the Champlain and St. Lawrence Railway Company, Discharges of hypothecs, and generally all the documents deposited in the said office for registration between the nineteenth of August, one thousand eight hundred and fifty three, and the thirty-first of January, one thousand eight hundred and fifty-five, the registration whereof is defective or has never been effected, either from the fact that the said Deeds or Documents have not yet been transcribed in the Registers of the said office, or that having been so transcribed the registration thereof has not been attested by the signature of the late Registrar William F. Hawley or of his Deputy, or by reason of any other imperfections, shall be registered or the registration of the said Deeds and Documents shall be completed by the present Registrar or his Deputy; and the said Registration shall have the same effect as though it had been made by the said William F. Hawley, at the period of the deposit of the said Discharges, Deeds and Documents, respectively, such period being established by the entry made on the back of each document respectively.

Registration of Deeds deposited before the death of Mr. Hawley may be completed with full legal effect.

## C A P . C L X X I .

An Act to divide the Township of Norwich into two separate Municipalities.

[Assented to 30th May, 1855.]

**W**HEREAS the Reeve and Municipal Council of the Township of Norwich, in the County of Oxford, have by their Petition set forth, that the public convenience would be promoted by a division of that Township into two separate Municipalities, and have prayed that it may be divided in the manner hereinafter mentioned: 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,*

Preamble.

*Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, as follows :*

Townships of North Norwich and South Norwich constituted from 1st January, 1856, out of the present Township.

I. Upon and after the first day of January next after the passing of this Act, the first, second, third, fourth, fifth and sixth concessions of the said Township of Norwich, and so much of the Gore thereof as adjoins the said concessions, shall for all Municipal and Electoral purposes, form a separate Township to be called North Norwich; and the seventh, eighth, ninth, tenth, eleventh and twelfth concessions of the said Township of Norwich, together with so much of the said Gore as adjoins the said concessions, shall for the like purposes form a separate Township to be called South Norwich; the front line of the seventh concession and its prolongation across the said Gore, shall form the boundary line between the said Townships.

Returning Officers at first election.

II. For the purposes of the Municipal Elections next after the passing of this Act, the Township Clerk of Norwich, shall act as Returning Officer for North Norwich, and the Municipal Council of Norwich shall appoint a fit and proper person to act as Returning Officer for South Norwich; and the person so to be appointed by the said Municipal Council shall procure attested copies of so much of the Collector's Roll of Norwich, as shall relate to the inhabitants and assessed property of South Norwich; and the next Municipal Election for North Norwich, shall be held at Norwichville, and that for South Norwich at Otterville.

Places of election.

Provisions of U. C. Municipal Acts to apply.

III. All the provisions of the Upper Canada Municipal Corporations Acts, relating to the separation of Townships\* theretofore united for Municipal purposes, shall, after the division of the said Township of Norwich as aforesaid, apply to the Townships into which it is hereby divided as if they had before such division been Townships united for Municipal purposes; North Norwich being deemed the Senior and South Norwich the Junior Township; Provided always, that as regards the debts of the present Township of Norwich now existing or to be created before the division thereof under this Act, the two Townships into which it is hereby divided shall be jointly and severally liable, saving always the recourse of the one Township against the other for its share of such debts.

Proviso as to existing debts.

Public Act.

IV. This Act shall be deemed a Public Act.

## C A P . C L X X I I .

An Act to confirm a survey of the line between the sixth and seventh Concessions of the Township of Hamilton.

[Assented to 30th May, 1855.]

Preamble.

WHEREAS in the survey of the Township of Hamilton, in the County of Northumberland, performed in the year one thousand eight hundred and forty-seven, by Provincial Land Surveyor, John K. Roche, in conformity with the provisions of the

the Statutes of Upper Canada, thirty-eighth George the Third, chapter one, and fifty-ninth George the Third, chapter fourteen, he established a line between the sixth and seventh concessions, leaving each of the said concessions of an equal depth, as was intended in the original survey of the Township, and his survey was confirmed by the Commissioner of Crown Lands, but doubts have been raised respecting the legal effect of the said survey and confirmation; And inasmuch as the line between the said concessions established by the said John K. Roche has been drawn in conformity with equity and with the original intention of the survey and the provisions of the thirty-first Section of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the survey of Lands in this Province*, all doubts as to its legality ought to be removed: Be it therefore declared and 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 declared and enacted by the authority of the same, as follows:

Acts of U. C.  
38 G. 3, c. 1,  
and 59 G. 3,  
c. 14.

Act of Canada  
12 V. c. 35.

I. The aforesaid boundary line between the sixth and seventh concessions of the Township of Hamilton, established by Provincial Land Surveyor, John K. Roche, is and shall be the true and unalterable boundary line between the said Concessions.

Roche's survey confirmed.

II. This Act shall be deemed a Public Act.

Public Act.

### C A P . C L X X I I I .

An Act to revive, continue and amend certain provisions of the Act for establishing the boundary of Lots in the West Gore of the Township of Beverly.

[Assented to 30th May, 1855.]

**W**HEREAS by an Act passed in the sixteenth year of Her Majesty's Reign, chaptered two hundred and thirty, provision was made for affording relief to certain proprietors of land situated in the West Gore of the Township of Beverly, in the County of Wentworth, who had sustained injury from the operations of the Board of Boundary Line Commissioners, appointed under the provisions of an Act of the Parliament of Upper Canada passed in the first year of Her Majesty's Reign, and also from the effect of certain surveys made without adequate authority; but which for the benefit of the occupants and proprietors of land in various Concessions of the said Township of Beverly,

Preamble.

16 V. c. 230.

it has been deemed advisable to legalize ; And whereas by the eighth section of the first recited Act it was provided that the Commissioner of Crown Lands, and two other persons appointed by the Governor, should be Commissioners to (among other things) ascertain within twelve months after the passing of the said Act, the losses (over and above the amount, if any, both awarded and paid under the decision of the Boundary Line Commissioners) sustained by the proprietors of lands and property situate within the limits of the West Gore of the said Township ; And whereas the Commissioners required to be so appointed by the Governor of this Province, were not appointed in sufficient time to enable them to enter upon the duties imposed upon them by the said Act: 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, as follows :

Two Commissioners may be named under the said Act.

I. It shall be lawful for the Governor of this Province to appoint, at any time within twelve months after the passing of this Act, two competent persons as Commissioners to act in conjunction with the Commissioner of Crown Lands, as contemplated by the first recited Act.

Provision for estimating value of surplus land repealed.

II. So much of the eighth Section of the said Act as provides that the surplus land gained by various persons, in consequence of certain surveys specified therein being legalized by the said Act, shall be calculated at the rate of one pound ten shillings per acre, being the average price of wild land in the same Township, shall be and is hereby repealed.

Such land to be estimated at its assessed value.

III. The estimate of value of such overplus shall be calculated according to the assessed value thereof, as appearing upon the assessment-roll prepared lastly, at the period when the Commissioners who shall be appointed under the provisions of this Act, shall render their decree declaring the sums to be paid by the proprietors or holders of overplus lands in the sixth, seventh, eighth, ninth and tenth concessions of the said Township of Beverly ; And any amount payable for such surplus or overplus lands may be recovered in the same manner as ordinary rates or assessments imposed by Municipal authority.

Value how recoverable.

The said Act continued as amended.

IV. Subject to the amendments made by this Act, the provisions of the Act herein first recited, shall be held to be in full force and effect, for the purposes therein specified.

V. Nothing contained in this Act, or in the Act hereby continued and amended, shall be construed to have the effect of debarring the proprietor of land in any one of the several Concessions of the said Township of Beverly, whose lot or parcel of land may be deficient in quantity, from obtaining from the Government of this Province an equivalent in land, compensating him for such deficiency, in the ordinary manner provided for by law.

Act not to prevent recourse against Government for deficiency in any lot.

VI. This Act shall be deemed a Public Act.

Public Act.

## CAP. CLXXIV.

An Act for granting additional aid, by loan, to the Grand Trunk Railway Company of Canada.

[Assented to 19th May, 1855.]

**W**HEREAS it is expedient to grant additional aid, by loan, to the Grand Trunk Railway Company of Canada, to an amount not exceeding nine hundred thousand pounds sterling, but so that the total amount of Provincial aid to the said Company, by guarantee and loan, shall not at any time exceed fifty per cent on the amount then actually expended by the Company on that portion of their Railway which is between St. Thomas below Quebec, and Stratford above Toronto, (exclusive of the Victoria Bridge) and so that such additional aid shall be advanced solely in respect of money to be expended on the said portion of the Railway after the first day of May, one thousand eight hundred and fifty-five, and shall be secured by a first charge on the whole amalgamated Railway and Works of the Company, and shall be repaid within a certain period: 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-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

Preamble.

I. It shall be lawful for the Governor in Council to authorize the issue of Provincial Debentures to an amount not exceeding nine hundred thousand pounds sterling, in such form and the principal and interest whereof shall be payable at such periods and place as he shall see fit, but bearing interest at a rate not exceeding six per cent. per annum, and redeemable at a period not more than twenty years from the date of issue,—and to advance the sum to be raised by the issue of the said Debentures (or such part thereof as the Company may become entitled to receive under the conditions hereinafter mentioned) as an aid

Governor in Council may authorize the issue of Debentures for £900,000;

And advance the sum so raised to the Company on certain conditions.

aid by loan to the said Grand Trunk Railway Company of Canada, in addition to the aid to which the said Company is now entitled to receive by means of the Provincial Guarantee, but subject always to the following conditions, and to such further terms and conditions as the Governor in Council may see fit to impose, that is to say :

Total aid limited to 50 per cent on sum expended.

Total aid under this Act limited.

Proviso :  
No part of aid to be expended on Victoria Bridge until certain lines are finished.

Loan under this Act to be a first charge on all the property of the Company ; and how payable.

With the same privileges as the first Loan.

1. The total amount of the aid which the Company shall have received by means of the Provincial Guarantee under the provisions of any former Act or Acts and the Loan hereby authorized, shall never exceed fifty per cent on the sum then actually, and with due regard to economy, expended by the company in work or materials delivered on the ground, or both conjointly, to be ascertained in the manner provided by the Act incorporating the Company in respect of the said Guarantee,—nor shall the total sum advanced to the Company under this Act ever exceed seventy-five per cent on the sum then actually, and with due regard to economy, expended by the Company after the first day of May, one thousand eight hundred and fifty-five, in work or materials delivered on the ground, or both conjointly, on that portion of the line of their Railway lying between St. Thomas below Quebec and Stratford above Toronto, and exclusive of the Victoria Bridge, and of mere repairs; the said sum to be ascertained as aforesaid ; Provided always that the said Company shall not pay or advance any portion of their assets whatsoever derived or derivable from the original guarantee or from the present aid or from their capital stock or from any other source whatsoever on the construction or completion of Victoria Bridge until the main line of Railway between St. Thomas and Stratford shall have been completed and in operation ;

2. The sums advanced as a Loan under this Act, shall be a first charge, hypothec and lien in favor of the Crown on behalf of the Provincial Government, and upon the whole amalgamated Grand Trunk Railway of Canada, and upon all the Railways, works and property forming part thereof or now belonging or hereafter to belong to the said Company, and shall be payable at a period not exceeding twenty years from the passing of this Act, the interest thereon at six per cent per annum being payable by the said Company to the Crown for this Province, half yearly, at such times as the Governor in Council shall appoint ; Provided that nothing in this section contained shall prejudice the security of the Seminary of Montreal and of the British American Land Company upon the former St. Lawrence and Atlantic road or any creditor for the price of lands sold to the said Company or to the Grand Trunk Company having a privilege of *baillieur de fonds* ;

3. The said charge, hypothec and lien in favor of the Crown, shall have the same preference and privilege and shall be subject to the same incidents as to redemption and otherwise, as the

the charge, hypothec and lien in favor of the Crown for claims arising out of the Provincial Guarantee, or advances in place of the Provincial Guarantee under any former Act or Acts authorizing such Guarantee or advance;

4. And it shall be lawful for the Governor in Council to direct the Board of Works and such skilled Engineers as the Governor may appoint from time to time, to examine and report upon the works in progress, and to estimate from time to time the work still remaining unfinished upon the several Sections of the said Railway; And it shall be lawful for the Governor in Council to withhold the whole or any portion of such additional aid upon any section or sections of the said Grand Trunk Line if the said Report should not be satisfactory to him.

Governor may cause work to be inspected;

And withhold aid if report be not satisfactory.

II. All moneys received from the said Company for the Crown, in payment of principal or interest of any claim of the Crown on behalf of this Province arising out of the said Provincial guarantee, or any advance made to the said Company in place thereof under the Acts in that behalf, shall form part of the Consolidated Revenue Fund of this Province, and shall be accounted for accordingly to Her Majesty, Her Heirs and Successors, and to the Provincial Parliament.

How moneys repaid by the Company shall be applied and accounted for.

III. This Act shall be a Public Act.

Public Act.

## C A P . C L X X V .

An Act to authorize the Grand Trunk Railway Company of Canada, to change the location of their line in and near the City of Toronto.

[Assented to 19th May, 1855.]

**W**HEREAS the Mayor, Aldermen and Commonalty of the City of Toronto, did, by their agreement, made and entered into on the fourth day of January, one thousand eight hundred and fifty-four, covenant and agree to give and provide for the use of the Grand Trunk Railway Company of Canada, over, upon, across and along the Esplanade, to be constructed by the said City along the front thereof, three railway tracks occupying a space of forty feet in width of the said Esplanade, at and for the price or sum of Ten Thousand Pounds, of lawful money of this Province; And whereas the said Company, after and in pursuance of the said agreement, did thereupon locate their line according to law, in such mode and direction as to enable them to make the connection between the eastern section of their Railway lying to the east of the said City, and the western section thereof lying to the west of the said City, over, upon, across and along the said Esplanade; And whereas the said Company, in consequence of the said covenant so made and entered into on the part of the said City, have proceeded with the

Preamble.

Agreement of the Company and the Corporation of Toronto recited.

the

the execution of their works both east and west of the said Esplanade, and have nearly completed the same, at a very large outlay; And whereas the works of the said Railway between Stratford and Toronto, are in such an advanced state towards completion as to admit of their being opened for traffic during the ensuing autumn, and also for a distance extending from the said City eastward, nearly forty miles, it has become necessary to complete forthwith the connection between the said sections and to erect the necessary Station Buildings and sidings for the proper working of the said Railway; And whereas the Mayor, Aldermen and Commonalty of the said City of Toronto, did on the sixteenth day of April one thousand eight hundred and fifty-five, by a formal vote of their Council, resolve to annul the said contract, and to break their said covenant, to the great damage, loss, and inconvenience of the said Company, whereby the said Company are likely to be deprived of the advantages of their connection along the said Esplanade; And whereas it has in consequence become necessary to afford relief to the said Grand Trunk Railway Company of Canada, and to give it the necessary powers to alter the location of their line in and near the said City of Toronto, in order to connect their said sections to the east and west of the said City: 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 intitled, *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, as follows:

Breach by the said Corporation.

Company empowered to alter the location of their line and acquire the necessary property, &c.

I. That it shall and may be lawful for the said Grand Trunk Railway Company of Canada to alter the location of their said line in such manner as may be found necessary to enable them to make and complete the connection between that portion of their line east of the said City of Toronto, and that portion west of the said City, by such route as may be found most convenient and advantageous; And for this purpose it shall and may be lawful for the said Grand Trunk Railway Company of Canada to acquire, purchase, and hold in the manner prescribed by law all necessary land required in and near the said City of Toronto; And also to pass through, across, over, upon and along such street or streets of the said City of Toronto, or parts thereof, and lay down the necessary tracks and sidings within the limits of the said City and its liberties as may be necessary for the purposes aforesaid: Provided nevertheless, that if the said City of Toronto shall, within two years, proceed with and complete the said Esplanade in such manner as to afford the said Grand Trunk Railway Company of Canada the right of way over, upon, across and along the same, the said Railway Company shall be bound and obliged to carry and

Proviso: if the Corporation complete the Esplanade and allow the Company the right of way.

construct



construct their said Railway over, upon, across and along the said Esplanade when so completed, on being required so to do by the said City of Toronto, and on payment by the said City of all expenditure and damages incurred by the said Railway Company, in the construction of the necessary works to complete the connection of their said sections of their Railway east and west of the said City by such routes as the said Grand Trunk Railway Company of Canada may select under the authority of this Act; And provided also, that if the Corporation of the said City and the Grand Trunk Railway Company of Canada cannot agree upon the location of the said line of Railway as authorized by this Act through any street or streets of the said City or the compensation therefor, if any, then the Board of Railway Commissioners shall, upon receipt of written notice thereof from either the said Company or the said City, have full power and authority to decide upon the said location, and to determine the amount of remuneration, if any, to be paid to the said Corporation by the said Company, and such decision shall be final and binding upon both parties.

*Proviso:*  
Board of Railway Commissioners to decide certain matters if the Company and the Corporation disagree.

II. And be it enacted, that it shall and may be lawful for the said Company to make any contract or contracts with the said City of Toronto for the construction of the said Esplanade according to such plan and upon such terms as may be agreed upon between them, any thing in any former statute to the contrary notwithstanding; and the said City shall have full power and authority on such contracts being made, to pass any By-law or By-laws for raising any money or issuing any Debentures that may be necessary for the construction of the said Esplanade under any such contract, and for the payment of any moneys for any arrangement or arbitration with any water lot owner or lessee, and the said Company shall also have power and authority to make such arrangement or proceed to such arbitration, if they shall deem it advisable to do so, and any such arbitration as herein mentioned shall be in accordance with the provisions made for arbitrations, under the provisions of the Acts relating to the said Company.

*Company may contract to make the said Esplanade.*

*Corporation empowered to raise the sums required for purposes connected with the Esplanade.*

*Company, as contractors, may go to arbitration with owners of water lots.*

III. This Act shall be a Public Act.

*Public Act.*

C A P . C L X X V I .

An Act to enable the Great Western Railway Company to construct a Branch Railway to the Town of Brantford, and for other purposes therein mentioned.

[Assented to 19th May, 1855.]

**W**HEREAS the Great Western Railway Company have petitioned the Legislature for authority to construct a Branch Railway from their main line to the Town of Brantford, and also to increase their capital stock, and to have certain

*Preamble.*

certain amendments made to their charter: 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, as follows:

The Company may make a Branch Railway to Brantford, to which all the provisions of their Charter, &c., shall extend.

I. The Great Western Railway Company shall have full power, and they are hereby authorized to make and construct, and to work and use, a Branch Railway from such point on the main line of the Great Western Railway to the said Town of Brantford as they shall find most suitable; and all the privileges, powers, rights and incidents vested in or appertaining to the said Company with regard to the Great Western Railway, and all the duties and obligations imposed upon them with regard to the same by the Act incorporating the said Company, and the Acts amending the same, and all the provisions of the said Acts and of this Act, which are susceptible of such extension, shall extend and apply to, and be in force, with regard to such Branch Railway, as fully and effectually as to the said Great Western Railway, to all intents and purposes, and the said Acts shall be construed, extend to, and have effect, as if the said Branch Railway had been mentioned and described in the said Act of Incorporation as part of the Railway and works which the said Company were thereby empowered to construct: Provided that such Branch shall not cross or connect with the Buffalo, Brantford and Goderich Railway without the consent of that Company.

Proviso.

Company may add £1,500,000 to their present Capital.

II. And whereas the present capital of the said Company is found inadequate to the completion of their line of road and its Branches with a double track, in an efficient and satisfactory manner: Be it therefore enacted, that the Great Western Railway Company are hereby authorized to increase their capital stock to the extent of One Million Five Hundred Thousand Pounds Currency, in addition to their present capital, by creating an additional number of shares, not exceeding Sixty Thousand of Twenty-five Pounds Currency each.

Recital.

May give the holders of new Shares a preferable claim

III. And whereas a great part of the said Railway and its Branches are now open for traffic, and yielding a revenue; and in order to protect the interests of the present Shareholders, it is desirable that the said new shares should be issued by and under the control of the Directors, and on such terms, as to premium and otherwise, as they shall consider just; Be it therefore enacted, That it shall be lawful for the Directors for the time being, and they are hereby authorized to issue and dispose of the said new shares, from time to time, at such times,  
and

and in such quantities thereof at a time, and in such place and places, and at such price and prices, (as to premium or otherwise,) and in such manner and on such terms, (as to the time and mode of payment and otherwise,) as to them shall seem most advisable: and if the Directors shall think it expedient, such new shares, or any portion or portions of them may be issued with or under a guarantee, whereby the holders thereof shall be guaranteed and secured out of the General Revenues of the Company by way of preferred dividends, and in priority of the ordinary dividends of the Company, such rate of dividend, (not exceeding Seven Pounds per centum per annum on the amount paid up upon such new shares) as the Directors shall fix and determine upon in respect thereto, before or at the time of issuing such new shares, or any of them: but such preferred dividends shall nevertheless be subject and postponed to the payment of the Provincial Bonds issued or to be issued to, or in aid of, the said Company, and also the ordinary or non-convertible bonds, as well as the convertible bonds until they shall be converted into stock, made or to be made and issued by the said Company prior to the issuing of such new shares: and such preferred or guaranteed dividends shall be paid and payable half-yearly at the same time as herein provided for the payment of the ordinary dividends of the Company; Provided always, that the proprietors of any such new shares issued with or under such guarantee, shall not be entitled to vote either in the election of Directors, or at general meetings, or otherwise howsoever, or be entitled to any profit or dividend whether funded or divided beyond the rate so guaranteed, in respect of such new shares, so long as they shall be entitled to such preferred dividends thereon: and the proprietors of any such new shares, issued with or under such guarantee as aforesaid, may by writing under their respective hands, delivered at the office of the Secretary or Treasurer of the Company, on or before the thirty-first day of January, or the thirty-first of July, in any year, declare their wish or intention to waive such guarantee, and from and after the said thirty-first of January or thirty-first of July, whereon or next whereafter such writing shall be so delivered, such guarantee shall cease, and no preferred dividend shall be payable thereafter in respect to those of the said shares as to which such guarantee shall be waived as aforesaid; and thenceforward the proprietors of such shares shall be entitled to vote, and enjoy all the other privileges, benefits and advantages in respect thereto, which the other Shareholders in the Company are entitled to, in respect to the shares held by them respectively: Provided always, that before any of the said new shares shall be issued under or with a guaranteed dividend as aforesaid, the issuing thereof with such guarantee shall be first approved by three fifths at least of the votes of the Shareholders present or represented by proxy at a special general meeting to be called for that purpose; Provided also that the said Company shall not be entitled to any Government Aid or Guarantee upon or by reason of any expenditure

to dividends,  
except as re-  
gard Bonds,  
&c.

Proviso:  
Holders of  
new Shares  
having such  
preference not  
to vote.

Privilege may  
be waived, and  
how.

Proviso:  
Issuing of pre-  
ferred Shares  
must be ap-  
proved by  
Stockholders.

Proviso:  
No Govern-  
ment aid to be  
given.

expenditure under this Act, or to which the Company shall not have been legally entitled before the passing of this Act.

Sect. 5 of Act of U. C. 4 W. 4, c. 29, repealed.

To what days the half-yearly accounts of the Company shall be made up and dividends declared.

IV. The twentieth section of the Act passed in the late Parliament of Upper Canada, in the fourth year of the Reign of our late Sovereign King William the Fourth, intituled, *An Act to incorporate certain persons under the style and title of the London and Gore Railroad Company*, shall be, and the same is hereby repealed: and after the passing of this Act, it shall be the duty of the Directors of the said Company, to cause the accounts of the Company, shewing the true and exact state of its affairs, to be made up to the thirty-first of January, and the thirty-first of July in each year; and to call half-yearly general meetings, to be held within six weeks next after each of the said days respectively; at which last mentioned meetings, (of which twenty days' notice at the least shall be given in the *Canada Gazette*, and in some newspaper published in the City of Hamilton, and London in Canada) or at some adjournment thereof, it shall be the duty of the Directors to submit to the Shareholders then present, an exact and particular statement of the affairs of the said Company, and to propose and make a dividend of so much of the profits of the said Company as they shall think advisable, subject, nevertheless, to the approval of a majority of the Shareholders then either present personally, or represented by proxy, who shall have the power to decide whether such dividend, or any and what amount of dividend, shall be paid: and the transfer books of the Company shall be closed for the space of fourteen days next preceding each of the said half-yearly meetings, and for a like period before every special general meeting of the Company.

Company may buy their own Stock held by Municipalities and hold it or sell it.

V. It shall be lawful for the Great Western Railway Company to buy up from the several Municipalities holding stock in the said Company, or any of them, the stock so held by them, upon such terms and at such prices as may be agreed upon by and between such Municipalities respectively, and the Directors of the said Company; and thereafter the said Company may either continue to hold such stock for the joint benefit of the Shareholders, or may at any time again re-issue and dispose of the same, or any part thereof, in such manner, and on such terms and conditions as to premium, guaranteed dividends thereon or otherwise, as mentioned and described in the third section of this Act, in respect to the shares therein mentioned, or on such other terms as the Directors for the time being shall think most advantageous to the Shareholders.

Recital.

VI. And whereas by the death or insolvency of proprietors of shares or by the marriage of female proprietors of shares in the said Company, or other causes, it may be difficult to ascertain to whom such shares, or the dividends becoming due thereon may belong: Be it therefore enacted, that when any

one

one shall claim that any share or dividend hath become transmitted in consequence of the death, bankruptcy or insolvency of any shareholder, or the marriage of any female shareholder, or by any means other than the ordinary transfer between seller and purchaser, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors shall require; and every such declaration shall state the manner in which, and the party to whom such share or dividend shall have been so transmitted, and shall be made and signed by some credible person before some Mayor, Judge, Justice of the Peace, or Master, or Master extraordinary in the Court of Chancery, whose certificate (to the effect that such declaration was made and signed in his presence by the party named therein, and that such party was personally known to him, or that satisfactory evidence of the identity of such party had been given to him,) shall be endorsed on or attached to such declaration, and such declaration and certificate shall be left with the Secretary or other Officer of the Company having the charge of such documents; and if such transmission be by virtue of the marriage of a female shareholder, such declaration shall be accompanied by a copy of the register of such marriage, or a certificate of the clergyman or other functionary celebrating the same, (to be also left with such declaration) to the effect that such marriage was duly celebrated according to the laws of the place where it was so celebrated, and stating where and the time when it was so celebrated; and if such transmission shall have taken place by means of the bankruptcy or insolvency of a shareholder, such declaration shall be accompanied with a certificate of the Clerk of the proper Court of bankruptcy or insolvency, (to be also left with such declaration) that the shareholder hath been duly adjudged bankrupt or insolvent, and that the party or parties claiming such share or dividend by means thereof, is or are the legal assignee or assignees of such bankrupt or insolvent shareholder; and if such transmission shall have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or a true copy thereof, or an official extract therefrom, or the letters of administration or a copy thereof, as the case may be, shall also be produced and left with such declaration; and thereupon the proper registries and entries shall be made in the books of the Company, shewing the party or parties entitled under such transmission to be the legal proprietor of such share; and until such entries shall be so made in the said books, no party claiming by means of such transmission as aforesaid, shall be deemed, so far as the said Company may be concerned, a proprietor of such share, or entitled to any dividend, or to vote, or exercise any of the privileges of a proprietor in respect to such share; Provided always, and it is hereby expressly declared, that the said Company shall not be bound to regard, or see to the execution of any trust, whether expressed or constructive, to which any share or dividend of the Company shall be subject or liable; And

Company may require proof of the transmission of Shares otherwise than by regular transfer.

How such proof may be made.

Proviso.

Proviso.

provided

provided also, that nothing herein contained, shall be construed to prevent the said Directors, from making any such lawful rules and By-laws from time to time, as to them shall seem proper, touching the management, transfer and disposition of the stock of the said Company.

Recital.

VII. And whereas a portion of the Directors of the said Company usually reside beyond the limits of this Province, and others at a considerable distance from the City of Hamilton, whereby much inconvenience is occasionally experienced in procuring the attendance of a majority of the Directors at the ordinary meetings of the Board; for remedy thereof, Be it enacted, that at all the meetings of the Directors of the said Company after the passing of this Act, five of the Directors, and not less, shall be a lawful quorum for the transaction of business, provided that four at least of the Directors present at any such meeting shall have been elected by the shareholders; and any majority of such quorum shall be competent to exercise all and any of the powers vested in the Directors of the said Company; and at any meetings of the Directors of said Company, any of the said Directors, who, at the time shall reside beyond the limits of this Province, may vote by proxy, such proxies being themselves Directors, and appointed in the following form or to the like effect:

Five Directors to be a quorum.

Majority to decide.

Directors may vote by proxies, being themselves Directors.

Form of proxy.

“ I appoint \_\_\_\_\_ of \_\_\_\_\_, Esquire, one of the Directors of the Great Western Railway Company, to be my Proxy as a Director of the said Company, and as such Proxy to vote for me at all meetings of the Directors of the said Company, and generally to do all that I could myself do as such Director if personally present at such meeting.”

*Signature.*

A. B.

Proviso.

But no Director shall act as Proxy for more than two other Directors.

Recital.

VIII. And whereas cattle and other animals frequently enter at the level crossings, and remain on the track of the said Railway, whereby the lives and property of travellers and others are in great danger: Be it therefore enacted, that it shall be lawful for the said Company, to make, build and construct, at any or all the level crossings of the said Railway, and of any other Railway which the said Company shall acquire, lease, work or control, (whether such crossings be at the intersection of any public highway with such Railway, or at private crossings or other places,) good and sufficient bridges over, and ways or passages underneath such Railway, of reasonable and sufficient dimensions, with convenient and sufficient approaches thereto; and to maintain and keep the same in repair; and at such places, so to narrow or contract such highway or other way, by fences or other means, as to confine persons and animals crossing such Railway to the bridge or way so to be made over

Company may make passages over or under their Railway for certain purposes.

over

over or underneath the same: Provided nevertheless, that nothing herein contained shall be construed to render the said Company liable for injuries to persons or their property, for which they would not have been liable if this Act had not been passed.

Proviso.

IX. If any one shall at any time unlawfully and wilfully break down, injure, weaken or destroy any gate, fence, erection or structure of the said Company, or remove, obliterate, deface, or destroy, any printed or written notice, order, by-law, or regulation of the said Company, or any section of, or extract from, this or any other Act of Parliament, which the said Company, or any of its officers or agents shall have caused to be posted, attached, or affixed, to or upon any fence, post, gate, or erection of the said Company; or if any one shall unlawfully enter upon, or walk or remain upon, the track of any such Railway, whereby either his own safety, or the safety of travellers in the cars of the said Company might be endangered, in case the said cars should then happen to approach or pass, such person so offending shall in addition to any other punishment, forfeiture, penalty, or proceeding to which he would have been liable if this Act had not been passed, forfeit and pay to the uses of the said Company, to be recovered by summary conviction before any Justice of the Peace for the County or territorial division where such offence was committed, or where such offender may at any time be found, such sum, not exceeding twenty pounds, nor less than two pounds ten shillings, as such Justice in his discretion shall adjudge, together with the costs of prosecution, and in default of immediate payment, be liable to be imprisoned in the common goal of either of such Counties or territorial divisions, for such term, not exceeding three calendar months, or less than ten days, as such Justice shall award, unless such sum and costs with the costs of commitment be sooner paid.

Penalty on persons injuring the works or defacing Notices of the Company, or committing trespass on their property, &c.

Imprisonment in default of payment.

X. If any one shall wilfully obstruct or impede any officer or agent of the said Company in the execution of his duty upon any such Railway, or upon any of its stations or other works or premises connected therewith, or if any person shall wilfully trespass upon any such Railway, or any of its stations or other works, or premises connected therewith, every person so offending and all others aiding or assisting therein, shall be liable to the like forfeiture and penalty, and shall be liable and subject to be prosecuted, proceeded against and dealt with in the like manner as mentioned in the ninth section of this Act in regard to the offences therein specified, and moreover, every one so offending, and all others aiding or assisting therein, may either be seized and detained by any such officer or agent, until such offender can be conveniently taken before some Justice of the Peace to be convicted and dealt with in manner aforesaid, or may be forcibly removed from such Railway, station, works or premises, by such officer or agent, and the

Penalty on persons impeding officers &c., of the Company, or trespassing on works, &c.

Forcible removal of such persons.

Proviso.

person or persons so called to his assistance, he and they using no unnecessary violence in effecting such removal: Provided, nevertheless, that nothing in this Act contained shall be construed to hinder or disable the Directors of the said Company from making any by-law, rules or regulations touching the premises which they might lawfully have made if this Act had not been passed.

Penalty on persons causing cattle to be wrongfully on the works.

XI. If any one shall wrongfully cause any cattle or animals to pass over or through the fences of the said Railway, or of such other Railway as the said Company shall acquire, lease, work, or control, or to be or remain upon the track of such Railway, or between the said track and the fence on either side thereof, or shall knowingly suffer or permit the same to be done, every such person, and all others aiding and assisting therein, shall be liable to the like forfeiture and penalty, and shall be subject and liable to be prosecuted, proceeded against, and dealt with, in the like manner as mentioned in the ninth section of this Act, in regard to the offences therein specified: And moreover any cattle or animals at any time found so wrongfully on the track of such Railway, or between the said track and the fence on either side thereof, (unless they shall have strayed there by reason of the fence of the said Company not being a lawful fence according to the laws of the place,) shall be taken *prima facie* to have been wrongfully driven or placed there contrary to the provisions of this Act, so far as to justify their detention until the owners of them can be ascertained; and in such case it shall be lawful for any agent, officer or servant of the Company, and any others whom he shall call to his assistance, to take possession of such cattle or animals, and detain the same until he can ascertain who are the owner or owners thereof.

Such cattle may be taken.

Directors may establish tolls to be taken in steam vessels of the Company.

XII. In addition to any powers already vested in the Directors of the said Company in this behalf, it shall be lawful for the said Directors by By-law or otherwise, to fix, establish and regulate from time to time, all tolls, charges and payments to be paid or payable to or for the uses of the said Company, whether the same be for conveying goods and passengers on such Railways as aforesaid, or in steam vessels running in connection therewith or otherwise; and to make and ordain such By-laws, rules and orders, as they shall think proper, touching the conduct and duties of the officers and servants of the Company, and for the working and managing of such Railways and the ordinary business connected therewith, and generally for and concerning the conduct and management of the affairs, property and business of the said Company, and from time to time to alter and repeal such By-laws, rules and orders, or any of them, and to make others: and to impose and inflict such reasonable fines and forfeitures upon all persons and parties offending against the same, as to them shall seem meet, not exceeding five pounds for any one offence,—and

May make By laws for governing Servants of the Company, &c.

And impose fines.

such



such fines and forfeitures may either be recovered, levied, and collected in the name of the Company and for the benefit of the County, in any Court having jurisdiction in civil matters, or by summary proceeding before any Justice of the Peace for the County or territorial division where the offence against such By-law was committed, or where the offender may be found; and for recovering, levying and collecting such fines and forfeitures by summary proceeding as aforesaid, the offending party may be prosecuted, proceeded against, and dealt with, (as to imprisonment for non-payment and otherwise) in the like manner as provided in the ninth section of this Act in regard to the offences therein mentioned: which said By-laws, rules and orders, being reduced to writing, and signed by the President or Vice-President of the Company for the time being, shall be printed and published: and such of them as shall subject any party, not an officer or agent of the Company, to any fine or forfeiture, (so printed and published as aforesaid or painted on boards,) shall be hung up and fixed and continued on the front of, or other conspicuous place at, the principal station-houses of the Company, and shall from time to time be renewed as often as the same shall be obliterated or destroyed; and all such By-laws, rules and orders, (whether the same shall subject the officers, servants or agents of the Company only, or other persons to any fine or forfeiture) shall be binding upon, and observed by all parties, and shall be sufficient to justify all persons who shall act under the same, provided such By-laws, rules and orders shall not be contrary to the laws of this Province; And provided also, that any such By-law as shall subject any party not an officer, servant or agent of the Company to any fine or forfeiture, shall not have any force or effect, until the same shall be sanctioned by the Board of Railway Commissioners of this Province.

Recovery of such fines.

Publication of such By-laws.

On whom they shall be binding.

Proviso.

XIII. In all cases of prosecution for offences against any By-laws, rules or orders of the said Company, and in all other actions and proceedings in which the existence of such by-laws, rules or orders or any of them require to be shewn, the production of a written or printed paper purporting to be by-laws, rules or orders of the Company, authenticated by the certificate under the hand of the President or Vice-President, to the effect that they are by-laws, rules or orders of the Company, shall be sufficient *prima facie* evidence of the existence of such by-laws, rules or orders.

Proof of By-laws facilitated.

XIV. In all cases where any party shall be convicted of any offence against the provisions of this Act, or against any by-law, rule or order of the said Company, it shall be lawful for the Justice before whom such conviction shall be had, or any other Justice of the Peace for the same territorial division, if he shall think fit, instead of committing such offender to prison in the first instance, in default of immediate payment of the amount payable by such conviction, to cause the said amount

Fines may be levied by distress, under warrant of the Justice convicting.

to be levied by distress and sale of the goods and chattels of such offender, and to issue his warrant under his hand and seal for that purpose ; and if the Constable or Officers having the execution of such warrant, shall return that he could not find sufficient goods or chattels to levy the amount thereby required to be made, with the lawful costs, it shall be lawful for the said Justice to issue his warrant for the commitment of the offender to prison, and cause such offender to be imprisoned for the period, and according to the terms mentioned in the said conviction.

Offenders may be proceeded against either under this Act or 16 V. c.178.

XV. For any offence against the provisions of this Act, or against any of the said by-laws, rules or orders, punishable by summary conviction, it shall be lawful to proceed against the offender, either in the manner provided by this Act, or according to the provisions of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, in Upper Canada, with respect to summary convictions and orders*, in regard to the acts and offences therein mentioned ; and it shall be lawful to use, pursue and adopt any or all of the forms, directions, modes of procedure, remedies and proceedings (as well in regard to witnesses and parties as others,) mentioned or provided in the last mentioned Act, in all complaints, prosecutions, convictions, levies and proceedings for offences against this Act or any of the said by-laws, rules and orders.

Conviction to be subject to appeal under 13 & 14 V. c. 54.

XVI. In all cases of complaint by way of summary proceeding before a Justice of the Peace, against any person for a violation of any of the provisions of this Act, or of any By-law, rule or order of the said Company, all decisions, convictions and orders made by any Justice of the Peace, shall be subject to an appeal in the manner, and subject to the provisions prescribed in the Act of the Parliament of this Province, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to extend the right of appeal in certain cases in Upper Canada*.

False statements as to transmission of Shares, &c. to be a misdemeanor.

XVII. If any person shall knowingly make any false statement in any declaration in writing in regard to the transmission of shares, required by the sixth section of this Act, with intent to deceive or defraud the said Company, or any person or party owning or interested in any share or dividend of the said Company, the person so offending shall be guilty of a misdemeanor and be liable to be indicted and punished as for a misdemeanor.

Annual elections of Directors, when to be held, &c.

XVIII. The annual election of Directors of the said Company shall hereafter take place at the general half yearly meeting of the shareholders which shall be held next after the thirty-first day of July in each year, or at some adjournment thereof ; and the present Directors of the said Company shall continue to be

Directors

Directors and hold office, until an election of Directors shall take place under this Act, at the half yearly meeting next after the thirty-first day of July next, or at some adjournment thereof; and at the same meeting at which the yearly election of Directors shall take place, or at some adjournment thereof, the shareholders shall also elect annually, in the same manner as provided for the election of Directors, two Auditors (being themselves also shareholders;) and the Auditors shall have free access to the books and vouchers of the Company, and may employ such accountants and other persons at the expense of the Company as they shall think proper, and shall examine the accounts of the Company, and confirm the same, or make such report upon them, as they shall think right: Provided always that no shareholder, being in default in respect to calls made upon any shares held by him or her being in arrear and unpaid, shall be entitled to vote upon or in respect to such shares at any meeting of shareholders.

Auditors to be elected at the same time.

Their powers and duties.

Proviso.

XIX. Besides the ordinary half-yearly meetings of the said Company, the Directors may call special general meetings of the Shareholders whenever and so often as the interests of the Company shall in their opinion require it, on giving at least twenty-one days' notice in the Official Gazette of Canada, and in some newspaper published in the City of Hamilton, and in at least three daily papers published in London in England, specifying in such notice the time and place of such meeting, and the particular subject or business to be considered or transacted thereat; Provided always, that no business, other than that for which such meeting shall have been called, and which shall have been specified or mentioned in such notice calling the same, shall be considered or transacted at such meeting.

Special General Meetings, how to be called.

Notice.

Proviso.

XX. And whereas it is necessary that the said Company should possess gravel pits, and lands containing deposits of gravel, at convenient places along their line of way, for supplying ballast and keeping the said Railway and its branches in sufficient repair, and such gravel pits or deposits cannot at all times be procured without buying the whole lot of land wherein such gravel or deposits may be found, and doubts may be entertained to what extent the said Company may lawfully acquire and hold lands for such purpose: Be it therefore enacted and declared, that it has been, and shall be lawful for the said Company to purchase, take and hold at convenient places along the line of their road and its branches, and along the line of any Railway which the said Company may acquire, lease, work or control, such lot and lots of land containing or believed to contain, gravel beds, or deposits of gravel, as the Directors shall think advisable or necessary for the purposes aforesaid, and also the right of way to the same, and again to sell and dispose of such lands or any part thereof.

Recital.

Company may take lands for gravel pits;

And right of way to them.

Recital.

XXI. And whereas the said Company have contracted for the building of certain steam-vessels to ply on Lake Ontario, and on the River Detroit, to run in connection with the said Railway, under the belief that they had a lawful right to build, own and work such vessels; And whereas doubts have arisen whether they have sufficient authority in law in that behalf, and it is desirable that such right should be fully confirmed to the said Company in common with certain other Railway Companies: Be it therefore enacted and declared, that the said Company have had, and shall have, power and authority to build, and complete, and sell and dispose of, or work and control and keep in repair, the said vessels, and one or more other vessels from time to time if considered necessary, with their furniture, rigging and equipments, to run in connection with the said Railway or such other Railway as the said Company may acquire, work, lease or control.

Company may acquire and hold vessels for certain purposes.

Recital.

XXII. And whereas it may be considered more expedient for the Company to raise the whole or a portion of the money they may require upon their own bonds, instead of the issuing the said new shares, or the whole of them: Be it therefore enacted, that it shall be lawful for the said Company to issue and dispose of the Bonds of the said Company from time to time for the purpose aforesaid, at such rate of premium or discount or otherwise as may be agreed upon in that behalf, and that all bonds and any agreements for payment of money only, already issued or hereafter to be issued by the said Company, shall be transferable by delivery or endorsement in like manner as Promissory Notes.

Company may sell their Bonds at a premium or discount.

Company not bound to carry certain dangerous articles.

XXIII. No person shall be entitled to carry or to require the said Company to carry upon the said Railway or any other such Railway as aforesaid, any aquafortis, oil of vitriol, gunpowder, lucifer matches, or other goods of a dangerous nature; and if any one shall knowingly send by any such Railway any such goods without plainly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the Clerk or other servant of the Company, with whom the same are left at the time of so sending, he shall forfeit to the Company, twenty pounds for every such offence, to be recovered, levied and collected in the like manner as in this Act provided for levying and collecting fines and forfeitures incurred under any By-law of the Company; and it shall be lawful for the Company, their Servants and Agents to refuse to take any parcel that may be suspected to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Recital of part of 16 V. c. 169.

XXIV. And whereas it is doubtful whether the sixth section of the Statute passed in the sixteenth year of Her Majesty's Reign, intitled, *An Act in addition to the general Railway Clauses Consolidation Act*, was intended to apply to the Great Western

Western Railway; And whereas the only draw-bridges on the line of the said Railway are so situated in regard to their proximity to Stations, and other circumstances, that it is not considered necessary that the said sixth section of the said Act should apply to the said Railway: Be it therefore enacted and declared, that the said sixth section of the said last mentioned Act was not intended to apply, nor shall the same apply or be in force in regard to the said Great Western Railway, in so far as respects to the Bridge over the Desjardins Canal, nor to any swing-bridge whilst the navigation is closed; any thing in the said Act contained to the contrary notwithstanding.

Sect. 6 of the said Act not to apply to the Company in certain cases.

XXV. And whereas the said Company have caused a permanent bridge to be erected for their road across the stream known as the twenty mile Creek in the Township of Louth, not considering the said stream at the place to be a navigable stream, and doubts have been raised as to their authority in law so to do; And whereas the Municipality of the said Township have petitioned Parliament to confirm the right on the part of the said Company to build and maintain such permanent bridge: Be it therefore enacted and declared, that the said Company were, and are fully authorized and empowered to build and erect such permanent bridge, and to maintain, rebuild, renew and keep in repair such permanent bridge in all time to come; But nevertheless it shall be the duty of the said Company in such case from time to time to indemnify all parties whose private rights shall hereafter be or may have been injured thereby (if any there be) for such actual damage (if any) as they shall have sustained by reason of the erection and maintenance of such permanent bridge to be recovered by action at law; And it shall also be in the option of the said Company at any time, if the Directors shall think fit, to construct, keep and maintain a draw or swing in such bridge, so as to admit the free passage up and down the said stream of such vessels and craft as may have been accustomed to navigate the same, and thenceforward, and so long as the said Company shall keep up and maintain such draw or swing, they shall not be liable to any claim or demand for damages by reason of the erection and maintenance of such bridge across the said stream.

Recital.

Company's bridge over 20 Mile Creek declared legal.

Proviso: Actual damages to be paid.

Directors may make swing-bridge.

XXVI. All actions and suits to be brought for any thing done under or in execution of this Act, shall be commenced within six calendar months after the act complained of was committed, and not afterwards; and the Defendants may plead the general issue, and give this Act and the special matter in evidence at the trial thereof; Provided nevertheless, that nothing herein contained shall be construed to repeal or affect the tenth section of the Act of the Parliament of this Province, passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to increase the Capital Stock of the Great Western Railroad Company, and to alter the name of the said Company.*

Limitation of suits for things done under this Act.

Proviso.

Sect. 10 of 16 V. c. 99, not affected.

Sect. 33 of 9  
V. c. 81, to  
apply to Com-  
panies united  
with this  
Company.

Proviso as to  
such union.

Inconsistent  
enactments  
repealed.

XXVII. The thirty-third section of the Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to alter and amend the Charter of the Great Western Railroad Company*, and the powers therein given to the said Company, shall also extend and apply to any other Company with which they may be desirous of effecting a union or junction; and that no union or junction to be formed under the authority of the said Act, shall become valid and effectual until it shall have been approved or sanctioned by at least three fifths of the votes of the Shareholders of the Great Western Railway Company present or represented by proxy at a Special Meeting to be called for that purpose; and any provision, matter, clause or thing contained in the Act incorporating the Great Western Railway Company, or in any other Act affecting the said Company, inconsistent with the provisions of this Act, shall be and the same is hereby repealed so far as affects the said Company.

Recital.

Company may  
enter into  
agreements for  
certain pur-  
poses with the  
Galt and  
Guelph Rail-  
way Compa-  
ny.

XXVIII. And whereas the said Great Western Railway Company and the Galt and Guelph Railway Company are desirous of entering into an arrangement for the working and leasing of the road, property and works of the said last named Company, and for assisting, (by advancing the iron or some part thereof or otherwise,) to build and complete the said road and works, making the amount of such advance or assistance a first charge upon the road, property and effects of the said last named Company: Be it therefore enacted, that it shall be lawful for the Directors for the time being of the said respective Companies, to make and enter into such agreement or agreements as they shall think advisable, (and from time to time to alter or vacate the same, and again to enter into other or different ones) as well for the working or using of the said road and works or any part thereof of the said Galt and Guelph Railway Company, (at their expense or otherwise,) by the said Great Western Railway Company, as also for the leasing to the last named Company, the road and works of the said Galt and Guelph Railway Company, either before or after working the same for any period as aforesaid, and for granting assistance by the said Great Western Railway Company (either by advancing or providing the iron or some part thereof or otherwise) to build or finish the road and works of the said Galt and Guelph Railway Company; and also for making the amount of such advance or assistance a first charge and encumbrance upon the road, property and effects of the said last named Company; or for any one or more of the purposes aforesaid, and such agreements shall be legal, binding and effectual, according to the true intent and meaning thereof.

Certain clauses  
of this Act  
may be  
amended.

XXIX. The Legislature may at any time alter or repeal any of the clauses of this Act imposing forfeitures or penalties on parties for any offences specified in this Act.

Public Act.

XXX. This Act shall be deemed a Public Act.

## CAP. CLXXVII.

## An Act to amend and extend the Acts incorporating the Champlain and St. Lawrence Railroad Company.

[Assented to 19th May, 1855.]

**W**HEREAS the Company of proprietors of the Champlain and Saint Lawrence Railroad, have by their petition prayed for amendments to their Act of incorporation and to the several Acts for amending the same, and for power to raise an additional loan and for other purposes, and it is expedient to grant 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, as follows:

Preamble.

I. The said Company shall have power to borrow from time to time, either in this Province, in Great Britain, or elsewhere, and in addition to the sums they have borrowed under any former Act or Acts, such further sum or sums as with any sum which they may borrow under the ninth section of this Act, shall not, in the whole exceed one hundred and thirty-eight thousand nine hundred pounds sterling, at a rate of interest not exceeding eight per cent, and to make the securities to be granted for the same, payable to bearer, or transferable by simple endorsement or otherwise, and either in currency or sterling, at such place in this Province, in Great Britain, or elsewhere, as they may direct, and further, in and by such securities to mortgage and hypothecate the property and revenues of the Company for the payment of the said sums borrowed, and the interest thereon; Provided always that the mortgages to be granted for securing any money borrowed under the authority of this section shall rank together equally without priority or preference, but after those granted for securing any money borrowed by the said Company under the authority of any former Act, and after that to be granted for securing the thirty thousand pounds or any part thereof to be borrowed under the ninth section of this Act: And provided also that so much of the moneys which shall be first borrowed under the authority of this section, or the said ninth section, as shall be necessary for the purpose, shall be applied by the said Company to pay off their outstanding bonds or debentures not bearing mortgage, as the same respectively become due, or it shall be lawful for the said Company to grant to the holders of such outstanding bonds or debentures, new bonds or debentures issued under this Act, in exchange for such outstanding bonds and debentures, on such terms and conditions as the said holders and the Company may

Company empowered to borrow money and hypothecate their property.

Proviso: such mortgages to rank after those under any former Act.

Proviso: money borrowed to be first applied to pay off outstanding Bonds over due.

may agree upon : and it shall not be lawful for the said Company to apply any portion of the money to be borrowed under this Act to any other purpose whatever, until they shall have first redeemed all their said outstanding bonds or debentures not bearing mortgage, or shall have deposited in some chartered Bank a sum sufficient to redeem such as shall not have been so redeemed, for the purpose of redeeming them, and the sum so deposited shall be applied by the said Company to the said purpose and to no other, and no part thereof shall be withdrawn by the Company or applied to any other purpose than as aforesaid, until all the said bonds and debentures shall have been redeemed : Provided that the Company may, at any time publish a notice, during thirty days, in the *Canada Gazette*, and in one newspaper published in the City of Montreal, and in every number of each published during such thirty days, that they are ready to pay off the said bonds and debentures then outstanding, or to exchange them for second mortgage bonds and debentures under this Act, and in what Bank the money will be deposited for redeeming such of them as shall not be presented as hereinafter mentioned, and at the end of thirty days from the last publication of the said notice, interest shall cease to run upon such of the said bonds and debentures as shall not then have been presented to the Company for redemption, whether such bonds or debentures be then due or not.

Proviso :  
Company may  
notify that  
they are ready  
to pay such  
Bonds, on  
which interest  
shall then  
cease.

Company em-  
powered to  
renew their  
Bonds with  
consent of  
holders.

II. That the Company shall have power at any and at all times and upon the maturity of any of their bonds to renew the same, upon the application and with the consent of the holders thereof, for such period of time as may be agreed upon by the Company and the bondholders; and such renewal bonds which shall bear the numbers of the matured bonds and be marked Renewal Bonds, shall represent the matured bonds in the indebtedness of the Company, and have and possess all the privileges, mortgages and rights of the matured bonds, without other or further registration than that of the matured bonds, if such have been registered : and upon payment or redemption of all or any of their bonds, the Company shall have power to borrow, in the same manner and with the same privileges as described in the first section of this Act, such a sum of money as may be sufficient to cover the amount of the bonds from time to time so paid or redeemed.

Bonds under  
this Act to  
rank concur-  
rently.

III. All bonds issued under the authority of this Act shall, notwithstanding their registration at different periods, rank concurrently and by equal privilege on the real estate of the Company, as much to all intents and purposes as if the said bonds and the mortgages thereby created, were issued and registered at the same time ; and the holders thereof shall have no precedence the one over the other, but shall rank equally together on the said real estate, irrespective of the time of the issue or registration of the said bonds.



IV. In the borrowing of moneys by way of loan, under the authority of this Act, and in the creating of mortgages or hypothèques for securing the same, the debentures of the Company shall and may be in the form contained in the Schedule A, annexed to this Act, or in any other convenient form similar thereto, and need not be before Notaries; and the registration at full length of a debenture, (without the interest coupons thereto attached,) in the said form in the Registry Office for the County of Montreal, which said registration, and of the loan to be made in virtue thereof, shall be held and deemed to be a valid registration of the said Railway, and of all the lands and property thereof in each County or locality through which the Railway may pass or lie, shall perfect the mortgage and hypothèque created by such debenture as regards all parties whomsoever, and the debenture and mortgage and hypothèque thereby created shall be to all intents and purposes binding upon the Company in favor of the holder of the debenture, and have the effect of mortgaging and charging all the lands and property of the Company without any other formal or particular description, but the description in the said Schedule A shall be held to comprehend all the lands and tenements of the Company, all wharves and buildings of every nature thereon, and all the immoveable estate belonging to the Company, including the rails and iron thereto affixed, any law or usage to the contrary notwithstanding: Provided always, that no debenture of the said Company shall be for a less sum than one hundred pounds currency.

Form of Company's Debentures.

Registration, how effected. What the general description shall comprehend.

Proviso.

V. It shall be competent for the Directors of the Company, previous to the issuing of the bonds and debentures by this Act authorized to be issued, to resolve that the holders of the same or any of them shall have the option, within seven years from the issuing thereof, to exchange them for an equal amount of stock in the Company, and thereupon, on the surrender of any bonds, the owner thereof shall be entitled to claim and receive at the par value thereof of fifty pounds currency each, so many shares in the Capital Stock of the Company, as may be equivalent to the amount of bonds so surrendered, but the Company shall not be bound to give any fractional part of a share, nor shall the party surrendering the bonds be entitled to any of the profits of the Company, except from the yearly balancing day next following the day of surrender, but he shall be entitled to interest on the surrendered bonds, up to the time when such right to share in the profits shall begin.

Directors may permit Bondholders to exchange Bonds for Stock.

VI. And whereas it is necessary to the carrying out of the provisions in the last preceding section contained, that the Directors should be empowered to increase the Capital Stock of the Company, and it is also expedient, irrespective of such necessity or purpose, to confer on them absolutely the like power of increasing the said Capital Stock, if they should deem it advisable for the interests of the Company to do so, it shall be

Recital.

Directors may increase Capital Stock of Company, and to what amount.  
Proviso.

be lawful for the Directors of the Company, at any time after the passing of this Act, by a resolution to that effect, to increase the Capital Stock of the Company by the sum of seventy-five thousand pounds currency, to be divided into one thousand five hundred shares of fifty pounds each, or by such less sum in shares of the like amount as they may judge expedient: Provided always, that no such resolution shall have force or effect until after its adoption at a special meeting of the Shareholders specially convened for that purpose.

Debentures marked "cancelled" to be entered as such in Register.  
Proviso.

VII. If after the registration in a County Registry Office of a Debenture of the Company creating a mortgage or hypothèque, such Debenture shall be presented at the Registry Office wherein it was registered, with the word *cancelled*, and the signature of the President or other duly authorized Director, or of the Secretary of the Company, written across its face, the Registrar or his Deputy, on receiving the same fee as hereinafter fixed for the registration of such Debentures, on that behalf, and on proof of the cancellation by the oath of one credible witness, (which oath the Registrar or his Deputy is hereby authorized to administer) shall forthwith make an entry in the margin of the Register against the Registry of such Debenture, to the effect that the same has been cancelled, adding to such entry the date thereof and his signature, and thereupon the cancelled Debenture shall be filed and remain of record in the said Registry Office; Provided always, that if any such cancelled Debenture shall have been registered in more than one Registry Office, it shall remain of record in the Registry Office of the County within which any part of the property mortgaged and hypothecated thereby shall lie, or in that of the County of Montreal if it has been registered in the said last Office, the other Registrar or his Deputy having first endorsed thereon his Certificate of the entry by him made of the cancellation thereof.

Printed blank Debentures may be used for Registration purposes.

VIII. To facilitate the registration of the Debentures of the Company creating mortgages or hypothèques and the cancellation thereof, the Company may, if they see fit, at their own expense, deposit in the Registry Office of Montreal aforesaid, or in any Registry Office, wherein such their Debentures may require to be registered, any number of their printed or engraved Blank Debentures in the form of the Schedule annexed to this Act, without its being necessary to add the *coupons* thereto, bound together in a book and having the pages thereof numbered and signed by the Secretary of the Company, and thereupon the Registrar or his Deputy shall be bound to receive and retain the same as one of the Registry Books of his Office, and to register therein the said Debentures of the Company, instead of registering them in the ordinary Registry Books of the Office, for which registration of each Debenture, with the certificate thereof by the Registrar, he shall receive one shilling and three pence only; any ordinance or law to the contrary notwithstanding.

IX. Except in so far as herein specially provided, nothing herein contained shall in any manner or way affect the debentures heretofore issued by the said Company and remaining unpaid or unredeemed, or uncanceled, or any of the rights, privileges or mortgages created by the said debentures, under the authority of their said Act of Incorporation, or the Acts amending the same; but the said Debentures and the said rights, privileges and mortgages shall have the same force and effect as if this Act had not been passed: Provided always, that whereas out of the said sum of seventy-four thousand eight hundred and fifty pounds, mentioned in the last Act prior hereto, to wit, the Act passed in the sixteenth year of Her Majesty's Reign, chaptered seventy-eight, the said Company have retained the sum of thirty thousand pounds of sterling Bonds, to cover the amount of Bonds notified for payment in the terms of said last Act, and Bonds falling due at short dates, the Company shall have power to issue the said mentioned amount of sterling Bonds which shall have the same privileges, mortgages and rights as the other Bonds authorized to be issued under the authority of the said last cited Act.

Debentures previously issued not affected by this Act, except as specially provided.

Proviso.

X. From and after the passing of this Act, a Board of Directors instead of the persons composing the Committee of Management of the Company as at present, shall be elected at each annual General Meeting of the Stockholders and shall consist of nine Stockholders severally qualified as the holders of not less than five shares, who shall have and exercise all the powers, management and administration of the affairs of the Company, in like manner and to the same extent as the said Committee now have and enjoy in virtue of any Act in relation to the said Company, and a President and a Vice-President of the Company, the Vice-President to act in the absence, death or resignation of the President, shall be annually chosen by and from among the Directors, and the said President and Vice-President shall have and exercise all the rights, power and authority of the Chairman of the said Committee, and in case of their death, absence or resignation of office, the Directors shall name from among themselves a temporary President and Vice-President, as the case may be; and in case of the death or resignation of any of the Directors before the annual election, the others of them may nominate a qualified Stockholder to supply the vacancy.

Board of Directors to be elected in lieu of Committee of Management.

XI. From and after the passing of this Act, the Clerk of the Company, now so known and designated, shall be styled Secretary, and all and every the duties and services required to be performed by the said Clerk shall be performed by the Secretary, who shall be subject to all and every the requirements provided by any Act in relation to the Company with regard to the said Clerk, and all and every Act and Deed, Bond and Debenture, Bill, Note, or Document whatsoever, heretofore signed by such Chairman and Clerk under the respective designations of President and Secretary, are hereby declared to be and shall be valid and

Clerk of Company to be styled Secretary.

His powers and duties.

and binding upon the Company to all intents and purposes as if such Chairman and Clerk were respectively President and Secretary at the time of subscribing and affixing such signatures.

Public Act.

XII. This Act shall be a Public Act, and the Interpretation Act shall apply thereto.

SCHEDULE A

(Referred to in this Act.)

Champlain and St. Lawrence Railroad Company.  
Second Mortgage Loan.

Number . £ sterling (or currency.)

This Debenture witnesseth that the Company of Proprietors of the Champlain and St. Lawrence Railroad, under the authority of the Provincial Statute passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to amend and extend the Acts incorporating the Champlain and St. Lawrence Railroad Company*, have received from \_\_\_\_\_, of \_\_\_\_\_ the sum of \_\_\_\_\_ sterling (or currency,) as a loan to bear interest from the date hereof, at the rate of \_\_\_\_\_ per centum per annum, payable half-yearly on the day of \_\_\_\_\_ and on the \_\_\_\_\_ day of \_\_\_\_\_ which sum of \_\_\_\_\_ sterling (or currency,) the said Company bind and oblige themselves to pay on the \_\_\_\_\_ to the said \_\_\_\_\_ or to the bearer thereof; and to pay the interest thereon half-yearly as aforesaid on the production of the *coupon* therefor, which now forms part of this Debenture. And for the payment of the said sum of money and interest, the said Company, under the power given to them by the said Statute, do hereby mortgage and hypothecate the real Estate and appurtenances hereinafter described, that is to say: The whole of the Railroad from St. Lambert to Laprairie, St. Johns and Rouse's Point, including all the lands at the four termini of the said road and all the lands of the Company within those limits, and all buildings thereon erected, and all and every the appurtenances thereto belonging; And it is further witnessed that the holder of this Debenture shall be entitled, on the surrender thereof to the Company within \_\_\_\_\_ years from this date, but not afterwards, to receive an equivalent amount of Shares in the said Company, at the par value thereof, in accordance with the terms of the said Act under which this Debenture is issued.

In testimony whereof \_\_\_\_\_, President of the said Company, hath hereunto set and affixed his signature and the Common Seal of the said Company, at the City of Montreal,

Montreal, this                      day of                      one thousand  
eight hundred and

*President.*

Countersigned and entered,

*Secretary.*

I certify that this Debenture was duly registered in the Registry Office for the County of                      , in the

District of                      , on the                      day of                      , one thousand eight hundred and

at                      of the clock in the                      noon in the Register page

*Registrar.*

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

An Act to remove doubts as to the power of the Ontario, Simcoe and Lake Huron Railroad Union Company to construct a Branch Line into the Town of Barrie.

[Assented to 19th May, 1855.]

**W**HEREAS it is desirable to amend the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to incorporate the Toronto, Simcoe and Lake Huron Union Railroad Company*, as regards the removing of doubts which exist as to the power of the Company to construct a Branch Line into the Town of Barrie: Be it therefore declared and 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, as follows:

Preamble.  
12 v. c. 156.

I. It is and shall be lawful for the said Company, and they are hereby authorized to build, lay down and construct the said Branch Line, from such point of the intersection of their main line as the Directors of the said Company may select and approve, into the Town of Barrie.

Company may make a Branch to Barrie.

II. All the provisions of the Acts incorporating and relating to the said Company, do and shall apply to such Branch Line and Stations erected thereon, and the acquiring of land therefor, in like manner and to all intents and purposes, as if the same had been expressly mentioned and included in such Acts.

Provisions of former Acts to apply to such Branch.

III. This Act shall be deemed a Public Act.

Public Act.

## C A P . C L X X I X .

An Act to amend the Charter of the Woodstock and Lake Erie Railway and Harbour Company.

[Assented to 19th May, 1855.]

Preamble.

**W**HEREAS the Woodstock and Lake Erie Railway and Harbour Company have by their petition, prayed for amendments to their Act of incorporation, and that they may be authorized to extend their road to the Suspension Bridge on the Niagara River, and to St. Thomas in the County of Elgin, and for other purposes, and it is expedient to grant 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, as follows:

Extension of Railway authorized, when £300,000 shall have been subscribed and 10 per cent. paid in.

I. As soon as three hundred thousand pounds shall have been subscribed as hereinafter provided for, and the ten per cent. paid thereon as hereinafter mentioned, the said Company shall have full power and authority to extend their Railway from Dunnville in the County of Haldimand, to, at or near the Suspension Bridge across the Niagara River, in the Township of Stamford, in the County of Welland, and also to extend their Railway from Otterville, in the County of Oxford, or from Port Dover, in the County of Norfolk, or from any point between the two last named places, to St. Thomas, in the County of Elgin, and to such extensions all the provisions of the Act incorporating the said Company, and the Act amending the same, and all the powers thereby and hereby granted to the said Company, shall extend and apply as fully to all intents and purposes whatever, - as to the Railway in the said Acts mentioned, or as they could do if the said extensions had been mentioned in the said Acts as part of the Railway the said Company were thereby authorized to construct; Provided always, that the extension authorized by the Act sixteenth Victoria, chapter two hundred and thirty-nine, shall proceed direct from the town of Simcoe or its immediate vicinity.

Company's Acts to apply to such extension.

Proviso.

Increase of Stock authorized to one million in all.

Value of Shares altered.

Part of 11 & 15 V. c. 31

II. And whereas it is necessary to increase the Capital Stock of the said Company, and it is expedient that the same be divided into shares of twenty-five pounds each: the Capital Stock of the said Company shall be One Million of Pounds divided into shares of twenty-five pounds each: every five shares now held by the Stockholders of the said Company shall after the passing of this Act be converted into, taken and be held as one share in the said Company; and so much of the clause

clause of the Railway Clauses Consolidation Act with respect to directors, their election and duties as is contained from the fourteenth to the twenty-third sections of the said clause, both inclusive, shall be and are hereby incorporated with the Acts hereby amended and with this Act, and so much of the said Acts as may be inconsistent with any of the provisions of the said sections of the said clause of the Railway Clauses Consolidation Act, shall be and the same are hereby repealed; **Provided** always, that the said Company shall cause books of subscription to be opened in the towns of St. Thomas and Simcoe and at Elgin, and at the Suspension Bridge, for thirty days, and afterwards in such other places as they may from time to time appoint, for receiving of subscriptions of persons willing to become subscribers for the purpose of constructing the extensions aforesaid, and for that purpose it shall be their duty, and they are hereby required to give public notice, in one or more newspapers published in the said towns of St. Thomas and Simcoe, of the time and places at which such books shall be opened and ready for receiving subscriptions as aforesaid, and of the persons authorized to receive such subscriptions, and of a Chartered Bank into which the ten per cent. thereon is to be paid, and of the time hereinafter limited for such payment, and every person whose name shall be written in such books as a subscriber as aforesaid and who shall have paid, within ten days after the closing of the said books, into the Chartered Bank mentioned in such notice, or any of its branches or agencies, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall become a member of the said Company, and shall have the same rights and privileges as such, as are conferred on the present Stockholders of the said Company; **Provided** also, and it is hereby enacted, that such ten per centum shall not be withdrawn from such Bank, or otherwise applied except for the purposes of such extensions or upon a resolution of the said Company that the said extensions cannot be proceeded with for want of means, or upon a forfeiture of the power to make such extensions by reason of non-compliance with the provisions of this Act.

relative to  
Directors to  
apply to the  
Company.

**Proviso :**  
Subscription  
Stock Books  
to be opened  
at certain  
places.

Ten per cent  
to be paid on  
subscribing.

**Proviso :** for  
what purposes  
only such ten  
per cent. may  
be withdrawn.

III. The said Company shall have power, and is authorized in pursuance of any resolution to that effect, adopted at a Special General Meeting of the Shareholders, duly convened for that purpose, and by and with the consent of the Municipalities now or that hereafter may be interested in the said Company as Bond-holders, or Stockholders, or a majority of them, signified by resolution to that effect, to amalgamate and unite with any other Railway Company in this Province, or to lease or sell their line of road, or any portion thereof, and appurtenances, or the Stock thereof, to any such other Railway Company—or to purchase, buy out, or lease any other such Railway Company, or the Stock thereof—the whole upon such terms and conditions as shall be agreed upon—which said amalgamation, purchase, lease or agreement, such other

Company may  
amalgamate  
with any other  
Company,  
and how.

Railway

Railway Company is hereby fully authorized to effect with the said Company upon a resolution to be adopted by the majority of the Shareholders of such other Railway Company at a Special General Meeting to be convened for the purpose: and, upon the effecting of any such amalgamation, purchase, lease or agreement, all the rights, privileges and the powers of the Company so amalgamated with, leased or purchased, by this Company, or by such other Company so amalgamated with, leased or purchased, shall be merged in this Company or in such other Company, and shall be held, used and applied by them in their own name, or in the name of such other Company as shall be expressed in the articles or deed of amalgamation executed by the amalgamating Companies, to all intents and purposes as if the same had been granted originally to the said Company, whose name shall be retained and expressed in such articles of amalgamation, and in addition thereto: Provided always, that all such terms and conditions as shall be mentioned and expressed in the Deed or articles of amalgamation, shall alone be binding upon the Company so amalgamating, purchasing or leasing, and such amalgamation, purchasing or leasing shall not render such Company liable for any other consideration, matter or thing beyond the said terms and conditions.

**Proviso:** as to effect of agreement to amalgamate.

**Qualification of Directors altered.**

IV. So much of the fifth section of the Act amending the Act incorporating the said Company, passed in the sixteenth year of Her Majesty's reign, chaptered two hundred and thirty-nine, which requires that Directors shall hold stock to the extent of twenty-five shares, is hereby repealed; and the qualification of such Directors after the passing of this Act shall be the holding of five shares each, created under the provisions of this Act.

**Sect. 30 of 10 & 11 V. c. 117 repealed.**

V. The thirtieth section of the Act incorporating the said Company shall be and is hereby repealed.

**Municipalities may convert their Stock into a Loan.**

VI. It may be lawful for the Municipalities that have made loans to the said Company, with the consent of the said Company, by virtue of a By-law of such Municipality, passed for that purpose, to change or convert the amount of such loan into stock of the said Company, and upon the reception by the Treasurer of any such Municipality of the scrip for such stock so taken in lieu of such loan, the amount due on account of any such loan or liability shall be discharged.

**Stockholders in arrear not to vote.**

VII. No Stockholder shall be entitled to vote at any election of Directors, or at any general or special meeting of the Stockholders of the said Company, who shall not have paid all calls due upon his stock at the time of such election or meetings.



VIII. And whereas the said Company have purchased all the rights and property of the Port Dover Harbour Company, and doubts have arisen of the right of the said Company to use their corporate name in matters relating to the said Harbour Company,—the said Railway Company shall and may, and are hereby authorized, in all matters relating to or affecting the rights and property of the Port Dover Harbour Company, or the right of the said Company thereto, to use the corporate name and title of the said Railway Company instead of the title and name of the said Harbour Company, as if such Harbour Company and the rights, privileges and property of the same had been originally incorporated with and formed part of the said Railway Company: Provided always, that nothing herein contained shall be taken to lessen the liability of the said Railway Company in respect of such Harbour.

Rights of the Company as to Port Dover Harbour.

Proviso.

IX. The said extensions shall be commenced within two years, and be completed within five years after the passing of this Act, and all clauses or parts of clauses in any former Acts relating to the said Company which are inconsistent with the provisions of this Act, shall be and are hereby repealed.

Extensions to be completed within a certain time.

X. The extensions authorized by this Act shall not be taken to prevent any other Company from obtaining power to extend their line or obtaining a charter for the construction of another line of Railway connecting the Lakes Erie and Ontario.

Not to prevent Charter to any other Company.

XI. This Act shall be deemed a Public Act.

Public Act.

## C A P . C L X X X .

An Act to amend the Act incorporating the Hamilton and Toronto Railway Company.

[Assented to 19th May, 1855.]

**W**HEREAS by an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to incorporate the Hamilton and Toronto Railway Company*, power is given to the said Company to make and complete a Railway from the Terminus of the Great Western Railroad at the City of Hamilton to the City of Toronto, upon such line as may be found most advantageous for the purpose, the said line being first approved by the Governor in Council; And whereas the said Company have located the said Railway in the manner pointed out in the said Act, and the line so chosen has been approved by the Governor in Council; And whereas the said Railway crosses the River Humber at a point near the mouth of the said river; And whereas the safety and convenience of Her Majesty's subjects will be greatly promoted by authorizing the said Company to erect a fixed and permanent Bridge across the said river: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative

Preamble.  
16 V. c. 44.

Legislative

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, as follows :

Company may have permanent bridge across the Humber.

Proviso : private parties suffering damage therefrom to be compensated.

Proviso.

I. It shall and may be lawful for the said Company to make and construct a fixed and permanent Bridge across the said River Humber or across any other River over which the said Railway may be carried : Provided always that the height of the said Bridge across the River Humber shall not be less than ten feet clear above the ordinary level of the water in the said River : Provided nevertheless that if the erection of any permanent Bridge instead of a swing Bridge shall invade or abridge any private rights, the said Company shall indemnify all parties that may be so injured, and in case of disagreement between the Company and such parties as to the amount of any such damages, the same shall be ascertained and decided in the same manner as is provided for in regard to other claims for compensation against the Company : And provided also that all such claims (if any) shall be made upon such Company and proceedings for the recovery thereof be commenced, within six months from the passing of this Act, and not afterwards.

Public Act.

II. This Act shall be deemed a Public Act.

## C A P. C L X X X I.

An Act to amend the Act incorporating the Brockville and Ottawa Railway Company.

[Assented to 19th May, 1855.]

Preamble.

16 V. c. 106.

WHEREAS since the passing of the Act of the sixteenth year of Her Majesty's Reign, intituled, *An Act to incorporate the Brockville and Ottawa Railway Company*, the said Company have in pursuance of the provisions of the Railway Clauses Consolidation Act, increased the Capital of the said Company to Twelve Hundred Thousand Pounds currency, and it is desirable to have such increase sanctioned by express Legislative Enactment : 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, as follows :

I. The Capital Stock of the said Brockville and Ottawa Railway Company shall be, and is hereby declared to be the sum of Twelve Hundred Thousand Pounds currency, divided into Shares of Five Pounds each, and shall be taken and considered to have been so increased from the time it was so increased by the said Company as aforesaid, and the said Capital Stock may if necessary, from time to time, be increased in the manner provided for by the Railway Clauses Consolidation Act.

Amount of Capital Stock declared.

II. And be it enacted and declared that the said Brockville and Ottawa Railway Company shall have full power and authority to construct a Branch of their said Railway from some point on their Main Line, south of the Rideau, to Newborough and Westport on the Rideau Canal, or some point at or near those places; also to construct a Branch of their said Railway from the same or some other point on their Main Line south of the Rideau to the Rideau River or Canal at or near Merrickville in the Township of Wolford, also to construct a branch of their said Railway from some point north of the Rideau to some point in the Township of Goulbourn, at or near Richmond; And that for the construction, maintenance and use of the said Branches as aforesaid, and each and every of them, and every matter and thing connected therewith, the said Company shall have the same rights, powers and privileges as are already vested in them by the Special Act, and the clauses of the Railway Clauses Consolidation Act incorporated therewith, in like manner as if the power to construct such Branches had been embodied in the said Act hereby amended, incorporating the said Company; and that the said Company shall have the right to construct said branches by sections or in such other manner as they may deem most advisable, so that the construction of any one or more sections or parts of the same shall not make it compulsory on the said Company to construct the remainder, until in their discretion it shall seem expedient to do so: And that the said Company shall have power to build or purchase, own, hold, use or otherwise dispose of, as to them shall seem best for the interests of the said Company, one or more Steamboats or other vessels to ferry on the waters of the Ottawa or Saint Lawrence, in connection with or for the use of the said Company and their Railway.

Power to Company to construct continuation of and branches to Railway.

Clauses of Company's Act of Incorporation to apply to such continuation and branches.

Power to construct the works by sections.

Company may own steamboats and vessels.

III. And whereas the said Company have executed under their corporate seal sundry Bonds, bearing date the second day of January, one thousand eight hundred and fifty-four, for the sum of one hundred pounds sterling, each, payable twenty years after date: And whereas the said Bonds on their face purport to be Debentures of a certain class, namely, Second Class Debentures, limited in issue to Three Hundred and Fifty Thousand Pounds, sterling, and to be a second charge upon the road, tolls, revenue and other property of the said Company, subject

Recital.

Recital.

Second class Bonds declared valid as such, and may be made payable to bearer, and be assigned at law by delivery.

Proviso.

subject to the first charge in favor of certain Municipalities: And whereas it is the intention of the said Company to issue Bonds as aforesaid forming such second charge as aforesaid, to the extent of not exceeding Three Hundred and Fifty Thousand Pounds, sterling, and it is expedient to affirm the validity, negotiability and security of the said Bonds of the said Company, executed or to be hereafter executed, with such second charge as aforesaid, and also, to affirm the validity, negotiability and security of any further Bonds which may be executed by the said Company, not exceeding in the aggregate the amount of their Capital, for the time being: Be it therefore enacted, That the said second class Bonds now or hereafter to be executed and issued by the said Company, shall and are hereby declared to be valid and binding upon the said Company, according to the tenor and purport thereof respectively, and that all Bonds and Debentures of the said Company may be made payable to bearer, and that the said Bonds which have been so executed as aforesaid, and all future Bonds, Debentures and other securities of the said Company, and all dividend or interest warrants or coupons thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof, for the time being, in their own names: Provided that no such Bond or Debenture be for a less sum than Twenty-five Pounds currency.

Holders of second class Bonds to receive amounts thereof subject to first charge in favor of Municipalities.

Proviso as to right of holder to enforce payment on day mentioned therein.

IV. The respective *bonâ fide* holders of the said second class Bonds so executed, or to be hereafter executed, and issued by the said Company as aforesaid, shall be entitled, one with another, to their respective proportions of the tolls, revenues and other property of the said Company, according to the respective sums in such second class Bonds named, (subject to any prior charge in favor of any Municipality or Municipalities) and to be repaid the principal and interest moneys thereby secured, without any preference one above another, by reason of the priority of the date of any such second class Bond, and such second class Bonds shall be and are hereby declared to be the second charge upon the said roads, tolls, revenues and other property of the said Company, subject to the said prior charge, according to the tenor and terms of the said second class Bonds respectively: Provided that this enactment shall not operate either to accelerate or delay the right of the holder of any such Bond, to demand and enforce payment of the principal moneys thereby secured, on the day or respective days therein mentioned for the payment thereof, and that the registry laws shall not be held to apply to any bonds or debentures made or given or hereafter to be made or given by the said Company.

Bondholders and mortgag-

V. The respective *bonâ fide* Bondholders and Mortgagees of the said Company, under any bonds, debentures, mortgages,

or

or other special securities to be hereafter lawfully executed by the said Company, within the limits of their Capital subscribed, shall be entitled one with another to their respective proportions of the tolls and other property of the said Company, according to the respective sums in such securities mentioned, and to be repaid the principal and interest moneys thereby secured, without any preference one above another by reason of the priority of the date of any such security, or of the resolution by which the same was authorized or otherwise howsoever, subject however to such first and second charges as aforesaid, and subject also to any class charges previously created as hereinafter provided; Provided that this enactment shall not operate either to accelerate or to delay the right of the holder of any such security to demand and enforce payment of the principal moneys thereby secured, on the day or respective days therein mentioned for payment thereof; Provided always, that it shall be lawful for the said Company to create class charges or securities, not exceeding in amount the sum of three hundred and fifty thousand pounds currency, similar to such second class Bonds hereinbefore named, which, subject to any previous charges created, shall take priority according to the order of their creation, but the holders of which, as among themselves, shall have no priority as aforesaid, except that which their class confers.

gees of Com-  
pany to rank  
equally one  
with another,  
as to receipt  
of tolls, &c.,  
of Company  
and as to pay-  
ment of Bonds  
and mortga-  
ges.

Proviso.

Proviso: Com-  
pany may cre-  
ate class secu-  
rities similar  
to second class  
Bonds.

VI. It shall and may be lawful for the Directors of the said Company, for the time being, to issue shares for stock to be subscribed in England or elsewhere, in such amounts respectively of sterling money of Great Britain, as to such Directors shall from time to time seem fit, and to make the dividends thereon payable in like sterling money in England or elsewhere, at such place or places as to such Directors shall from time to time seem fit, and from time to time to appoint agents of the said Company in England or elsewhere, and to delegate to such agents such powers as to the Directors of the said Company shall from time to time seem fit, and to make such rules and regulations as to the Directors of the said Company shall from time to time seem fit, as to the issuing of such shares in England or elsewhere, and as to the mode, time and place or places of transfer of such shares, and as to the mode, time and place of paying the dividends from time to time to accrue thereon, and otherwise, as shall be deemed requisite or beneficial, for giving full effect to the power hereby vested in the Directors of the said Company, in respect of issuing such shares in England or elsewhere: And the holders of such shares shall be entitled to vote thereon, according to the number of shares, in currency, as near as may be, to which such shares would be equivalent, omitting all fractions: And it shall also be lawful for the said Directors under a By-law so to be enacted by them, to fix the amount of the shares in the capital stock of the Company at the sum of twenty-five pounds sterling, and they shall have power to consolidate and convert the present

Directors of  
Company may  
issue Shares  
for Stock to  
be subscribed  
in England.

English Share-  
holders entit-  
led to vote  
thereon.

Directors may  
make the  
Shares £25  
sterling each.

present shares into shares of twenty-five pounds sterling, by uniting together such number of shares of five pounds currency, each, as may be requisite to make a share of twenty-five pounds sterling in any case.

Company empowered to construct line of Telegraph on the line of their Railways.

VII. The said Company are hereby authorized and empowered to construct a line or lines of Telegraph, electric or otherwise, along their said intended railway and its continuations and branches, or any of them, or any part or section thereof, from and to any point or points thereon, as to the said Company shall seem advisable for the more convenient and effectual working of the said railway and carrying on the operations and business thereof, and the said Company shall have power to purchase, receive and hold and convey such real estate as may be necessary for the convenient transaction of the business and for the effectually carrying on the operations of the said Telegraph line or lines, and may appoint such Officers and agents and make such prudential rules and regulations and By-laws as may be necessary, or by them deemed advisable in the transaction of the business thereof, not inconsistent with the laws of this Province; And the said Company shall generally have and are hereby invested with all the powers, rights and privileges respecting such Telegraph line or lines and the management thereof, as are now vested in Electric Telegraph Companies under and by virtue of the fifth, sixth and eleventh Sections of a certain Act of this Province, passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to provide by one general law for the incorporation of Electric Telegraph Companies*, in like manner as if the said Company had been an association incorporated under the said last mentioned Act.

Certain sections of Act 16 V. c. 10, to apply to such Telegraph line.

Deviation of not more than two miles from line of Road permitted.

VIII. Deviations of not more than two miles from the line of the Railway or any of its branches, or from the places assigned thereto in the maps or plans and books of reference or any of them, required by and filed according to the provisions of the Railway Clauses Consolidation Act, shall be allowable and permissible to and by the said Company in such special cases as to them shall seem expedient.

Public Act.

IX. This Act shall be a Public Act.

## C A P . C L X X X I I .

An Act to incorporate the Amherstburgh and St. Thomas Railway Company.

[Assented to 19th May, 1855.]

Preamble.

WHEREAS the construction of a line of Railway from Amherstburgh to St. Thomas, will conduce materially to the welfare of the inhabitants residing along the line of such Railway, as well as to the prosperity of the surrounding country;

country ; And whereas John McLeod, Thomas Park, George Wilson, Thomas Salmoni, John B. Laliberté, Peter Menzies and John Kolfage, of the Town of Amherstburgh, Merchants, John G. Buchanan, of the Township of Colchester, Esquire, Charles Baby, of the Town of Sandwich, Esquire, Thomas Woodbridge, of the Town of Sandwich, Merchant, Samuel S. McDonnell, of the Village of Windsor, Barrister, and James Cuthbertson, of the same place, Esquire, Edward Ermatinger, Marshall J. Moore, John McKay, David J. Hughes, William Ross, Elthan Paul, Alexander Love, and George W. Boggs, of St. Thomas, Esquires, William Scott, of the Town of Sandwich, Civil Engineer, Edwin Larwill, of the Town of Chatham, Esquire, M. P., George Macbeth, of St. Thomas, Esquire, M. P., George Southwick, of the Town of St. Thomas, Esquire, M. P., and Arthur Rankin, of Thornfield, in the County of Essex, Esquire, M. P., have prayed to be incorporated with the powers requisite for making and maintaining such Railway : 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, as follows :

I. The said John McLeod, Thomas Park, George Wilson, Thomas Salmoni, John B. Laliberté, Peter Menzies and John Kolfage, John G. Buchanan, Charles Baby, Thomas Woodbridge, Samuel S. McDonnell, James Cuthbertson, Edward Ermatinger, Marshal J. Moore, John McKay, William Ross, Elthan Paul, Alexander Love, George W. Boggs, William Scott, Edwin Larwill, George Macbeth, George Southwick and Arthur Rankin, together with such person or persons, ( corporations and Municipalities, as shall under the provisions of this Act, become Shareholders in such Company as hereinafter mentioned, shall be and are hereby ordained and constituted and declared to be a body corporate and politic in fact, by and under the name and style of the Amherstburgh and St. Thomas Railway Company.

Certain persons incorporated.

Corporate name.

II. The several clauses of the Railway Clauses Consolidation Act, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to " Interpretation," " Incorporation," " Powers," " Plans and Surveys," " Lands and their valuation," " Highways and Bridges," " Fences," " Tolls," " General Meetings," " Directors, their election and duties," " Shares and their transfer," " Municipalities," " Shareholders," " Actions for indemnity, and fines and penalties, and their prosecution," " Working of the Railway," and " General provisions," shall be

Certain clauses of 14 & 15 V. c. 15 as modified by 16 V. c. 169 incorporated with this Act.

be incorporated with this Act, and shall be included by the expression "this Act" whenever used herein.

Line of Rail-  
way described.

III. The said Company and their servants or agents, shall have full power under this Act, to lay out and construct, make and finish, a double or single Iron Railway or Road, at their own cost and charges, on and over any part of the country lying between the Detroit River, at or near Amherstburgh, to, into or through the Town of St. Thomas, or as near to it as may be found convenient, and the said Company shall have full power to construct a Branch Railway from their main line, at such point as may be found most convenient, to connect the Village of Windsor with the Town of Amherstburgh, at their own cost and charges.

Powers to  
construct  
Docks, and  
have steam  
ferry boats.

IV. The said Company and their servants and agents, shall have full power under this Act, to purchase and hold River frontage, on the River Detroit, at or near Amherstburgh, and at or near the Village of Windsor, and to build Wharves or Docks thereon, also to construct, build or purchase and hold, such Steam Ferry Boats as they may require to enable them to convey passengers and freight across the River Detroit, or to such point on the American shore of Lake Erie, within the state of Michigan, and as may be necessary to enable them to connect with the various Railways running westwardly through the State of Michigan, and they shall have power to dispose of the same if so inclined or to charter any other steam vessel not being their own property to perform this service.

Form of Deeds  
conveying  
lands.

V. Deeds and conveyances under this Act, for lands to be conveyed to the said Company for the purposes of this Act, shall and may as far as the title to the said lands, or circumstances of the parties making such conveyance will admit, be made in the form given in the Schedule to this Act marked A, and all Registrars are hereby required to enter in their Registry Books such Deeds on the production thereof and proof of execution, without any memorial, and to minute every such entry on the Deed; and the said Company are to pay the said Registrar for so doing the sum of two shillings and six pence, and no more.

Capital Stock.

£1,000,000 in  
Shares of £25  
each.

VI. The capital Stock of the said Company shall be one Million Pounds Currency, to be divided into Forty Thousand shares of Twenty-five Pounds each, which amount shall be raised by the persons or parties above named, or some of them, together with such persons and corporations as may become subscribers towards such Stock; and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the said Railway and



and connected therewith, including those made within the last two years ; Provided always, that George Southwick, George Macbeth, John McLeod, Edwin Larwill, John Kolfage, Elthan Paul and Arthur Rankin, seven of the persons named in this Act, or a majority of them, shall cause books of subscription to be opened in the towns of Amherstburgh, Windsor, Chatham and St. Thomas for thirty days, and afterwards in such other places as they may from time to time appoint, until the meeting of Shareholders hereinafter provided for, for receiving of subscriptions of persons willing to become subscribers to the said undertaking ; and for that purpose it shall be their duty, and they are hereby required to give public notice, in one or more newspapers published in the said towns, as they or a majority of them may think proper, of the time and places at which such books will be opened and ready for receiving subscriptions as aforesaid, and the persons authorized by them to receive such subscriptions, and the Bank or Banks into which the ten per cent thereon is to be paid, and the time hereinafter limited for such payment, and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall have paid, within ten days after the closing of the said books, into such incorporated Bank or any of its branches or agencies, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company ; Provided also, and it is hereby enacted, that such ten per cent. shall not be withdrawn from such Bank or Banks or otherwise applied, except for the purposes of the said Railway Company, or upon the dissolution of the said Company from any cause whatsoever ; and provided further, that if the total amount of subscriptions, within the thirty days limited as aforesaid, shall exceed the Capital Stock limited by this Act, then in such case the shares of each subscriber or subscribers above ten shares shall, as nearly as may be, be proportionally reduced by the said George Southwick, George Macbeth, John McLeod, Edwin Larwill, John Kolfage, Elthan Paul and Arthur Rankin, or a majority of them, until the total number of shares be brought down to forty thousand shares.

Books of Subscription to be opened.

Ten per cent. to be paid on subscribing.

Proviso : the said ten per cent. to be withdrawn for certain purposes only.

Allotment of Shares.

VII. So soon as Five Hundred Thousand Pounds of the Capital Stock of the said Company shall have been subscribed and the ten per cent. paid thereon as aforesaid, a General Meeting of the Shareholders shall be held at the Town of Amherstburgh or St. Thomas, or some intermediate place, for the purpose of putting this Act into effect, which Meeting shall be called by the seven persons named in the last section, or a majority of them, thirty days' public notice thereof being given by advertisement in one newspaper published in the Towns of Amherstburgh, St. Thomas, Chatham and Windsor, and in one or more of the daily papers published in the City of Toronto, at which said General Meeting

First General Meeting when £500,000 is subscribed.

Notice.

- Meeting the Shareholders present having paid ten per cent. on their stock subscribed as aforesaid, shall, either in person or by proxy, choose nine Directors in the manner and qualified as hereinafter mentioned, who, together with the *ex officio* Directors, as provided for by the Railway Clauses Consolidation Act, shall hold office until the first Annual Meeting for the election of Directors and until others are elected in their stead.
- Election of Directors.**
- Annual Election of Directors.** VIII. On the second Tuesday in June in each year, at the Office of the said Company, there shall be chosen by the Shareholders, nine Directors in the manner hereinafter provided; and notice of such Annual Elections shall be published one month before the day of Election in one Newspaper published in the Town of Amherstburgh, and in one newspaper published in the Town of St. Thomas, and in one or more of the Daily Papers published in the City of Toronto; and all Elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any Election shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the Election by another or other votes until a choice is made; and if a vacancy shall at any time take place among the Directors, by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year, by a vote of the majority of the Directors, and the said nine Directors with the said *ex Officio* Directors, shall form a Board of Directors.
- Ballot.**
- Ties.**
- Vacancies how filled.**
- Quorum of Directors.** IX. The number of Directors which shall form a quorum for the transaction of business may be regulated by the By-laws of the Company, and until such By-laws shall be passed, a majority of the Directors shall form such quorum: Provided that the Directors may employ one of their number as a paid Director.
- Paid Director.**
- Qualification of Directors.** X. No Shareholder shall be eligible to be elected a Director under this Act, unless he shall be a *bona fide* Stockholder in the said Company to the amount of at least Two Hundred and Fifty Pounds, and shall have paid up all calls in such Stock.
- Amount of calls limited.** XI. No call of money from the Shareholders, shall exceed ten per cent. on their shares, nor shall more than one call be made within sixty days.
- Scale of votes.** XII. Each shareholder in his own right, shall be entitled to a number of votes equal to the number of shares which he shall have in his own name two weeks prior to the time of voting.
- Company may become** XIII. The said Company shall have power to become parties to Promissory Notes and Bills of Exchange for sums not less

less than Twenty-five Pounds; 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 and 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 and 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 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, or Secretary and 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: Parties to Promissory Notes, &c. Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any Promissory Note intended to be circulated as money, or as the notes of a Bank. Proviso.

XIV. The guage of the said Railway shall not be broader Gauge. or narrower than five feet six inches.

XV. The Amherstburgh and St. Thomas Railway Company may and are hereby empowered to amalgamate with any Railway Company east of St. Thomas, either to the Niagara River or to any Port on Lake Ontario; or to both of them. Power to unite with certain other Companies.

XVI. In the construction of the said Amherstburgh and St. Thomas Railway, the Directors thereof and their Agents, shall not by the erection of any bridge or otherwise, impede the navigation of any River over which it may be necessary to construct the said Railway. Company not to impede navigation.

XVII. The said undertaking shall be commenced within two years and completed within five years after the passing of this Act. Commencement and completion of the works.

XVIII. This Act shall be a Public Act. Public Act.

#### SCHEDULE A.

Know all men by these presents that I .  
(insert the name of the wife also if she is to release her Dower or for any other reason to join in the conveyance) do hereby in consideration of paid to me (or as the case may be) by the Amherstburgh and St. Thomas Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Amherstburgh and St. Thomas Railway Company, their successors

successors and assigns for ever, all that certain parcel or tract of land situate (*describe the land*) the same having been selected and laid out by the said Company, for the purpose of their Railway, to have and to hold the said land and premises together with every thing appertaining thereto, to the said Amherstburgh and St. Thomas Railway Company, their successors and assigns for ever, (*if there be doiver to be released, add*) and I, (*name of wife*) hereby release my dower on the premises.

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

(*if the wife join,*) A. B. [L. s.]  
Signed, sealed and delivered in C. D. [L. s.]  
presence of

A. K.

### C A P . C L X X X I I I .

#### An Act to incorporate *The Sorel, Drummondville and Richmond Railway Company.*

[Assented to 19th May, 1855.]

Preamble.

**W**HEREAS the persons hereinafter named have petitioned the Legislature for the incorporation as a Company to construct the Railway hereinafter described, and it is expedient to grant their request: 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 intitled, *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, as follows:

I. R. Nugent Watts, J. G. Crebassa, Antoine N. Gouin, G. L. Marler, J. B. E. Dorion, R. H. Kitson, J. F. Sincennes, D. McCarthy, J. Lamère, C. C. Sheppard, J. R. Sincennes, James Kelly, Pierre Boisvert, R. Harrower, F. Gervais, Jonathan Wurtele, Moise Fortier, H. S. Griffin, F. X. Rivard, P. C. Ste. Marie, E. C. Wurtele, G. T. Pelletier, P. E. Mignault, J. B. Commault, Lewmon Walker, Benjamin Thérien, John Ralph, Samuel Torrance, with all such other persons and Corporations as shall become Shareholders in the Company hereby constituted, shall be, and they are hereby ordained, constituted and declared to be a Body Corporate and Politic, by and under the name and style of *The Sorel, Drummondville and Richmond Railway Company*, and the name of their undertaking shall be *The Sorel, Drummondville and Richmond Railway*.

Certain persons incorporated.

II. The first, second, third and fourth clauses of the *Railway Clauses Consolidation Act*, and also the seventh and following clauses thereof, having reference to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for indemnity and Fines and Penalties and their Prosecution," "Working of the Railway," and "General Provisions," as amended or modified by the Act passed in the now last Session of the Provincial Parliament, intituled, *An Act in addition to the General Railway Clauses Consolidation Act*, shall be incorporated with this Act, save in so far as they are expressly varied by any clause or provision hereinafter contained.

Certain clauses of 14 & 15 V. c. 51, incorporated with this Act.

III. The said Company are hereby authorized and empowered to lay out, construct, make and finish a double or single Iron Railway from any place within the Borough of Sorel or William Henry, in the County of Richelieu, through the Parishes of St. Michel d'Yamaska and St. David, and the Townships of Upton and Grantham, to Drummondville in the County of Drummond, and thence through the Townships of Wickham and Durham, to the village of Richmond or its environs, situate within the District of St. Francis on the south-west side of the river St. Francis; And also to lay out, construct, make and finish any Branch or Branches of the said Railway, not exceeding ten miles in length in any case, from any Terminus or Station thereof, under the conditions hereby established for the main Line thereof.

Line of Railway defined.

Branches may be made.

IV. The said Company are hereby authorized and empowered to erect and construct such Bridges, for the purposes of their Railway or of any Branch thereof, over any part of any River as they may deem necessary; and also, should they see fit, to adapt such Bridges to the passage of horses, vehicles and passengers, the whole subject to the clauses, conditions and stipulations of the *Railway Clauses Consolidation Act*, and of the Act above mentioned, intituled, *An Act in addition to the General Railway Clauses Consolidation Act*, and also to take, receive and exact such rates of Toll upon all horses, animals, vehicles and passengers passing over any Bridge so adapted to the passage thereof, as by the Governor in Council shall from time to time be fixed and allowed; Provided always, that the said Company shall not commence the construction of any Bridge over any stream of a width, at flood water, exceeding fifty yards French measure, until after the plans thereof, and of all works thereunto relating, shall have been submitted to and approved by the Governor in Council.

Company may build bridges, &c.

Subject to 14 & 15 V. c. 51, and 16 V. c. 169.

Proviso.

V. The said Company are hereby authorized and empowered to take and appropriate for the use of the said Railway, but

Company may take waste

not

land of Crown,  
beaches, &c.

Proviso: not  
to interrupt  
navigation,  
&c.

not to alienate, so much of the wild lands of the Crown, not heretofore granted or sold, lying on the route of the said Railway, as may be necessary for the said Railway, as also so much of the land covered with the waters of any River, Stream, Lake or Canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves and quays, inclined planes, bridges, cranes and other works as to the said Company shall seem meet; Provided always, that the said Company shall not cause any obstruction in, or impede the free navigation of any river, stream or canal; and they shall leave such opening between the piers of any bridge or viaduct which they may erect over any navigable stream or canal, and shall construct such draw-bridge or swing-bridge over the channel of such River or Canal, as the Governor in Council shall direct; and they shall be subject to such regulations with regard to the opening and closing of such draw-bridge or swing-bridge, and otherwise, as the Governor in Council shall make from time to time; and they shall not commence the construction of any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until the plans of such work shall have been submitted to and approved by the Governor in Council.

Form of Deeds  
to Company.

Enregistration  
thereof.

Fee.

Registrar's  
copies authen-  
tic.

VI. All Deeds and Conveyances for lands to be conveyed to the said Company for the purposes of this Act, may, in so far as the title to the said lands, or the circumstances of such parties making such conveyances will admit, be made in the form given in the Schedule of this Act marked A, in presence of any two or more witnesses; and for the due enregistration thereof, the said Company shall, at their own expense, furnish the Registrar of each County traversed by the said Railway, with a Book or Books having a sufficient number of copies of the said form therein printed, one on each page, leaving the requisite blanks to suit the various cases of conveyance, such Book or Books being authenticated in the manner in which the ordinary Registers of such Registrar are by law required to be authenticated; and such Book or Books shall by such Registrars be received and kept as, and shall be so many Registers of their respective offices, and they shall therein enregister such Deeds, upon production thereof and proof of their execution, by the oath of one credible witness, which oath they are hereby authorized to administer; and they shall certify such enregistration and the date thereof on each such Deed; and the Company shall pay for such enregistration of and certificate upon each such Deed, the sum of Two Shillings and Six Pence currency, and no more; and such enregistration shall be to all intents valid in law; and in the absence of the original of any such Deed, copies thereof taken from such Register, and duly certified by the Registrar having charge thereof, shall be held and treated as authentic copies of such Deed; and such Registrar

Registrar shall be entitled to a fee of Five Shillings currency, and no more, for every such certified copy.

VII. The Capital Stock of the said Company shall be the sum of Two Hundred Thousand Pounds currency, to be divided into sixteen thousand shares of Twelve Pounds Ten Shillings currency each, and shall be raised by the persons and corporations who may become Shareholders in such stock; 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 passing of this Act, and for making the surveys, plans and estimates connected with the said Railway; and all the remainder of the said money shall be applied to the making, completing, maintaining and working of the said Railway, and to no other purpose whatever; Provided that the Capital Stock may be increased at any time, if the Company should find it necessary, as provided for by the Railway Clauses Consolidation Act.

Capital Stock.

Shares.

Application of Stock.

Proviso as to increase of Capital.

VIII. In the borrowing of money by way of loan, the Debentures of the said Company may be in the form given in the Schedule of this Act marked B, or in any other like form, and need not be passed before Notaries; and the enregistration, in the manner hereinafter set forth, of any such Debenture, in the form of the said Schedule, in the Registry Office for the County of Richelieu only, shall perfect the *hypothèque* thereby created, and such *hypothèque* shall rank from the date of the presentment of such Debenture for enregistration, irrespectively of the issuing thereof; and every such Debenture, being enregistered and issued, shall be transferable by delivery, and binding to all intents against the said Company and all parties whatsoever, in favor of the bearer thereof, and shall hypothecate in his favor all the lands, wharves, buildings and real property whatsoever of the said Company, including all rails and iron thereto affixed, and all other the appurtenances thereto belonging.

Form of Debentures: their effect and enregistration thereof.

IX. The said Company, in case of their requiring the enregistration of any Debentures as aforesaid, shall at their own expense furnish the said Registrar with a Book or Books having a sufficient number of Copies of the said form of Debenture therein printed one on each page, leaving the requisite blanks, and without any interest Coupons thereto, such Book or Books authenticated in the manner in which the ordinary Registers of such Registrar are by law required to be authenticated; and such Book or Books shall by the said Registrar be received and kept as, and shall be so many Registers of the said Office; and he shall therein enregister the said Debentures, upon production thereof; and he shall certify such enregistration and the date thereof, on each such Debenture; and for such enregistration of and Certificate upon each such Debenture, he shall be entitled to a fee of One Shilling and Three Pence currency, and no more.

Further as to enregistration of Debentures.

Fee therefor.

**Cancelment and discharge of Debentures.** X. If after such enregistration any such Debenture of the said Company shall be presented at the said Registry Office with the word "Cancelled," and the signature to such word added of the President or Secretary of the said Company written across the face thereof, the said Registrar, on receipt of a fee of One Shilling and Three Pence in that behalf, and on proof of such signature by the oath of one credible witness, which oath he is hereby authorized to administer, shall forthwith make an entry in the margin of the Register against the Registry of such Debenture, to the effect that the same has been cancelled, adding to such entry the date thereof and his signature; and thereupon such Debenture shall become and be held cancelled, and shall be filed and remain of record in the Said Registry Office.

**First Directors appointed.** XI. The parties named in the first section of this Act shall be and they are hereby constituted and appointed the first Directors of the said Company, and until others shall be named as hereinafter provided, shall constitute the Board of Directors of the said Company, with power 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 to lay out the said Railway, and with all such other powers as under the said Railway Clauses Consolidation Act are vested in such Board.

**Term of office.**

**Powers.**

**First General Meeting.** XII. So soon as one fifth of the said Capital Stock shall have been subscribed, it shall be lawful for the said Directors, or a majority of them, by public notice to be given at least thirty days previously in the *Canada Gazette*, and also at least fifteen days previously in at least one English and one French newspaper, published in the city of Montreal, and in two of the nearest country papers, to call a first General Meeting of the Shareholders at such time and place as they shall think proper, for the election of nine Directors who shall remain in office until their successors are elected as hereinafter provided.

**Notice thereof.**

**First election of Directors.**

**Annual General Meetings.** XIII. The Annual General Meetings of the said Company shall be held thereafter, on the first Monday in the month of May yearly, or on such other day as shall be appointed by any By-law of the said Company, and at such place and hour as by such By-law shall be appointed; and public notice thereof shall be given at least thirty days previously in the *Canada Gazette*, and also at least fifteen days previously in at least one English and one French Newspaper published in the City of Montreal; and at every such Annual General Meeting the said private Stockholders shall elect nine Directors of the said Company, to hold office until the next annual General Meeting.

**Notice thereof.**

**Election of Directors.**

**Mode of election and qualification of** XIV. All elections of Directors by the said private Shareholders shall be by ballot; and the nine persons having the greatest number of votes at any election shall be declared elected;



electd ; and if it shall happen that two or more have an equal number of votes, the said private Shareholders shall proceed to ballot anew, until a choice shall be made ; and no person shall be qualified to be elected such Director by the said private Shareholders, unless he be a Shareholder holding Stock in the said Company, to the amount of one hundred pounds, and have paid up all calls due on his Stock.

XV. From and after the said first General Meeting of the said Company, the nine Directors so chosen as aforesaid, shall form the Board of Directors of the said Company ; and if any vacancy shall occur among the said nine Directors, by death, resignation or otherwise, a majority of the remaining Members of the Board may elect any qualified Shareholder to fill such vacancy, until the next Annual General Meeting of the said Company.

XVI. Five Members of the Board of Directors of the said Company shall be a *quorum* thereof for the transaction of business ; and the said Board may employ one or more of their number as paid Director or Directors.

XVII. In case of the service upon the said Company of any writ of *saisie-arret*, or the said Company being required to answer to *Interrogatoires sur faits et articles*, or to take the *serment decisoire* or *suppletoire*, it shall be competent to any officer of the said Company, being thereto duly authorized by vote or resolution of the Directors thereof, to appear and make declaration to such writ, or answer to such interrogatories, or take such oath, as the case may be, for the said Company ; and such declaration, answers or oath, as the case may be, shall be taken as the declaration, answers or oath of the said Company, to all intents whatsoever ; and the production and filing in Court, by such officer, of a copy of such vote or resolution, certified by the Secretary of the said Company under its common seal, shall be conclusive evidence of his authorization as in and by such copy set forth.

XVIII. The said Company shall have power to become a party to promissory notes and Bills of exchange for sums not less than twenty-five pounds currency ; and any such promissory note made and endorsed, and any such bill of exchange drawn, accepted or endorsed, by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer thereof, under authority of a *quorum* of the Directors, shall be binding upon the said Company ; and every such promissory note or bill of exchange, so made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer thereof, shall be presumed to have been properly so made, drawn, accepted or endorsed, as the case may be, unless the contrary be shown ; and it shall not be necessary to have the

such Directors.

Board of Directors.

Vacancies.

Quorum of Directors.

Paid Directors.

Mode of declaring Writ of *saisie-arret*, answering on *Faits et articles* and taking *Serment Decisoire* or *Suppletoire*.

How Company to be party to Promissory Notes or Bills of Exchange.

seal

Proviso.

seal of the said Company affixed to such promissory note or bill of exchange; nor shall the officers of the said Company, signing or countersigning the same or such acceptance or endorsement thereof, be thereby subjected individually to any liability whatever; Provided always, that nothing herein contained shall be held 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 of a Bank.

Company may hold Steam-boats, &amp;c.

And maintain Ferry.

Proviso.

XIX. The said Company shall have the right to hire, build, purchase, or otherwise acquire, and to take and hold, one or more Steamboats or other vessels to ply as ferry-boats from the Sorel Terminus of their said Railway or any wharf near the same, over the River Richelieu or on the River Saint Lawrence, and to take, receive and exact tolls on all manner of goods, chattels, merchandize, horses, animals, vehicles and passengers whatsoever, conveyed over the same: Provided always, that such Ferry or Ferries shall, in such cases, be held and maintained in conformity with any regulations to be from time to time laid down therefor, by the Governor in Council, and that no higher or other rates of toll shall be exacted, taken or received thereat, than such as the Governor in Council by such regulations shall allow.

Company may unite with other Railway Companies.

Proviso.

XX. It shall be lawful for the said Company at any time hereafter to unite with any other Railway Company, or with the Grand Trunk Railway Company of Canada, upon such terms and conditions as may be agreed upon by the Directors of each of such Companies, and thereafter, the Companies so united shall form one and the same Company, or to enter into any other agreement or arrangements as may be agreed upon between the Directors of each of such Companies. Provided always, that no agreement for any such union shall have any force or effect unless and until the same shall have been sanctioned by the votes of a majority of the Shareholders of the said Company present in person or by proxy at a special general meeting of the said Company duly called for that express purpose, in such manner and with such notice as shall be required by the By-laws of the said Company.

Public Act.

XXI. This Act shall be deemed a Public Act.

## SCHEDULE A.

Know all men by these presents, that I, [or we, as the case may be,] A. B., of \_\_\_\_\_, in consideration of \_\_\_\_\_ paid to me by the *Sorel, Drummondville and Richmond Railway Company*, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey and confirm unto the said Company, their successors and assigns, for ever, all that tract or parcel [or those tracts or parcels, as the case may be,] of land situate, [here describe the lands,] the same having been selected and

and laid out by the said Company for the purposes of their Railway; To have and to hold the said lands and premises, with all appurtenances thereto, to the said *Sorel, Drummondville and Richmond Railway Company*, their successors and assigns for ever. [*here add clause for release of Dover, if any.*]

Witness my hand and Seal, [*or, our hands and Seals, as the case may be,*] this day of , in the year of our Lord, one thousand eight hundred and

Signed, sealed, and delivered in presence of }  
 L. M. } A. B. [E. S.]  
 N. O. }

SCHEDULE B.

THE SOREL, DRUMMONDVILLE AND RICHMOND RAILWAY.

No. £ sterling, [*or, currency, as the case may be.*]

This Debenture witnesseth that the *Sorel, Drummondville and Richmond Railway Company*, under authority of the Statute of the Province of Canada, passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to incorporate the Sorel, Drummondville and Richmond Railway Company*, are indebted to the bearer hereof in the sum of sterling [*or, currency, as the case may be,*] as a loan, to bear interest from the date of the issue hereof, at the rate of per centum per annum, payable half yearly on the day of , and on the day of ; which said sum of sterling, [*or, currency, as the case may be,*] the said Company hereby bind and oblige themselves to pay on the day of , in the year of our Lord, one thousand eight hundred and , to the bearer hereof, at , and also to pay the interest thereon, half yearly as aforesaid, to the bearer hereof, at the place aforesaid, on delivery of the *Coupons* therefor, now forming part hereof.

And for the due payment of the said sum of money and interest, the said Company, under authority of the said Statute, do hereby hypothecate the real estate and appurtenances herein-after described, that is to say, the whole of the Railway, known as the *Sorel, Drummondville and Richmond Railway*, and all branches thereof, including all the lands, wharves, buildings and real property whatsoever of the said Company, and all rails and iron thereto affixed, and all the other appurtenances thereto belonging.

In testimony whereof, A. B. of , President of the said Company, hath hereto set his signature and affixed the common seal

Cap. 183, 184. *Sorel, &c. Railway Co., incorporated.* 18 VICT.

seal of the said Company, at this day of ,  
in the year of our Lord one thousand eight hundred and

A. B. [L. S.]  
President.

Countersigned and entered.  
C. D., Secretary.

I certify that this Debenture was duly presented for  
enregistration in the Registry Office for the County of Riche-  
lieu, on the day of , in the year of our Lord  
one thousand eight hundred and , at of the  
clock in the noon, and is accordingly enregistered in the  
Register for such Debentures marked at page number  
E. F.  
Registrar.

Issued to L. M. of , this day of , in the  
year of our Lord, one thousand eight hundred and  
C. D.  
Secretary.

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

An Act to incorporate certain persons under the name  
and style of The Stratford and Huron Railway  
Company.

[Assented to 19th May, 1855.]

Preamble.

**W**HEREAS it is desirable to incorporate a Company for  
the construction of a Railway from the Town of Strat-  
ford in the County of Perth, to the Town of Southampton in  
the County of Bruce, or to some other point on Lake Huron,  
and with branches from some point or points in the main line,  
to or near the Towns of Penetangore and Sydenham respectively:  
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, as follows :

Certain per-  
sons incorpo-  
rated.

I. From and after the passing of this Act, William Smith,  
William Frederick McCulloch, Peter Robinson Jarvis, Peter  
Reid, Riverius Hooker Lee, Alexander Barrington Orr, Peter  
Woods, Thomas Mayne Daly, Joseph Walker, Alexander  
McNab, Patrick John Hamilton, George Cromar, Richard  
Berford, Daniel Home Lizars, Alexander McGregor, Robert  
Hendry,

Hendry, Joseph Whaley, Robert Moderwell, and William Fraser, Esquires, together with such other persons, corporation or corporations as shall, after the passing of this Act, become Subscribers to and Shareholders in the Railway in this clause mentioned, and their several and respective Heirs, Successors, Executors, Administrators and assigns, shall be, and they are hereby declared to be united into a Company for making and maintaining, and they are hereby authorized and empowered to make and maintain a double or single line of Railway with all the works, stations and equipments thereof, extending from some convenient point in the Town of Stratford in the County of Perth, to the Town of Southampton in the County of Bruce, or to any point at or between Penetangore and Southampton on Lake Huron, that seems most expedient for establishing a terminus or termini of the said Railway, and with power to make branches from some point or points on the main line, to or near the Towns of Penetangore and Sydenham respectively, and shall be, for that purpose, a body politic and corporate by the name and style of the Stratford and Huron Railway Company, and by that name and style shall have perpetual succession and shall have a common seal, and shall and may sue and be sued; and the name of the undertaking shall be the Stratford and Huron Railway.

Line or lines  
of Railway defined.

Corporate  
name and  
powers.

II. The several clauses of the Railway Clauses Consolidation Act with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said last mentioned Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for indemnity and fines and penalties and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as it may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act which are incorporated with this Act as aforesaid.

Certain clauses of Railway Clauses Consolidation Act incorporated with this Act.

III. From and after the passing of this Act, the said William Smith, William Frederick McCulloch, Peter Robinson Jarvis, Peter Reid, Riverius Hooker Lee, Alexander Barrington Orr, Peter Woods, Thomas Mayne Daly, Joseph Walker, Alexander McNab, Patrick John Hamilton, George Cromar, Richard Berford, Daniel Home Lizars, Alexander McGregor, Robert Moderwell, and William Fraser, Esquires, shall be provisional Directors of the said Company for carrying into effect the object and purpose of this Act.

Provisional  
Directors.

Vacancies  
among them,  
how filled.

Their powers  
and duties.

IV. It shall and may be lawful for the provisional Directors for the time being of the said Company, or a majority of them, to supply the place or places of any of their number, from time to time dying or declining to act as such provisional Director or Directors, out of the several Subscribers for Stock in the said Railway to the amount of at least two hundred and fifty pounds provincial currency each; and the provisional Directors for the time being of the said Company, during the period of their continuance in office as such provisional Directors, except as hereinafter is excepted, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and are hereby made subject unto the like restrictions, as the elected Directors of the said Company upon their being elected by the Stockholders in the said Company as hereinafter provided, would, under the provisions of the Railway Clauses Consolidation Act and of this Act, become invested with or subject unto respectively.

First Meeting  
of Stockhold-  
ers when to be  
called.

Proviso :

Previso.  
Notice.

First election  
of Directors.

V. When and so soon as shares to an amount equivalent to one hundred thousand pounds provincial currency in the Capital Stock of the said Company shall be taken, and ten pounds per centum thereon shall have been paid in, it shall and may be lawful for the provisional Directors of the said Company for the time being, to call a meeting at the Town of Stratford of the Subscribers for Stock in the said Company, and who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company: Provided always, that if the said provisional Directors shall neglect or omit to call such meeting, then the same may be called by any ten of the holders of shares in the said Company holding among them not less than an amount equivalent to five thousand pounds provincial currency; And provided always that in either case public notice of the time and place of holding such meeting shall be given during one month in some one newspaper published in the Town of Stratford, and also in some one newspaper published in each of the Counties through which the said Railway shall pass or be intended to pass, or in such of the said Counties as shall have a newspaper published therein respectively; and at such general meeting the Shareholders assembled, with such proxies as shall be present, shall choose nine persons to be Directors of the said Company, being each a proprietor of shares in the said Company to an amount of not less than two hundred and fifty pounds provincial currency, and shall also proceed to pass such Rules, Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act.

Term of office  
of Directors.

VI. The Directors so elected or those appointed in their stead, in case of vacancy, shall remain in office until the first Wednesday in June, one thousand eight hundred and fifty-six, and on the said first Wednesday in June, and on the first Wednesday in June in each year thereafter, or on such

such other day as shall be appointed by any By-law, an annual general meeting of the Shareholders shall be held at the office of the Company for the time being, to choose nine Directors in the room of those whose period of office shall have expired, and generally to transact the business of the Company; but if at any time it shall appear to any ten or more of such Shareholders holding together one thousand shares at least, that a Special General Meeting of the Shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice, at least, to be given thereof in such newspapers as is hereinbefore provided, or in such manner as the Company shall by any By-law direct or appoint, specifying in such notice the time and place and the reason and intention of such special meeting respectively, and the Shareholders are hereby authorized to meet pursuant to such notice and proceed to the execution of the powers by this Act given to them, with respect to the matter so specified only; and all such acts of the Shareholders or the majority of them at such special meetings assembled (such majority not having either as principals or proxies less than one thousand shares) shall be as valid to all intents and purposes as if the same were done at annual meetings.

Annual General Meeting.

Special Meetings and powers thereof.

VII. For the purpose of making, constructing and maintaining the Railway and other works necessary for the proper use and enjoyment of the Railway by this Act authorized to be constructed, it shall and may be lawful for the Directors of the said Company for the time being, to raise in such manner by Loan, subscription of Stock, issuing of Shares or otherwise as to the Directors of the said Company for the time being shall from time to time seem fit, the sum of five hundred thousand pounds provincial currency, such shares to be issued in sums of Five pounds Provincial currency each: Provided always, that the said capital sum may, from time to time, if necessary, be increased in the manner provided for by those clauses of the Railway Clauses Consolidation Act which in and by the second clause of this Act are expressed to be incorporated with this Act.

Capital £500, 600, how to be raised.

Increase of Capital under 14 &amp; 15 V. c. 51.

VIII. It shall and may be lawful for the Directors of the said Company for the time being to make, execute and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages or other securities, as to the said Directors for the time being shall from time to time seem most expedient for raising the necessary capital for the time being authorized to be raised by the said Company, or for raising any part thereof.

Directors to issue Shares, Scrip, &amp;c.

IX. Every proprietor of shares in the said undertaking shall be entitled, on every occasion when the votes of the members of the said Stratford and Huron Railway Company are to be given, to one vote for every share of Five Pounds currency held by him.

Proportion of votes to Shares.

Aliens may  
be Officers,  
&c.

X. Any shareholder in the said Company, whether British subject or alien or a resident in Canada or elsewhere, shall have an equal right to hold stock, vote, and be eligible to office in the said Company.

Debentures,  
&c., may be  
payable to  
bearer.

XI. All bonds, debentures and other securities to be executed by the said Stratford and Huron Railway Company may be payable to bearer, and all such bonds, debentures or other securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being in their own names.

Quorum of  
Directors.

XII. Any meeting of the Directors of the said Company at which not less than five of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Calls, how  
made, and  
amount at  
one time, &c.

XIII. Calls may be made by the Directors of the said Company for the time being: Provided that no call to be made upon the subscribers for stock in the said Railway Company shall exceed the sum of ten pounds per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such calls in any one year shall not exceed fifty pounds per centum upon the stock so subscribed: Provided also, that upon the occasion of any person or corporation becoming a subscriber for stock in the said Company, it shall and may be lawful for the provisional and other Directors of the said Company for the time being, to demand and receive to and for the use of the said Company, the sum of ten pounds per centum upon the amount so by such person or corporation respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed at the time of such person or corporation respectively subscribing for stock.

Commence-  
ment and  
completion of  
works.

XIV. The said Railway and its Branches shall be commenced within two years, and completed within seven years from the passing of this Act.

Public Act.

XV. This Act shall be deemed a Public Act.

## C A P . C L X X X V .

An Act to amend the Act incorporating the Stanstead, Shefford and Chambly Railroad Company, and for other purposes.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS the Stanstead, Shefford and Chambly Railroad Company, have petitioned the Legislature for certain



certain amendments to their Act of Incorporation and for other purposes hereinafter mentioned, and it is expedient to grant the prayer of their petition: 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, as follows:

I. The said Act of Incorporation shall be amended, and it shall be lawful for the said Company to construct a branch line connected with their main line of road from the outlet of Lake Memphramagog to the Town of Sherbrooke, and also a second branch from their said main line to any point in the line of that portion of the Grand Trunk Railway, heretofore known as the St. Lawrence and Atlantic Railroad, and also to make and construct a third branch line of Railway from some point on their said main line to any point on the Champlain and St. Lawrence Railway: And to all such extensions and branch lines aforesaid, and to all and every the proceedings, acts and measures to be taken and used from the commencement thereof to the completion thereof, all and every the provisions and enactments of the said Act of Incorporation of the said Company, shall apply and extend as fully as to the said Railroad described in the said Act: And the said Company shall have and exercise all the powers, authority and privileges in respect to the said branch lines and the right of way therefor, and the lands through which the same may pass, and in respect to all other matters and things whatsoever, as are by the Act hereby amended, conferred upon the said Company in respect of their said main line, as fully and completely as if the said branch lines and each and every of them had formed part of the line mentioned in the said Act, and had been designated in the said Act: Provided always, that the said Company, shall cause books of subscription to be opened for thirty days in the city of Montreal and in the townships of Stanstead and Shefford, and afterwards in such other places as they may from time to time appoint, until the meeting of Shareholders hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers for the construction of the said three branches or any of them; and for that purpose it shall be their duty, and they are hereby required to give public notice, in one or more newspapers published in the said city and townships, as they may think proper, of the time and places at which such books shall be opened and ready for receiving subscriptions for each branch respectively as aforesaid, and the persons authorized by them to receive such subscriptions, and the Bank into which the ten per cent. thereon is to be paid, and the time hereinafter limited for such payment, and every person whose name shall be written in such

Company empowered to make Branches.

Provisions of Act of Incorporation to apply to such Branches.

Proviso: Subscription Books to be opened.

Public Notice. Ten per cent. to be paid down.

books

Proviso: ten per cent. to be withdrawn only in certain cases.

books as a subscriber for any of such branches and shall have paid, within ten days after the closing of the said books, into such Bank or any of its branches or agencies, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are by the said Act conferred on the several persons who are mentioned by name as members of the said Company; Provided also, and it is hereby enacted, that such ten per cent. shall not be withdrawn from the said Bank, or otherwise applied except for the purposes of the said Branches respectively, or upon a resolution of the said Company that such branches cannot be proceeded with, or upon the dissolution of the said Company from any cause whatsoever.

When certain sums are subscribed for the said Branches respectively, and ten per cent. paid, they may be commenced.

II. So soon as the sum of Eighty-Five Thousand Pounds shall have been specifically subscribed for on account of the first named branch, and the ten per cent. paid thereon as aforesaid, the said Company may proceed to the construction of such branch, and so soon as the sum of One Hundred and Fifty Thousand Pounds shall have been specifically subscribed for on account of the second named branch, and the ten per cent. paid thereon as aforesaid, the said Company may proceed to the construction of such mentioned branch, and so soon as the sum of One Hundred Thousand Pounds shall have been specifically subscribed for on account of the third named branch, and the ten per cent. paid thereon as aforesaid, the said Company may proceed to the construction of such last mentioned branch.

Branches may be made before the Trunk line.  
Proviso.

III. The said Company shall and may at the discretion of the Directors thereof, make and complete all or any of the said branch lines before the completion of the said main line: Provided that the Stock subscribed to the main line shall not be appropriated to the making of the said branches except with the consent of all the original Stockholders.

Company may issue Debentures for a further sum of money, and how.

IV. The said Company may extend the issues of bonds of the said Company to the sum of Six Hundred Thousand Pounds currency, including therein the sum of Five Hundred Thousand Pounds currency, authorized to be issued by the said Act, which sum of Six Hundred Thousand Pounds currency shall be issued in the same manner, upon the same terms and conditions, and upon the same authority and having the same rights, privileges and mortgages without registration thereof, as by the said Act are provided and conferred upon the bonds in the said Act mentioned; and which said sum of Six Hundred Thousand Pounds, the Directors of the Company may issue and advance in proportion to the amount of work done upon the said main line or branch lines of road or any or either of them, as the said Directors shall in their discretion deem most advantageous for the interests of the said Company, provided such issues shall

Application of sums so raised.

Proviso.

shall

shall not at any one time be less than the sum of Twenty-Five Thousand Pounds currency.

V. The construction of the said branches shall be commenced within two years and completed within five years after the passing of this Act.

Commencement and completion of Branches.

VI. The registration fee of two shillings and six pence in the said Act of Incorporation mentioned was intended to include, and did and shall include and be held and taken to include the cost as well of the registration in the said Act mentioned, as of the certificate of the same by the Registrar, and no other or further fee shall be payable or claimed or of right be held at any time to be due or payable for such registration and certificate aforesaid.

Registration fee to include certificate.

VII. This Act shall be deemed a Public Act.

Public Act.

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

An Act to amend the Acts incorporating the Cobourg and Peterborough Railway Company, and to authorize the construction of a Branch thereof to Marmora.

[Assented to 30th May, 1855.]

**W**HEREAS a Petition has been presented by the Cobourg and Peterborough Railway Company praying that they may be permitted to construct a Branch thereof to Marmora, and it is expedient to grant such prayer: 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, as follows:

Preamble.

I. The said Company and their servants and agents shall have full power under this Act to lay out, construct, make and finish the whole or any part of a double or single iron Railroad, with a flat or heavy rail, or a tram road, at their own cost and charges, from the Marmora Iron Works, in the Township of Marmora, in the County of Hastings, and the ore beds in the Township of Belmont, in the County of Peterborough, to the Main Line of the Cobourg and Peterborough Railway, at such point in the Township of Otonabee, or the Township of Hamilton, as may be found most expedient and economical, and to cross the Rivers intervening at such and so many places as to them shall seem advisable; and to such Branch Line all the provisions of the Acts incorporating the said Company as amended by any subsequent Act or this Act, and all the powers vested

Company empowered to make certain Branches to their Railway.

Company's Acts to apply to such Branches.

vested in the Company by the said Acts shall extend as fully and effectually as to the Main Line of the said Railway.

Capital increased.

To what purposes to be applied.

Proviso :  
Books of Subscription to be opened.

Ten per cent. to be paid down.

Proviso : ten per cent. not to be used except for certain purposes.

Proviso :  
Heads of Municipalities subscribing to be *ex officio* Directors.

Recital.

II. The Capital Stock of the Company shall be increased to Three Hundred Thousand Pounds currency, to be divided into Thirty Thousand shares of Ten Pounds each, which amount, or a sum sufficient for the construction of the said Railway and its branches, shall be raised by the said Company above named, together with such persons and Corporations as may become subscribers towards such stock : and the said money so raised shall be applied for the purposes of this Act and the said former Acts, and in the manner provided by the said Act incorporating the said Company : Provided always, that the said Company shall cause books of subscription to be opened in the town of Cobourg for thirty days, for receiving the subscriptions of persons willing to become subscribers for the new stock, and for that purpose it shall be their duty, and they are hereby required to give public notice, in one or more newspapers published in the said town, as the majority of the directors may think proper, of the time and places at which such books shall be opened and ready for receiving subscriptions as aforesaid and the persons authorized by them to receive such subscriptions, and the time hereinafter limited for such payment, and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall have paid, within ten days after the closing of the said books, into the Bank of Upper Canada or any of its branches or agencies, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as members of the said Company ; Provided also, and it is hereby enacted, that such ten per cent. shall not be withdrawn from the said Bank, or otherwise applied except for the purposes of the said Railway Company, in the construction of the said branch, or upon the abandonment thereof ; and the said Company shall not proceed with the construction of such branch Railway or Tram road until Capital Stock to the amount of One Hundred and Seventy-five Thousand Pounds, being the amount which it is supposed it will be necessary to raise for the construction of the said road, shall first be subscribed, and ten per centum thereon shall be paid as in this proviso contained ; Provided also, that any municipality taking or holding shares in the said Company to a sufficient amount, shall be entitled to an *ex officio* director therein under the provisions of the Railway Clauses Consolidation Act, but no Head of any Municipal Council, or other Officer or person in behalf thereof, shall be entitled to vote at any election of Directors of the said company, upon or in respect of such stock.

III. And whereas the Capital Stock of the said Company was originally limited to One Hundred Thousand Pounds and notwithstanding

notwithstanding such limitation the Town Council of the Town of Cobourg subscribed for stock in the said Company for the sum of One Hundred and Twenty-five Thousand Pounds besides subscriptions to the amount of Four Thousand Pounds or thereabout, of stock taken and subscribed by private individuals, and a question may arise as to the legality of the subscription of stock by the said Town Council to the extent of fifty thousand pounds subscribed under the last two By-laws passed by such Council, and as to the validity of the two last mentioned By-laws; And whereas, it is expedient to remove any doubts that may exist: Be it therefore enacted, that the said By-laws are and they are hereby declared to be legal and binding and effectual as if such Capital Stock of the said Company had not been limited as aforesaid.

Certain By-laws of Cobourg confirmed.

IV. It shall be lawful for the Directors of the said Company to make and carry into effect any arrangements which they shall deem meet with any other Railway Company, or Steamboat Company, respecting the carriage of freight or passengers, or the working of their Railway or other such Railway, or otherwise, or respecting the tolls to be charged for the carriage of freight or passengers thereon.

Company may enter into certain arrangements with other Companies.

V. Upon any Branch Line of feeder other than the line from Cobourg to Peterborough, the Railway may be constructed in a less expensive manner than upon the Main Line of Railway, and the flat rail may be used thereon, or a tram road may be constructed in lieu thereof; any thing in the Railway Clauses Consolidation Act or any other Act to the contrary notwithstanding.

Branch lines may be made in a cheap way.

VI. It shall be lawful for the Directors, if authorized by any general meeting of the Shareholders to be called for the purpose, to enter into and make arrangements with the Directors of any Railway Company now or hereafter to be chartered in any part of this Province, for the union, junction and amalgamation of the said Company with any other Railway Company or for the lease or purchase of the Railway of such other Company, or for the sale or lease of this Railroad to such other Company or individuals or association of persons, by mutual agreement with such Company or persons, and the Capital Stock of any Companies so united shall become the Capital Stock of the Company formed by their union, and be controlled and managed as such.

Company may unite with other Companies.

VII. The gauge of the said Railway shall not be broader or narrower than five feet six inches.

Gauge.

VIII. It shall and may be lawful for the said Company with the sanction of the Governor in Council, to take and appropriate for the use of the said Railway so much of the land covered with the waters of the Rivers Trent, Beaver Creek, Belmont and Marmora Lakes and their tributaries, and of any stream or of their respective beds, as may be found necessary

Power to take beach lands &c.

for the making, perfecting, or more completely using the same, and thereon to erect any wharves, quays, inclined planes, cranes and other works as the said Company shall deem meet; and whenever the said Railroad shall be carried across the River Trent or any other navigable river, the Company shall leave openings between the piers of their bridge or bridges, viaduct or viaducts over the same, so as to interfere as little as possible with the use and navigation of the said Rivers or Waters as now enjoyed.

Company not to create charges preferable to those already created.

IX. Nothing in this Act or the Act sixteenth Victoria, chapter two hundred and forty-two, section five, shall authorize or empower the said Company to give a preferable charge on the Main Line of Railway of the said Company from Cobourg to Peterborough, over any bond or mortgage or debentures made or issued by the said Company prior to the passing of this Act.

Commencement and completion of Branch.

X. The said Branch Railway shall be commenced within two years, and be completed within five years after the passing of this Act.

Public Act.

XI. This Act shall be deemed a Public Act.

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

An Act further to amend the Act incorporating the Montreal and Vermont Junction Railway Company.

[Assented to 30th May, 1855.]

Preamble.

12 V. c. 178.

14 & 15 V. c. 145.

**W**HEREAS it has been found necessary to amend the Act of this Province, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to incorporate the Montreal and Vermont Junction Railway Company*, and another Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend and extend the Act incorporating the Montreal and Vermont Junction Railway Company*, and the said Company have petitioned for such amendment: 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, as follows:

The same time allowed for completing the main line as for completing the Branch.

I. The time within which the said Company shall be authorized to construct the said Railway and the Branch thereof, or part of the said main line and the said Branch, shall be and is hereby extended to the period provided by the said last recited Act for the construction of the Branch line thereby authorized,

authorized, and the various powers, privileges and provisions of the said last recited Act, shall apply to and form part of the said first recited Act.

II. This Act shall be deemed a Public Act.

Public Act.

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

An Act to change the name of the Bytown and Prescott Railway Company, and to amend the Act incorporating the same.

[Assented to 30th May, 1855.]

**W**HEREAS the Bytown and Prescott Railway Company Preamble. have petitioned that the Corporate name of the said Company may be changed, and that the Act incorporating it may be amended in the manner hereinafter mentioned, and it is expedient to grant the prayer of their Petition: 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, as follows:

I. From and after the passing of this Act the Company incorporated by the Act of the Parliament of this Province, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act for the incorporation of a Company to construct a Railroad between Bytown and Prescott*, shall be called and known by the name and style of the "Ottawa and Prescott Railway Company," instead of being called and known by the name and style of the "Bytown and Prescott Railway Company," any thing in the said Act or in any other Act or Law to the contrary notwithstanding; Provided always that such change of name and style shall not be construed to make the said Company a new Company or Corporation, or to impair or alter the effect of any Act relating to the said Company, or of any instrument or proceeding to or in which the said Company by its former name and style may be or may have been a party or in any wise concerned or interested, but the same shall have full force and effect, and shall apply to and may be continued with respect to the said Company by the name and style hereby assigned to it, upon suggestion of the passing of this Act.

Name of the Company incorporated by 13 & 14 V. c. 132, changed.

Proviso. Not to affect pending suits, &c.

II. It shall and may be lawful for the said Company to enter into any agreement with any person or persons, or with any other Railway Company, either in this Province The Company may agree with any other Compa-

ny as to services to be rendered by one Company to the other, or the lease of the property of the one to the other, &c.

or in any Foreign State, for leasing the said Railroad or any part thereof, or the use thereof, at any time or times, to such person or persons or other Company, or for leasing or hiring out to such person or persons or other Company, the said Railroad, and any locomotives, cars, carriages, tenders or other property, moveable and immoveable of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring from any other Railway Company, any Railroad or part thereof, or the use thereof, at any time or times, or for leasing or hiring from such other Railway Company, any Railroad, Locomotives, Cars, Carriages, Tenders or other property, moveable and immoveable, or for using either the whole or any part of the said Railroad, or of the moveable and immoveable property of the said Company, or of the Railway or moveable and immoveable property or either, of such other Company, in common by the two Companies, or generally to make any agreement or agreements with any person or persons, or with any such other Company, touching the use by any of such person or persons or by one or other, or by both Companies, of the Railway or moveable and immoveable property of either or of both, or of 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 or lease shall be valid and binding and shall be enforced by all Courts of Justice in this Province, according to the terms and tenor thereof: Provided always, that the act or acts of the Directors of the said Company sanctioned and approved by a majority of the votes of the Shareholders attending any Special General Meeting of the Shareholders of the said Company, called for that purpose, either in person or by proxy, shall be considered to be, and be to all intents and purposes, the act and acts of the Company under this section; and at such Special General Meeting the said Shareholders may, by a majority of the votes of the Shareholders attending such Special General Meeting, either in person or by proxy, delegate to the Directors of the said Company, or a quorum thereof, or a majority of such quorum, all and singular the powers by this section conferred, given and granted to the said Company, to be exercised in such manner as to the said Directors or a quorum of them, or a majority of such quorum, shall seem meet and as they shall direct and appoint; and that the powers hereby conferred upon the said Company shall extend to any agreement for lease of the said Railway and undertaking, locomotives, cars, carriages and other property of the said Company, moveable and immoveable, heretofore entered into by the Directors of the said Railway Company, and which has been sanctioned and approved of by the Shareholders of the said Company, at a Special General Meeting of the Shareholders thereof, called for that purpose, and that any such agreement shall be binding on the said Company and the party with whom the same was entered into, and any lease granted or to be granted in pursuance of such agreement

Proviso: such agreement shall be entered into after consent of Stockholders at a general meeting.



agreement shall be valid and binding upon all the parties thereto; any thing to the contrary in this or any other Act of the Parliament of this Province notwithstanding.

III. Such lease as aforesaid shall entitle the person or persons or Company to whom the same is or shall be granted, to the free use of the Railway or portion of Railway comprised therein, and during the continuance of any such lease, all the powers and privileges granted to and which might be otherwise exercised and enjoyed by the said Company or the Directors thereof, or their officers, agents or servants, by virtue of any Act or Acts of the Parliament of this Province, with regard to the possession, enjoyment and management of the Railway, or of the part thereof comprised in such lease, and the tolls to be taken thereon, shall be exercised and enjoyed by the Lessee and the officers and servants of such Lessee, under the same regulations and restrictions as are by any Act or Acts of the Parliament of this Province imposed on the said Company, and their Directors, officers and servants; and such Lessee shall, with respect to that part of the Railway comprised in such lease, be subject to all the obligations by any Act or Acts of the Parliament of this Province imposed on the said Company; *Provided* always, that nothing herein contained shall affect or be construed to affect the corporate powers or existence of the said Company, but that the same shall still be and continue in the same manner as if such lease had not been made, or this Act passed, subject however to the terms and conditions of such lease and of this Act.

IV. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

## C A P . C L X X X I X .

An Act to amend the Act incorporating the Montreal and Bytown Railway Company, and for other purposes.

[Assented to 30th May, 1855.]

**W**HEREAS the Montreal and Bytown Railway Company have petitioned the Legislature for certain amendments to their Act of Incorporation, for the extension of their Railroad and for other purposes hereinafter mentioned, and it is expedient to grant the prayer of their Petition: 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, as follows:

Company may construct and work Telegraphs on their line.

I. It shall be lawful for the said Company to construct a line of Telegraph, electric or otherwise, along their said railway and its continuations and branches, or any of them, or any part or section thereof, from and to any point or points thereon, as to the said Company shall seem advisable, and the said Company shall have power to purchase, receive and hold and convey such real estate as may be necessary for the business and operations of the said Telegraph line, and may appoint such officers and agents and make such rules and regulations and by-laws as may be necessary or advisable in the transaction of the business thereof, not inconsistent with the laws of this Province: And the said Company shall have and are hereby invested with all the powers, rights and privileges respecting such Telegraph line and the management thereof, as are now vested in the Electric Telegraph Companies under and by virtue of the fifth, sixth and eleventh Sections of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to provide by one general law for the incorporation of Electric Telegraph Companies*; and the tenth and twelfth Sections of the said Act shall apply to the said line in like manner as if the said Company had been an association incorporated under the said last mentioned Act.

Their powers as regards such Telegraphs to be those given under 16 V. c. 10.

Company may lease or dispose of their Railway, &c.

II. The Company may lease their Railway or any part thereof to individuals, private Companies or Associations, or to Corporations, upon such terms and under such conditions therefor as shall be approved of by the Stockholders at a Special General Meeting to be called and held for the purpose, in the manner provided by their Act of Incorporation for calling and holding General Meetings of the Company.

Directors may vote by proxy.

III. Any Director of the said Company residing out of this Province shall have power to act and vote by proxy to be held by another Director, at all meetings of the Directors, and the holder of such proxy shall have the same and equal power and authority as any such Director or Directors would have if personally present.

Bonds of the Company may be converted into Stock.

IV. The holders of the Bonds or Debentures issued or to be issued by the Company, shall have the option of converting the same into shares in the Capital Stock of the Company at par, provided such option be exercised within five years from the issuing of the Bonds; and for the purpose of such conversion, it shall be lawful for the Company to increase its Capital and to create and issue shares or stock in the Company of equal amount.

Stock Register to be kept. Duplicate to be sent to England.

V. The Company shall, from time to time, cause the names of the Stockholders and the amount of their interests respectively, to be entered in a Book to be called "The Stock Register;" a duplicate whereof, authenticated by the signature of the Secretary of the Company, shall be transmitted to and kept

kept by the agent for the time being of the Company in Great Britain, the said agent to be appointed by the British Directors.

VI. Whenever any transfer shall be made in Great Britain of any Share or Stock of the Company, the delivery of the transfer, duly executed, to the agent of the Company for the time being in Great Britain, shall be sufficient to constitute the transferee a Shareholder in the Company in respect of the Share so transferred, and such agent shall monthly transmit an accurate list of all such transfers to the Secretary of the Company in this Province, who shall thereupon make the requisite entries in the register; and the Directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of Shares, as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividend, as they may find expedient, and as to the manner of the conversion of Bonds into Shares; and all such regulations, not being inconsistent with the provisions of the Act of Incorporation and those of the Railways Clause Consolidation Act incorporated therewith, as altered or modified by this Act, shall be valid and binding.

Transfers made in the United Kingdom to be notified to the Secretary in Canada and entered by him.

VII. And whereas it is advisable to limit the issue of Bonds or Debentures authorized to be issued by the Company: Be it enacted, that the Company shall have the power to issue Bonds and Debentures, including any Bonds or Debentures issued previous hereto, to an amount which shall not exceed at any time the sum of five hundred thousand pounds sterling.

Amount of Debentures of the Company limited

VIII. Any party entitled to any Bond or Debenture of the Company on which the whole amount shall have been paid up, may transfer his right and interest therein and in the principal and interest moneys secured, with the coupons or interest warrants attached thereto, without the necessity of a deed or instrument in writing for the purpose of effecting such transfer.

Debentures to be transferable by delivery.

IX. Hereafter the several fees to the Registrars in the said Special Act specially mentioned for the enregistration of Deeds and Contracts and of Debentures, are declared to have been intended, and shall be intended to include not only the fee for the registration, as in the said Special Act mentioned, of the said Deeds, Contracts and Debentures, but also the fee for the Certificates thereof by the said Registrars; any Act or Law to the contrary thereof notwithstanding.

Fee for registration settled.

X. Nothing herein contained shall in any manner or way affect the Debentures of the Company heretofore issued or registered and remaining unpaid or uncanceled, nor any matter or thing in relation thereto, nor any of the rights, privileges, or mortgages, created by such Debentures, but the said Debentures with the said rights, privileges and mortgages shall have the same force and effect as if this Act had not been passed.

Act not to affect Debentures already issued.

XI. This Act shall be deemed a Public Act.

Public Act.

## C A P. C X C .

## An Act to incorporate the St. Clair, Chatham and Rondeau Railway Company.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS the construction of a Railway from the St. Clair River, connecting it with the waters of Lake Erie, must conduce greatly to the welfare of the inhabitants on the line of such Railway, and of the travelling public generally; And whereas Edwin Larwill, M.P.P., George Macbeth, M.P.P., John Scatcherd, M.P.P., Thomas Daly, M.P.P., Francis Henry Burton, M.P.P., Joseph Slagg, Robert S. Woods, William Winter, William Scott and John Winter, have prayed to be incorporated with the powers requisite for making and maintaining such Railway: 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, as follows:

Company incorporated.

I. The said Edwin Larwill, George Macbeth, John Scatcherd, Thomas Daly and Francis Henry Burton, Joseph Slagg, Robert S. Woods, William Winter, William Scott and John Winter, together with such person or persons, Corporations and Municipalities, as shall, under the provisions of this Act, become Shareholders in the Company hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of the "St. Clair, Chatham and Rondeau Railway Company."

Corporate name.

Certain clauses of 14 &amp; 15 V. c. 51, incorporated with this Act.

II. The several clauses of the Railway Clauses Consolidation Act, with respect to the third and fourth clauses thereof, and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their Election and Duties," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for indemnity, and fines and penalties and their prosecution," "Working of the Railway" and "General Provisions," shall be incorporated with this Act, and shall be included by the expression "This Act," whenever used therein.

Line of Railway defined.

III. The said Company and their servants or agents shall have full power under this Act to lay out and construct, make and finish a double or single line of Railway or Road at their own cost or charges, on or over any part of the country lying between the St. Clair River and Lake Erie.

IV.

IV. Deeds and conveyances under this Act for lands to be conveyed to the said Company for the purposes of this Act, shall and may as far as the title to the said lands or the circumstances of the parties making conveyances will admit, be made in the form given in the Schedule of this Act marked "A"; And all Registrars are hereby required to enter in their Registry Books such deeds on production thereof and proof of execution, without any Memorial, and to minute every such entry on the deed; and the Company shall pay the Registrar for so doing the sum of two shillings and six pence, and no more.

Form of Deeds to Company.

Registration.

Fee.

V. The capital stock of the said Company shall be two hundred thousand pounds, divided into eight thousand shares of twenty-five pounds each, which shall be raised by the persons or parties above named or some of them, together with such other persons and Corporations as may become subscribers towards such stock: And the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act and for making the Surveys, Plans and Estimates of the said Road, and connected with the said Railway, and the remainder for making the said Railway and the works thereunto appertaining or in preparing for the working them and not for any purpose other than those of this Act: Provided always, that the persons named in this Act, or a majority of them, shall cause books of subscription to be opened for thirty days in the towns of Windsor and Chatham, and afterwards in such other places as they may from time to time appoint, until the meeting of Shareholders hereinafter provided for, for receiving of subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose it shall be their duty, and they are hereby required to give public notice, in one or more newspapers published in the said towns, as they or a majority of them may think proper, of the time and places at which such books shall be opened and ready for receiving subscriptions as aforesaid, and the persons authorized by them to receive such subscriptions, and a chartered Bank into which the ten per cent. thereon is to be paid, and the time hereinafter limited for such payment; and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall have paid, within ten days after the closing of the said books, into the said Bank or any of its branches or agencies, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company: Provided also, and it is hereby enacted, that such ten per cent. shall not be withdrawn from the said Bank, or otherwise applied except for the purposes of the said Railway Company, upon the dissolution of the said Company from any cause whatsoever: And provided further, that if the total amount of subscriptions,

Capital Stock.

Shares.

Application of Capital.

Proviso: Subscription Books to be opened.

Ten per cent. to be paid on subscribing.

The said ten per cent. not to be used except for certain purposes.

subscriptions, within the thirty days limited as aforesaid, shall exceed the capital stock limited by this Act, then in such case the shares of each subscriber or subscribers above ten shares shall, as nearly as may be, be proportionally reduced by the said persons, or a majority of them, until the total number of shares be brought down to eight thousand shares.

Company may  
have steam-  
boats.

VI. It shall be lawful for the said Company to purchase, build, own, furnish and work steamboats for the carrying of goods and passengers on the River St. Clair and on Lake Erie, and to dispose of the same, and to take tolls for such services, to be fixed in the same manner as the tolls on the Grand Trunk Railway.

First meeting  
and election of  
Directors.

VII. So soon as two hundred thousand pounds, the capital stock of the said Company, shall have been subscribed and the ten per cent. paid thereon as aforesaid, a General Meeting of the Shareholders shall be held at the Town of Chatham, for the purpose of putting this Act into effect, which meeting shall be called by the said persons referred to in the last section, or a majority of them, thirty days' public notice thereof being given by advertisement in one newspaper published in the Towns of Chatham and Windsor, and in the City of Toronto, at which said General Meeting the Shareholders present having paid ten per cent. on their stock subscribed as aforesaid, shall, either in person, or by proxy, choose nine Directors in the manner and qualified as hereinafter mentioned, who, together with the *ex officio* Directors, as provided for by the Railway Clauses Consolidation Act, shall hold office until the first Annual Meeting for the election of Directors and until others are elected in their stead.

Period of ser-  
vice.

Annual elec-  
tion of Direc-  
tors.

VIII. On the second Monday in June in each year, at the Town of Chatham and at the office of the Company, there shall be chosen by the Shareholders nine Directors in the manner hereinafter directed, and public notice of such Annual Election shall be published one month before the day of election in two newspapers published in Chatham, and all Elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors, and if a vacancy shall at any time occur among the Directors by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year by a majority of the Directors, and the said nine Directors with the said *ex officio* Directors shall form a Board of Directors.

Vacancies,  
how filled.

Quorum.

IX. The number of Directors which shall form a *quorum* for the transaction of business may be regulated by the By-laws of the Company, and until such By-laws shall be passed a majority of the Directors shall form such *quorum*: Provided that the Directors may employ one of their number as a paid Director.

Paid Direc-  
tors.

X. The persons qualified to be elected Directors of the said Company, under this Act, shall be Shareholders holding stock to the amount of two hundred and fifty pounds, who shall have paid up all calls on such stock. No call of money from the Shareholders shall exceed ten per cent. on the shares at any one time, and no two calls shall be made within three months of each other.

Qualification of Directors.  
Calls.

XI. Each Shareholder in his own right shall be entitled to a number of votes equal to the number of shares which he shall have in his own name two weeks prior to the time of voting.

Votes.

XII. The said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than twenty-five pounds, and any such Promissory Note, made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, shall be binding upon the Company, and every such Promissory Note or Bill of Exchange made, drawn, accepted or indorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer thereof, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown, and in no case shall it be necessary to have the seal of the Company affixed to any Bill of Exchange or Promissory Note; nor shall the President, Vice-President, or the Secretary and 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: Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any Promissory Note intended to be circulated as money or as the Notes of a Bank.

Company may be parties to Bills and Notes, and how.

Proviso.

XIII. The Gauge of the said Railway shall be five feet six inches.

Gauge.

XIV. The said Railway shall be commenced within two years and completed within five years after the passing of this Act.

Commencement and completion of Railway.

XV. This Act shall be deemed a Public Act.

Public Act.

### SCHEDULE A.

Know all men by these presents that I, A. B., of (and I, C. D., wife of the said A. B.,—if there be dower, or if for any other reason or thing the wife is to join in the conveyance,) do hereby, in consideration of the sum of by and to me paid by the St. Clair, Chatham and Rondeau Railway Company, the receipt whereof is hereby acknowledged, grant,

grant, bargain, sell, convey and confirm to the said Company and their successors and assigns for ever, all that certain tract or parcel of land situate (*describe the land briefly and clearly*), the same having been selected and laid out by the said Company for the purposes of their Railway; to have and to hold the said land and premises, with the appurtenances thereto, by the said Company, their successors and assigns for ever; (*if there be dower to be released, add, and I, the said E. B., hereby release my dower and the said land and premises.*)

Witness my (or our) hand (or hands) and seal (or seals) this \_\_\_\_\_ day of \_\_\_\_\_, in the year one thousand eight hundred and \_\_\_\_\_.

Signed, sealed and delivered }  
 in presence of D. E. }  
 A. B. (S.)  
 C. B. (S.)

C A P. C X C I.

An Act to incorporate the L'Assomption River and Railway Company.

[Assented to 30th May, 1855.]

Preamble.

WHEREAS it is expedient to incorporate a Company to make the L'Assomption River navigable for Steamboats, by dredging and deepening the Channel of the River to the first Rapids at St. Paul's, on the river Laquarrean, with the further privilege of constructing a Railway from the head of the navigable waters on either the L'Assomption or the Laquarrean Rivers, to intersect the Industry Village and Rawdon Railway, in the Parish of St. Paul's: 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, as follows:

Company incorporated.

I. Jedediah Hobbel Dorwin, Edmund J. Penny, James G. Shipway, Joseph Aumond, Pierre Raphaël Fauteux, and Pierre Urgel Archambault, or any of them, together with all such persons as may now be or may hereafter become Shareholders of any share or shares in the undertaking hereinafter mentioned and authorized to be carried on, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic in fact, and by the name of "The L'Assomption River and Railway Company," and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever, and in all manner of actions, suits, complaints, matters and

Corporate name and general corporate powers.



and causes whatsoever; and they and their successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure, and also that they and their successors, by the name aforesaid, shall be in law capable of purchasing, having and holding to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient.

II. The several clauses of the Railway Clauses Consolidation Act, passed in the fourteenth and fifteenth years of Her Majesty's Reign, chapter fifty-one, and intituled, *An Act to consolidate and regulate the General Clauses relating to Railways*, with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors—their Election and Duties," "Shareholders," "Shares and their Transfer," "Municipalities," "Actions for indemnity, and fines and penalties, and their prosecution," "Working of the Railway," shall be incorporated with this Act in so far as they are not inconsistent with the terms of this Act, and shall apply as well to the River navigation improvements and works to be made and performed by the said Company, as to their Railway.

Certain clauses of Railway Clauses Consolidation Act 14 & 15 V. c. 51. incorporated with this Act.

III. The said Company and their agents, servants and workmen are hereby authorized and empowered to enter into and upon the lands and grounds of and belonging to Her Majesty the Queen, Her Heirs and Successors, or to any other person or persons, bodies politic or corporate, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall deem necessary and proper for making the said Railway and River works, or any of them, and forthwith and immediately upon such surveys being made and levels taken, and such parts ascertained as shall be necessary for making the said Railway or deepening the River, or other works, to take and appropriate, have and hold to and for the use of the said Company and their successors, lands sufficient for the construction of the said Railway and works, or any of them, for the improvement of the river in the said County of Leinster and Parish of St. Paul, with all necessary stations, warehouses and other erections as may be required by the said Company for the purpose aforesaid; and to purchase the same to and for the use of the said Company, and with full power under this Act to lay out and construct, make and finish a double or single iron or wooden Railway, to be worked by locomotive or stationary steam or other Engines, from some point on the line of the Industry Village and Rawdon Railroad in the Parish of St. Paul's to the navigable waters of the Laquarreau or L'Assomption Rivers;

Power to enter upon lands, &c.

Line of Railway defined.

Further,

Proviso.

Further, provided always, that the said Company shall be authorized to purchase or build Steam Vessels, Boats, Barges or other Vessels to ply on the waters of the Rivers L'Assomption and Laquarreau in the said County of Leinster and elsewhere.

Penalty for  
damaging  
works of Com-  
pany.

IV. If any person or persons shall wilfully, maliciously or to the prejudice of the said Company, break down, damage or destroy any bank, works, machine or device to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb or prevent the carrying into execution, or completing, supporting or maintaining the said works hereinbefore referred to, every such person or persons offending shall forfeit and pay to the said Company the value of the damages proved by the oath of one or more credible witness or witnesses, such damages, together with the costs of suit in that behalf incurred, to be recovered by action in any Court of Law in this Province, having jurisdiction competent to the same, and in case of default of payment, such offender or offenders may be committed to the Common Gaol for any time not exceeding three months, at the discretion of the Court before which such offenders shall be convicted.

Directors to  
establish rates  
of toll.

V. It shall and may be lawful for the President and Directors of the said Company, subject to the provisions of the Railway Clauses Consolidation Act incorporated with this Act, to regulate from time to time, and establish the rates of Toll, payable for the transportation of goods, wares, merchandize and passengers on the said Railway, and the said Company shall annually exhibit an account to either branch of the Legislature of the Tolls collected and the sums expended in keeping the said works in repair, and also of the goods, wares and merchandize transported on and along the same.

Schedule of  
rates to be  
fixed.

VI. The said Directors of the said Company shall at their first General Meeting held after the Railway shall be finished, ascertain and fix the rates and dues to be taken by virtue of this Act, and it shall and may be lawful for the Directors of the said Company to alter the said rates, at any subsequent meeting, after giving three months' public notice of the same, and a Schedule of rates shall be affixed upon the most public place at such Railway, subject to the approval of the Governor in Council.

Dues, &c., to  
whom paid.

VII. The several dues, tolls and rates, so appointed to be taken as aforesaid, shall be paid to such person or persons and at such place or places, in such manner and under such regulations, as the said Directors shall direct or appoint, and in case of denial or neglect of payment of any such rates, dues or any part thereof, on demand, to the said person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having jurisdiction thereof.

How recover-  
able if not  
paid.

VIII.

VIII. The whole amount of the stock, which the said Company shall be authorized to hold, including the Capital or Shares hereinafter mentioned, shall not exceed in value Fifty thousand pounds, currency.

Capital Stock.

IX. Each share shall be Twelve Pounds Ten Shillings currency, and the number of shares shall not exceed four thousand, and books of subscription shall be opened by such person or persons, and under such regulations as the majority of the Directors hereinafter named, for the time being, assembled at a meeting to be called by them, shall direct: Provided, that any person who or whose attorney (specially qualified to this effect) shall sign his or her name in the said books, shall become a member of the said Corporation.

Amount of Shares.

Proviso.

X. The before mentioned J. H. Dorwin, E. J. Penny, J. G. Shipway, J. Aumond, P. R. Fauteux, and P. U. Archambault, Esquires, shall be, and they are hereby constituted and appointed the first Directors of the said Company under this Act, which body of Directors shall, after the passing of this Act, elect one of their body to be the President, and appoint the officers, agents and servants necessary to such direction, and make such Rules, Regulations and By-laws as may be considered necessary; and should any one or more of the said Directors resign, or be removed by death, then the majority of the survivors may elect some other person or persons to supply such vacancy so made as aforesaid: Provided that the said Directors may appoint one of their number a paid managing Director; and three of their number shall be a *quorum*.

First Directors appointed.

XI. So soon as Ten Thousand Pounds shall have been subscribed, and a deposit made thereon, as may be required by the Rules, Regulations and By-laws made and adopted by the Directors as aforesaid, a General Meeting of the Subscribers shall take place, of which due notice of not less than thirty days shall be given in two newspapers in the City of Montreal, one of which shall be published in the English and the other in the French language, of the time and place of such meeting; and it shall and may be lawful for the Subscribers at such meeting, to proceed to the election of five Directors for the said Company, and such election shall then and there be made by a majority of shares voted upon, in manner hereinafter prescribed.

First general meeting.

Election of Directors.

XII. The affairs and concerns of the said Company shall be managed and conducted by the five Directors who shall be so elected, and who shall be Shareholders each to the amount of ten shares, one of whom shall be chosen President, and the said Directors chosen under the authority of this Act, shall have power from time to time to make such call or calls of money from the Shareholders to defray the expenses of or to carry on the work, as they from time to time shall find necessary and wanting for these purposes: Provided that no call do exceed

Affairs, &amp;c., to be managed by Directors.

Proviso.  
Calls limited.

Two

Two Pounds Ten Shillings per share of Twelve Pounds Ten Shillings ; And, provided also, that no calls be made but at the distance of at least one Calendar Month from each other.

Order of rotation for retiring.

XIII. Of the five Directors so to be elected, as prescribed by the second next preceding Section, (or those appointed in their stead in case of a vacancy,) two shall go out of office on the first Monday of the month of February, in the year one thousand eight hundred and fifty-six, and two more in each succeeding year, on the like day of the month of February in each said year, at which periods an Annual General Meeting of the Shareholders of the said Company shall be held to choose two other Directors in the place and stead of the two Directors so going out as aforesaid, and generally to transact the business of the

Proviso.

Company: Provided, that the Directors shall retire in rotation, the order of retirement of the said first elected Directors, being decided by lot amongst the Directors themselves, at the time of the first election; but the Directors then or at any subsequent

Proviso.

period retiring, shall be eligible for re-election: Provided also, that no such retirement shall have effect, unless the Shareholders shall at such Annual Meeting proceed to fill up the vacancies caused in the Board of Directors by the retirement of the said two Directors as aforesaid.

Notice to be given of general meetings.

XIV. No General Annual Meeting of the Shareholders or any Special General Meeting of such Shareholders shall be held, unless due notice of such General Annual Meeting or of any intended Special General Meeting shall be given in the City of Montreal in two Newspapers, one of which shall be published in the English language and the other in the French language,

Proviso: as to special general meetings.

for a period of at least fifteen days before such meeting: Provided, however, that no such Special General Meeting shall be held unless it be decided by a majority of the Directors at any of their meetings that such Special General Meeting shall be held, or unless a requisition in writing for such General Special Meeting shall be made to the Board of Directors, by not less than ten Shareholders who shall, among themselves, be Subscribers of not less than two hundred shares.

Annual election of Directors.

XV. The five Directors shall be elected at such time of the day and at such place as a majority of the Directors for the time being shall appoint, and public notice shall be given in the usual manner of such time and place of meeting, and the said election shall be held and made by such of the Shareholders of the said Company as shall attend for that purpose in their own proper person or by proxy, and all Elections of Directors shall be by Ballot, and the five persons who shall have the greatest number of votes at the said Election shall be Directors, and the majority of Directors shall elect the President; each Shareholder shall be entitled to a number of votes proportioned to the number of shares he or she shall have held in his or her own names at least one month prior to the time of voting:

Ballot.

President.  
Votes.

Provided

Provided always, that no one proprietor shall have more than one hundred and fifty votes. Proviso.

XVI. In case it should happen that an Election of Directors shall not be made on any day when, pursuant to this Act, it ought to have been made, the said Corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold and make an Election of Directors in such manner as shall have been regulated by the By-laws and Regulations of the said Corporation, and the former Directors shall legally retain office until replaced by their successors. Failure to elect provided for.

XVII. The Directors for the time being, or the majority of them, shall have power to make such By-laws and Regulations as to them shall appear proper, touching the management of the stock, estate and effects of the said Corporation, and touching the duty and conduct of the officers, clerks and servants employed by the said Company, and all such matters as appertain to the business of the said Company, and shall also have power to appoint as many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet. Directors may make By-laws.

XVIII. The Mayor of any Municipal Corporation subscribing for and holding shares in the stock of the said Company, to the amount of Five Thousand Pounds or upwards, shall be *ex officio* one of the Directors of the said Company in addition to the Directors elected by the Shareholders pursuant to this Act, and shall have the same rights, powers and duties as any of the other Directors of the said Company: Provided always, that any such Municipal Corporation whose Mayor shall be *ex officio* such Director as aforesaid, shall not vote or be entitled to vote in or for the Election of the other Directors aforesaid, elected by the Shareholders. Mayor of Municipal Corporation subscribing, to be Director *ex officio*. Proviso.

XIX. If any Writ of *Saisie-Arrêt* or Attachment shall be served upon the said Company, it shall be lawful for any duly authorized officer of the Company in any such case, to appear in obedience to the said Writ to make the declaration in such case by Law required, according to the exigency of each case, which said declaration shall be taken and received in all Courts of Justice in Lower Canada, as the declaration of the Company; and in cases where interrogatories *sur Faits et Articles*, or *Serment Décisoire*, may have been or may hereafter be served upon the Company, the Directors shall have the power, by a Vote or Resolution entered among the Minutes of the proceedings of any meeting, to authorize any officer of the Company to appear in any cause to answer such interrogatories, and the answers of such officer, so authorized, shall be held and taken to be the answers of the Company to all intents and purposes, as if all the formalities by Law required had been complied with; and the

Provision as to service of *saisie-arrêt*, and other process. Who may answer interrogatories, &c., for the Company.

the production of a copy of such Resolution certified by the Secretary, with the said answers, shall be sufficient evidence of such authorization.

Appointment  
of Auditors.

XX. Every Annual General Meeting shall have power to appoint not exceeding two Auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver and Receivers, and other officer and officers, to be by the said Directors appointed, or by any other person or persons whatsoever, employed by or concerned for or under them, in and about the said undertaking, and who for that purpose shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them.

Rules of Evi-  
dence to be  
followed.

XXI. In all suits at Law brought by or against the said Company, recourse shall be had as to evidence, to the Law of England, as recognized by the Courts of Lower Canada in commercial cases; and no witness shall be held to be incompetent to give evidence by reason of his being a Shareholder in the said Company.

Company may  
become par-  
ties to Notes,  
&c.

XXII. The said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than twenty-five pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange, drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, shall be binding upon 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 and Treasurer, as such, shall be presumed to have been properly made, drawn, accepted and endorsed, as the case may be, for the Company, until the contrary be shewn; 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, or the Secretary and 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: Provided always, that nothing in this Clause shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

Provido.

Form of con-  
veyances to  
the Company.

XXIII. All deeds and conveyances of lands to the said Company for the purposes of this Act, in so far as circumstances will admit, may be in the form given in Schedule B to this Act subjoined, or in any other form to the like effect, and for the purpose of due enregistration of the same, all Registrars in their respective Counties are required to be furnished by and

at

at the expense of the said Company with a Book containing copies of the form given in the said Schedule B, one to be printed on each page, leaving the necessary blanks to suit the circumstances of each separate conveyance, and shall, upon the production and proof of due execution of any such conveyance, enter the same without any memorial, and shall minute the enregistration or entry on the Deed, and the Registrar shall charge and receive from the said Company for all fees on every such enregistration two shillings and six pence, and no more, and such enregistration shall be deemed to be valid in Law; any Statute or provision of law to the contrary notwithstanding.

XXIV. The said Company may, from time to time, lawfully borrow either in this Province or elsewhere, such sum or sums of money not exceeding, at any one time, the sum of Fifty Thousand Pounds currency, as they may find expedient, and at such rate of interest, not exceeding eight per cent. per annum, as they may think proper, and may make the Bonds, Debentures or other Securities they shall grant for the sums so borrowed, payable either in currency or in sterling, and at such place or places within or without this Province as they may deem advisable, and may hypothecate or pledge the lands, tolls, revenues and other property of the said Company for the due payment of the said sums and the interest thereon.

Company may borrow money to the amount of £50,000.

XXV. In the borrowing of moneys, by way of loan, the Debentures of the said Company shall and may be in the form contained in the Schedule A annexed to this Act or in any other convenient form similar thereto, and need not be before Notaries, and shall have the effect of creating a mortgage or hypothec upon the said Railway and the lands and property thereof; And to facilitate the registration of the Debentures of the said Company creating mortgages or hypothecues and the cancellation thereof: Be it enacted, That the said Company, shall, at their own expense, deposit in the Registry Office of the County of Leinster wherein such their Debentures may require to be registered, any number of their printed or engraved blank Debentures in the form of the said Schedule annexed to this Act, without its being necessary to add the Coupons thereto, bound together in a book, and having the pages thereof numbered and signed by the Secretary of the Company, and thereupon the Registrar or his Deputy shall be bound to receive and retain the same as one of the Registry Books of his Office, and to register therein the said Debentures of the Company, instead of registering them in the ordinary Registry Books of the Office; any ordinance or law to the contrary notwithstanding: and for each such registration, the said Registrar shall receive One Shilling and Three pence fee; which said registration for the purposes of this Act, and of the loan to be made in virtue thereof, shall be held and deemed to be a special registration against the Railway lands and property of the said Company in each county or locality in which such property may lie, and

Form of Debentures.

Registration, how effected.

Fee.

Effect of Registration.

All the property of Company to be bound.

Quorum of Directors.

Aliens may hold office.

and shall perfect the mortgage and hypothec created by such Debentures as regards all parties whatsoever, and the Debentures and mortgage and hypothec thereby created shall be to all intents and purposes binding upon the said Company in favor of the holders of the debentures, and have the effect of mortgaging and charging all the lands and property of the said Company without any other more formal or particular description; but the description in the said Schedule A shall be held to comprehend all the lands and tenements of the said Company, all wharves and buildings of every nature thereon, and in short all the immoveable estate belonging to the said Company, including the rails and iron thereto affixed; any law or usage to the contrary notwithstanding.

XXVI. Any Meeting of the said Directors, at which not less than three Directors shall be present, shall be competent to use and exercise all and any of the powers hereby vested in the said Directors of the said Company.

XXVII. Any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada, shall have equal rights to hold stock in the said Company, to vote on the same, and be eligible to office in the said Company.

### SCHEDULE A

*Referred to in this Act.*

#### L'ASSOMPTION RIVER AND RAILWAY COMPANY.

Number	£	sterling (or currency).)
--------	---	--------------------------

This Debenture witnesseth that the L'Assomption River and Railway Company, under the authority of the Provincial Statute passed in the \_\_\_\_\_ have received from \_\_\_\_\_ of \_\_\_\_\_ the sum of \_\_\_\_\_ currency, (or sterling) as a Loan, to bear interest from the date hereof, at the rate of \_\_\_\_\_ per centum per annum, payable half yearly, on the \_\_\_\_\_ day of \_\_\_\_\_, and on the \_\_\_\_\_ day of \_\_\_\_\_, which sum of \_\_\_\_\_ currency, (or sterling) the said Company bind and oblige themselves to pay on the \_\_\_\_\_ to the said \_\_\_\_\_, or to the bearer hereof; and to pay the interest thereon half yearly as aforesaid, on the production of the Coupon therefor, which now forms part of this Debenture.

And for the due payment of the said sum of money and interest, the said Company, under the power given to them by the said Statute do hereby mortgage and hypothec the real estate and appurtenances hereinafter described, that is to say: The whole of the Railway, Steamboats, Piers, Wharves, and other property of the Company.



In testimony whereof, \_\_\_\_\_, President of the said Company, hath hereto set and affixed his signature, and the common seal of the said Company, at \_\_\_\_\_ this day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_  
 A. B.,  
 President.

Countersigned and entered  
 C. D.,  
 Secretary.

I certify that this Debenture was duly registered in the Registry Office for the County of \_\_\_\_\_, in the District of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, in Register \_\_\_\_\_ page  
 E. F.,  
 Registrar.

SCHEDULE B.

FORM OF DEED OF SALE.

Know all men by these presents, that I, A. B., of \_\_\_\_\_ do hereby, in consideration of \_\_\_\_\_ paid to me by the L'Assomption River and Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said L'Assomption River and Railway Company, their successors and assigns, all that tract or parcel of land, (*describe the land*) the same having been selected and laid out by the said Company for the purposes of their Railway. To have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my Hand and Seal, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

Signed, sealed and delivered, in presence of \_\_\_\_\_  
 A. B. [L. s.]

C A P . C X C I I .

An Act to incorporate the Oakville and Arthur Railway Company.

[Assented to 30th May, 1855.]

**W**HEREAS it is highly desirable that a Railway should be made from the village of Oakville on Lake Ontario, through the County of Halton; and the persons hereinafter mentioned and others have petitioned that a Company be incorporated for that purpose: 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

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, as follows:

Certain persons incorporated.

I. Samuel Jull, William Sherburne, John Williams, James McCreadie, Justus W. Williams, Thompson Smith, William Wilson, John A. Chisholm, Samuel Burman, John Wilson, James Young, William Barber, Robert K. Chisholm, James Reid, Charles Reynolds, Wm. T. Romain, William Clarke, Robert Young, Levi Wilson, James Arnot, Fred. A. Thompson, W. E. Hagerman, William Cantley, David Duff, George K. Chisholm, Patrick McAllister, John Potter, and John Doty, together with such other persons or Corporations as shall, under the provisions of this Act become Shareholders in the Joint Stock Company hereby created for the construction of the Railway aforesaid, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by and under the name and style of the Oakville and Arthur Railway Company.

Corporate name.

Certain clauses of 14 & 15 V. c. 51, incorporated with this Act.

II. The several Clauses of "The Railway Clauses Consolidation Act," with respect to the first, second, third and fourth Clauses thereof, and also the several Clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their Election and Duties," "Shares, and their transfer," "Municipalities," "Shareholders," "Actions for Indemnity, and Fines and Penalties and their Prosecution," "Working of the Railway" and "General Provisions," except in so far only as may be inconsistent with any express provisions hereinafter made, shall be incorporated with this Act, and shall be included by the expression "this Act" whenever used herein.

Line of Railway defined.

III. The said Company and their servants and agents shall have full power under this Act to lay out, construct, make and finish a double or single Iron Railroad or way, at their own cost and charges, on or over all or any of the Country lying between the village of Oakville, in the County of Halton, to the village of Arthur, in the County of Wellington.

Form and mode of registering Deeds to the Company.

IV. Deeds and conveyances under this Act, for the lands to be conveyed to the said Company, for the purposes of this Act, shall, and may, as far as the title to the said lands, or circumstances of the parties making such conveyance will admit, be made in the form given in the Schedule to this Act marked A, and all Registrars are hereby required to enter in their Registry Books, such Deeds on the production thereof and proof of execution,

execution, without any memorial, and to minute every such entry on the Deed ; and the said Company are to pay the said Fee. Registrar for so doing the sum of two shillings and six pence, and no more.

V. The Capital Stock of the said Company shall be Two Hundred and Thirty Thousand Pounds, Currency, to be divided into Nine Thousand and Two Hundred Shares of Twenty-five Pounds each, which amount shall be raised by the persons or parties above named, or some of them, together with such persons and Corporations as may become subscribers towards such Stock ; and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the said Railway and connected therewith : Provided always, that William Barber, Thompson Smith, James Young, Levi Wilson, James Reid, Wm. T. Romain, and George K. Chisholm, seven of the persons named in this Act, or a majority of them, shall cause books of subscription to be opened in the villages of Oakville, Milton, Stewart's Town, Erie and Arthur, and to be kept open thirty days, and afterwards in such other places as they may from time to time appoint, until the meeting of Shareholders hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking, and for that purpose it shall be their duty, and they are hereby required to give public notice, in one or more newspapers published in the said towns, as they or a majority of them may think proper, of the time and places at which such books shall be opened and ready for receiving subscriptions as aforesaid, the persons authorized by them to receive such subscriptions, the Bank or Banks into which the ten per cent. thereon is to be paid, and the time hereinafter limited for such payment ; and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall have paid, within ten days after the closing of the said books, into one of the Banks so notified or any of its branches or agencies, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company ; Provided also, and it is hereby enacted, that such ten per cent. shall not be withdrawn from the said Bank, or otherwise applied except for the purposes of the said Railway Company, or upon the dissolution of the said Company from any cause whatsoever ; And provided further, that if the total amount of subscriptions, within the thirty days limited as aforesaid, shall exceed the Capital Stock limited by this Act, then in such case the shares of each subscriber or subscribers above ten shares shall, as nearly as may be, be proportionally reduced by the said seven persons last herein named or a majority

Capital of the Company.

To what purpose applicable.

Proviso. Books of Subscription to be opened.

Ten per cent. to be paid on subscribing.

Proviso : such ten per cent. not to be used except for certain purposes.

Allotment of Shares.

majority of them, until the total number of shares be brought down to Nine thousand and two hundred shares.

General meet-  
ing for election  
of Directors  
when to be  
held.

VI. So soon as Two Hundred and Thirty Thousand Pounds, the Capital Stock of the said Company, shall have been subscribed and the ten per cent. paid thereon as aforesaid, a General Meeting of the Shareholders shall be held at the Town of Oakville, for the purpose of putting this Act into effect, which Meeting shall be called by the seven persons last named in the preceding section, or a majority of them, thirty days' public notice thereof being given by advertisement in one newspaper published in the County of Halton, at which said General Meeting the Shareholders present having paid ten per cent. on their Stock subscribed as aforesaid, shall, either in person or by proxy, choose seven Directors in the manner and qualified as hereinafter mentioned, who, together with the *ex officio* Directors, as provided for by the Railway Clauses Consolidation Act, shall hold office until the first Annual Meeting for the election of Directors, and until others are elected in their stead.

Notice.

Term of office.

Annual gene-  
ral meetings  
for election of  
Directors.

VII. On the second Tuesday in June in each year, at the Town of Oakville, at the office of the said Company, there shall be chosen by the Shareholders seven Directors in the manner hereinafter provided; and notice of such Annual Elections shall be published one month before the day of election, in one or more of the papers published in the said County of Halton; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes until a choice is made; and if a vacancy shall at any time take place among the Directors, by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year, by a vote of the majority of the Directors, and the said seven Directors with the said *ex officio* Directors, shall form a Board of Directors.

Notice.

Ballot.

Ties.

Vacancies.

*Ex officio*  
Directors.

Quorum.

VIII. The number of Directors which shall form a quorum for the transaction of business may be regulated by the By-laws of the Company; and until such By-laws shall be passed, a majority of the Directors shall form such quorum: Provided that the Directors may employ one of their number as a paid Director.

Paid Direc-  
tors.

Qualification  
of Directors.

IX. No Shareholder shall be eligible to be elected a Director under this Act, unless he shall be a *bonâ fide* Stockholder in the said Company to the amount of at least Two Hundred and fifty Pounds, and shall have paid up all calls on such stock.

Instalments  
limited.

X. No call of money from the Shareholders shall exceed ten per cent. on their shares, nor shall more than one call be made within sixty days.

XI. Each Shareholder in his own right, shall be entitled to a number of votes equal to the number of shares which he shall have in his own name, two weeks prior to the time of voting. Votes.

XII. The said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than Twenty-five Pounds, 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 and 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 and Treasurer as such, after the passing of this Act, 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 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, or Secretary and 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: Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any Promissory Note intended to be circulated as money, or as the notes of a Bank. Company may be parties to Bills, and how.  
  
Proviso.

XIII. The gauge of the said Railway shall not be broader or narrower than five feet six inches. Gauge:

XIV. It shall and may be lawful for the said Company with the permission of the Governor in Council, to take and appropriate for the use of the said Railway, but not to alienate, so much of the wild land of the Crown, not theretofore granted or sold, lying on the route of the said Railway, as may be necessary for the said Railway; as also so much of the land covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes and other works as the Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal to or across which their Railway shall be carried; and if the said Railway shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge, if any such bridge be necessary, over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge, if any such How the Company may acquire lands of the Crown.  
  
Proviso: as to crossing rivers, roads, &c.  
  
Draw-bridges, and opening the same.

be

Plan of certain works must be first approved by Governor in Council.

be constructed, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time ; and by any such Regulation the Governor in Council may impose penalties not exceeding Ten Pounds for any contravention thereof ; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

Aliens may vote or hold office.

XV. Any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold Stock in the said Company, to vote on the same and to be eligible to office in the said Company.

Commencement, and completion of works.

XVI. The said Railway shall be commenced within two years, and completed within five years after the passing of this Act.

Inconsistent Acts, &c., repealed.

XVII. All provisions of law inconsistent with this Act are and shall be repealed from the passing thereof.

Public Act.

XVIII. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

SCHEDULE A.

Know all men by these presents that I

*(insert the name of the wife also if she is to release her Dower or for any other reason to join in the conveyance)* do hereby in consideration of <sup>paid</sup> to me *(or as the case may be)* by the *Oakville and Arthur Railway Company*, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said *Oakville and Arthur Railway Company*, their successors and assigns for ever, all that certain parcel or tract of land situate *(describe the land)* the same having been selected and laid out by the said Company, for the purpose of their Railway, to have and to hold the said land and premises together with every thing appertaining thereto, to the said *Oakville and Arthur Railway Company*; their successors and assigns for ever, *(if there be dower to be released, add)* and I *(name of wife)* hereby release my dower on the premises.

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

Signed, sealed and delivered in presence of \_\_\_\_\_ *(if the wife join.)*

A. B. [L. s.]  
C. D. [L. s.]

A. K.

## CAP. CXCIH.

## An Act to incorporate the Hamilton and South Western Railway Company.

[Assented to 30th May, 1855.]

**W**HEREAS the construction of a line of Railway between the City of Hamilton and the Town of Otterville or Simcoe would be of great advantage to that section of country, and the persons hereinafter mentioned have petitioned to be incorporated for that purpose: 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, as follows:

Preamble.

I. William Paterson MacLaren, John Young, Hugh Bowlsby Wilson, Robert Read Smiley, George William Burton, Hugh Cossart Baker, Jasper T. Giekison, George S. Tiffany, Sir Allan Napier MacNab, Donald McInnes, George K. Chisholm, James Adam, Richard Porter Street, James Little, James Riddle, F. W. Gates, James D. Pringle, William S. Kerr, William Bellhouse and Horatio N. Case, together with such other person or persons as shall, under the provisions of this Act, become subscribers to or proprietors of any shares in the Railway hereby authorized to be constructed, and their several and respective personal representatives and assigns, being a proprietor or proprietors of any share or shares in the said Railway, shall be and are hereby united into a Company, for constructing maintaining and working the said Railway, according to the rules, orders and directions of this Act, and shall for that purpose be a body corporate and politic by the name and style of the Hamilton and South Western Railway Company, and the said Company shall be and they are hereby authorized and empowered from and after the passing of this Act by themselves, their agents, officers, workmen and servants, to make and complete a Railway to be called the "Hamilton and South Western Railway," from the City of Hamilton aforesaid to Otterville or Simcoe aforesaid.

Certain persons incorporated.

Corporate name.

Line of Railway defined.

II. The several clauses of "The Railway Clauses Consolidation Act," with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their Election and Duties," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for Indemnity,"

Certain clauses of 14 &amp; 15 V. c. 51, incorporated with this Act.

Indemnity, and Fines and Penalties and their Prosecution," "Working of the Railway," and "General Provisions," except in so far only as may be inconsistent with any express provision hereinafter made, shall be incorporated with this Act, and shall be included by the expression "this Act," whenever used therein.

Capital Stock.  
Shares.

To what purposes only  
Stock shall be  
applied.

Proviso.

Proviso :  
Books of Sub-  
scription to be  
opened.

Ten per cent.  
to be paid on  
subscribing,  
into some  
chartered  
Bank.

Proviso : on  
what condi-  
tions only the  
said ten per  
cent. shall be  
withdrawn.

III. The whole Capital Stock of the Company shall not exceed in the whole the sum of five hundred thousand pounds, to be divided into twenty thousand shares of twenty-five pounds each, to be raised as hereinafter is mentioned; and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act, and to no other purpose whatever; Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the Capital Stock thereof, it shall be lawful for any Municipality interested in the said Railway to pay out of the General Fund of such Municipality its fair proportion of such preliminary expenses, which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock; Provided always, that the parties hereinbefore named or a majority of them, shall cause books of subscription to be opened in the City of Hamilton for thirty days, and afterwards in such other places as they may from time to time appoint, until the meeting of Shareholders hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose it shall be their duty, and they are hereby required to give public notice, in one or more newspapers published in the said City, as they or a majority of them may think proper, of the time and places at which such books will be opened and ready for receiving subscription as aforesaid, the persons authorized by them to receive such subscriptions, and a chartered Bank into which the ten per cent. thereon is to be paid, and the time hereinafter limited for such payment; and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall have paid, within ten days after the closing of the said books, into the Bank aforesaid or any of its branches or agencies, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company; Provided also, and it is hereby enacted, that such ten per cent. shall not be withdrawn from the said Bank, or otherwise applied except for the purposes of the said Railway Company, or upon the dissolution of the said



said Company from any cause whatsoever; And provided further, that if the total amount of subscriptions, within the thirty days limited as aforesaid, shall exceed the Capital Stock limited by this Act, then in such case the shares of each subscriber or subscribers above ten shares shall, as nearly as may be, be proportionally reduced by the persons named in this Act, or a majority of them until the total number of Shares be brought down to twenty thousand Shares.

Proviso : for allotment of Shares, if necessary.

IV. So soon as two hundred and fifty thousand pounds of the Capital Stock of the said Company shall have been subscribed and the ten per cent. paid thereon as aforesaid, a General Meeting of the Shareholders shall be held at the City of Hamilton, for the purpose of putting this Act into effect, which Meeting shall be called by the persons named in this Act, or a majority of them, thirty days' public notice thereof being given by advertisement in one or more newspapers published in the City of Hamilton, at which said General Meeting the Shareholders present having paid ten per cent. on their stock subscribed as aforesaid, shall, either in person or by proxy, choose nine Directors in the manner and qualified as hereinafter mentioned, who, together with the *ex officio* Directors, as provided for by the Railway Clauses Consolidation Act, shall hold office until the first Annual Meeting for the election of Directors, and until others are elected in their stead.

First general meeting of Company.

Notice.

Election of Directors.

Term of office.

V. The Hamilton and Port Dover Railway Company, heretofore incorporated for the purpose of constructing a Railway between the said City of Hamilton and Port Dover, shall be merged into the said Hamilton and South Western Railway Company, and the Shareholders in the former shall have the option of becoming Shareholders in the latter, to the extent of their respective Shares in the Hamilton and Port Dover Railway Company, or of receiving payment for the amount, with interest, which they may respectively have paid thereon, in which case the said Hamilton and South Western Company shall make such payment and shall assume all debts and liabilities of the said Hamilton and Port Dover Railway Company, before they shall proceed to the construction of their said Railway.

Hamilton and Port Dover Railway Company to merge in that hereby created.

VI. On the second Tuesday in June in each year, at the City of Hamilton, at the Office of the said Company, there shall be chosen by the Shareholders, nine Directors, in the manner hereinafter provided; and notice of such Annual Elections shall be published one month before the day of election in one or more newspapers published in the said City; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes until a choice is made; and if a vacancy shall at

Yearly meetings for election of Directors.  
Ballot.

Ties.

Vacancies, how filled.

any

any time take place among the Directors, by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year, by a vote of the majority of the Directors, and the said nine Directors with the said *ex officio* Directors, shall form a Board of Directors.

Board formed.

Qualification of Directors.

VII. The persons qualified to be elected Directors of the said Company under this Act, shall be Shareholders each holding stock to the amount of two hundred and fifty pounds, and who shall have paid up all calls on such stock.

Votes.

Proviso : calls must be first paid.

VIII. Each Shareholder shall be entitled to one vote for every share he, she or they may hold in the said Company : Provided further, that no party or parties shall be entitled to vote at the meetings of Shareholders who shall not have paid up all the calls due upon his, her or their stock, or the stock upon which such party claims to vote, at least one clear day before the hour appointed for any such meeting.

Calls limited.

Notice.

IX. No instalment or call on shares of the Capital Stock of the said Company shall exceed ten per cent. on the amount of such shares ; and at least thirty days' notice of each call shall be given in such manner as the Directors shall appoint.

Company may become party to Bills of Exchange and Notes.

Seal not required in such case.

Proviso.

X. The said Company shall have power to become parties to Promissory Notes and Bills of Exchange for sums not less than twenty-five pounds, and any such Promissory Note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer as such, and under the authority of a majority of a quorum of the Directors, shall be binding upon the said Company ; and every such Promissory Note or Bill of Exchange so made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and 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 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 or the Secretary and Treasurer of the said Company, so making, drawing, accepting or endorsing any such Bill of Exchange or Promissory Note be thereby subjected individually to any liability whatever : Provided always, that nothing in this clause shall be construed to authorize the said Company to issue any Note or Bill payable to bearer, or any Promissory Note or Bill of Exchange intended to be circulated as money or as the Notes or Bills of a Bank.

Company may take wild lands of the crown, beaches of

XI. It shall and may be lawful for the said Company, with the permission of the Governor in Council, to take and appropriate for the use of the said Railway but not to alienate, so much of the wild Lands of the Crown not heretofore granted or sold,

sold, lying on the route of the said Railway, as may be necessary for the said Railway, as also so much of the Land covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes and other works, as to the Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal, to or across which their Railway shall be carried; and if the said Railway shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same and shall construct such draw-bridge or swing-bridge, if any such bridge be necessary, over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge if any such be constructed, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; and by any such regulation the Governor in Council may impose penalties not exceeding ten pounds for any contravention thereof; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the Lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

rovers, &c., with permission of Governor in Council.

Proviso: navigation not to be interrupted.

Regulations to be made, and penalties imposed for contravention.

XII. Any Shareholder in the said Company, whether a British subject or alien or a resident in Canada or elsewhere, shall have an equal right to hold Stock in the said Company, to vote on the same, and to be eligible to office in the said Company.

Aliens may vote and hold office.

XIII. It shall be lawful for the said Company to enter into any agreement with any other Railway Company, either in this Province or in any foreign State, for leasing the said Railway or any part thereof, or the use thereof at any time or times, to such other Company, or for leasing or hiring out to such other Company any locomotives, cars, carriages, tenders or other moveable property of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring from such other Company, any Railway or part thereof or the use thereof at any time or times, or for leasing or hiring from such other Company any locomotives, cars, carriages, tenders, or other moveable property, or for using either the whole or any part of the said Railway or of the moveable property of the said Company, or of the Railway and moveable property of such other Company, in common by the two Companies, or 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

Company may make certain agreements with other Companies.

As to locomotives, &c., of Foreign Company coming into this Province under such agreement.

Company to the other and the compensation therefor: And any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province, according to the terms and tenor thereof; and any locomotives, cars, carriage or tender of any foreign Railway Company brought into this Province in pursuance of any such agreement, but remaining the property of such foreign company, and intended to pass regularly along the said Railway between this Province and a foreign State, shall for all purposes of the laws relative to Customs, be considered as carriages of travellers coming into this Province with the intent of immediately leaving it again.

Form of conveyance of land to the Company.

XIV. All Deeds and conveyances of land to the said Company for the purposes of this Act shall and may, as far as the title and circumstances will admit, be in form given in the Schedule to this Act marked A, or to that effect, and for the purposes of registering the same, all Registers in their respective counties are hereby required to be furnished by and at the expense of the said Company with books containing copies of the form given in the said Schedule A, one to be printed on each page, leaving the necessary blanks to suit the separate cases of conveyance, and in the said book to enter and register each such deed and conveyance upon production thereof and payment of the fees hereinafter mentioned, and proof of execution in like manner *mutatis mutandis* as is now made under the General Registry Laws in force in Upper Canada, without any memorial; and the Register shall thereupon minute such entry and registry upon the deed, which minute shall have all the effect of a certificate of registry under the General Registry Laws of Upper Canada, and such said enregistering shall be valid and effectual for all the purposes of any Act or Acts now in force in Upper Canada for the registry of deeds, in like manner as if made according to the provisions of the same; and for such entry, registry and minute thereof as aforesaid, the said Register shall be entitled to demand and receive from the said Company the sum of two shillings and six pence, and no more.

Registration thereof.

Fees.

Inconsistent enactments repealed.

XV. All provisions of Law inconsistent with this Act are and shall be repealed from the passing thereof.

Commencement and completion of works.

XVI. The said Railway shall be commenced within two years and be completed within five years after the passing of this Act.

Interpretation. Public Act.

XVII. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

#### SCHEDULE A.

##### *Form of Conveyance.*

Know all men by these presents, that I \_\_\_\_\_, of \_\_\_\_\_, [here name the wife, if she join,] in consideration of [name the sum,]

sum,] paid to me by the Hamilton and South Western Railway Company, the receipt whereof is hereby acknowledged, do hereby grant unto the Hamilton and South Western Railway Company and their assigns for ever, all that certain piece of land situate [describe the land,] the same having been selected and laid out by the said Company for the purposes of their Railway.

Witness hand and seal, this day of  
 A. D., one thousand eight hundred and

Signed, sealed and delivered }  
 in presence of }

C A P . C X C I V .

An Act to incorporate the Peterborough and Chemong Lake Railway Company.

[Assented to 30th May, 1855.]

**W**HEREAS the construction of a Railway from the Town of Peterborough to Chemong Lake in the Township of Smith, in the County of Peterborough, would tend greatly to promote the welfare of the town of Peterborough, and the country generally, by rendering the extensive water power in or around the said Town of Peterborough more available ; And whereas the Petitioners hereinafter mentioned, are desirous of associating themselves together as a Company for the purpose of constructing such Railway, and that they and their successors or associates, Shareholders in such Railway, may be incorporated and invested with such powers as may enable them effectually to carry out their undertaking, and it is expedient to accede to their request : 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, as follows :

Preamble.

I. John Langton, George B. Hall, Wilson S. Conger, James Stevenson, Charles Perry, John Walton, Samuel Strickland, Wm. Lundy, Wm. Cluxton, Elias Burnham, John Harvey, James Wallis, Mossom Boyd and Daniel Costello, together with such person or persons, Corporations and Municipalities as shall, under the provisions of this Act become Shareholders in such Company as hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of "The Peterborough and Chemong Lake Railway Company."

Certain persons incorporated.

Corporate name.

Certain clauses of 14 & 15 Vic. c. 51. incorporated with this Act.

**H.** The several Clauses of the Railway Clauses Consolidation Act, with respect to the first, second, third and fourth Clauses thereof, and also the several Clauses of the said Act with respect to " Interpretation," " Incorporation," " Powers," " Plans and Surveys," (except the ninth and tenth sub-sections thereof,) " Lands and their valuation," " Highways and Bridges," " Fences," " Tolls," " General Meetings," " Directors, their Election and Duties," " Shares and their Transfer," " Municipalities," " Shareholders," " Actions for Indemnity, and Fines and Penalties, and their Prosecution," " Working of the Railway," and " General Provisions," shall be incorporated with this Act.

Line of Railway defined.

**III.** The said Company and their Servants and Agents shall have full power under this Act to lay out, construct, make and finish the whole or any part of a double or single Iron Railway at their own costs and charges, from any point on Chemong Lake to any point in the Town of Peterborough or the Village of Peterborough East, with power to cross the River Otonabee at such and so many places as to them may seem advisable; Provided always, that the said Company shall not occupy the line of the Cobourg and Peterborough Railway Company, upon and near the south and west Bank of the Otonabee River, against the stream between the Town of Peterborough and the Mills three miles north of that Town, unless the said Cobourg and Peterborough Railway Company shall fail to construct a Railway to the said Mills within two years from the passing of this Act, or shall fail to commence such Railway within one year.

Proviso: as to the right of the Cobourg and Peterborough Railway Company.

Form of deeds of conveyance to the Company and Registry thereof.

**IV.** Deeds and conveyances under this Act, for lands to be conveyed to the said Company for the purposes of this Act, shall and may as far as the title to the said lands, or the circumstances of the parties making such conveyances will admit, be made in the form given in the Schedule to this Act marked A; And all Registrars are hereby required to enter in their Registry Books such deeds, on the production thereof, and proof of execution, without any memorial, and to minute every such entry on the deed; And the said Company are to pay the said Registrar for so doing, the sum of two shillings and six pence, and no more.

Capital, and to what purposes applicable.

**V.** The Capital Stock of the said Company shall be Forty thousand pounds currency to be divided into Eight thousand shares of Five pounds each, which amount shall be raised by the persons or parties above named, or some of them, together with such persons or corporations as may become subscribers towards such Stock; and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the said Railway and connected therewith; Provided

Provided always, that John Langton, George B. Hall, Wilson S. Conger, Charles Perry, James Wallis, Mossom Boyd and Elias Burnham, seven of the persons named in this Act, or a majority of them, shall cause books of subscription to be opened in the Town of Peterborough for thirty days, and afterwards in such other place or places as they may from time to time appoint, until the meeting of Shareholders hereinafter provided for, for receiving subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose it shall be their duty, and they are hereby required to give public notice, in one or more newspapers published in the said Town, as they or a majority of them may think proper, of the time and places at which such books shall be opened and ready for receiving subscriptions as aforesaid, of the persons authorized by them to receive such subscriptions, of the Bank or Banks into which the ten per centum thereon is to be paid, and the time hereinafter limited for such payment; and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall have paid, within ten days after the closing of the said books, into any of the chartered Banks so appointed, or any of their branches or agencies, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company; Provided also, and it is hereby enacted, that such ten per centum shall not be withdrawn from the said Banks, or otherwise applied except for the purposes of the said Railway Company, or upon the dissolution of the said Company from any cause whatsoever; And provided further, that if the total amount of subscriptions, within the thirty days limited as aforesaid, shall exceed the Capital Stock limited by this Act, then in such case the shares of each subscriber or subscribers above ten shares shall, as nearly as may be, be proportionally reduced by the said seven persons last above named, or a majority of them, until the total number of shares be brought down to eight thousand shares.

Proviso :  
Subscription  
books to be  
opened.

Notice.

Ten per cent.  
to be paid  
into a char-  
tered Bank at  
the time of  
subscribing.

Proviso :  
ten per cent.  
to be with-  
drawn for  
certain pur-  
poses only.

Allotment of  
shares if  
necessary.

VI. So soon as forty thousand pounds, the Capital Stock of the said Company, shall have been subscribed and the ten per centum paid thereon as aforesaid, a General Meeting of the Shareholders shall be held at the Town of Peterborough for the purpose of putting this Act into effect, which Meeting shall be called by the seven persons last named in the preceding section, or a majority of them, thirty days' public notice thereof being given by advertisement in one newspaper published in the Town of Peterborough, and in one or more of the papers published in the Town of Cobourg or Port Hope, at which said General Meeting the Shareholders present having paid ten per centum on their stock subscribed as aforesaid, shall, either in person or by proxy, choose seven Directors in the manner and qualified

First meeting  
and election  
of Directors.

Notice.

Election of  
Directors.

Term of office.

qualified as hereinafter mentioned, who, together with the *ex officio* Directors, as provided for by the Railway Clauses Consolidation Act, shall hold office until the first Annual Meeting for the election of Directors and until others are elected in their stead.

Annual election of Directors.

VII. On the second Tuesday in June in each year, at the Town of Peterborough, at the Office of the said Company, there shall be chosen by the Shareholders, seven Directors in the manner hereinafter provided; and notice of such Annual Elections shall be published one month before the day of election, in one newspaper published in the Town of Peterborough, and in one of the papers published in the Town of Cobourg or Port Hope; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes until a choice is made; and if a vacancy shall at any time take place among the Directors by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year, by a vote of the majority of the Directors, and the said seven Directors with the said *ex officio* Directors, shall form a Board of Directors.

Ballot.

Ties.

Filling vacancies among Directors.

Vacancies how filled.

Quorum.

Paid Directors.

VIII. The number of Directors which shall form a quorum for the transaction of business may be regulated by the By-laws of the Company, and until such By-laws shall be passed, a majority of the Directors shall form such quorum; Provided that the Directors may employ one of their number as a paid Director.

Qualification of Directors.

IX. No Shareholder shall be eligible to be elected a Director under this Act, unless he shall be a *bonâ fide* Stockholder in the said Company to the amount of at least two hundred and fifty pounds, and shall have paid up all calls on such stock.

Calls for instalments on stock.

X. No call of money from the Shareholders, shall exceed ten per centum on their shares, nor shall more than one call be made within sixty days.

One vote for each share.

XI. Each Shareholder in his own right, shall be entitled to a number of votes equal to the number of shares which he shall have in his own name, two weeks prior to the time of voting.

Company may be parties to promissory notes, &c., and how.

XII. The said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than twenty-five pounds, and every 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 and 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 and Treasurer as such, after the passing of this Act, 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 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, or 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; *Provido.* that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any Promissory Note intended to be circulated as money, or as the notes of a Bank.

XIII. The gauge of the said Railway shall not be broader or narrower than five feet six inches. *Gauge.*

XIV. It shall be lawful for the Directors (if authorized by any General Meeting of the Shareholders to be called for the purpose) to enter into, and make any arrangement with the Directors of any Railway Company now or hereafter to be chartered in any part of this Province, for the union, junction and amalgamation of the said Company with any Railway Company, or for the purchase of the Railway of such other Company, or for the sale of this Railway to such other Company by mutual agreement with such Company; And the Capital Stock of any Companies so united, shall become the Capital Stock of the Company formed by their union, and be controlled and managed as such. *Company may unite with other Companies, &c.* *United capital.*

XV. It shall and may be lawful for the said Company to take and appropriate for the use of their said Railway, so much of the land covered with the waters of the River Otonabee and Chemong Lake, and of any stream, or of their respective beds, as may be found necessary for the making, perfecting, or more completely using the same; and thereon to erect any wharves, quays, inclined planes, cranes, and other works as to the said Company shall seem meet; and wherever the said Railway shall be carried across the River Otonabee, the said Company shall leave openings between the piers of their Bridge or Bridges, viaduct or viaducts over the same, so as to interfere as little as possible with the use and navigation of the said River Otonabee as now enjoyed. *Power to take the necessary lands covered with water, beaches, &c.*

XVI. The said Company shall have full power and authority to take, without the consent of the owner, but subject to the provisions of the said Railway Clauses Consolidation Act, *Extent of land which may be taken for Depots.*

Act, such quantity or extent of land for their Depots at Peterborough and Chemong Lake, and at every other place at which they shall deem it advisable to have a Depot, as they may find requisite for the same, not exceeding twenty acres.

Public Act. XVII. This Act shall be deemed a Public Act.

#### SCHEDULE A.

Know all men by these presents, that I \_\_\_\_\_, of \_\_\_\_\_, do hereby in consideration of \_\_\_\_\_ paid to me by the *Peterborough and Chemong Lake Railway Company*, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Peterborough and Chemong Lake Railway Company, their successors and assigns for ever, all that certain parcel or tract of land situate \_\_\_\_\_, the same having been selected and laid out by the said Company for the purpose of their Railway, to have and hold the said land and premises, together with the hereditaments and appurtenances thereto, to the said Peterborough and Chemong Lake Railway Company, their successors and assigns for ever.

Witness my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

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

C A P . C X C V .

An Act to incorporate the Port Perry and Whitechurch Junction Railway Company.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS for the improvement of the country lying between Lake Scugog and the Ontario, Simcoe and Huron Union Railway, it is desirable that a Railway should be constructed from Port Perry on Lake Scugog to some point on the Ontario, Simcoe and Huron Union Railway, and the following named persons and others have petitioned for an Act of Incorporation for that purpose: 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, as follows:

Incorporation  
of Company.

I. John Cameron, James Cotten, Joseph Gould, Thomas Paxton, Alner Hurd, Robert Hall Smith, Joseph Hartman, Joshua Wilson, John Bogart, Moses Wilson, William Saxton, Richard

Richard Lund and Joseph C. Morrison, or any of them, together with such other persons, Corporations or Municipalities, as shall under the provisions of this Act become Shareholders in the Company hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact by and under the name and style of the *Port Perry and Whitchurch Junction Railway Company.*

Corporate name.

II. The several clauses of the Railway Clauses Consolidation Act, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to " Interpretation," "Incorporation," " Powers," " Plans and Surveys," " Lands and their Valuation," " Highways and Bridges," " Fences," "Tolls," "General Meetings," "Directors, their Election and Duties," " Shares and their Transfer," " Municipalities," " Shareholders," " Actions for Indemnity, and Fines and Penalties and their Prosecution," " Working of the Railway," and " General Provisions," shall be incorporated with this Act: Provided always that with respect to tolls on Passengers, the maximum to be charged in first class cars shall not exceed two pence, and in second class cars one penny and one half penny per mile.

Certain clauses of 14 and 15 V. c. 51, incorporated with this Act.

Proviso. Maximum tolls.

III. The said Company and their servants and agents shall have full power and authority under this Act to lay out, construct, make and finish a double or single iron Railway or road, at their own cost and charges, on or over any point of the country lying between some point on the shore of Lake Scugog in the village of Port Perry, to some point on the line of the Ontario, Simcoe and Huron Union Railway, within the Township of Whitchurch, or within the Township of East Gwillimbury.

Line of Railway defined.

IV. All deeds and conveyances of lands to the said Company for the purposes of this Act shall and may, as far as the title and circumstances will admit, be in the form given in the Schedule to this Act marked A, or to that effect; and for the purpose of registering the same, all Registers in their respective Counties are hereby required to be furnished by and at the expense of the said Company, with Books containing copies of the form given in the said Schedule A, one to be printed on each page, leaving the necessary blanks to suit the separate cases of conveyance, and in the said Book to enter and register each such deed and conveyance, upon production thereof and payment of the fee hereinafter mentioned, and on proof of execution in like manner *mutatis mutandis* as is now made under the general registry laws in force in Upper Canada, but without any memorial: And the Register shall thereupon minute such entry and registry upon the deed, which minute shall have all the effect of a certificate of registry under the general registry laws of Upper Canada, which said enregistering shall be valid and effectual for all the purposes

Form and mode of registering deeds to the Company.

purposes of any Act or Acts now in force in Upper Canada for the registry of deeds, in like manner as if made according to the provisions of the same, and for such entry, registry and minute thereof as aforesaid the said Register shall be entitled to demand and receive from the said Company the sum of two shillings and six pence, and no more.

Fee to Register.

Capital of the Company.

V. The Capital Stock of the said Company shall not exceed in the whole the sum of Two Hundred and Fifty Thousand Pounds, to be divided into fifty thousand Shares of Five Pounds each, which amount shall be raised by the persons above named, or some of them, together with such other persons and Corporations as may become Shareholders in such Stock; and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act, and to no other purposes whatever: Provided always, that John Cameron, James Cotten, Joseph Gould, Robert Hall Smith, Abner Hurd, Joseph Hartman, and Thomas Paxton, seven of the persons named in this Act, or a majority of them, shall cause books of subscription to be opened in the City of Toronto, and in the villages of New-Market and Port Perry for thirty days, and afterwards in such other places as they may from time to time appoint, until the meeting of Shareholders hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose, it shall be their duty, and they are hereby required to give public notice, in one or more newspapers published in each of the counties of York and Ontario, as they or a majority of them may think proper, of the time and places at which such books shall be opened and ready for receiving subscriptions as aforesaid, and the persons authorized by them to receive such subscriptions, and the Bank or Banks into which the ten per cent. thereon is to be paid, and the time hereinafter limited for such payment, and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall have paid, within ten days after the closing of the said books, into some one of such Banks as aforesaid or of its branches or agencies, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company; Provided also, and it is hereby enacted, that such ten per cent. shall not be withdrawn from the said Bank or otherwise applied except for the purposes of the said Railway Company or upon the dissolution of the said Company from any cause whatsoever; And provided further,

To what purpose applicable.

Proviso.

Books of Subscription to be opened.

Notice.

Ten per cent. to be paid into a chartered Bank at the time of subscribing.

Proviso: and shall not be withdrawn except on certain conditions.

that

that if the total amount of subscriptions, within the thirty days limited as aforesaid, shall exceed the Capital Stock limited by this Act, then in such case the shares of each subscriber or subscribers above ten shares shall, as nearly as may be, be proportionally reduced by the said John Cameron, James Cotten, Joseph Gould, Robert Hall Smith, Abner Hurd, Joseph Hartman and Thomas Paxton, or a majority of them, until the total number of shares be brought down to fifty thousand shares.

Proviso: for allotment of shares if necessary.

VI. When and so soon as one hundred and seventy-five thousand pounds of the said capital stock shall have been subscribed and ten per cent. paid thereon as aforesaid, it shall be lawful for the said seven persons last above named, or a majority of them, to call a meeting of the holders of such stock for the purpose of putting this Act into effect, at such place and time as they shall think proper, giving at least fifteen days' public notice of the same in one or more Newspapers published in the several Counties through which the said Railway shall pass, at which said General Meeting and at the Annual General Meetings in the following sections mentioned, the Shareholders having paid ten per centum on their stock subscribed, present either in person or by proxy, shall elect seven Directors in the manner and qualified as hereinafter provided, which said seven Directors shall, with the *ex officio* Directors under the Railway Clauses Consolidation Act, constitute a Board of Directors, and the Directors so elected shall hold office until the first Monday in February, in the year following their appointment.

First General Meeting for election of Directors when to be held.

Notice.

Election.

Term of office.

VII. On the said first Monday in February, next after the first Election of Directors, and on the first Monday in February in each year thereafter, at the office of the said Company, there shall be holden an Annual General Meeting of the Shareholders in the said Company, at which and by whom there shall be chosen and elected by the private Shareholders of the respective proportions hereinafter provided, seven Directors for the ensuing year in the manner and qualified as hereinafter provided; and public notice of such Annual General Meeting and Election shall be published one month before the day of Election, in one Newspaper in each County through which the said Road shall run; and all elections of Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors, and if it shall happen that two or more shall have an equal number of votes, the said private Shareholders shall determine the election by another or other votes until a choice is made; and if a vacancy shall at any time happen among the Directors, by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year by a majority of the Directors; and the said seven Directors shall, together with the *ex officio* Directors, under the Railway Clauses Consolidation Act, form the Board of Directors.

Annual General Meetings for election of Directors.

Notice.

Ballot.

Ties.

Vacancies.

Board how formed.

**Quorum.**  
**Paid Director.**

VIII. Four Directors shall form a *Quorum* for the transaction of business: Provided always, that the Directors may employ one of their number as a paid Director.

**Qualification of Directors.**

IX. The persons qualified to be elected Directors of the said Company under this Act, shall be shareholders, holding Stock to the amount of two hundred and fifty pounds, and who shall have paid up all calls on such Stock.

**One vote for each share.**  
**Proviso.**

**All calls must be first paid.**

X. Each Shareholder shall be entitled to one vote for every share he, she or they may hold in the said Company: Provided that no party or parties shall be entitled to vote at the meetings of Shareholders who shall not have paid up all the calls due upon his, her or their Stock, or the Stock upon which such party claims to vote, at least one clear day before the hour appointed for any such meeting.

**Calls on stock limited.**

**Notice.**

XI. No instalment or call on Shares of the Capital Stock of the said Company shall exceed ten per cent. on the amount of such Shares; and at least thirty days' notice of each call shall be given in such manner as the Directors shall appoint.

**Company may become parties to bills, &c., and how.**

XII. The said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than Twenty-five Pounds, and any such Promissory Note made or indorsed, or any such Bill of Exchange drawn, accepted or indorsed by the President of the Company or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *Quorum* of the Directors, shall be binding upon the said Company: And every such Promissory Note or Bill of Exchange so made, drawn, accepted or indorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn, accepted or indorsed, as the case may be, for the Company, until the contrary be shewn; 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 or the Secretary and Treasurer of the said Company so making, drawing, accepting or indorsing any such Bill of Exchange or Promissory Note, be thereby subjected individually to any liability whatever: Provided always, that nothing in this clause shall be construed to authorize the said Company to issue any Note or Bill payable to bearer, or any Promissory Note or Bill of Exchange intended to be circulated as money, or as the Notes or Bills of a Bank.

**Proviso.**

**How the Company may acquire lands of the Crown.**

XIII. It shall and may be lawful for the said Company with the permission of the Governor in Council, to take and appropriate for the use of the said Railway, but not to alienate, so much of the wild lands of the Crown not theretofore granted or sold, lying on the route of the said Railway, as may be necessary for the said Railway; as also so much of the land covered with

with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes and other works as to the Company shall seem meet.

Or lands covered with water.

XIV. Any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold Stock in the said Company, to vote on the same and to be eligible to office in the said Company.

Aliens may vote and hold office.

XV. It shall be lawful for the said Company to enter into any agreement with any other Railway Company either in this Province or in any foreign State, for leasing the said Railroad or any part thereof, or the use thereof, at any time or times to such other Company, or for leasing or hiring out to such other Company, any Locomotives, Cars, Carriages, Tenders or other moveable property of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring from such other Company any Railway or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any Locomotives, Cars, Carriages, Tenders, or other moveable property, or for using either the whole or any part of the said Railway or of the moveable property of the said Company, or of the Railway and moveable property of such other Company, in common by the two Companies, or 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 any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province according to the terms and tenor thereof.

Company may make agreements with other Companies.

Such agreement to be enforced.

XVI. The gauge of the said Railway shall not be broader or narrower than five feet six inches.

Gauge.

XVII. The said Railway shall be commenced within two years after the passing of this Act, and completed within five years.

Commencement and completion of Railway.

XVIII. All provisions of law inconsistent with this Act are and shall be repealed from the passing thereof.

Inconsistent enactments repealed.

XIX. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

Public Act.

## SCHEDULE A.

*Form of Conveyance.*

Know all men by these presents, that I, A. B. of  
of \_\_\_\_\_, (if the wife join in the conveyance, add  
(and I, \_\_\_\_\_, wife of the said A. B.) do hereby  
in consideration of \_\_\_\_\_ paid to me (or us) by the  
*Port Perry and Whitechurch Junction Railway Company*, the  
receipt whereof is hereby acknowledged, grant, bargain, sell,  
convey and confirm unto the said *Port Perry and Whitechurch  
Junction Railway Company*, their successors and assigns for  
ever, all that certain parcel or tract of land situate (*here  
describe the lands,*) the same having been selected and laid out  
by the said Company for the purpose of their Railway; to  
have and hold the said land and premises, together with the  
hereditaments and appurtenances thereto, to the said *Port  
Perry and Whitechurch Junction Railway Company*, their suc-  
cessors and assigns for ever.

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

Signed, sealed and delivered in presence of \_\_\_\_\_ A. B.

## C A P . C X C V I .

An Act to incorporate the Quebec, Chaudière, Maine  
and Portland Railway Company.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS James Gibb, Jean Thomas Taschereau,  
Dunbar Ross, Barthélemy Pouliot, F. Lemieux, Olivier  
Perrault, Elzéar Duchesnay, Jean Pierre Proulx, Sinéon Laro-  
chelle, Jean Baptiste Carrier, Thomas Jacques Taschereau, A.  
Lemoine, E. Boyd Lindsay, F. S. A. Bélanger, J. O. C. Arcand,  
L. Carrier and others, have petitioned the Legislature to incor-  
porate a Company to construct a Railway from some point on  
the south shore of the River St. Lawrence, as nearly as possible,  
opposite Quebec, passing through the Seigniorship of Lauzon, and  
part of the valleys of the rivers Etchemin and Chaudière to the  
State of Maine, by the route which may be deemed most eligible,  
and it is expedient to grant the prayer of the said petitioners: 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, consti-  
tuted 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 Pro-  
vinces of Upper and Lower Canada, and for the Government of  
Canada*, and it is hereby enacted by the authority of the same,  
as follows:



I. James Gibb, Jean Thomas Taschereau, Dunbar Ross, Barthélemy Pouliot, F. Lemieux, Elzéar Duchesnay, Jean Pierre Proulx, Siméon Laroche, Jean Baptiste Carrier, Thomas Jacques Taschereau, Olivier Perrault, A. Lemoine, E. B. Lindsay, F. S. A. Bélanger, J. O. C. Arcand, Louis Carrier, and others, with all such other persons and corporations as shall become Shareholders in such Joint Stock Company, as hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a Body Corporate and Politic in fact, by and under the name and style of the "Quebec, Chaudière, Maine and Portland Railway Company."

Company  
incorporated.

II. The several clauses of "The Railway Clauses Consolidation Act," with respect to the first, second, third and fourth clauses thereof, and also, the several clauses of the said Act, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "directors, their election and duties," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "working of the railway," and "general provisions," shall be incorporated with this Act, save in so far as they are expressly varied by any clause or provision hereinafter contained, subject always to the following modification, of the ninth sub-section of the clause of the said "Railway Clauses Consolidation Act," headed "Plans and Surveys," that is to say, that lands to the extent of twenty acres may be taken by the said Company, without the consent of the owner thereof, but subject to the provisions of the said Act in that behalf, for stations, depots or other works in any city or town.

Certain clauses of General Railway Act 14 & 15 V. c. 51 incorporated with this Act.

Exception as to quantity of land to be taken for certain stations.

III. The said Company and their agents and servants shall have full power under this Act to lay out, construct, make and finish a double or single Iron Railroad or Way, at their own costs and charges, on and over any part of the country, lying between the said starting place on the south shore of the river St. Lawrence, opposite Quebec, and the boundary line between Canada and the State of Maine in the United States of America.

Empowered to construct Road.

Line of Road defined.

IV. The said Company shall have the power to erect and construct such bridges as they may require, for the purposes of their said Railway, over any part of the said rivers Etchemin and Chaudière, and over all such rivers as they may meet with, on the route of the said Railway, as they may deem necessary, with the right, if they think proper, to adapt the said bridges to the passage of horses, vehicles and passengers, subject to the clauses, conditions and stipulations of the "Railway Clauses Consolidation Act." And in case such bridges be used by the public as toll bridges, the rates and tolls shall be fixed by the Governor in Council: Provided always, that the said Company shall not commence the construction of any bridge until they shall

And to erect bridges.

Subject to general Act.

Proviso. Plan subject to be approved.

Proviso: not to infringe any exclusive privilege.

shall have submitted the plans thereof, and of all works thereunto relating, to the Governor in Council, nor until such plans shall have been approved by him: Provided also, that no such bridge shall be constructed for the passage of ordinary vehicles, animals and passengers, within the exclusive limits attached to any toll bridge over any river, except with the consent of the proprietor of such bridge, nor for Railway purposes only, except with his consent, or after paying or tendering to him such compensation as may be awarded to him, in case of disagreement between him and the said Company.

May appropriate certain wild lands of the Crown.

V. It shall and may be lawful for the said Company to take and appropriate for the use of the said Railway, but not to alienate, so much of the wild lands of the Crown, not heretofore granted and sold, lying on the route of the said Railway, as may be necessary for the said road; as also, so much of the lands covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing, or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes and other works, as to the Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in, or to impede the free navigation of any river, stream or canal to or across which their Railway shall be carried; And if the said Railway shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time, nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council, as aforesaid.

Proviso.

Navigation not to be obstructed.

Draw-bridge to be made, and Governor in Council to make regulations.

Plan subject to approval.

Form of deeds and conveyance of lands to Company.

Registration of such deeds.

Fee to Registrar.

VI. All deeds and conveyances for lands to be conveyed to the said Company, for the purposes of this Act, shall and may, as far as the titles to the said lands or the circumstances of the party making such conveyance will admit, be made in the form given in the Schedule to this Act marked A. And for the purpose of a due enregistration of the same, all Registrars in their respective Counties are hereby required to procure books with copies of the form given in the said Schedule A, one to be printed on each page, leaving the necessary blanks to suit the separate cases of conveyance, and in such books to enter and register the said deeds upon production thereof, and proof of execution, without any memorial, and to minute such entry on the deed: And the said Company shall pay the said Registrars for so doing the sum of two shillings and six pence, and no more, which said

said enregistration shall be held and deemed to be valid in law; the provisions of any Acts for the enregistration of deeds now in force in this Province, to the contrary notwithstanding.

VII. The Capital Stock of the said Company shall not exceed in the whole the sum of five hundred thousand pounds currency, to be divided into fifty thousand shares of ten pounds currency each, which amount shall be raised by the persons and Corporations, who may become Shareholders in such Stock, and the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements, for procuring the passing of this Act, and, for making the surveys, plans and estimates, connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway, and other purposes of this Act, and to no other purpose whatever; Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the Capital Stock thereof, it shall be lawful for the Municipality of any County or Town on the line of the said Railway, to pay out of the general funds of such Municipality their fair proportion of such preliminary expenses, which sum shall be refunded to such Municipality from the stock of the said Company, or be allowed to them in payment of stock; Provided always, that seven of the persons named in this Act, or a majority of them, shall cause books of subscription to be opened in the City of Quebec, and afterwards in such other places as they may from time to time appoint, until the meeting of Shareholders hereinafter provided for, for receiving subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose it shall be their duty, and they are hereby required to give public notice, in one or more newspapers published in the said City, as they or a majority of them may think proper, of the time and places at which such books will be opened and ready for receiving subscriptions as aforesaid, and the persons authorized by them to receive such subscriptions, and a chartered Bank into which the ten per cent. thereon is to be paid, and the time hereinafter limited for such payment, and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall have paid, within ten days after the closing of the said books, into the Bank aforesaid, or any of its branches or agencies, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company; Provided also, and it is hereby enacted, that such ten per cent. shall not be withdrawn from the said Bank, or otherwise applied except for the purposes of the said Railway Company, or upon the dissolution of the said Company from any cause whatsoever; and provided further, that if the total amount of subscriptions, within the thirty days limited as aforesaid, shall exceed the Capital Stock limited by this Act, then in such case the shares of each subscriber or subscribers above ten shares shall, as nearly as may be, be proportionally

Amount of Capital Stock and number of Shares.

Proviso: as to preliminary expenses.

Proviso.

Books of Subscription to be opened.

Ten per cent. to be paid into a chartered Bank at the time of subscribing.

Proviso: the said ten per cent. to be withdrawn only for certain purposes.

proportionally reduced by the said persons or a majority of them, until the total number of shares be brought down to fifty thousand shares; Provided further, that so soon as Five hundred thousand pounds of the Capital Stock of the said Company shall have been subscribed and the ten per cent. paid thereon as aforesaid, a General Meeting of the Shareholders shall be held at the City of Quebec for the purpose of putting this Act into effect, which Meeting shall be called by the seven persons mentioned in the last section, or a majority of them, thirty days' public notice thereof being given by advertisement in one newspaper published in the said City, at which said General Meeting the Shareholders present having paid ten per cent. on their stock subscribed as aforesaid, shall, either in person or by proxy, choose nine Directors in the manner and qualified as herein-after mentioned, who, together with the *ex officio* Directors, as provided for by the Railway Clauses Consolidation Act, shall hold office until the first Annual Meeting for the election of Directors, and until others are elected in their stead.

Proviso :  
when the first  
general meet-  
ing shall be  
held.

Notice.

Election of  
Directors.

In case of ori-  
ginal capital  
not proving  
sufficient, a  
further sum  
may be raised.

VIII. In case the said sum of five hundred thousand pounds hereinbefore authorized to be raised, shall be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the said Company to raise and contribute among themselves, by subscriptions in books to be opened by the Directors for that purpose, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further sum of money for completing the said intended Railway, and its Branches and other works connected therewith, not exceeding the sum of four hundred thousand pounds, and every subscriber towards raising such further or other sum of money, shall be a Shareholder in the said undertaking, and shall have the same right of voting by himself, or herself, or his or her proxy, in respect of every share in the said additional sum so to be raised, and shall also be liable to the same obligations, and stand interested in all the profits and powers of the said undertaking in proportion to the sum he, she, or they shall or may subscribe thereto, as generally and to the same extent as if such other or further sum had been originally raised as part of the said first sum of five hundred thousand pounds; any thing herein contained to the contrary notwithstanding.

Stock allotted  
to subscribers  
to be entered  
in Books of  
Company.

IX. The said Directors shall cause an entry to be made in the records of their proceedings and in the Shareholders' Books, of the Stock so allotted and assigned to parties subscribing as aforesaid, and the Secretary of the said Company shall notify the respective parties, in writing, of such allocation and assignment.

Rights of  
Shareholders  
to date from  
such entry.

X. Upon such entries being made, the rights and liabilities of such Shareholder or Shareholders shall accrue in respect of his, her or their particular interest in the said Company.

Annual elec-  
tion of Direc-  
tors.

XI. On the second Tuesday in June in each year, at the City of Quebec, at the office of the said Company, there shall be chosen by:  
the

the Shareholders, nine Directors in the manner hereinafter provided; and notice of such annual elections shall be published one month before the day of election in one or more newspapers published in the City of Quebec; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any elections shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes until a choice is made; and if a vacancy shall at any time take place among the Directors by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year, by a vote of the majority of the Directors; and the said nine Directors, with the said *ex officio* Directors, shall form a Board of Directors.

Ballot.

Ties.

Vacancies.

Board formed

XII. Five of the said Directors shall form a quorum for the transaction of business; provided that the said Directors may employ one or more of their said number as paid Director or Directors.

Quorum.

Paid Directors.

XIII. The persons qualified to be elected Directors of the said Company under this Act shall be Shareholders holding at least ten shares respectively in the stock of the said Company, and who shall have paid up all calls on such shares.

Qualification of Directors.

XIV. Every such annual general meeting shall have power to appoint auditors, not exceeding three in number, to audit all accounts in money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver or Receivers or other officer and officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by or concerned for or under them, in and about the said undertaking, and for that purpose shall have power to adjourn from time to time, and from place to place, as they may deem expedient.

Auditors, their appointment and duty.

XV. Each shareholder shall be entitled to a number of votes proportioned to the number of shares which he shall hold in his own name, at least two weeks prior to the time of voting: Provided always, that no party shall be entitled to vote at the meetings of shareholders, who shall not have paid all the calls upon his, or her stock, or the stock upon which such party claims to vote, at least two weeks before the time appointed for any such meeting.

Votes of Shareholders to be in proportion to number of Shares held.

XVI. It shall and may be lawful for the Directors, at any time, to 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, in such proportion as they may see fit, so as no such instalment shall exceed ten per cent., giving, at least, one month's notice of each call, in such manner as they shall appoint.

Directors may call in instalments.

No call to exceed ten per cent.

Shareholders to be competent witnesses in actions by or against the Company.

XVII. In all actions or suits at law by or against the Company, instituted in Lower Canada, recourse shall be had to the rules of evidence laid down by the Laws of England, as recognized by the Courts in Lower Canada in commercial cases, and no Shareholder shall be deemed an incompetent witness, either for or against the Company, unless he be incompetent otherwise than as Shareholder, and the service of any summons, paper or document made at the office of the said Company shall be legal and sufficient.

Tolls and charges.

XVIII. It shall and may be lawful for the president and Directors of the said Company from time to time to fix, regulate and receive the tolls and charges to be received for the transmission of property or persons on the said Railway, subject always to the approval of the Governor in Council, as is provided by the Railway Clauses Consolidation Act; Provided always that in no case shall the amount charged for toll and charges exceed, for First Class Passengers, two pence currency per mile, and for Second Class Passengers one penny half penny currency per mile; and for Third Class Passengers one penny currency per mile.

Proviso.

Maximum rates.

In case of refusal or neglect to pay toll or freight

XIX. In case of neglect or refusal to pay the toll or freight due to the said Company on any goods, they shall have the power to detain the same until payment of such freight be made, and in the mean time such goods shall be at the risk of the owner; and if such goods are of a perishable nature, the said Company shall have the right to sell the same forthwith on the certificate of two competent persons establishing the fact of their being so perishable, and if such goods be not of a perishable nature and shall remain unclaimed for a period of twelve months, it shall be lawful for such Company, after giving one month's notice in two newspapers published at or nearest the locality where such goods may be, to dispose of the same by public auction, and to hand over to the owner the produce of such sale if he claims the same, after deduction of the said toll, freight and of the expenses incident to any such sale.

Company may become parties to Promissory Notes, &c.

XX. The said Company shall have power to become parties to promissory notes and bills of exchange for sums not less than twenty-five pounds, and any such promissory note made or endorsed, and any such bill of exchange drawn, accepted or endorsed by the President of the Company or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, shall be binding upon the said Company; and every such promissory note, or bill of exchange so made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn and accepted, or endorsed, as the case may be, for the Company, until the contrary

contrary be shewn; 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 or the Secretary and 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: Provided always that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer or any promissory note intended to be circulated as money or as the notes of a Bank. Proviso.

XXI. If any writ of *Saisie-Arrêt* or attachment shall be served upon the said Company, it shall be lawful for the Secretary or Treasurer in any such case to appear in obedience to the said writ, to make the declaration in such case by law required according to the exigency of each case, which said declaration or the declaration of the President, shall be taken and received in all Courts of Justice in Lower Canada, as the declaration of the Company; and in cases where interrogatories *sur faits et articles* or *serment décisoire*, may be served upon the Company, the Directors shall have power, by a vote or resolution entered among the minutes and proceedings of any meeting, to authorize the President or Treasurer to appear in any cause to answer such interrogatories; and the answer of the President or Treasurer so authorized, shall be held and taken to be the answers of the Company to all intents and purposes, as if all the formalities of law required had been complied with; and the production of a copy of such Resolutions, certified by the Secretary, with the said answers, shall be sufficient evidence of such authorization. Secretary or Treasurer may appear in legal proceedings on behalf of Company.

XXII. The said Company shall have the right to purchase, hold and subscribe for stock in any other Railway or Steamboat Company, as they may consider conducive to the interests of the said Company, and the Directors of the said Company may authorize one or more persons to vote upon such stock at any meetings of such other Railway or Steamboat Company. Company may hold Shares in other Railway and Steamboat Companies.

XXIII. Any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the Company, to vote on the same, and be eligible to office in the said Company. Aliens and non-residents may hold Stock, vote, &c.

XXIV. The said Railway shall be commenced within two years, and completed within five years after the passing of this Act. Commencement and completion of Railway.

XXV. The gauge of the said railroad shall not be broader or narrower than five feet six inches. Gauge.

XXVI. This Act shall be deemed a Public Act. Public Act.

## SCHEDULE A.

## FORM OF CONVEYANCE.

Know all men by these presents, that I, A. B., &c.. (*name also of wife, if she join,*) do hereby, in consideration of (*here the sum,*) paid to me by the *Quebec, Chaudière, Maine and Portland Railway Company*, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said *Quebec, Chaudière, Maine and Portland Railway Company*, their successors and assigns, for ever, all that certain tract or parcel of land situate (*here describe the lands,*) the same having been selected and laid out by the said Company for the purposes of their Railway. To have and to hold the said lands and premises, together with the appurtenances thereto, to the said *Quebec, Chaudière, Maine and Portland Railway Company*, their successors and assigns, for ever, (*here the release of dower, if any.*)

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

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

(L. S.)

## CAP. CXCVII.

## An Act to renew the Charter of the Humber Harbour Company.

[Assented to 19th May, 1855.]

Preamble.

8 V. c. 95.

WHEREAS by the seventeenth section of an Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to incorporate certain persons under the name and style of the President, Directors and Company of the Humber Harbour and Road*, it is provided that the said Company shall forfeit and lose all benefit of the said charter and the privileges and powers thereby conferred, unless the said Harbour shall be begun within two years, and completed within four years from the passing of the said Act, and the Road shall be in a progressive state of extension and improvement; And whereas sundry persons have petitioned the Legislature of this Province to extend the period for completing the said Harbour and Road, and it is just that the prayer of their petition should be granted: 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, as follows:



I. The said Act in part recited in the preamble to this Act shall be and is hereby revived, continued and confirmed, with the exception of the fifth and seventeenth sections thereof; and notwithstanding any failure on the part of the Company thereby constituted and incorporated to commence the said Harbour and Road or either of them within the said period of two years, or to complete the same within the period of four years, the said Act shall be and remain in as full force and effect, and the Corporation thereby constituted shall continue, and the rights and privileges of the said Corporation shall be the same, as if the said fifth and seventeenth sections of the said Act had not formed part thereof; and the said fifth and seventeenth sections are hereby repealed: Provided always, that the names of Somerville Boulton, Surveyor, John Tully and Joseph Ellice, Engineers, be substituted for the names of the Surveyor and Engineers mentioned in the fourth section of the said Act.

The said Act revived.

Except sects. 5 and 17.

Proviso: Surveyor and Engineer changed.

II. If the said Company shall not and do not within five years from the passing of this Act, construct, finish, and put in operation the said Harbour and Road, or one of them, the rights and privileges of the said Company under the said recited Act and under this Act, and also the said Acts respectively, shall cease and be utterly null and void; any thing in either of the said Acts contained to the contrary thereof in any wise notwithstanding.

Company to complete the Harbour or the Road within five years.

III. As soon as the said Harbour and Road shall be so far completed as to be capable of receiving and sheltering vessels and being travelled upon, the said Company shall have full power and authority to ask for, demand and receive, recover and take as Toll, to and for their own proper use, benefit and behoof, on all goods, wares and merchandize shipped or landed in or out of any vessel or boat from or upon any part of the lake shore lying within Humber Bay, eastward and westward of the said Humber river, or from or upon the banks of the said river within the distance of one quarter of a mile on each side from the mouth thereof, and upon all vessels and boats entering the said Harbour, not exceeding the rates following, that is to say: Pot and Pearl Ashes, per barrel, six pence; Pork, Whiskey, Salt Beef and Lard, per barrel, four pence half penny; Flour, per barrel, two pence, and not to exceed four pence; Merchandize, per barrel bulk, six pence; Butter and Lard, per keg, three pence; Merchandize, per hundred weight, three pence; West India Staves, per thousand, two shillings and six pence; Pipe Staves, per thousand, one shilling and six pence; Wheat and other Grain, per sixty pounds, one half penny, and if warehoused, two pence; Lumber, per thousand feet board measure, two shillings and six pence; Pine Timber, per thousand feet running measure, five shillings; Oak Timber, per thousand feet running measure, five shillings; Boats and Vessels, per diem, above five and not above twelve tons, one shilling and three pence; Boats and Vessels above twelve and not above

Tolls to be taken as soon as the Harbour shall be fit to receive vessels or the Road to be travelled upon.

Tolls in the Harbour.

above

Proviso.

Directors may reduce the tolls.

Tolls on the Road.

16 V. c. 190.

above fifty tons, five shillings; Vessels above fifty tons, seven shillings and six pence; Steamboats, ten shillings; Boats and Vessels under five tons, free; on every Cord of Firewood, one shilling and three pence; and all articles not enumerated to pay in proportion to the above rates, subject to the direction of the Directors appointed by virtue of this Act: Provided nevertheless, that the said Directors shall have power to reduce the said Tolls should they see fit; and for any improvements on the said line of road by railway, plauking or macadamizing, the said Company shall have full power and authority to ask for, sue, demand, recover and take Toll for each Waggon or Carriage of one load, conveying not exceeding three thousand pounds exclusive of team or vehicle, for every mile not exceeding two pence; and for every evasion of the said Tolls, parties may be proceeded against according to an Act passed in the sixteenth year of the Reign of Her present Majesty Queen Victoria, chapter one hundred and ninety, intituled, *An Act to amend and consolidate the several Acts for the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada.*

Public Act.

IV. This Act shall be deemed a Public Act.

## CAP. CXCVIII.

## An Act to incorporate the "Otter Creek Navigation Company."

[Assented to 30th May, 1855.]

Preamble.

WHEREAS the improvement of the Navigation of that part of Big Otter Creek, between the Mill dam of John M. Craufurd, Esquire, on said creek, within the limits of the Corporation of the Village of Vienna, and the outlet of the Creek, at the Harbor of Port Burwell, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons engaged in conveying lumber, merchandise and other things between Vienna and Port Burwell aforesaid; And whereas Noah Cook, Thos. Jenkins, Jr., Thomas Edison, W. F. Wallace, John Elliott, S. O. Edison, Alum Marr, Robert Nichol, Wm. Francisco, B. T. Smith, John Dean, John G. McKinnon, Geo. Raymond, Samuel Drake, H. A. Gustin, Geo. Baxter, H. U. Gilbert, Wm. H. Hanvey, John Alexander, A. T. Doud, Geo. Suffel, Jno. Douglass and J. B. Marlatt, have petitioned to be by law incorporated for the purpose of effecting the improvement of such creek by means of a Joint Stock Company: 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,*

*Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, as follows :*

I. The said Noah Cook, Thomas Jenkins, Jr., Thos. Edison, W. F. Wallace, John Elliott, S. O. Edison, Alum Marr, Robert Nichol, William Francisco, B. T. Smith, John Dean, John G. McKinnon, Geo. Raymond, Samuel Drake, H. A. Gustin, Geo. Baxter, H. U. Gilbert, Wm. Hanvey, Jno. Alexander, A. T. Doud, Geo. Suffel, Jno. Douglass and J. Marlatt, Equires, together with such other persons as shall become Stockholders in such Joint Stock Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of "The Otter Creek Navigation Company," and by that name, they and their successors shall and may have continued succession ; and by such name shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts or places whatsoever, in all manner of suits, actions, complaints, matters and causes whatsoever ; and they and their successors may and shall have a common Seal, and may change and alter the same at their will and pleasure ; and also, they and their successors, by the same name of the Otter Creek Navigation Company, shall be in law capable of purchasing, having and holding to them and their successors, to and for the use of the said Company any Estate, real or personal, which may be necessary for the purpose for which the Company is incorporated, and of letting, conveying, and departing therewith for the benefit and on the account of the said Company, from time to time, as they shall deem necessary and expedient ; Provided always that nothing herein contained shall extend, or be construed to extend to allow the said Company to carry on the business of Banking.

Certain persons incorporated.

Corporate name and powers.

Proviso : against Banking.

II. The said Company are hereby authorized and empowered, at their own costs and charges, to widen and deepen that part of Big Otter Creek, in the Preamble of this Act mentioned, and to divert the channel of the same from, to and into any part or parts thereof, and in such manner to improve the navigation thereof, as to the said Company shall seem proper, and so as to allow of boats and vessels navigating the same ; and also to make, erect and build all such locks, docks, moles, piers, wharves, buildings and erections whatsoever, as shall be necessary for the protection of the said part of the said Creek, and for the accommodation of boats, vessels, logs, timber, spars and masts, entering, passing up and down, lying, loading and unloading within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary, and the said Company shall have to their own proper use and benefit all water powers that may be created in erecting dams, piers, locks, moles, and other works required for the improvement of the said Otter Creek.

Company empowered to effect improvements in Big Otter Creek.

III.

Company may contract for purchase of lands.

In case of disagreement, Arbitrators to be appointed.

Proviso.

Award may be set aside for cause.

Lands may be taken on payment of award.

Company empowered to receive tolls for use of said

III. The Directors of the said Company shall be and they are hereby empowered to contract, compound, compromise and agree with the owners and occupiers of any land that may be required for the purposes of the Company, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damage which he, she, or they shall and may be entitled to recover from the said Company, in consequence of the diversion of the stream from its original bed or of the improvement of the navigation of the said part of the said Creek being made, or of any road, street, or approach thereto being made, cut or constructed in and upon his, her, or their respective lands; and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, it shall and may be lawful from time to time, for each owner or occupier so disagreeing with the said Directors, either upon the value of the lands and tenements proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one indifferent person, and for the said Directors to nominate another indifferent person, who, together with one other person, to be chosen 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 a majority of whom shall be final, and in case of either party refusing after due notice to nominate an arbitrator, then the County Judge may appoint an arbitrator to act in behalf of the party so refusing; and the said arbitrators shall, and they are hereby required to attend at some convenient place in the vicinity of the said intended improvement, to be appointed by the said Directors after eight days' notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and such arbitrators shall be sworn before some one of Her Majesty's Justices of the Peace in and for the County of Elgin, any one of whom may be required to attend the said meeting for that purpose, well and truly to assess the 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 the Court of Queen's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again made to arbitrators as herein before provided: and upon payment or tender of the amount of such award to the proper party, and not before, the Company shall have power to take the land or to do the thing to which the award relates.

IV. As soon as the said improvements shall have so advanced as to allow of vessels, boats, logs, timbers, spars and masts passing through any part of the said part of the Creek, the said Company shall have full power and authority to ask for, demand,

demand, receive and take as tolls to and for their own proper use and benefit and behoof, on all goods, wares and merchandize shipped or landed on board or out of any vessel or boat from or upon any part of the said part of the Creek, and upon all vessels and boats and logs, timbers, spars and masts, going through the same or any part thereof, not exceeding the rates following, that is to say:

- Sawed lumber per thousand feet, board measure, one shilling and three pence; Scale of tolls.  
 Square or round timber in the trunk, per hundred feet running measure, nine pence;  
 Saw logs, each, three pence;  
 Shingles per thousand, six pence;  
 Shingle bolts, per cord, two shillings;  
 All kinds of grain and seeds, per bushel, one penny;  
 Pot or pearl ashes, per barrel, six pence;  
 Whiskey, pork and beer, and all other liquors, per barrel, four pence;  
 Flour, per barrel, three pence;  
 All merchandize, per barrel bulk, three pence;  
 Lard and butter, per keg, two pence;  
 West India staves per thousand, two shillings and six pence;  
 Pipe staves, per thousand, ten shillings;  
 Fire wood and tan bark, per cord, six pence;  
 Esculent roots, per bushel, one penny;  
 All merchandize not enumerated, per ton, three shillings and nine pence;  
 Boats, vessels and other craft under twenty-five tons, five shillings;  
 Boats, vessels and other craft above twenty-five tons, and under fifty tons, six shillings and three pence;  
 Boats, vessels and other craft above fifty tons, seven shillings and six pence;

Provided always, that the company shall have no power to demand any toll for the use of any part of the work which shall be at the time in an insufficient state of repair or incomplete: And provided further, that no scale of tolls shall be established without having been submitted to and approved of by the Governor in Council.

Proviso.  
Proviso: tolls subject to approval.

V. If any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant duly appointed, to seize and detain the goods, wares, merchandize, vessels, boats, logs, timber, spars or masts on which the same are due and payable, until such tolls are paid; and if the same shall be unpaid for the space of thirty days next after such seizure, the said company or their officer, clerk or servant as aforesaid, may sell and dispose of the said goods, wares, merchandize, vessels, boats, logs,

Persons neglecting or refusing to pay tolls, Company may detain their property until payment, or sell the same by public auction.

logs, timbers, spars or masts, or such part thereof as may be necessary to pay the said tolls, by public auction, giving ten days' notice thereof, and return the overplus, if any, to the owner or owners thereof.

Seven Directors to be elected to manage the business of the Company.

VI. The property, affairs and concerns of the said Company shall be managed and conducted by seven directors, one of whom shall be chosen President, and three of whom shall be a quorum, who shall hold their office for one year; which said directors shall be stockholders to the amount of at least eight shares, as well as inhabitants of this Province, and be elected on the third Tuesday in March in every year at Vienna in the said County of Elgin, at such time of the day as a majority of Directors for the time being shall appoint, and public notice thereof shall be given in the *Canada Gazette*, or in any newspaper or newspapers that may be published in the said County of Elgin, at least thirty days previous to the time of holding such Election; and the said Election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper person or by proxy, and all elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any Elections shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes, in such manner that a greater number of persons than seven by a plurality of votes appear to be chosen Directors, then the said Stockholders hereinbefore authorized to hold such Election shall proceed to elect by ballot, until it is ascertained which of the said persons so having an equal number of votes, shall be Director or Directors so as to complete the whole number of seven, and the said Directors so chosen, so soon as may be after the said Election, shall proceed in like manner to elect by ballot one of their number to be President: and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors belonging to the said Company.

Manner of election.

Ties.

Provision in case of vacancy.

Scale of votes.

VII. Each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she have held in his or her own name at least one month prior to the time of voting.

Election not taking place, Company not to be dissolved.

VIII. In case it shall at any time happen that an Election of Directors shall not be made on any day on which pursuant to this Act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day to make and hold an Election of Directors in such manner as shall have been regulated by the By-laws and Ordinances of the said Corporation.

Duties and powers of Directors.

IX. The Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as

as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duties of its Officers, Clerks and Servants, and all such other matters as appertain to the business of the said Company, and shall also have power to appoint as many Officers, Clerks and Servants for carrying on the said business, with such salaries and allowances as to them shall seem fit.

X. On the third Monday in July after the passing of this Act a meeting of the Stockholders shall be held at Vienna, who in the same manner as hereinbefore provided, shall proceed to elect seven persons to be Directors, who shall continue in such office until the first Monday in April next after their Election, and who during such continuance shall discharge the duties of Directors in the same manner as if they had been elected at the Annual Election; Provided always that if shares to the amount of ten thousand pounds of the Capital Stock of the said Company shall not be taken, then the said Meeting shall not be held until that amount of Stock shall have been taken up, and at least thirty days' notice thereof given in the *Canada Gazette*, or any newspaper or newspapers that may be published in the said County, and any five or more of the persons named in the first section of this Act, may at any time after the passing of this Act cause books to be opened for the purpose of receiving the subscriptions of persons willing to take stock in the said Company, but no share shall be held to have been taken unless ten per cent. on the amount thereof shall have been paid up at the time of subscribing, nor shall the company exercise any of the powers granted by this Act except that of opening books of subscription, until ten thousand pounds at least of the Capital of the Company shall have been *bonâ fide* subscribed for, by responsible persons, and ten per cent. of the amount so subscribed shall have been paid up as aforesaid, which said ten per cent. shall be deposited in some one of the chartered Banks of this Province or of its branches and agencies, and not withdrawn therefrom except for the purposes of the Company or in *bonâ fide* case of its dissolution.

First Directors, how appointed.

Proviso.  
Meeting not to be held until £10,000 are subscribed.

Ten per cent. to be paid on subscribing and deposited in a chartered Bank.

XI. The whole Capital or Stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value twenty-five thousand pounds, to be held in five thousand shares of five pounds each; and the shares of the said Capital Stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding 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.

Amount of Capital of Company, and how divided.

XII. It shall be lawful for the said Corporation from time to time to borrow either in this Province or elsewhere, all such sum or sums of money as they may find expedient, and to make the bonds, debentures, or other securities they shall grant for the sum so borrowed, payable in lawful money of this Province,

Company may borrow money.

Province, with interest, and at such place or places within or without this Province as they may deem advisable, and such bonds, debentures or other securities may be made payable to bearer or transferable by simple endorsement or otherwise, and may be in such form as the Directors for the time being may see fit, and the said Directors may mortgage or pledge the lands, revenues and other property of the said Corporation, for the due payment of the said sums and the interest thereon; Provided always, that no such bond, debenture or other security shall be made or granted for a less sum than twenty-five pounds currency.

May hypothecate property therefor.  
Proviso.

Directors to call in instalments.

XIII. As soon as Directors shall have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days' notice thereof in the *Canada Gazette* or in any newspaper published in the said County, for an instalment of ten per cent. upon each share which they or any of them respectively may subscribe, and the residue of the share or shares of the Stockholders shall be payable by instalments at such times and in such proportions as a majority of the Directors present at a meeting to be expressly convened for that purpose shall direct, provided that no such instalment shall exceed ten per cent., nor become payable in less than thirty days after public notice in the said *Gazette* or in any newspaper published in the said County; And provided further that the said Directors shall not commence the improvement of the said Creek until the first instalment shall be paid in.

Proviso.  
Calls limited.

Proviso.

Stockholders neglecting to pay instalments, their Shares to be forfeited and sold.

XIV. If any Stockholder or Stockholders as aforesaid shall refuse or neglect to pay, at the time required, any such instalment or instalments as shall be lawfully required by the Directors upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall forfeit such share or shares with any amount which shall have been previously paid thereon, and the said share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other moneys of the said Company: Provided always that the purchaser or purchasers shall pay to the said Company the amount of the instalments required, over and above the purchase money of the share or shares so purchased by him, her or them as aforesaid, immediately after the sale and before they shall be entitled to the certificate of transfer of such shares so purchased as aforesaid; Provided always, nevertheless, that thirty days' notice of the sale of such forfeited shares shall be given in the *Canada Gazette* or in any newspaper or newspapers that may be published in the said County, and that the instalment due may be received in redemption of any such forfeited shares, at any time before the day appointed for the sale thereof.

Proviso.

Proviso.



XV. It shall be the duty of the Directors to make annual Dividends of so much of the profits of the said Company as to them or the majority of them, shall seem advisable; and once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses; such statement to appear on the Books and to be open to the perusal of any Stockholder at his or her reasonable request.

Directors to declare annual dividend of profits.

XVI. At any time after ten years after the making and completing the said Harbour, Her Majesty, Her Heirs and Successors, may assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, upon paying to the said Company for the use of the Stockholders thereof, the full amount of their respective shares of the sums furnished and advanced by each subscriber for making and completing the works and improvements upon the said Otter Creek; together with such further sum as will amount to twenty-five per cent. upon the money so advanced and paid, as a full indemnification to the said Company; and the said works and improvements upon the said Otter Creek shall from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to the provisions of any Act of the Legislature of this Province that may be passed respecting the same.

Power to Her Majesty to assume possession of property of Company upon certain conditions.

XVII. Provided always, that the works of the said Otter Creek Navigation Company shall be commenced within two years, and completed within five years after the passing of this Act, otherwise this Act and every matter and thing herein contained shall cease and be utterly null and void.

Commencement and completion of the works.

XVIII. This Act shall be deemed a Public Act.

Public Act.

## C A P . C X C I X .

An Act to amend the Act of incorporation of the Port Burwell Harbour Company.

[Assented to 30th May, 1855.]

**W**HEREAS it is expedient to amend an Act passed in the twelfth year of Her Majesty's Reign, intituled: *An Act to incorporate certain persons under the style and title of the President, Directors and Company of the Port Burwell Harbour*, and also to amend an Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act incorporating the Port Burwell Harbour Company*, and to extend the powers of the said Company, to impose and levy tolls on certain articles of lumber and merchandise: Be it therefore enacted by the Queen's Most Excellent Majesty,

Preamble.  
12 V. c. 160.

14 & 15 V.  
c. 157.

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, as follows :

Company may take the tolls hereinafter mentioned on certain articles.

I. From and after the passing of this Act, it shall and may be lawful for the said President, Directors and Company of the Port Burwell Harbour, to impose, demand, receive, take, levy and collect, (with the like powers and under the same conditions and liabilities as are in the said Acts provided for the recovery of rates or tolls) on the following articles passing out of or through the said Harbour, not exceeding the rates hereinafter mentioned, and from time to time to reduce, alter or amend the same, viz :

On every Standard Saw Log, two pence.

On Square and Round Timber, per one hundred cubic feet, six pence.

On every Spar or Mast, five shillings.

Public Act.

II. This Act shall be deemed a Public Act.

## C A P . C C .

An Act to incorporate the Ontario and Bay of Quinté Canal Company.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS the construction of a Canal across the peninsula separating the Bay of Quinté, from the Lake Ontario at Presqu'Isle, would greatly tend to the advantage of the Province, and it is expedient to incorporate a Joint Stock Company to construct such Canal : 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, as follows :

Certain persons incorporated.

I. The Honorable Robert Charles Wilkins, Adam Henry Meyers, Francis McAnnany, George Benjamin, John O'Hare, William Hamilton Ponton, Benjamin F. Davy, Edmund Murney, James Cumming, James L. Biggar, John Lawson, Stephen Young, Robert Potts, Cyrus Weaver, Dennis MacAulay, William Lovett, Joseph S. Peterson, William H. Fox,  
James

James Taylor, James Rankins, Thaddeus H. Ketchum, Abraham C. Singleton, Josiah H. Proctor, Alexander Bettes, Henry Squier, Pitkin Gross, Samuel Powers, John J. Way, William H. Sanford, Henry Van Tassell, Drummond Smith, Robert Weller, Thomas Brown, James Lawson, Abraham Van Blaricom, William Butler, and James Ross, together with all such other persons or corporations as shall under the provisions of this Act, become Shareholders in such Joint Stock Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of the "Ontario and Bay of Quinté Canal Company," and by that name they and their successors shall have continued succession, and be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever, and they and their Successors shall have a common seal, and may change and alter the same at their will and pleasure; and also they and their Successors, by the name aforesaid, shall be in law capable of purchasing, having and holding any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying or departing with the same for the benefit and on account of the said Company from time to time, as they shall deem necessary and expedient.

Corporate  
name and  
powers.

II. The said Company, their Agents or Servants, shall have full powers under this Act to lay out, construct, make and finish a Canal at their own costs and charges, from any point at the head of the Bay of Quinté, to any point in Presqu'Isle Harbor, and for that purpose it shall and may be lawful for the said Company, their agents, or servants and workmen, and they are hereby authorized and empowered to enter into and upon the lands and grounds of and belonging to Her Majesty the Queen, Her Heirs and Successors, or to any other person or persons, bodies politic or corporate, or collegiate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary for making the said Canal, and all or any such other works as they shall think proper and necessary for making, improving, preserving, completing or using the said Canal: and to take and appropriate, have and hold, to and for the use of the said Company and their Successors, land, sufficient and necessary for the construction, preserving, improving and completing the said Canal and all necessary locks, basins, tow-paths, stations, warehouses and other erections requisite and necessary for the purposes aforesaid, the said Company making satisfaction and payment to the owners or occupiers of any lands, in manner hereinafter mentioned, for all damages to be sustained by them or either of them, through the exercise of all or any of the powers granted to the said Company.

Company em-  
powered to  
make Canal  
from Bay of  
Quinté to  
Presqu'Isle  
Harbor.

Their powers  
for that pur-  
pose.

All persons or bodies corporate whomsoever, empowered to sell lands to the Company for the Canal.

III. After any lands or grounds shall be set out and ascertained to be necessary for making and completing the said Canal, and for other purposes hereinafter mentioned, it shall and may be lawful for all bodies politic, corporate, or collegiate, and for all guardians and other trustees whomsoever, not only for and on behalf of themselves, their heirs, successors and assigns, but also for and on behalf of those whom they shall represent, whether infants, idiots, lunatics, *femes covert*, or other persons who are or shall be possessed of or interested in the same, to contract for, sell and convey unto the said Company all or any part of such lands or grounds which shall from time to time be so set out and ascertained as aforesaid; and all such contracts, agreements, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever, any law, statute or usage to the contrary thereof in any wise notwithstanding, and the amount of the purchase moneys to be paid for such lands or grounds respectively, shall be ascertained by arbitration, in manner hereinafter mentioned.

Directors of Company may settle terms of sale.

IV. The Directors of the said Company shall be, and they are hereby empowered to contract, compound, compromise, settle and agree with the owners or occupiers respectively, of any land through or upon which they may determine to cut or construct the said intended Canal, or any Locks, Towing Paths, Railways, or other erections or constructions contemplated by this Act to be cut, erected, constructed or built, either for the absolute purchase of so much of the said land as they may require for the purposes of the said Company, or for the damages which he, she, or they shall or may be entitled to recover from the said Company, in consequence of the said intended Canal, Locks, Towing Paths, Railways or other constructions or erections being cut or constructed in and upon his, her, or their respective lands, and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, the amount of the purchase moneys for the lands and tenements proposed to be purchased, or the amount of damages to be paid to them as aforesaid, shall be ascertained by arbitration in manner hereinafter mentioned.

In case of dispute as to value of lands or damages, Arbitrators to be appointed.

V. In each and every case, where any dispute shall arise between the said Directors and any other person or persons whomsoever, touching any purchase, sale or damages, or the money to be paid in respect thereof, and in each and every case where under the provisions of this Act, any purchase, sale or damages, or the money to be paid in respect thereof, are directed to be ascertained and determined by arbitration, the same shall be referred to and ascertained and determined by three indifferent persons, to be chosen as hereinafter mentioned, that is to say, one of such persons by the owner or owners, occupier or occupiers of the lands, or other the person or persons interested, who shall disagree with the said Directors in respect of the purchase

Manner of appointment of arbitrators.

purchase money or compensation to be paid to him, her or them, respectively, pursuant to the provisions of this Act—one other of such persons by the said Directors—and the other of such persons shall be chosen by the said two persons to be so named as aforesaid; and in case the said two persons shall not agree within ten days after their appointment in the choice of such third person, then such third person as arbitrator shall be named by the Judge of the County Court of the United Counties of Northumberland and Durham, upon the application of either of the said two persons so named as aforesaid, and such three persons shall be the 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; and the award of such three persons, or any two of them shall be final, and the said arbitrators shall and they are hereby required to attend at some convenient place, in the vicinity of the route of the said intended Canal, to be appointed by the said Directors, within eight days after notice in writing shall be given them by the said Directors for that purpose, then and there to arbitrate, award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and each of the said arbitrators shall be sworn by some one of Her Majesty's Justices of the Peace, in and for the said United Counties, (any of whom may be required to attend the said meeting for that purpose,) well and truly to assess the damages between the parties according to the best of his judgment: Provided always, that no arbitrator shall be compellable to attend any such meeting of the arbitrators aforesaid, who shall usually reside more than fifty miles from the place of meeting.

Award of any two to be good.

They must be sworn.

Proviso.

VI. Any award made under this Act shall be subject to be set aside on application to the Court of Queen's Bench, in the same manner and on the same grounds, as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitrators, as hereinbefore provided.

Awards of arbitrator may be set aside for cause.

VII. The Capital Stock of the said Company shall not exceed in the whole the sum of One Hundred and Fifty Thousand Pounds, divided into twelve thousand shares of twelve pounds ten shillings each, which amount shall be raised by the persons above named, or some of them, together with such other persons and Corporations as may become shareholders in such Stock, and the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates, connected with the Canal, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Canal and the works connected therewith, and to no other purpose whatever; Provided always, that until the said preliminary expenses connected with the said Canal shall be paid

Capital Stock £150,000 in Shares of £12 10s.

Proviso: as to preliminary expenses.

out of the Capital Stock thereof, it shall be lawful for the Municipality of any County, Township, Town or Incorporated Village, to pay out of the General Funds of such Municipality, such sums of Money as to the said Municipality may seem meet, which sum shall be refunded to the said Municipality from the Stock of the said Company or be allowed to them in payment of Stock.

First Directors of Company named.

VIII. The Honorable Robert Charles Wilkins, James L. Biggar, Francis McAnanny, William Butler, Stephen Young, William Hamilton Ponton, John O'Hare, James Cumming, and James Ross, together with the heads of such Municipalities representing corporations which shall within six months after the passing of this Act become Shareholders of Stock in the said Company to the amount of Five Thousand Pounds, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold office until others shall, under the provisions of this Act be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company: Provided always, that the powers of the said Directors shall be limited to the opening of books for the subscription of shares, and to the allotment of stock, receiving deposits on such stock, and to the procuring the necessary surveys, plans and estimates, but they shall have no power to enter into any contracts for the construction of the work.

Proviso.

First meeting of Stockholders.

IX. When and so soon as the said Capital Stock shall have been subscribed, and allotted by the Directors, and ten per cent. thereon shall have been paid into some one of the Chartered Banks of this Province or into some branch or agency of such Chartered Bank, it shall be lawful for the said Directors or a majority of them to call a meeting of the holders of such shares at such place and time as they shall think proper, giving at least fifteen days' public notice of the same, in one or more newspapers published in the Towns of Cobourg, Picton and Belleville, and in the Villages of Brighton and Trenton, at which said General Meeting, and at the Annual General Meeting in the following sections mentioned, the Shareholders present who shall have paid all calls upon their shares, either in person or by proxy, shall elect seven Directors in the manner and qualified as hereinafter mentioned, who shall hold office until the first Monday in February then following.

First meeting for election of Directors.

Notice.

Ballot.

Ties.

X. On the said first Monday in February and on the first Monday in February in each year thereafter, there shall be chosen seven Directors in manner hereinafter mentioned, and public notice of such annual elections shall be published fifteen days before the election, in one or more newspapers in the Towns and Villages in the preceding section mentioned, and all elections for Directors shall be by ballot, and the seven persons who shall have the greatest number of votes shall be Directors; And if it shall happen that two or more shall have an equal number

number of votes, the Shareholders shall determine the election by another or other votes, until a choice is made, and if a vacancy shall at any time happen among the Directors, by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year by a majority of the Directors, and the said seven Directors, with the heads of Municipalities qualified as hereinafter mentioned, shall form the Board of Directors : Provided always, that after the first General Meeting the Directors may fix by By-law any other day for such Annual Meeting or for Special Meetings, giving the notice required by this section.

Vacancies.

Board formed.  
Proviso.

XI. A majority of Directors shall form a quorum for the transaction of business : Provided that the Directors may employ one or more of their number, as a paid Director or Directors.

Quorum.  
Proviso.

XII. The persons qualified to be elected Directors of the said Company under this Act, shall be Shareholders, holding at least ten shares in the Stock of said Company, who shall have paid up all calls on the said shares.

Qualification  
of Directors.

XIII. Heads of Municipalities representing stock subscribed for by the said Municipalities to the amount of Five Thousand Pounds, shall be *ex officio* Directors of the said Company.

Municipalities  
representing  
Stock.

XIV. Each Shareholder shall be entitled to a vote for each share which he shall have had in his own name, at least two weeks prior to the time of voting ; provided that no party or parties shall be entitled to vote at the meetings of Shareholders who shall not have paid up all calls due upon his, her or their stock, or the stock upon which such party claims to vote.

Votes, their  
proportion to  
Shares.

XV. It shall and may be lawful for the Directors at any time to call upon the Shareholders for such instalments upon such shares, as they or any of them may hold in the capital stock of the said company, in such proportions as they may see fit, so as no such instalment shall exceed ten per cent : giving at least one-month's notice for such call, in such manner as they shall appoint ; Provided always that if any Stockholder or Stockholders shall neglect or refuse to pay to the said Company a rateable share of the calls as aforesaid for the space of two calendar months after the time appointed for the payment thereof, he, she or they shall forfeit their respective shares in the stock of the said Company, with the money previously paid thereon, and all the profits and benefits thereof, all which forfeitures shall go to the Company for the benefit thereof ; and the Directors of the said Company may sell either by public auction, or by private sale, and in such manner and on such terms as to them shall seem meet, any shares so forfeited, and apply the proceeds to the use of the Company.

Instalments,  
how and when  
to be called in.Proviso : for-  
feiture for not  
paying calls.Sale of for-  
feited Shares.

Municipal  
Corporations  
may hold  
Stock.

XVI. Municipal Corporations in this Province may subscribe for any number of shares in the Capital Stock of the said Company, or lend to or guarantee the payment of any sum of money borrowed by the Company from any Corporation or person, or indorse or guarantee the payment of any Debenture to be issued by the Company for the money by them borrowed, and shall have power to assess and levy from time to time upon the whole rateable property of the Municipality a sufficient sum to enable them to discharge the debt or engagement so contracted,—and for the like purpose to issue Debentures payable at such times and for such sums respectively not less than one hundred pounds currency, and bearing interest at such rate not exceeding eight per cent. as such Municipal Corporation may think meet: Provided always, that no Municipal Corporation shall subscribe for Stock in the said Company, unless the By-law authorizing such subscription shall have been first approved by a majority of the Municipal Electors of such Municipality, in the manner provided by the Consolidated Municipal Loan Fund Act sixteenth Victoria, chapter twenty-two, with regard to the raising of Loans under the said Act.

Proviso.

Stock to be  
deemed per-  
sonal proper-  
ty.

XVII. The Stock of the Company shall be deemed personal estate, and be transferable by instruments in writing, to be made in duplicate, one part of which shall be delivered to the Directors, but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or the said shares shall have been declared forfeited for non payment of calls thereon.

Liability of  
Shareholders.

XVIII. Each Shareholder shall be individually liable to the creditors of the Company, to an amount equal to the amount unpaid of in the Stock held by him, for the debts and liabilities thereof, and until the whole amount of his Stock shall have been paid up, when such individual liability shall cease.

President to  
be elected by  
Directors.

XIX. The Directors shall at the first or at some other meeting after the day appointed for the general meeting, elect one of their number to be the President of the said Company, who shall always, when present, be the Chairman of, and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead, and they may in like manner elect a Chairman to preside at any meeting in the absence of the President.

Directors,  
their powers  
and duties.

XX. The Directors at any meeting at which not less than a quorum shall be present, shall be competent to use and exercise all or any of the powers vested in the said Company, but no one Director shall have more than one vote at any meeting, except the Chairman, who shall, in case of a division of equal numbers, have the casting vote; and the Directors shall be subject to the examination and control of the Shareholders at their annual meetings, and be subject to the orders and directions from time to time made at such annual meetings.

XXI.



XXI. Copies of the minutes of proceedings and resolutions of the Shareholders at any meeting, and of minutes of proceedings and resolutions of the Directors at their meetings, extracted from the Minute Books kept by the Secretary of the Company, and by him certified to be true copies extracted from such Minute Books, shall be *prima facie* evidence of such proceedings and resolutions, in all Courts of civil jurisdiction, and all notices given by the Secretary of the Company by order of the Directors, shall be deemed notices by the said Directors and Company.

Certified extracts from minute book to be deemed authentic.

XXII. The Directors of the said Company shall have power and authority to borrow from time to time, either in this Province or elsewhere, such sums of money as may be expedient for completing and maintaining the said Canal and other the works connected therewith, and at a rate of interest not exceeding eight per cent. per annum, and to make the Bonds, Debentures or other securities granted for the sums so borrowed payable either in Currency or in Sterling, and at such place or places within this Province or without, as may be deemed advisable, and to sell the same at such prices or discount as shall be expedient, and to mortgage or pledge the lands, tolls and other property of the Company for the due payment of the said sums and interest thereon ; and the said Company may become parties to promissory notes and bills of exchange for sums not less than twenty-five pounds, and any such promissory note made and indorsed, and any such bill of exchange drawn, accepted, or indorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of Directors, shall be binding upon the said Company, and every such promissory note or bill of exchange so made, drawn, accepted or indorsed, after the passing of this Act, shall be presumed to have been properly made, drawn, accepted, or indorsed as the case may be, until the contrary be shewn ; 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 or Vice-President, Secretary or Treasurer of the Company, so making, drawing, accepting or indorsing any such promissory note or bill of exchange be thereby subjected individually to any liability whatever ; Provided always, first, that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any promissory note intended to be circulated as money or as the notes of a Bank ; Provided, secondly, that the amount of bonds issued by the said Company shall not exceed the amount of the Capital Stock of the said Company.

Company may borrow money for completion of works, and may issue Debentures.

May become party to Promissory Notes, &c., and how.

Seal not requisite.

Proviso.

Proviso.

XXIII. If any person or persons shall wilfully or maliciously break, throw down, damage or destroy any bank, lock, gate, sluice or any work, machine or device to be erected or made by virtue of this Act, to the prejudice of the said Company, or

Persons damaging property of Company, how punishable.

do

do any other wilful act, hurt or mischief, to disturb, hinder or prevent the carrying into execution, or completing, supporting or maintaining the said Canal, or any bridge, tunnel, aqueduct, sluice, lock, wear, pen for water, bank, reservoir, drain, wharf, quay, or any other work belonging to the said Company, every such person or persons so offending, shall forfeit and pay to the said Company the value of the damage proved by the oath of two or more credible witnesses to have been done; such damages, together with costs of suit in that behalf incurred, to be recovered by action in any Court of law in this Province having jurisdiction competent to the same: or in case of default of payment, such offender or offenders shall and may be committed to the common jail for any time not exceeding three months, at the discretion of the Court before which such offender shall be convicted.

Persons obstructing passage of vessels to be fined.

XXIV. If any person shall float any timber on the said Canal, or shall suffer the loading of any boat, vessel or raft navigating in or upon the said Canal, so as by such overloading to obstruct the passage of any other boat, vessel or raft, and shall not immediately, upon due notice given to the owner or person having the care of such vessel, boat or raft, so obstructing the passage aforesaid, remove the same, so as to make a free passage for the other boats, vessels or rafts, every such owner or person floating such timber, or having the care of such boat, vessel or raft so obstructing the passage as aforesaid, shall forfeit and pay for every such offence the sum of five pounds currency; And if any person shall throw any ballast, gravel, stones or rubbish into any part of the said Canal, every such person shall, for every such offence forfeit a sum not exceeding five pounds currency, to be recovered as aforesaid, which said respective forfeitures shall be paid to the Company, to be by them applied for the purposes of the said Canal.

Throwing in rubbish, &c.

Vessels obstructing passage of Canal to be immediately removed.

XXV. If any boat, vessel or raft shall be placed in any part of the said Canal so as to obstruct the navigation thereof, and the person having the care of such boat, vessel or raft, shall not immediately, upon the request of any of the servants of the said Company, made for that purpose, remove the same, he shall for every such offence forfeit a penalty of ten shillings of lawful money of Canada for every hour such obstruction shall continue; And it shall be lawful for the agents or servants of the said Company to cause any such boat, vessel or raft, to be unloaded, if necessary, and to be removed in such manner as shall be proper for preventing such obstruction in the navigation, and to seize and detain such boat, vessel or raft, and the cargo thereof, or any part of such cargo, until the charges occasioned by such unloading and removal shall be paid or satisfied; and if any boat or vessel shall be sunk in the said Canal, and the owner or owners, or the person or persons having the care of such boat or vessel, shall not, without loss of time, weigh or draw up the same, it shall be lawful for the agents or servants

servants of the said Company, to cause such boat or vessel to be weighed or drawn up, and to detain and keep the same, until payment shall be made of all expenses necessarily occasioned thereby.

XXVI. It shall and may be lawful for the President and Directors of the said Company, with the sanction of the Governor in Council, to regulate from time to time, and establish the rates of toll to be payable in respect of all timber, boats, vessels and other craft, and of the cargoes and freightage thereof, and of all rafts navigating upon the said Canal; and the said Company shall annually exhibit an account to each branch of the Legislature, of the tolls collected upon the said Canal, and of the sum expended in keeping the same in repair, and also of the goods, wares and merchandize transported in and along the same: Provided always, that if, at any time after the expiration of five years from the time of commencement of the navigation upon any part of the said Canal, the Legislature shall deem the tolls levied thereon excessive, it shall be lawful for them to reduce the same to such a standard as they may think just, so that the same shall not be reduced to a rate which will produce to the said Company less than twenty pounds per centum per annum on the capital actually expended in making the said Canal.

Directors may establish tolls with the approval of the Governor in Council.

Proviso: Legislature may reduce the tolls in certain cases.

XXVII. The said Company to entitle themselves to the benefit and advantages to them granted by this Act, shall and they are hereby required to make and complete the said canal, railway, towing paths, and other erections required for the navigation thereof, within five years from the passing of this Act, so as to be navigable for ships, steamers, schooners, boats, barges and rafts, otherwise this Act, and every matter and thing herein contained, shall cease and be utterly null and void, to all intents and purposes whatsoever.

Works to be completed within five years.

XXVIII. And for preventing disputes touching the tonnage of any boat, barge, or other vessel navigating upon the said canal: Be it enacted, that the owner or master of every such boat, barge or vessel shall permit and suffer every such boat, barge or vessel to be gauged or measured, and in case of refusal so to do, the owner thereof shall forfeit and pay the sum of forty shillings currency; and it shall be lawful for the said Company, or their toll-gatherer, or such other person or persons as shall be appointed by them for that purpose, and such owner or master, each to choose one person to measure and ascertain such tonnage, and to mark the same on such boat, barge, or other vessel, which mark shall always be evidence of the tonnage in all questions respecting the payment of the said rates or dues, and if such owner or master shall refuse or decline to choose a person in his behalf as aforesaid, then the person appointed by the said Company, or their toll-gatherer, shall alone have the power of ascertaining such tonnage.

In case of disputes as to tonnage of vessels, &c.

Roads and ways of Company may be used generally.

XXIX. All persons whosoever shall have free liberty to use with horses, cattle and carriages, the private roads and ways to be made under the provisions of this Act (except the towing paths) for the purpose of conveying any goods, wares, merchandise, lumber or commodities, to and from the said canal, and also to navigate the said canal with any schooners, boats, barges, vessels or rafts, and to use the said wharves and quays for loading and unloading any goods, wares, merchandise, lumber or commodities, and also to use the said towing paths with horses for drawing and hauling such boats and vessels, upon payment of such rates or dues as shall be established by the said Company, as aforesaid.

Dues, how to be paid, and to whom.

XXX. The said several dues shall be paid to such person or persons, at such place or places near to the said canal, in such manner and under such regulations as by the By-laws of the said Company shall be directed; and in case of denial or neglect in payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same, the said Company may sue for and recover the same in any Court having jurisdiction therein, or the person or persons to whom the said rates or dues ought to be paid, may, and he or they is and are hereby empowered to seize such boat, vessel, barge or raft, for and in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof.

Recovery if not paid.

Company may take wild land of the Crown by consent of Governor in Council.

XXXI. It shall and may be lawful for the said Company, with the sanction of the Governor in Council, to take and appropriate for the use of the said Canal, but not to alienate, so much of the wild land of the Crown not heretofore granted or sold, lying on the route of the said Canal, as may be necessary for the completion thereof; as also so much of the lands covered with the waters of any stream, lake or bay, or of their respective beds, as may be found necessary for the making and completing, or more conveniently using the same, and thereon to erect wharves, inclined planes, docks, or other works, as to the Company shall seem meet.

Plaints against Company, how and when to be brought.

XXXII. If any complaint shall be brought or commenced against the said Company or against any person or persons for any thing done in pursuance of this Act, or in execution of the powers and authorities, or the orders and directions hereinbefore given or granted, every such suit shall be brought or commenced within six calendar months next after the act committed, and not afterwards, and the defendant or defendants shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to have been so done, or if any action or suit shall be brought after the time hereinbefore limited, then a verdict shall be given for the defendant.

XXXIII. It shall be lawful for the Governor in Council, at any time after the expiration of three years from the completion of the said Canal, to purchase the same, with all its hereditaments, stock and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said Company three months' notice in writing of his intention to purchase, and paying for the said Canal the amount of its original cost, and six per cent. per annum interest thereon, together with a profit to the said Company of ten pounds per cent. on the amount of their outlay and interest as aforesaid.

The Govern-  
ment may as-  
sume the  
works after a  
certain time  
and on certain  
conditions.

XXXIV. This Act shall be deemed a Public Act.

Public Act.

## C A P . C C I .

### An Act to incorporate the St. Francis Bank.

[Assented to 19th May, 1855.]

**W**HEREAS it has been prayed by petition to the Legislature of this Province, that Lewis E. Rose, Esquire, Ichabod Smith, Esquire, Wilder Pierce, Esquire, Alber Knight, Esquire, Alexander Kilborn, Esquire, Wright Chamberlin, Esquire, Ozro Morrill, Esquire, Moses French Colly, Esquire, Charles Anderson Richardson, Esquire, Benjamin F. Hubbard, Esquire, Leonard K. Benton, Esquire, and others, their respective heirs, executors, administrators, curators, successors and assigns, might be incorporated for the purpose of establishing a Bank in the Eastern Townships of Lower Canada, to be located at Stanstead, to be called the "Saint Francis Bank;" And whereas it would be conducive to the general prosperity of that section of the country, and greatly facilitate and promote the agricultural and commercial growth of the said locality; And whereas it is but just that such persons and others who see fit to associate themselves, should be incorporated for the said purpose: 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, as follows:

Preamble.

I. The several persons above named, and such others as shall become shareholders in the Corporation hereby constituted, and their respective heirs, executors, administrators and assigns, shall be and they are hereby constituted a Body Corporate and Politic, in fact and in name, by and under the name, style and title of the "St. Francis Bank," and as such shall, during the continuance of this Act, have succession and a common seal, with power to break, renew, change and alter the same

Certain per-  
sons incorpo-  
rated.

Corporate  
name and ge-  
neral powers.

at

Real property limited.

at pleasure; and shall be capable of suing and being sued, and of pleading and being impleaded in all Courts of Law and Equity, and other places in all manner of actions, causes and matters whatsoever; and for the convenient management of their business, but for no other purpose, shall and may purchase, acquire and hold real or immoveable estates and property, not exceeding the yearly value of two thousand pounds, current money of this Province; and may sell, alienate and dispose of the same, and purchase, acquire and hold others in their stead, not exceeding in the whole the yearly value aforesaid.

Capital to be £100,000 in Shares of £25 each.

II. The capital stock of the said Bank hereby incorporated shall be one hundred thousand pounds, current money of this Province, divided into four thousand shares of twenty-five pounds currency each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, successors, administrators and assigns.

Stock Books may be opened;

III. For the purpose of raising the amount of the said Capital Stock, it shall be lawful for the persons hereby incorporated, or for any number of them not less than seven, to cause Stock Books to be opened, after giving four weeks' public notice in two newspapers in the District, if there be so many, upon which Stock Books shall and may be received the signatures and subscriptions of such persons or parties as desire to become Shareholders in the said Bank, and such Books shall be opened at Stanstead and elsewhere, at the discretion of the persons opening the same, and shall be kept open so long as may be necessary; and so soon as the said Capital Stock of one hundred thousand pounds shall have been subscribed upon the said Stock Books, a public meeting shall be called of subscribers after two weeks' notice as hereinabove provided, at such time and place as such notice shall indicate; and at such meeting the Shareholders shall proceed to elect five Directors, having the requisite Stock qualification, who shall from thence manage the affairs of the said Corporation, shall take charge of the Stock Books hereinabove referred to, and shall continue in office for one year and until the first Monday in May next thereafter, and until their successors in office shall be duly elected, and the said election shall be had in the same manner as the Annual Elections hereinafter provided for, as respects the regulating of votes according to the number of shares subscribed for.

At Stanstead and elsewhere.

Term of office.

Mode of election.

Shares to be paid in by instalments.

Proviso: ten per cent. to be paid on sub-  
scribing.

IV. The shares of Capital Stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint; and Executors, Administrators and Curators paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same: Provided always, that no share or shares shall be held to be lawfully subscribed for unless a sum equal at least to ten pounds per centum on the amount

amount subscribed for, be actually paid at the time of subscribing: Provided further, that it shall not be lawful for the subscribers to the Capital Stock hereby authorized to be raised, to commence the business of banking until a sum not less than twenty-five thousand pounds shall have been duly paid in by such subscribers: Provided further, that the remainder of the said Capital Stock shall be subscribed for and paid up as follows, that is to say: the sum of ten thousand pounds, within eighteen months; the sum of fifteen thousand pounds within three years; the further sum of twenty thousand pounds within four years; the further sum of thirty thousand pounds within five years after the said Bank shall have so commenced the business of Banking, under penalty of forfeiture of their charter.

Proviso: when the Bank may commence business.

Proviso: the remainder to be paid within a certain time.

V. If any Shareholder or Shareholders shall refuse or neglect to pay any or either of the instalments upon his, her or their shares of the said Capital Stock, at the time or times required by public notice as aforesaid, such Shareholder or Shareholders shall incur a forfeiture to the use of the said Corporation of a sum of money equal to ten pounds per centum on the amount of such shares; and moreover, it shall be lawful for the Directors of the said Corporation (without any previous formality other than thirty days of public notice of their intention) to sell at public auction the said shares, or so many of the said shares as shall after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares and the amount of forfeitures incurred upon the whole; and the President or Cashier of the said Corporation shall execute the transfer to the purchaser of the shares of Stock so sold, and such transfer being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of Stock thereby transferred: Provided always, that nothing in this section contained, shall be held to debar the Directors or Shareholders at a general meeting, from remitting, either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid.

Shareholders neglecting to pay instalment, to forfeit ten per cent amount of Shares.

Shares may be sold to pay instalment due on them.

Proviso: forfeiture may be remitted.

VI. The chief place or seat of business of the said Corporation shall be at Stanstead aforesaid; but it shall and may be lawful for the Directors of the Corporation to open and establish in other Cities, Towns and places in this Province, branches or offices of discount and deposit of the said Corporation, under such rules and regulations for the good and faithful management of the same as to the said Directors shall, from time to time, seem meet, and shall not be repugnant to any Law of this Province, to this Act, or to the By-laws of the said Corporation.

Chief seat of business to be in Stanstead.

Branches elsewhere.

VII. For the management of the affairs of the said Corporation, there shall be as aforesaid five Directors, who shall be annually elected by the Shareholders of the Capital Stock of

Affairs to be managed by Directors to

be elected yearly by votes of Shareholders.

President and Vice-President.

Vacancies, how filled.

Proviso. Qualification of Directors.

of the Corporation, at a General Meeting of them to be held annually on the first Monday in May in each year; at which meeting the Shareholders shall vote according to the rule or scale of votes hereinafter established; and the Directors elected by a majority of votes given in conformity to such rule or scale, shall be capable of serving as Directors for the ensuing twelve months, and at their first meeting after such election, shall choose out of their number, a President, who shall hold his office during the same period; and, in case of a vacancy occurring in the said number of five Directors, the remaining Directors shall fill the same by election from among the Shareholders, and the Director so elected shall be capable of serving as a Director, until the next Annual General Meeting of the Shareholders; and if the vacancy occurring in the said number of five Directors shall also cause the vacancy of the office of President, the Directors, at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected, shall fill the office to which he shall be so chosen or elected, until the next General Annual Meeting of the Shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name, of not less than twenty shares of the Capital Stock of the said Corporation wholly paid up, and shall be a natural-born or naturalized subject of Her Majesty, and shall have resided seven years in Canada, and shall for three consecutive years have been and be actually domiciled in the County of Stanstead, or within seven miles thereof.

Election not taking place, Corporation not thereby dissolved.

VIII. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said Corporation shall not be deemed or taken to be thereby dissolved; but it shall be lawful at any subsequent time to make such election at a General Meeting of the Shareholders to be duly called for that purpose.

Books, &c., of Corporation to be subject to inspection of Directors.

IX. The books, correspondence and funds of the Corporation, shall at all times be subject to the inspection of the Directors; but no Shareholder, not being a Director, shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the Corporation.

Three Directors to constitute a quorum.

X. At all meetings of the Directors of the said Corporation, not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence, one of the Directors present to be chosen *pro tempore*, shall preside; and the President, or President *pro tempore* so presiding, shall vote as a Director, and, if there be an equal division on any question, shall have a casting vote.

Casting vote.



XI. It shall and may be lawful for the Directors of the Corporation hereby constituted, from time to time to make and enact By-laws, rules and regulations, (the same not being repugnant to this Act, or to the laws of this Province,) for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same, and others to make and enact in their stead: Provided always, that no By-law, rule or regulation so made by the Directors, shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the Shareholders at an Annual General Meeting, or at a Special General Meeting called for that purpose.

Directors may make By-laws &c.

Proviso: By-law subject to confirmation by Stockholders.

XII. No Director of the Corporation hereby constituted shall, during the period of his services, act as a private banker, nor shall any Director other than the President, be entitled to any salary or emolument for his services as a Director, but the President may be compensated for his services as President, either by an annual vote of a sum of money by the Shareholders at their Annual General Meetings, or by a fixed salary; and in the latter case, for the purpose of securing to the Corporation the undivided attention and services of the President, it shall be lawful for the Directors, if they see fit, to choose and appoint annually from among themselves, a person duly qualified who shall be President of the Corporation, and to award to him such remuneration for his services as they in their judgment shall see fit; any thing hereinbefore contained to the contrary notwithstanding.

Director not to act as private Banker, nor receive emolument as Director.

Except that the President may be paid for his service.

XIII. The Directors of the said Corporation shall have power to appoint such Cashiers, Officers, Clerks and Servants under them as shall be necessary for conducting the business of the Corporation, and to allow reasonable compensation for their services respectively; and shall also be capable of exercising such power and authority for the well governing and ordering of the affairs of the Corporation as shall be prescribed by the By-laws thereof: Provided always, that before permitting any Cashier, Officer, Clerk or Servant of the Corporation, to enter upon the duties of his office, the Directors shall require every such Cashier, Officer, Clerk or Servant, to give bond, to the satisfaction of the Directors, that is to say: every Cashier, in a sum not less than five thousand pounds current money of Canada, and every other Officer, Clerk or Servant, in such sum of money as the Directors may consider adequate to the trust to be reposed, with conditions for good and faithful behaviour.

Directors may appoint Cashier and Officers.

Other powers.

Proviso: they must take security from Officers.

XIV. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the Corporation as to them shall appear advisable; and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give public notice thirty days previously: Provided always, that such dividend shall not in any manner lessen or impair the Capital Stock of the Corporation.

Directors to make half-yearly dividends.

Proviso.

Annual meeting of Stockholders for election of Directors, &c.

Statement of affairs to be made.

Its form and contents.

Last dividends and reserved fund.

Shareholders' ratio of votes in proportion to number of Shares.

Proviso. Shares must have been held a certain time.

Proviso as to joint holders.

Proviso :

XV. A general meeting of the shareholders of the Corporation shall be held at Stanstead, on the first Monday in the month of May, in every year during the continuance of this Act, for the purpose of electing Directors in the manner hereinbefore provided, and for all other general purposes touching the affairs, and the management of the affairs of the Corporation ; and at each of the said annual general meetings the Directors shall submit a full and clear statement of the affairs of the Corporation, containing, on the one part, the amount of capital Stock paid in, the amount of notes of the Bank in circulation; the net profits in hand, the balances due to other Banks and Institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest ; and, on the other part, the amount of current coins and gold and silver bullion in the vaults of the Bank, the value of buildings and other real estate belonging to the Bank, the balances due to the Bank from other Banks or Institutions, and the amount of debts owing to the Bank, including and particularizing the amounts so owing on bills of exchange, discounted notes, mortgages and hypothecs, and other securities ; thus exhibiting on the one hand the liabilities of, or debts due by the Bank, and on the other hand, the assets and resources thereof ; and the said statement shall also exhibit the rate and amount of the then last dividend declared by the Directors, the amount of profits reserved at the time of declaring such dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.

XVI. The number of votes which the Shareholders of the said Corporation shall respectively be entitled to give at their meetings, shall be according to the following scale, that is to say : for one share, one vote ; for every two shares to the number of ten, one vote, making five votes for ten shares ; for every four shares above ten, one vote, making ten votes for thirty shares ; and in that proportion for a greater number : but no Shareholder shall be entitled to give a greater number of votes than twenty ; and it shall be lawful for absent Shareholders to give their votes by proxy, such proxy being also a Shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank : Provided always, that a share or shares of the Capital Stock of the said Corporation, that shall have been held for a less period than three Calendar Months immediately prior to any meeting of the Shareholders, shall not entitle the holder or holders to vote at such meeting, either in person or by proxy : Provided also, that where two or more persons are joint holders of shares, it shall be lawful, that one only of such joint holders be empowered by Letter of Attorney from the other joint holder or holders or a majority of them to represent the said shares and vote accordingly : And provided also,

also, and it is hereby enacted, that no Shareholder who shall not be a natural-born or naturalized subject of Her Majesty, or who shall be a subject of any Foreign Prince or State, shall either in person or by proxy, vote at any meeting whatever of the Shareholders of the said Corporation, or shall assist in calling any meeting of the Shareholders; any thing in this Act to the contrary notwithstanding.

Voter must be a British Subject.

XVII. No Cashier, Bank Clerk, or other officer of the Bank shall either vote in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose.

Officers to have no vote at any election of Directors.

XVIII. Any number not less than twenty, of the Shareholders of the said Corporation, who together shall be proprietors of at least fifty shares of the paid up Capital Stock of the Corporation, by themselves or proxies, or the President or the Directors of the Corporation or any three of them, shall respectively have power at any time to call a special general meeting of the Shareholders of the Corporation, to be held at their usual place of meeting at Stanstead, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President, or a Director or Directors of the Corporation, for mal-administration or other specified and apparently just cause, then and in such case, the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall first be published, be suspended from the duties of his or their office or offices, and if it be the President, whose removal shall be proposed as aforesaid, his Office shall be filled up by the remaining Directors, (in the manner hereinbefore provided in the case of a vacancy occurring in the Office of President,) who shall choose or elect a Director to serve as such President, during the time such suspension shall continue or be undecided upon.

Special meetings may be called by twenty Shareholders.

Notice.

Suspension from office of Officers whose removal is the subject of such meeting.

XIX. The shares of the Capital Stock of the said Corporation shall be held and adjudged to be personal estate, and be transmissible accordingly; and shall be assignable and transferable at the Bank, according to the form of Schedule A annexed to this Act; but no assignment or transfer shall be valid and effectual unless it be made and registered in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due by him, her or them, to the Corporation, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share, or other than a whole share, shall be assignable or transferable: and when any share or shares of the said Capital Stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the

Stock to be deemed personal estate.

Assignment, manner of effecting.

Parts of Shares not assignable.

Sale of Shares under seizure and transfer to purchaser.

Cashier

Cashier of the Corporation, an attested copy of the writ, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale has been made; and thereupon (but not until after all debts due by the original holder or holders of the said shares to the Corporation shall have been discharged as aforesaid,) the President, or Cashier of the Corporation, shall execute the transfer of the share or shares so sold to the purchaser, and such transfer, being duly accepted, shall be, to all intents and purposes, as valid and effectual in Law as if it had been executed by the original holder or holders of the said shares; any law or usage to the contrary notwithstanding.

Transfer of  
Shares in Great  
Britain.

XX. Shares of the Capital Stock of the Bank may be made transferable and the dividends accruing thereon may be made payable in the United Kingdom; and to that end the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agent or agents as they may deem necessary.

Provision for  
proving trans-  
mission of  
Shares other-  
wise than by  
regular trans-  
fer.

XXI. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of the Act of Incorporation of the said Bank, such transmission shall be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require, and every such declaration shall distinctly state the manner in which, and the party to whom, such share have been so transmitted, and shall be by such party made and signed; and every such declaration shall be by the party making and signing the same, acknowledged before a Judge or Justice of a Court of Record, or before the Mayor, Provost, or Chief Magistrate of a City, Town, Borough or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration, so signed and acknowledged, shall be left with the Cashier or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders, and until such transmission shall have been authenticated, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank nor to vote in respect of any such share as the holder thereof: Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, which shall be made in any other country than in this or some other of the British Colonies in North America or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice Consul or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice Consul

Consul or other accredited representative; And provided also, that nothing in this Act shall be held to debar the Directors, Cashier or other Officer or Agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso: as to further evidence.

XXII. If the transmission of any share of the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the will or the letters of administration or Act of Curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders.

If the change of ownership be by marriage of a female Shareholder, or by will, &c:

XXIII. The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares of the Bank may be subject, and the receipt of the party in whose name any such share shall stand in the Books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust, and the Bank shall not be bound to see to the application of the money paid upon such receipt; any law or usage to the contrary notwithstanding.

Bank not bound to see to execution of trust to which Shares may be subject.

XXIV. The said Corporation hereby constituted shall not, either directly or indirectly, hold any lands or tenements (save and except such as by the first section of this Act they are specially authorized to acquire and hold,) or any ships or other vessels, or any share or shares of the Capital Stock of the Corporation, nor in any other Bank in this Province, nor shall the said Corporation, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation (hypothèque,) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the Corporation, or of any Goods, Wares or Merchandize: nor shall the said Corporation, either directly or indirectly, raise loans of money, or deal in the buying, selling or bartering of Goods, Wares or Merchandize, or engage or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of Banking: Provided always, that the said Corporation may take and hold mortgages and hypothecs on real

In what business only the Bank shall engage, and what species of property it may hold.

Proviso: Bank may take mortgages on real estates

gages in course of its business. estates and property in this Province, by way of additional security for debts contracted to the Corporation in the course of their dealings.

Amount of advances on securities of Directors or Officers limited.

XXV. The aggregate amount of discounts and advances made by the said Corporation upon commercial paper or securities bearing the name of any Director or Officer, or the co-partnership name or firm of any Director of the said Corporation, shall not at any time exceed one tenth of the total amount of discounts or advances made by the Corporation at the same time.

Corporation may pay interest on deposits in Bank and take discount.

XXVI. It shall and may be lawful for the said Corporation to allow and pay interest, (but not exceeding the legal rate of interest in this Province,) upon moneys deposited in the Bank; and also it shall and may be lawful for the Corporation, in discounting promissory notes or other negotiable securities, to receive or retain the discount thereon, at the time of discounting or negotiating the same; any law or usage to the contrary notwithstanding.

Bonds, &c., of Corporation may be assigned by endorsement.

XXVII. The bonds, obligations and bills obligatory and of credit of the said Corporation, under its common seal, and signed by the President, and countersigned by a Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees, successively, and to enable such assignee or assignees to bring and maintain an action or actions thereupon in his, her or their own name or names; and signification of any such assignment by indorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills or notes of the Corporation signed by the President, and countersigned by a Cashier thereof, promising the payment of money to any person or persons, his, her or their order or to the bearer, though not under the seal of the Corporation, shall be binding and obligatory upon the same, in the like manner and with the like force and effect as they would be upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable or negotiable in the like manner as if they were so issued by such private person or persons: Provided always, that nothing in this Act contained shall be held to debar the Directors of the Corporation from authorizing or deputing from time to time any Cashier or Officer of the Corporation, or any Director other than the President, or any Cashier, Manager or local Director of a Branch or office of discount and deposit of the said Corporation, to sign, and any Cashier, Accountant or Book-keeper of the said Corporation, or of any Branch or office of discount and deposit thereof, to countersign the bills or notes of the said Corporation intended for general circulation, and payable to order, or to bearer, on demand.

Proviso: Officers may be deputed to sign Bank Notes.

XXVIII. The notes or bills of the said Corporation made payable to order, or to bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the Corporation at Stanstead, or from any of the branches, shall bear date at the place of issue, and not elsewhere; and shall be payable on demand in specie at the same place of issue; and each and every office of discount and deposit established or hereafter to be established under the management or direction of a local Board of Directors, shall be considered and held to be a Branch Bank, and subject to the restriction as to the issuing and redemption of notes provided in this Section.

Notes to bear date and be payable at the place of issue.

What shall be deemed Branch Banks.

XXIX. A suspension by the said Corporation (either at the chief place or seat of business at Stanstead, or at any of their branches or offices of discount and deposit at other places in this Province,) of payment on demand, in specie, of the notes or bills of the said Corporation payable on demand, shall, if the time of suspension extend to sixty days, consecutively or at intervals within any twelve consecutive months, operate as and be a forfeiture of this Act of Incorporation, and all and every the privileges hereby granted.

Suspension for sixty days to effect a forfeiture of Charter.

XXX. The total amount of the Notes or Bills of the said Corporation, being for a less sum than one pound, current money of Canada, each, that shall be or may have been issued and put in circulation, shall not exceed at any one time one fifth of the amount of the Capital Stock of the Corporation then paid in: Provided always, that no notes under the nominal value of five shillings shall at any time be issued or put into circulation by the Corporation, nor shall any further limitation by the Legislature of the total amount of notes to be issued or re-issued by the said Corporation be held to be any infringement upon the privileges hereby granted: Provided further, that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to encourage the issue by the Chartered Banks of this Province, of Notes secured in the manner provided by the General Banking Law*, shall be and are hereby declared to be applicable to the Bank established under this Act.

Total amount of Notes under £1 issued not to exceed one fifth of Capital Stock paid in.

Proviso: no Notes to be under five shillings.

Proviso:

16 V. c. 162, to apply to this Act.

XXXI. The total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, note, or otherwise, shall not exceed three times the aggregate amount of the Capital Stock paid in and the deposits made in the Bank in specie and Government securities for money; and at no one period after the passing of this Act shall the notes or bills payable on demand and to bearer, exceed the amount of the actually paid up Capital stock of the said Corporation, and the amount of the gold and silver coin or bullion and debentures receivable in deposit for registered Bank Notes according to the laws of this Province, then on hand in the Bank; and in case of excess

Total debts of Bank limited;

And of its Bank Notes.

Penalty for  
excess: liabi-  
lity of Direc-  
tors.

the said Corporation shall forfeit this Act of Incorporation and all the privileges hereby granted; and the Directors under whose administration the excess shall happen, shall be liable jointly and severally for the same, in their private capacities, as well to the Shareholders, as to the holders of the bonds, bills and notes of the Corporation; and an action or actions in this behalf may be brought against them, or any of them, and the heirs, executors, administrators or curators of them, or any of them, and be prosecuted to judgment and execution according to law, but such action or actions shall not exempt the Corporation, or their lands, tenements, goods or chattels from being also liable for such excess; Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt, do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of proceedings of the Corporation, his protest against the same, and do, within eight days thereafter publish such protest in at least two newspapers published in the District where the Bank is situate, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators from the liability aforesaid; any thing herein contained, or any law to the contrary notwithstanding: And provided always, that such publication shall not exonerate any Director from his liability as a Shareholder.

Proviso:  
Director may  
avoid liability  
by protest and  
publication.

Proviso.

One tenth of  
paid up Stock  
to be invested  
in certain  
kinds of De-  
bentures.

XXXII. It shall be the duty of the Directors of the said Bank to invest, as speedily as the Debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Province, payable within the same, or of the Consolidated Municipal Loan Fund, one tenth part of the whole paid up Capital of the said Bank, and to make a return of the numbers and amount of such Debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank, to the Inspector General, in the month of January of each year, under the penalty of the forfeiture of the Charter of the said Bank, in default of such investment and Return: Provided always, that the Directors shall not commence the business of Banking until the sum of five thousand pounds have been invested in such Debentures.

Return to be  
made.

Proviso.

Liabilities of  
Shareholders  
defined and  
limited.

XXXIII. In the event of the property and assets of the Corporation hereby constituted, becoming insufficient to liquidate the liabilities and engagements or debts thereof, the Shareholders of the Corporation, in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their Capital Stock, that is to say: that the liability and responsibility of each Shareholder shall be limited to the amount of his or her share or shares of the said Capital Stock, and a sum of money equal in amount thereto: Provided always, that nothing in this section

Proviso.



section contained shall be construed to alter or diminish the additional liabilities of the Directors of the Corporation hereinbefore mentioned and declared.

XXXIV. Besides the detailed statement of the affairs of the said Corporation hereinbefore required to be laid before the Shareholders thereof, at their annual general meeting, the Directors shall make up and publish, on the first Monday of each month, in every year, statements of the assets and liabilities of the Corporation, in the form of the Schedule B hereunto annexed, shewing under the heads specified in the said form, the average of the amount of the notes of the Corporation in circulation and other liabilities, at the termination of each month during the period to which the statement shall refer, and the average amount of specie and other assets that, at the same times, were available to meet the same: and it shall also be the duty of the Directors to submit to the Governor of this Province, a copy of each of such monthly statements; and if by him required to verify all or any part of the said statement, the said Directors shall verify the same by the production of the weekly or monthly balance-sheets, from which the said statement shall have been compiled; and furthermore, the said Directors shall from time to time, when required, furnish to the said Governor of this Province such further information respecting the state and proceedings of the Corporation, and of the several branches and offices of discount and deposit thereof, as such Governor of this Province, may reasonably see fit to call for: Provided always, that the weekly or monthly balance-sheet, and the further information that shall be so produced and given, shall be held by the said Governor of this Province as being produced and given in strict confidence that he shall not divulge any parts of the contents of the said weekly or monthly balance-sheets, or of the information that shall be so given: And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private account or accounts of any person or persons whatever having dealings with the Corporation.

Monthly statements of affairs of the Bank to be made and published.

How verified:

Proviso: Governor may require further information.

Proviso.

Proviso.

XXXV. It shall not be lawful for the Corporation hereby constituted, at any time whatever, directly or indirectly, to advance or lend to, or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money, or any securities for money: and if such unlawful advance or loan be made, then and from thenceforth the said Corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine: any thing in this Act to the contrary notwithstanding.

Bank not to lend money to foreign powers.

XXXVI. The several public notices by this Act required to be given, shall be given by advertisement in two or more of the newspapers published in Canada; and the Official Gazette, or such other Gazette as shall be generally known and accredited

How notices shall be published.

accredited as the Official Gazette for the publication of Official documents and notices emanating from the Civil Government of this Province, shall be one.

Punishment of Officers of Bank embezzling its property, &c.

XXXVII. If any Officer, Cashier, Manager, Clerk or Servant of the Corporation hereby constituted, shall secrete, embezzle, or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note, or with any security for money, or money or effects intrusted to him as such Officer, Cashier, Manager, Clerk or Servant, whether the same belong to the said Corporation, or belonging to any other person or persons, body or bodies politic or corporate, or institution or institutions, be lodged or deposited with the said Corporation, the Officer, Cashier, Manager, Clerk or Servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Rights of the Crown and others saved.

XXXVIII. Nothing in this Act contained shall in any manner derogate from or affect, or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any body or bodies politic or corporate, except in so far as the same may be specially derogated from or affected by the provisions of this Act.

Public Act.  
Duration.

XXXIX. This Act shall be held and taken to be a Public Act, and shall remain in force until the first day of June which will be in the year of our Lord, one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer.

#### FORM OF SCHEDULE A

*Referred to in the Nineteenth Section of the foregoing Act.*

For value received from I, (or we,) of  
do hereby assign and transfer unto the said shares,  
(on each of which has been paid pounds shillings,  
currency, amounting to the sum of pounds, shillings)  
in the Capital Stock of the St. Francis Bank, subject to the  
rules and regulations of the said Bank.

Witness my (or our) hand (or hands) at the said Bank, this  
day of in the year one thousand eight hundred  
and

(Signature.)

I (or we) do hereby accept the foregoing assignment of  
shares in the Stock of the St. Francis Bank, assigned to me (or  
us) as above mentioned, at the Bank, this day of  
one thousand eight hundred and

(Signature.)

FORM

## FORM OF SCHEDULE B

*Referred to in the foregoing Act.*

## LIABILITIES.

Promissory Notes in circulation not bearing interest.....	£
Bills of Exchange in circulation not bearing interest.....	£
Bills and Notes in circulation bearing interest.....	£
Balances due to other Banks.....	£
Cash deposits, not bearing interest.....	£
Cash deposits, bearing interest.....	£
Total average Liabilities.....	£

## ASSETS.

Coin and Bullion.....	£
Landed or other Property of the Bank.....	£
Government Securities.....	£
Promissory Notes or Bills of other Banks.....	£
Balances due from other Banks.....	£
Notes and Bills discounted, or other Debts due to the Bank, not included under the foregoing heads.....	£
Total average Assets.....	£

## CAP. CCII.

An Act to incorporate the Molsons Bank.

[Assented to 19th May, 1855.]

**W**HEREAS the Molsons Bank, constituted under and in virtue of the Provincial Act made and passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to establish Freedom of Banking in this Province, and for other purposes relative to Banks and Banking*, have by their Petition prayed for an Act of Incorporation extending their powers and privileges and authorizing them to increase their capital and for other purposes, and whereas it is expedient to grant the prayer of the said Petition: 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, as follows:

I. William Molson, the Honorable John Molson, Senior, Thomas Molson, the Honorable George Moffatt, John Ogilvy Moffatt, George Moffatt, the Honorable Samuel Gerrard, the Honorable

Preamble.

13 & 14 V.  
c. 21.

Certain persons incorporated.

Corporate name and general powers.

Real property limited.

May make By-laws.

Provide : such By-laws subject to approval of Stockholders.

Capital £250,000 in Shares of £12 10s each.

Stock Books may be opened.

At Montreal and elsewhere. First meeting for election of Directors.

Honorable James Ferrier, William Dow and Johnson Thomson, Esquires, all of Montreal, and the persons who are Shareholders of the Capital Stock of the said Bank, and such other persons as may become Shareholders in the Company to be by this Act created, and their heirs, legal representatives and assigns, shall be and are hereby created, constituted and declared to be a Corporation, Body Corporate and Politic, by the name of the "Molsons Bank," and shall continue such Corporation, and shall have perpetual succession and a Corporate Seal, with power to alter and change the same at pleasure, and may sue and be sued, implead and be impleaded in all Courts of Law as other Corporations may do, and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of two thousand pounds currency, and may sell, alienate or exchange the same and acquire other in stead, and may when duly organized as hereinafter provided, make, ordain and establish such Rules, Regulations and By-laws as to them shall seem meet and necessary for the due and proper administration of their affairs, and the due management of the said Bank, such By-laws Rules and Regulations not being inconsistent with this Act, or contrary to the laws of this Province: Provided, however, that such Rules, Regulations and By-laws shall be submitted for approval to the Stockholders or Shareholders in the said Bank, at their regular Annual Meetings.

II. The Capital Stock of the said Bank hereby incorporated, shall be two hundred and fifty thousand pounds, current money of this Province, divided into twenty thousand shares of twelve pounds ten shillings currency each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns, whereof the sum of fifty thousand pounds being the subscribed Capital Stock of the said Bank constituted under the said Free Banking Act is now paid in, the Shares of which said last sum are hereby vested in the present holders or proprietors thereof, according to their respective interest in the same.

III. For the purpose of raising the amount of the said Capital Stock, it shall be lawful for the persons hereby incorporated, or for any number of them not less than five, to cause Stock Books to be opened, after giving four weeks' public notice in two newspapers in the District, if there be so many, upon which Stock Books shall and may be received the signatures and subscriptions of such persons or parties as desire to become Shareholders in the said Bank, and such Books shall be opened at Montreal and elsewhere, at the discretion of the persons opening the same, and shall be kept open so long as may be necessary; and so soon as one hundred thousand pounds of the said Capital Stock shall have been subscribed upon the said Stock Books, a public meeting shall be called of subscribers after two weeks' notice as hereinabove provided, at such time

time and place as such notice shall indicate; and at such meeting the Shareholders shall proceed to elect five Directors, having the requisite Stock qualification, who shall from thenceforward manage the affairs of the said Corporation, shall take charge of the Stock Books hereinabove referred to, and shall continue in office until the first Monday in *April* after and until their successors in office shall be elected, and the said election shall be had in the same manner as the Annual Elections hereinafter provided for, as respects the regulating of votes according to the number of shares subscribed for.

IV. The shares of Capital Stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint; and Executors, Administrators and Curators paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same: Provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal at least to ten pounds per centum on the amount subscribed for, be actually paid at the time of subscribing: Provided further, that the remainder of the said Capital Stock over and above the said sum of fifty thousand pounds, shall be subscribed for and paid up as follows, that is to say: the sum of fifty thousand Pounds within three years; the further sum of fifty thousand Pounds within four years; and the further sum of one hundred thousand Pounds within five years after the said Bank shall have so commenced the business of Banking, under penalty of forfeiture of their charter.

Shares to be paid in by instalments.

Proviso: ten per cent: to be paid on subscribing.

The remainder to be paid within a certain time.

V. If any Shareholder or Shareholders shall refuse or neglect to pay any or either of the instalments upon his, her or their shares of the said Capital Stock, at the time or times required by public notice as aforesaid, such Shareholder or Shareholders shall incur a forfeiture to the use of the said Corporation of a sum of money equal to ten pounds per centum on the amount of such shares; and moreover, it shall be lawful for the Directors of the said Corporation (without any previous formality other than thirty days of public notice of their intention) to sell at public auction the said shares, or so many of the said shares as shall after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares and the amount of forfeitures incurred upon the whole; and the President, or Vice-President, or Cashier of the said Corporation, shall execute the transfer to the purchaser of the shares of Stock so sold, and such transfer being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of Stock thereby transferred: Provided always, that nothing in this section contained, shall be held to debar the Directors or Shareholders at a general meeting, from remitting, either in whole or in part,

Shareholders neglecting to pay instalment, to forfeit ten per cent. on amount of Shares.

Shares may be sold to pay instalments.

Proviso: forfeiture may be remitted.

and

and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid.

Chief place of business to be in Montreal.

Branches elsewhere.

VI. The chief place or seat of business of the said Corporation shall be in the City of Montreal aforesaid; but it shall and may be lawful for the Directors of the Corporation to open and establish in other Cities, Towns and places in this Province, branches or offices of discount and deposit of the said Corporation, under such rules and regulations for the good and faithful management of the same as to the said Directors shall, from time to time, seem meet, and shall not be repugnant to any Law of this Province, to this Act, or to the By-laws of the said Corporation.

Affairs to be managed by five Directors to be elected yearly by votes of Shareholders.

President and Vice-President.

Vacancies, how filled.

Proviso: Qualification of Directors.

Proviso: present Directors to continue until others are elected.

VII. For the management of the affairs of the said Corporation, there shall be five Directors, who shall be annually elected by the Shareholders of the Capital Stock of the Corporation, at a General Meeting of them to be held annually on the first Monday in August, beginning on the first Monday in August in the year one thousand eight hundred and fifty-six; at which meeting the Shareholders shall vote according to the rule or scale of votes hereinafter established; and the Directors elected shall be capable of serving as Directors for the ensuing twelve months, and at their first meeting after such election, shall choose out of their number, a President and a Vice-President, who shall hold their offices, respectively, during the same period; and, in case of vacancy occurring in the said number of five Directors, the remaining Directors shall fill the same by election from among the Shareholders, and the Director so elected shall be capable of serving as a Director, until the next Annual General Meeting of the Shareholders; and if the vacancy occurring in the said number of five Directors shall also cause the vacancy of the office of President, or of Vice-President, the Directors, at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected, shall fill the office to which he shall be so chosen or elected until the next General Annual Meeting of the Shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name, of not less than twenty shares of the Capital Stock of the said Corporation, and shall be a natural-born or naturalized subject of Her Majesty, and shall have resided seven years in Canada; And further provided always, that the Shareholders of the said Bank constituted under the said Free Banking Act who shall be Directors thereof when this Act shall go into operation, shall continue to be and shall be the Directors of the Bank hereby constituted until other Directors shall be elected under this Act, and they shall choose a President and Vice-President and shall fill up any vacancies occurring, in the manner herein provided.

VIII. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said Corporation shall not be deemed or taken to be thereby dissolved; but it shall be lawful at any subsequent time to make such election at a General Meeting of the Shareholders to be duly called for that purpose.

Election not taking place, Corporation not thereby dissolved.

IX. The books, correspondence and funds of the Corporation, shall at all times be subject to the inspection of the Directors; but no Shareholder, not being a Director, shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the Corporation.

Books, &c. of Corporation to be subject to inspection of Directors.

X. At all meetings of the Directors of the said Corporation, not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence, one of the Directors present to be chosen *pro tempore*, shall preside; and the President, Vice-President, or President *pro tempore* so presiding, shall vote as a Director, and, if there be an equal division on any question, shall have a casting vote.

Three Directors to constitute a quorum.

Casting vote.

XI. It shall and may be lawful for the Directors of the Corporation hereby constituted, from time to time to make and enact By-laws, rules and regulations, (the same not being repugnant to this Act, or to the laws of this Province,) for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same, and others to make and enact in their stead: Provided always, that no By-law, rule, or regulation so made by the Directors, shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the Shareholders at an Annual General Meeting, or a Special General Meeting called for that purpose.

Directors may make By-laws, &c.

Proviso: By-laws subject to confirmation by Stockholders.

XII. No Director of the Corporation hereby constituted shall, during the period of his services, act as a private banker, nor shall any Director other than the President, be entitled to any salary or emolument for his services as a Director, but the President may be compensated for his services as President, either by an annual vote of a sum of money by the Shareholders at their Annual General Meetings, or by a fixed salary; and in the latter case, for the purpose of securing to the Corporation the undivided attention and services of the President, it shall be lawful for the Directors, if they see fit, to choose and appoint annually from among themselves, a person duly qualified who shall be President of the Corporation and to award to him such remuneration for his services as they in their judgment shall see fit; any thing hereinbefore contained to the contrary notwithstanding.

Director not to act as private Banker, nor receive emolument as Director.

Except that President may be paid for his services.

Directors  
may appoint  
Cashier and  
Officers.

Other powers.

Proviso.

They must  
take security  
from Officers.

XIII. The Directors of the said Corporation shall have power to appoint such Cashiers, Officers, Clerks and Servants under them as shall be necessary for conducting the business of the Corporation, and to allow reasonable compensation for their services respectively; and shall also be capable of exercising such power and authority for the well governing and ordering of the affairs of the Corporation as shall be prescribed by the By-laws thereof: Provided always, that before permitting any Cashier, Officer, Clerk or Servant of the Corporation, to enter upon the duties of his office, the Directors shall require every such Cashier, Officer, Clerk or Servant, to give bond, to the satisfaction of the Directors, in such sum of money as the Directors consider adequate to the trust to be reposed, with conditions for good and faithful behaviour.

Directors to  
make half  
yearly divi-  
dends.

Proviso.

XIV. It shall be the duty of the Directors to make half yearly dividends of so much of the profits of the Corporation as to them shall appear advisable; and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give public notice thirty days previously: Provided always, that such dividend shall not in any manner lessen or impair the Capital Stock of the Corporation.

Annual meet-  
ing of Stock-  
holders for  
election of  
Directors

Statements of  
affairs to be  
made.

Its form and  
contents.

Last divi-  
dends and re-  
served fund.

XV. A general meeting of the shareholders of the Corporation shall be held in the City of Montreal on the first Monday in the month of August, one thousand eight hundred and fifty-six, and in every year thereafter during the continuance of this Act, for the purpose of electing Directors in the manner hereinbefore provided, and for all other general purposes touching the affairs, and the management of the affairs of the Corporation; and at each of the said annual general meetings the Directors shall submit a full and clear statement of the affairs of the Corporation, containing, on the one part, the amount of capital Stock paid in, the amount of notes of the Bank in circulation, the net profits in hand, the balances due to other Banks and Institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest; and, on the other part, the amount of current coins and gold and silver bullion in the vaults of the Bank, the value of buildings and other real estate belonging to the Bank, the balance due to the Bank from other Banks or Institutions, and the amount of debts owing to the Bank, including and particularizing the amounts so owing on bills of exchange, discounted notes, mortgages and hypothèques, and other securities; thus exhibiting on the one hand the liabilities of, or debts due by the Bank, and on the other hand, the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the then last dividend declared by the Directors, the amount of profits reserved at the time of declaring such dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.



XVI. The number of votes which the Shareholders of the said Corporation shall respectively be entitled to give at their meetings, shall be one vote for every share ; and it shall be lawful for absent Shareholders to give their votes by proxy, such proxy being also a Shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank : Provided always, that a share or shares of the Capital Stock of the said Corporation, that shall have been held for a less period than three Calendar Months immediately prior to any meeting of the Shareholders, except the first meeting, shall not entitle the holder or holders to vote at such meeting, either in person or by proxy : Provided also, that where two or more persons are joint holders of shares, it shall be lawful that only one of such joint holders be empowered by Letter of Attorney from the other joint holder or holders or a majority of them, to represent the said shares and vote accordingly ; And provided also, and it is hereby enacted, that no Shareholder who shall not be a natural-born or naturalized subject of Her Majesty, or who shall be a subject of any Foreign Prince or State, shall, either in person or by proxy, vote at any meeting whatever of the Shareholders of the said Corporation, or shall assist in calling any meeting of the Shareholders ; any thing in this Act to the contrary notwithstanding.

Shareholders' ratio of votes in proportion to number of Shares.

Proviso.

Shares must have been held a certain time.

Proviso as to joint holders.

Proviso: voter must be a British subject.

XVII. No Cashier, Bank Clerk, or other officer of the Bank shall either vote in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose.

Officers to have no vote at any election of Directors.

XVIII. Any number not less than twenty, of the Shareholders of the said Corporation, who together shall be proprietors of at least five hundred shares of the paid up Capital Stock of the Corporation, by themselves or proxies, or the Directors of the Corporation or any four of them, shall respectively have power at any time to call a special general meeting of the Shareholders of the Corporation, to be held at their usual place of meeting in the City of Montreal, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting ; and if the object of any such special general meeting be to consider of the proposed removal of the President or Vice-President, or of a Director or Directors of the Corporation, for mal-administration or other specified and apparently just cause, then and in such cases, the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall first be published, be suspended from the duties of his or their office or offices, and if it be the President or Vice-President, whose removal shall be proposed as aforesaid, his Office shall be filled up by the remaining Directors, (in the manner hereinbefore provided in the case of a vacancy occurring in the Office of President,) who shall choose or elect a Director to serve as such President or Vice-President, during the time such suspension shall continue or be undecided upon.

Special meetings may be called by twenty Shareholders.

Notice.

Suspension from office of Officers whose removal is the subject of such meeting.

Stock to be deemed personal estate.

Assignment, manner of effecting.

Parts of Shares not assignable.

Sale of Shares under seizure and transfer to purchaser.

XIX. The shares of the Capital Stock of the said Corporation shall be held and adjudged to be personal estate, and be transmissible accordingly, and shall be assignable and transferable at the Bank, according to the form of Schedule A annexed to this Act; but no assignment or transfer shall be valid and effectual unless it be made and registered in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due by him, her or them, to the Corporation, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share, or other than a whole share, shall be assignable or transferable: and when any share or shares of the said Capital Stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Corporation, an attested copy of the writ, with the certificate of such Sheriff endorsed thereon, certifying to whom the sale has been made; and thereupon (but not until after all debts due by the original holder or holders of the said shares to the Corporation shall have been discharged as aforesaid,) the President or Vice-President, or Cashier of the Corporation, shall execute the transfer of the share or shares so sold to the purchaser, and such transfer, being duly accepted, shall be, to all intents and purposes, as valid and effectual in Law as if it had been executed by the original holder or holders of the said shares; any law or usage to the contrary notwithstanding.

In what business only the Bank shall engage, and what species of property it may hold.

Proviso: Bank may take mortgages in the course of its business.

XX. The said Corporation hereby constituted shall not, either directly or indirectly, hold any lands or tenements (save and except such as by the first section of this Act they are specially authorized to acquire and hold,) or any ships or other vessels, or any share or shares of the Capital Stock of the Corporation, nor in any other Bank in this Province, nor shall the said Corporation, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation (*hypothèque*;) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the Corporation, or of any Goods, Wares or Merchandise; nor shall the said Corporation, either directly or indirectly, raise loans of money, or deal in the buying, selling or bartering of Goods, Wares or Merchandise, or engage or be engaged in any trade whatever except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of Banking: Provided always, that the said Corporation may purchase, take and hold mortgages and hypothecs and assignments of mortgages and hypothecs on real and personal property in this Province, by way of additional security for debts contracted to the Corporation in the course of their dealings.

XXI. The aggregate amount of discounts and advances made by the said Corporation upon commercial paper or securities bearing the name of any Director or Officer, or the co-partnership name or firm of any Director of the said Corporation, shall not at any one time exceed one tenth of the total amount of discounts or advances made by the Corporation at the same time.

Amount of advances on securities of Directors or Officers, limited.

XXII. It shall and may be lawful for the said Corporation to allow and pay interest, (but not exceeding the legal rate of interest in this Province,) upon moneys deposited in the Bank; and also, it shall and may be lawful for the Corporation, in discounting promissory notes or other negotiable securities, to receive or retain the discount thereon, at the time of discounting or negotiating the same; any law or usage to the contrary notwithstanding.

Corporation may pay interest on deposits in Bank and take discount.

XXIII. The bonds, obligations and bills obligatory and of credit of the said Corporation, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees, successively, and to enable such assignee or assignees to bring and maintain an action or actions thereupon in his, her or their own name or names; and signification of any such assignment by indorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills or notes of the Corporation signed by the President or Vice-President, and countersigned by a Cashier thereof, promising the payment of money to any person or persons, his, her or their order or to the bearer, though not under the seal of the Corporation, shall be binding and obligatory upon the same, in the like manner and with the like force and effect as they would be upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable or negotiable in the like manner as if they were so issued by such private person or persons: Provided always, that nothing in this Act contained shall be held to debar the Directors of the Corporation from authorizing or deputing from time to time any Cashier or Officer of the Corporation, or any Director other than the President or the Vice-President, or any Cashier, Manager or local Director of a Branch or office of discount and deposit of the said Corporation, to sign, and any Cashier, Accountant or Book-keeper of the said Corporation, or of any Branch or office of discount and deposit thereof, to countersign the bills or notes of the said Corporation intended for general circulation, and payable to order, or to bearer, on demand.

Bonds, &c. of Corporation may be assigned by indorsement.

Proviso: Officers may be deputed to sign Bank Notes.

Notes to bear date and be payable at the place of issue.

What shall be deemed Branch Banks.

Suspension for sixty days, to effect a forfeiture of Charter.

Total amount of Notes under £1 issued not to exceed one fifth of Capital Stock paid in.

Proviso: no Note to be under five shillings.

Proviso: 16 V. c. 162 to apply to this Bank.

Total liabilities of Bank limited and of its Bank Notes.

Penalty for excess,

XXIV. The notes or bills of the said Corporation made payable to order, or to bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the Corporation in the City of Montreal, or from any of the branches, shall bear date at the place of issue, and not elsewhere; and shall be payable on demand in specie at the same place of issue; and each and every office of discount and deposit established or hereafter to be established under the management or direction of a local Board of Directors, shall be considered and held to be a Branch Bank and subject to the restriction as to the issuing and redemption of notes provided in this Section.

XXV. A suspension by the said Corporation (either at the chief place or seat of business, or at any of their branches or offices of discount and deposit at other places in this Province,) of payment on demand, in specie, of the notes or bills of the said Corporation payable on demand, shall, if the time of suspension extend to sixty days, consecutively or at intervals within any twelve consecutive months, operate as and be a forfeiture of this Act of Incorporation, and all and every the privileges hereby granted.

XXVI. The total amount of the Notes or Bills of the said Corporation, being for a less sum than one pound, current money of Canada, each, that shall be or may have been issued and put in circulation, shall not exceed at any one time one fifth of the amount of the Capital Stock of the Corporation then paid in: Provided always, that no notes under the nominal value of five shillings shall at any time be issued or put into circulation by the Corporation, nor shall any further limitation by the Legislature of the total amount of notes to be issued or re-issued by the said Corporation be held to be any infringement upon the privileges hereby granted: Provided further, that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to encourage the issue by the Chartered Banks in this Province, of Notes secured in the manner provided by the General Banking Law*, shall be and are hereby declared to be applicable to the Bank established under this Act.

XXVII. The total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the Capital Stock paid in and the deposits made in the Bank in specie and Government securities for money; and at no one period after the passing of this Act shall the notes or bills payable on demand and to bearer, exceed the amount of the actually paid up Capital Stock of the Corporation: and in case of excess, the said Corporation shall forfeit this Act of Incorporation and all the privileges hereby granted; and the Directors under whose administration the excess shall happen, shall be liable jointly

jointly and severally for the same, in their private capacities, as well to the Shareholders, as to the holders of the bonds, bills and notes of the Corporation; and an action or actions in this behalf may be brought against them, or any of them, and the heirs, executors, administrators or curators of them, or any of them, and be prosecuted to judgment and execution according to law, but such action or actions shall not exempt the Corporation, or their lands, tenements, goods or chattels from being also liable for such excess: Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt, do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of proceedings of the Corporation, his protest against the same, and do, within eight days thereafter publish such protest in at least one newspaper published in the City of Montreal, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators from the liability aforesaid; any thing herein contained, or any law to the contrary notwithstanding: And provided always, that such publication shall not exonerate any Director from his liability as a Shareholder.

Liability of  
Directors.

Proviso:  
Directors may  
avoid liability  
by protest and  
publication.

Proviso.

XXVIII. In the event of the property and assets of the Corporation hereby constituted, becoming insufficient to liquidate the liabilities and engagements or debts thereof, the Shareholders of the Corporation, in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of Capital Stock held by them, that is to say: that the liability and responsibility of each Shareholder shall be limited to the amount of his or her share or shares of the said Capital Stock, and a sum of money equal in amount thereto: Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the Corporation hereinbefore mentioned and declared.

Liability of  
Shareholders  
defined and  
limited.

Proviso.

XXIX. Besides the detailed statement of the affairs of the said Corporation hereinbefore required to be laid before the Shareholders thereof, at their annual general meeting, the Directors shall make up and publish, on the first day of each month, in every year, statements of the assets and liabilities of the Corporation, in the form of the Schedule B hereunto annexed, shewing under the heads specified in the said form, the average of the amount of the notes of the Corporation in circulation and other liabilities, at the termination of each month, and the average amount of specie and other assets which, at the same time, were available to meet the same: and it shall also be the duty of the Directors to submit to the Governor, Lieutenant Governor, or Person administering the Government of this Province, a copy of each such monthly statements; and if by him required to verify all or any part of the said statement, the said Directors shall verify the same by the production

Monthly statements of affairs of the Bank to be made and published.

When verified.

Proviso : Governor may require further information.

of the monthly balance-sheet, from which the said statement shall have been compiled ; and furthermore, the said Directors shall from time to time, when required, furnish to the said Governor, Lieutenant Governor, or Person administering the Government of this Province, such further information respecting the state and proceedings of the Corporation, and of the several branches and offices of discount and deposit thereof, as such Governor, Lieutenant Governor, or Person administering the Government of this Province, may reasonably see fit to call for : Provided always, that the monthly balance-sheet, and the further information that shall be so produced and given, shall be held by the said Governor, Lieutenant Governor, or Person administering the Government of this Province, as being produced and given in strict confidence that he shall not divulge any part of the contents of the said monthly balance-sheet or of the information that shall be so given : And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private account or accounts of any person or persons whatever having dealings with the Corporation.

Proviso.

Proviso.

Bank not to lend money to foreign powers.

XXX. It shall not be lawful for the Corporation hereby constituted, at any time whatever, directly or indirectly, to advance or lend to, or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money, or any securities for money : and if such unlawful advance or loan be made, then and from thenceforth the said Corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine ; any thing in this Act to the contrary notwithstanding.

How notices shall be published.

XXXI. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in the City of Montreal, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette for the publication of Official documents and notices emanating from the Civil Government of this Province.

Transfer of Shares in Great Britain.

XXXII. Shares of the Capital Stock of the Bank may be made transferable and the dividends accruing thereon may be made payable in the United Kingdom in like manner as such shares and dividends are respectively made transferable and payable at the Bank, in the City of Montreal ; and to that end the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agent or agents as they may deem necessary.

Provision for proving the transmission of Shares, otherwise than

XXXIII. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by

a transfer according to the provisions of this Act, the Directors may require such transmission to be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require, and every such declaration or other instrument so signed, made and acknowledged, shall be left at the Bank with the Cashier or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders, and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank nor to vote in respect of any such share or shares as the holder thereof: Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice Consul or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or other accredited representative; And provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier or other Officer or Agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

by regular  
transfer.

Proviso: as to  
authentication  
of such proof.

Proviso: as  
further evi-  
dence.

XXXIV. If the transmission of any share in the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the will or the letters of administration or of tutorship or curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier or other Officer or Agent of the Bank, who shall then enter the name of the party entitled under such transmission, in the Register of Shareholders.

If the change  
of ownership  
be by mar-  
riage of a fe-  
male Share-  
holder, or by  
will, &c.

XXXV. Whenever the interest in any share or shares of the Capital Stock of the said Molsons Bank shall be transmitted by the death of any shareholder or otherwise, or whenever the ownership of, or legal right of possession in any such share or shares, shall change by any lawful means other than by transfer according to the provisions of this Act, and the Directors of the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, then and in such case it shall be lawful for the said Bank to make and file, in the Superior Court for Lower Canada, a declaration and petition in writing addressed to the Justices

Mode of ob-  
taining the de-  
cision of the  
Court as to  
title to Shares  
when the  
Bank enter-  
tains reason-  
able doubt.

of the Court, setting forth the facts and the number of shares previously belonging to the party in whose name such shares stand in the Books of the Bank, and praying for an order or judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Bank shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom: Provided always, that notice of such petition shall be given to the party claiming such shares, who shall, upon the filing of such petition establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court: Provided also, that the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Proviso.

Proviso.

Bank not bound to see to execution of trusts to which Shares may be subject.

XXXVI. The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares of the Bank may be subject, and the receipt of the party in whose name any such share shall stand in the Books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust, and the Bank shall not be bound to see to the application of the money paid upon such receipt; any law or usage to the contrary notwithstanding.

One tenth of paid up Capital to be invested in Debentures of certain kinds.

XXXVII. It shall be the duty of the Directors of the said Bank to invest, as speedily as the Debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Province, payable within the same, or of the Consolidated Municipal Loan Fund, one tenth part of the whole paid up Capital of the said Bank, and to make a Return of the numbers and amount of such Debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank, to the Inspector General, in the month of January of each year, under the penalty of the forfeiture of the Charter of the said Bank, in default of such investment and Return: Provided always, that the said Directors shall not commence the ordinary business of Banking until the sum of ten thousand pounds shall have been invested in such Debentures.

Return to be made.

Proviso.

Duration of this Act.

XXXVIII. This Act shall be and remain in force until the first day of June which will be in the year of our Lord, one thousand eight hundred and seventy; and from that time until the



the end of the then next Session of the Parliament of this Province, and no longer.

XXXIX. This Act shall be deemed a Public Act.

Public Act.

### FORM OF SCHEDULE A

*Referred to in the Nineteenth Section of the foregoing Act.*

For value received from I, (or we,) of  
do hereby assign and transfer unto the said shares,  
(on each of which has been paid, pounds shillings,  
currency, amounting to the sum of pounds, shillings)  
in the Capital Stock of the Molsons Bank, subject to the rules  
and regulations of the said Bank.

Witness my (or our) hand (or hands) at the said Bank, this  
day of in the year one thousand eight hundred  
and

(Signatures.)

I (or we) do hereby accept the foregoing assignment of  
shares in the Stock of the Molsons Bank, assigned to me (or  
us) as above mentioned, at the Bank, this day of  
one thousand eight hundred and

(Signatures.)

### FORM OF SCHEDULE B

*Referred to in the Twenty-ninth Section of the foregoing Act.*

Return of the Average Amount of Liabilities and Assets of the  
Molsons Bank during the period from first  
to one thousand eight hundred and

#### LIABILITIES.

Promissory Notes in circulation not bearing interest.....	£
Bills of Exchange in circulation not bearing interest.....	£
Bills and Notes in circulation bearing interest.....	£
Balances due to other Banks.....	£
Cash deposits, not bearing interest.....	£
Cash deposits, bearing interest.....	£
<b>Total average Liabilities.....</b>	<b>£</b>

ASSETS.

ASSETS.

Coin and Bullion,.....	£
Landed or other Property of the Bank,.....	£
Government Securities,.....	£
Promissory Notes or Bills of other Banks,.....	£
Balances due from other Banks,.....	£
Notes and Bills discounted, or other Debts due to the Bank, not included under the foregoing heads.....	£
Total average Assets,.....£	

C A P. C C I I I.

An Act to incorporate Zimmerman Bank.

[Assented to 19th May, 1855.]

Preamble.

13 & 14 V.  
c. 21.

**W**HEREAS the Zimmerman Bank, constituted under and by virtue of the Provincial Act made and passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to establish Freedom of Banking in this Province, and for other purposes relative to Banks and Banking*, have by their Petition prayed for an Act of Incorporation extending their powers and privileges and authorizing them to increase their capital and for other purposes; And whereas it is expedient to grant the prayer of the said Petition: 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, as follows:

Certain persons incorporated.

Corporate name and general powers.

Real property limited.

I. Samuel Zimmerman, the Honorable John Hillyard Cameron, Luther H. Holton, Joseph A. Woodruff, James Oswald, John L. Ranney and Richard Woodruff, and the persons who are Shareholders of the Capital Stock of the said Bank, and such other persons as may become Shareholders in the Company to be by this Act created, and their legal representatives and assigns, shall be and are hereby created, constituted and declared to be a Corporation, Body Corporate and Politic, by the name of the "Zimmerman Bank," and shall continue such Corporation, and shall have perpetual succession and a Corporate Seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law as other Corporations may do, and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of two thousand pounds currency, and may sell, alienate

or

or exchange the same and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such Rules, Regulations and By-laws as to them shall seem meet and necessary for the due and proper administration of their affairs, and the due management of the said Bank, such By-laws Rules and Regulations not being inconsistent with this Act, or contrary to the laws of this Province: Provided, however, that such Rules, Regulations and By-laws shall be submitted for approval to the Stockholders or Shareholders in the said Bank, at their regular Annual Meetings.

May make  
By-laws.

Proviso: By-laws subject to approval of Stockholders.

II. The Capital Stock of the said Bank hereby incorporated shall be two hundred and fifty thousand pounds, current money of this Province, divided into twenty thousand shares of twelve pounds ten shillings currency each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, whereof the sum of twenty-five thousand pounds being the subscribed Capital Stock of the said Bank constituted under the said Free Banking Act is now paid in, the Shares of which said last sum are hereby vested in the present holders or proprietors thereof, according to their respective interest in the same.

Capital  
£250,000 in  
Shares of £12  
10s each.

III. For the purpose of raising the amount of the said Capital Stock, it shall be lawful for the persons hereby incorporated, or for any number of them not less than five, to cause Stock Books to be opened, after giving four weeks' public notice in two newspapers in the County of Lincoln or of Wexford, if there be so many, upon which Stock Books shall and may be received the signatures and subscriptions of such persons or parties as desire to become Shareholders in the said Bank, and such Books shall be opened at Elgin and elsewhere, at the discretion of the persons opening the same, and shall be kept open so long as may be necessary; and so soon as one hundred thousand pounds of the said Capital Stock shall have been subscribed upon the said Stock Books, a public meeting shall be called of subscribers after two weeks' notice as hereinbefore provided, at such time and place as such notice shall indicate; and at such meeting the Shareholders shall proceed to elect five Directors, having the requisite Stock qualification, who shall from thenceforward manage the affairs of the said Corporation, shall take charge of the Stock Books hereinabove referred to, and shall continue in office until the first Monday in January next thereafter, and until their successors in office shall be duly elected, and the said election shall be had in the same manner as the Annual Elections hereinafter provided for, as respects the regulating of votes according to the number of shares subscribed for.

Stock Books  
may be open-  
ed,—

At Elgin and  
elsewhere.  
First meeting  
for election  
of Directors.

IV. The shares of Capital Stock subscribed for shall be paid in and by such instalments, and at such times and places

Shares to be  
paid in by  
instalments.

as

Proviso: ten per cent. to be paid on subscribing.

The remainder to be paid within a certain time.

as the said Directors shall appoint; and Executors, Administrators and Curators paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same: Provided always, that no share or shares shall be held to be lawfully subscribed for; unless a sum equal at least to ten pounds per centum on the amount subscribed for, be actually paid at the time of subscribing: Provided further, that the remainder of the said Capital Stock over and above the said sum of twenty-five thousand pounds, shall be subscribed for and paid up as follows, that is to say: the sum of seventy-five thousand Pounds within three years; the further sum of fifty thousand Pounds within four years; and the further sum of one hundred thousand pounds within five years after the said Bank shall have so commenced the business of Banking, under penalty of forfeiture of their charter.

Shareholders neglecting to pay instalment, to forfeit ten per cent. on amount of Shares.

Shares may be sold to pay instalments.

Proviso: forfeiture may be remitted.

V. If any Shareholder or Shareholders shall refuse or neglect to pay any or either of the instalments upon his, her or their shares of the said Capital Stock, at the time or times required by public notice as aforesaid, such Shareholder or Shareholders shall incur a forfeiture to the use of the said Corporation of a sum of money equal to ten pounds per centum on the amount of such shares; and moreover, it shall be lawful for the Directors of the said Corporation (without any previous formality other than thirty days of public notice of their intention) to sell at public auction the said shares, or so many of the said shares as shall after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeiture incurred upon the whole; and the President or Vice-President, or Cashier of the said Corporation, shall execute the transfer to the purchaser of the shares of Stock so sold, and such transfer being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of Stock thereby transferred: Provided always, that nothing in this section contained, shall be held to debar the Directors or Shareholders at a general meeting, from remitting, either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid.

Chief place of business to be in Elgin.

Branches elsewhere.

VI. The chief place or seat of business of the said Corporation shall be in Elgin aforesaid; but it shall and may be lawful for the Directors of the Corporation to open and establish in other Cities, Towns and places in this Province, branches or offices of discount and deposit of the said Corporation; under such rules and regulations for the good and faithful management of the same as to the said Directors shall, from time to time, seem meet, and shall not be repugnant to any Law of this Province, to this Act, or to the By-laws of the said Corporation.

VII. For the management of the affairs of the said Corporation, there shall be five Directors, who shall be annually elected by the Shareholders of the Capital Stock of the Corporation, at a General Meeting of them to be held annually on the first Monday in January, beginning on the first Monday in January, in the year one thousand eight hundred and fifty-six; at which meeting the Shareholders shall vote according to the rule or scale of votes hereinafter established; and the Directors elected by a majority of votes given in conformity to such rule or scale shall be capable of serving as Directors for the ensuing twelve months, and at their first meeting after such election, shall choose out of their number, a President and a Vice-President, who shall hold their offices, respectively, during the same period; and, in case of vacancy occurring in the said number of five Directors, the remaining Directors shall fill the same by election from among the Shareholders, and the Director so elected shall be capable of serving as a Director, until the next Annual General Meeting of the Shareholders; and if the vacancy occurring in the said number of five Directors shall also cause the vacancy of the office of President, or of Vice President, the Directors, at their first meeting after their number shall have been completed, as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected, shall fill the office to which he shall be so chosen or elected until the next General Annual Meeting of the Shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name, of not less than twenty shares of the Capital Stock of the said Corporation, and shall be a natural-born or naturalized subject of Her Majesty, and shall have resided seven years in Canada; And further, provided always, that the Shareholders of the said Bank constituted under the said Free Banking Act who shall be Directors thereof when this Act shall go into operation, shall continue to be and shall be the Directors of the Bank hereby constituted until the annual election of Directors in the year one thousand eight hundred and fifty-six aforesaid, and they shall choose a President and Vice-President, and shall fill up any vacancies occurring, in the manner herein provided.

Affairs to be managed by five Directors to be elected yearly by votes of Shareholders.

President and Vice-President.

Vacancies how filled.

Proviso: Qualification of Directors.

Proviso: present Directors to remain until others are elected.

VIII. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said Corporation shall not be deemed or taken to be thereby dissolved; but it shall be lawful at any subsequent time to make such election at a General Meeting of the Shareholders to be duly called for that purpose.

Election not taking place, Corporation not thereby dissolved.

IX. The books, correspondence and funds of the Corporation, shall at all times be subject to the inspection of the Directors; but no Shareholder, not being a Director, shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the Corporation.

Books, &c., of Corporation to be subject to inspection of Directors.

Three Directors to constitute a quorum.

X. At all meetings of the Directors of the said Corporation, not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence, one of the Directors present to be chosen *pro tempore* shall preside; and the President, Vice-President, or President *pro tempore* so presiding, shall vote as a Director, and, if there be an equal division on any question, shall have a casting vote.

Casting vote.

Directors may make By-laws, &c.

XI. It shall and may be lawful for the Directors of the Corporation hereby constituted, from time to time to make and enact By-laws, rules and regulations, (the same not being repugnant to this Act, or to the laws of this Province,) for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same, and others to make and enact in their stead: Provided always, that no By-law, rule or regulation so made by the Directors, shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the Shareholders at an Annual General Meeting, or at a Special General Meeting called for that purpose.

Proviso: By-laws subject to confirmation by Shareholders.

Director not to act as private Banker, nor receive emolument as Director.

XII. No Director of the Corporation hereby constituted shall, during the period of his services, act as a private banker, nor shall any Director other than the President, be entitled to any salary or emolument for his services as a Director, but the President may be compensated for his services as President, either by an annual vote of a sum of money by the Shareholders at their Annual General Meetings, or by a fixed salary; and in the latter case, for the purpose of securing to the Corporation the undivided attention and services of the President, it shall be lawful for the Directors, if they see fit, to choose and appoint annually from among themselves, a person duly qualified who shall be President of the Corporation, and to award to him such remuneration for his services as they in their judgment shall see fit; any thing hereinbefore contained to the contrary notwithstanding.

Except that the President may be paid for his services.

Directors may appoint Cashier and Officers.

XIII. The Directors of the said Corporation shall have power to appoint such Cashiers, Officers, Clerks and Servants under them as shall be necessary for conducting the business of the Corporation, and to allow reasonable compensation for their services respectively; and shall also be capable of exercising such power and authority for the well governing and ordering of the affairs of the Corporation as shall be prescribed by the By-laws thereof: Provided always, that before permitting any Cashier, Officer, Clerk or Servant of the Corporation to enter upon the duties of his office, the Directors should require every such Cashier, Officer, Clerk or Servant, to give bond, to the satisfaction of the Directors, in such sum of money as the Directors consider adequate to the trust to be reposed, with conditions for good and faithful behaviour.

Other powers.

Proviso.

They must take security from Officers.

XIV. It shall be the duty of the Directors to make half yearly dividends of so much of the profits of the Corporation as to them shall appear advisable; and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give public notice thirty days previously: Provided always, that no such dividend shall in any manner lessen or impair the Capital Stock of the Corporation.

Directors to make half yearly dividends.

Proviso.

XV. A general meeting of the Shareholders of the Corporation shall be held in Elgin aforesaid, on the first Monday in the month of January, in every year during the continuance of this Act, for the purpose of electing Directors in the manner hereinbefore provided, and for all other general purposes touching the affairs, and the management of the affairs of the Corporation; and at each of the said annual general meetings the Directors shall submit a full and clear statement of the affairs of the Corporation, containing, on the one part, the amount of capital Stock paid in, the amount of notes of the Bank in circulation, the net profits in hand, the balances due to other Banks and Institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest; and, on the other part, the amount of current coins and gold and silver bullion in the vaults of the Bank, the value of buildings and other real estate belonging to the Bank, the balances due to the Bank from other Banks or Institutions, and the amount of debts owing to the Bank, including and particularizing the amounts so owing on bills of exchange, discounted notes, mortgages and hypothecs, and other securities; thus exhibiting on the one hand the liabilities of, or debts due by the Bank, and on the other hand, the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the then last dividend declared by the Directors, the amount of profits reserved at the time of declaring such dividend, and the amount of debts of the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.

Annual meeting of Stockholders for election of Directors.

Statement of affairs to be made.

Its form and contents.

XVI. The number of votes which the Shareholders of the said Corporation shall respectively be entitled to give at their meetings, shall be one vote for every share; and it shall be lawful for absent Shareholders to give their votes by proxy, such proxy being also a Shareholder, and being provided with a written authority for his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank: Provided always, that a share or shares of the Capital Stock of the said Corporation, that shall have been held for a less period than three Calendar Months immediately prior to any meeting of the Shareholders, except the first meeting, shall not entitle the holder or holders to vote at such meeting, either in person or by proxy: Provided also, that where two or more persons are joint holders of shares, it shall be lawful that only one of such joint holders shall be empowered

Shareholders' ratio of votes in proportion to number of shares.

Proviso. Shares must have been held a certain time.

Proviso: as to joint holders.

**Proviso.**

Voter must  
be a British  
Subject.

empowered by Letters of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly: And provided also, and it is hereby enacted, that no Shareholder who shall not be a natural-born or naturalized subject of Her Majesty, or who shall be a subject of any Foreign Prince or State, shall, either in person or by proxy, vote at any meeting whatever of the Shareholders of the said Corporation, or shall assist in calling any meeting of the Shareholders; any thing in this Act to the contrary notwithstanding.

Officers to  
have no vote  
at any election  
of Directors.

**XVII.** No Cashier, Bank Clerk, or other officer of the Bank, shall either vote in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose.

Special meet-  
ings may be  
called by  
twenty Share-  
holders.

**XVIII.** Any number not less than twenty, of the Shareholders of the said Corporation, who together shall be proprietors of at least five hundred shares of the paid up Capital Stock of the Corporation, by themselves or proxies, or the Directors of the Corporation or any four of them, shall respectively have power at any time to call a special general meeting of the Shareholders of the Corporation, to be held at their usual place of meeting in Elgin, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President or Vice-President, or of a Director or Directors of the Corporation, for mal-administration or other specified and apparently just cause, then and in such cases, the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall first be published, be suspended from the duties of his or their office or offices, and if it be the President or Vice-President, whose removal shall be proposed as aforesaid, his Office shall be filled up by the remaining Directors, (in the manner hereinbefore provided in the case of a vacancy occurring in the Office of President,) who shall choose or elect a Director to serve as such President or Vice-President, during the time such suspension shall continue or be undecided upon.

**Notice.**

Suspension  
from office  
of officers  
whose re-  
moval is the  
subject of such  
meeting.

Stock to be  
deemed per-  
sonal estate.  
Assignments,  
manner of  
effecting.

**XIX.** The shares of the Capital Stock of the said Corporation shall be held and adjudged to be personal estate, and be transmissible accordingly; and shall be assignable and transferable at the Bank, according to the form of Schedule A annexed to this Act; but no assignment or transfer shall be valid and effectual unless it be made and registered in a book or books to be kept by the Directors for that purpose; nor until the person or persons making the same shall previously discharge all debts actually due by him, her or them, to the Corporation, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share, or other than a whole share, shall be assignable

Parts of shares  
not assignable.

Sale of shares  
under seizure



assignable or transferable: and when any share or shares of the said Capital Stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Corporation, an attested copy of the writ, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale has been made; and thereupon (but not until after all debts due by the original holder or holders of the said shares to the Corporation shall have been discharged as aforesaid,) the President or Vice-President, or Cashier of the Corporation, shall execute the transfer of the share or shares so sold to the purchaser, and such transfer, being duly accepted, shall be, to all intents and purposes, as valid and effectual in Law as if it had been executed by the original holder or holders of the said shares; any law or usage to the contrary notwithstanding.

XX. The said Corporation hereby constituted shall not, either directly or indirectly, hold any lands or tenements (save and except such as by the first section of this Act they are specially authorized to acquire and hold,) or any ships or other vessels, or any share or shares of the Capital Stock of the Corporation, nor in any other Bank in this Province, nor shall the said Corporation, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation (hypothèque,) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the Corporation, or of any Goods, Wares or Merchandize: nor shall the said Corporation, either directly or indirectly, raise loans of money, or deal in the buying, selling or bartering of Goods, Wares or Merchandize, or engage or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of Banking: Provided always, that the said Corporation may purchase, take and hold mortgages and hypothecs and assignments of mortgages and hypothecs on real and personal property in this Province, by way of additional security for debts contracted to the Corporation in the course of their dealings.

In what business only the Bank shall engage, and what species of property it may hold.

Proviso: Bank may take mortgages in the course of its business.

XXI. The aggregate amount of discounts and advances made by the said Corporation upon commercial paper or securities bearing the name of any Director or Officer, or the co-partnership name or firm of any Director of the said Corporation, shall not at any one time exceed one tenth of the total amount of discounts or advance made by the Corporation at the same time.

Amount of advances on securities of Directors or Officers limited.

XXII. It shall and may be lawful for the said Corporation to allow and pay interest, (but not exceeding the legal rate of interest

Corporation may pay interest

interest on deposits in Bank and take discount.

interest in this Province,) upon moneys deposited in the Bank : and also, it shall and may be lawful for the Corporation, in discounting promissory notes or other negotiable securities, to receive or retain the discount thereon, at the time of discounting or negotiating the same ; any law or usage to the contrary notwithstanding.

Bonds, &c., of Corporation may be assigned by endorsement.

XXIII. The bonds, obligations and bills obligatory and of credit of the said Corporation, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees, successively, and to enable such assignee or assignees to bring and maintain an action or actions thereupon in his, her or their own name or names ; and signification of any such assignment by indorsement shall not be necessary, any law or usage to the contrary notwithstanding ; and bills or notes of the Corporation, signed by the President or Vice-President, and countersigned by a Cashier thereof, promising the payment of money to any person or persons, his, her or their order or to the bearer, though not under the seal of the Corporation, shall be binding and obligatory upon the same, in the like manner and with the like force and effect as they would be upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable or negotiable in the like manner as if they were so issued by such private person or persons : Provided always, that nothing in this Act contained shall be held to debar the Directors of the Corporation from authorizing or deputing from time to time any Cashier or Officer of the Corporation, or any Director other than the President or the Vice-President, or any Cashier, Manager or local Director of a Branch or office of discount and deposit of the said Corporation, to sign, and any Cashier, Accountant or Book-keeper of the said Corporation, or of any Branch or office of discount and deposit thereof, to countersign the bills or notes of the said Corporation intended for general circulation, and payable to order, or to bearer, on demand.

Proviso : Officers may be deputed to sign Bank notes.

Notes to bear date and be payable at the place of issue.

XXIV. The notes or bills of the said Corporation made payable to order, or to bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the Corporation, or from any of the branches, shall bear date at the place of issue, and not elsewhere ; and shall be payable on demand in specie at the same place of issue ; and each and every office of discount and deposit established or hereafter to be established under the management or direction of a local Board of Directors, shall be considered and held to be a Branch Bank, and subject to the restriction as to the issuing and redemption of notes provided in this Section.

What shall be deemed branch Banks.

XXV. A suspension by the said Corporation (either at the chief place or seat of business, or at any of their branches or offices of discount and deposit at other places in this Province,) of payment on demand, in specie, of the notes or bills of the said Corporation payable on demand, shall, if the time of suspension extend to sixty days, consecutively, or at intervals within any twelve consecutive months, operate as and be a forfeiture of this Act of Incorporation, and all and every the privileges hereby granted.

Suspension for sixty days, to effect a forfeiture of Charter.

XXVI. The total amount of the Notes or Bills of the said Corporation, being for a less sum than one pound, current money of Canada, each, that shall be or may have been issued and put in circulation, shall not exceed at any one time one fifth of the amount of the Capital Stock of the Corporation then paid in: Provided always, that no notes under the nominal value of five shillings shall at any time be issued or put into circulation by the Corporation, nor shall any further limitation by the Legislature of the total amount of notes to be issued or re-issued by the said Corporation, be held to be any infringement upon the privileges hereby granted: Provided further, that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to encourage the issue by the Chartered Banks of this Province, of Notes secured in the manner provided by the General Banking Law*, shall be and are hereby declared to be applicable to the Bank established under this Act.

Total amount of notes under £1 issued, not to exceed one fifth of Capital Stock paid in.

Proviso: No note to be under five shillings.

Proviso: 16 V. c. 162, to apply to this Bank.

XXVII. The total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the Capital Stock paid in and the deposits made in the Bank in specie and Government securities for money; and at no one period after the passing of this Act shall the notes or bills payable on demand and to bearer, exceed the amount of the actually paid up Capital Stock of the Corporation; and in case of excess, the said Corporation shall forfeit this Act of Incorporation and all the privileges hereby granted; and the Directors under whose administration the excess shall happen, shall be liable jointly and severally for the same, in their private capacities, as well to the Shareholders, as to the holders of the bonds, bills and notes of the Corporation; and an action or actions in this behalf may be brought against them, or any of them, and the heirs, executors, administrators or curators of them, or any of them, and be prosecuted to judgment and execution according to law, but such action or actions shall not exempt the Corporation, or their lands, tenements, goods or chattels, from being also liable for such excess: Provided always, that if any Director present at the time of contracting any such excess of debt do forthwith, or if any Director absent at the time of contracting any such excess of debt, do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes

Total liabilities of Bank limited and of its Bank notes

Penalty for excess and liability of Directors.

Proviso: Director may avoid liability by protest and publication.

minutes

minutes or register of proceedings of the Corporation, his protest against the same, and do, within eight days thereafter publish such protest in at least one newspaper published in the County of Lincoln or Welland, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators from the liability aforesaid; any thing herein contained, or any law to the contrary notwithstanding: And provided always, that such publication shall not exonerate any Director from his liability as a Shareholder.

Proviso.

Liability of Shareholders defined and limited.

XXVIII. In the event of the property and assets of the Corporation hereby constituted, becoming insufficient to liquidate the liabilities and engagements or debts thereof, the Shareholders of the Corporation, in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of Capital Stock held by them, that is to say: that the liability and responsibility of each Shareholder shall be limited to the amount of his or her share or shares of the said Capital Stock, and a sum of money equal in amount thereto: Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the Corporation hereinbefore mentioned and declared.

Proviso.

Monthly statements of affairs of the Bank to be made and published.

XXIX. Besides the detailed statement of the affairs of the said Corporation hereinbefore required to be laid before the Shareholders thereof, at their annual general meeting, the Directors shall make up and publish, on the first day of each month, in every year, statements of the assets and liabilities of the Corporation, in the form of the Schedule B hereunto annexed, shewing under the heads specified in the said form, the average of the amount of the notes of the Corporation in circulation and other liabilities, at the termination of each month, and the average amount of specie and other assets which, at the same time, were available to meet the same: and it shall also be the duty of the Directors to submit to the Governor, Lieutenant Governor, or Person administering the Government of this Province, a copy of each of such monthly statements; and if by him required to verify all or any part of the said statement, the said Directors shall verify the same by the production of the monthly balance-sheet from which the said statement shall have been compiled; and furthermore, the said Directors shall from time to time, when required, furnish to the said Governor, Lieutenant Governor, or Person administering the Government of this Province, such further information respecting the state and proceedings of the Corporation, and of the several branches and offices of discount and deposit thereof, as such Governor, Lieutenant Governor or Person administering the Government of this Province, may reasonably see fit to call for: Provided always, that the monthly balance-sheet, and the further information that shall be so produced and given, shall be held by the said Governor, Lieutenant Governor, or Person administering

How verified.

Proviso: Governor may require further information.

Proviso.

administering the Government of this Province, as being produced and given in strict confidence that he shall not divulge any part of the contents of the said monthly balance-sheet, or of the information that shall be so given: And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private account or accounts of any person or persons whatever having dealings with the Corporation. Proviso.

XXX. It shall not be lawful for the Corporation hereby constituted, at any time whatever, directly or indirectly, to advance or lend to, or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money, or any securities for money: and if such unlawful advance or loan be made, then and from thenceforth the said Corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine; any thing in this Act to the contrary notwithstanding. Bank not to lend money to Foreign Powers.

XXXI. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in the County of Lincoln or Welland, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette for the publication of Official documents and notices emanating from the Civil Government of this Province. How notices shall be published.

XXXII. Shares of the Capital Stock of the Bank may be made transferable and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively made transferable and payable at the Bank, in the County of Elgin; and to that end, the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agent or agents as they may deem necessary. Transfer of Shares in Great Britain.

XXXIII. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, the Directors may require such transmission to be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require, and every such declaration or other instrument so signed, made and acknowledged, shall be left at the Bank with the Cashier or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders, and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank nor to vote in respect of any such share. Provision for transmitting the shares, otherwise than by regular transfer.

Proviso: as to authentication of such proof.

share or shares as the holder thereof: Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice Consul or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or other accredited representative; And provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier or other Officer or Agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso: as to further evidence.

If the change of ownership be by marriage of a female Shareholder, or by will, &c.

XXXIV. If the transmission of any share in the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the will or the letters of administration or of tutorship or curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier or other Officer or Agent of the Bank, who shall then enter the name of the party entitled under such transmission, in the Register of Shareholders.

Mode of obtaining decision of the Court as to title to shares when the Bank entertains reasonable doubt.

XXXV. Whenever the interest in any share or shares of the Capital Stock of the said Bank shall be transmitted by the death of any shareholder or otherwise, or whenever the ownership of, or legal right of possession in any such share or shares, shall change by any lawful means other than by transfer according to the provisions of this Act, and the Directors of the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, then and in such case it shall be lawful for the said Bank to make and file, in the Court of Chancery for Upper Canada, a declaration and petition in writing addressed to the Chancellor of the Court, setting forth the facts and the number of shares previously belonging to the party in whose name such shares stand in the Books of the Bank, and praying for an order or judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Bank shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom: Provided always, that notice of such petition shall be given to the party claiming such shares, who shall, upon the filing of such petition establish his right to the several shares referred to in such petition; and all other proceedings in such cases shall be the same

Proviso.

same as those observed in cases pending before the said Court of Chancery ; Provided also, that the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right. Proviso.

XXXVI. The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares of the Bank may be subject, and the receipt of the party in whose name any such share shall stand in the Books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge to the Bank, for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust, and the Bank shall not be bound to see to the application of the money paid upon such receipt ; any law or usage to the contrary notwithstanding. Bank not bound to see to execution of trusts to which Shares may be subject.

XXXVII. It shall be the duty of the Directors of the said Bank to invest, as speedily as the Debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Province, payable within the same, or of the Consolidated Municipal Loan Fund, one tenth part of the whole paid up Capital of the said Bank, and to make a Return of the numbers and amount of such Debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank, to the Inspector General, in the month of January of each year, under the penalty of the forfeiture of the Charter of the said Bank, in default of such investment and Return : Provided always, that the said Directors shall not commence the ordinary business of Banking until the sum of ten thousand pounds shall have been invested in such Debentures. One tenth of paid up Capital to be invested in Debentures of certain kinds.  
Return to be made.  
Proviso.

XXXVIII. This Act shall be and remain in force until the first day of June, which will be in the year of our Lord, one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer. Duration of Act.

XXXIX. This Act shall be deemed a Public Act.

Public Act.

#### FORM OF SCHEDULE A

*Referred to in the Nineteenth Section of the foregoing Act.*

For value received from I, (or we,) of  
do hereby assign and transfer unto the said shares,  
55 \* (on

(on each of which has been paid, pounds shillings, currency, amounting to the sum of pounds shillings) in the Capital Stock of the Zimmerman Bank, subject to the rules and regulations of the said Bank.

Witness my (or our) hand (or hands) at the said Bank, this day of in the year one thousand eight hundred and

(Signatures.)

I (or we) do hereby accept the foregoing assignment of shares in the Stock of the Zimmerman Bank, assigned to me (or us) as above mentioned, at the Bank, this day of one thousand eight hundred and

(Signatures.)

FORM OF SCHEDULE B

Referred to in the Twenty-ninth Section of the foregoing Act.

Return of the Average Amount of Liabilities and Assets of the Zimmerman Bank during the period from first to one thousand eight hundred

LIABILITIES.

- Promissory Notes in circulation not bearing interest. £
Bills of Exchange in circulation not bearing interest. £
Bills and Notes in circulation bearing interest. £
Balances due to other Banks. £
Cash deposits, not bearing interest. £
Cash deposits, bearing interest. £
Total average Liabilities. £

ASSETS.

- Coin and Bullion. £
Landed or other Property of the Bank. £
Government Securities. £
Promissory Notes or Bills of other Banks. £
Balances due from other Banks. £
Notes and Bills discounted, or other Debts due to the Bank, not included under the foregoing heads. £
Total average Assets. £



## C A P . C C I V .

## An Act to incorporate the Niagara District Bank.

[Assented to 19th May, 1855.]

**W**HEREAS the Niagara District Bank, created and constituted by, under and in virtue of an Act of Parliament of this Province, made and passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to establish freedom of Banking in this Province, and for other purposes relative to Banks and Banking*, have by their Petition prayed on behalf of the said Corporation for an Act of incorporation, extending their powers and privileges and authorizing them to increase their capital stock; And whereas it is expedient to grant the prayer of the said Petition: 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, as follows:

Preamble.

13 &amp; 14 V. c. 21.

I. The Honorable James Morris, the Honorable John Ross, the Honorable John Sandfield McDonald, the Honorable Hamilton H. Killaly, the Honorable William Hamilton Merritt, Thomas Clarke Street, James Benson, John Arnold, J. P. Merritt, Thomas R. Merritt, Nehemiah Merritt, William Matice, Richard Miller, John Brown, Calvin Phelps, and Rolland Macdonald, Esquires, all of this Province, and such other persons as now are shareholders of the capital stock of the said Bank and their assigns, shall be and they are hereby constituted a body corporate and politic in fact and in name, by and under the name, style and title of the Niagara District Bank, and as such shall, during the continuance of this Act, have succession and a common seal, with power to break, renew, change, and alter the same at pleasure; and shall be capable of suing and being sued, and of pleading and being impleaded in all Courts of Law and Equity and other places, in all manner of actions, causes and matters whatsoever; and for the convenient management of their business, but for no other purpose, shall and may purchase, acquire and hold, real or immoveable estates and property, not exceeding the yearly value of one thousand pounds current money of this Province; and may sell, alienate, and dispose of the same, and purchase, acquire and hold others in their stead, not exceeding in the whole the yearly value aforesaid.

Certain persons incorporated.

Corporate name and general powers.

Real property limited.

II. The capital stock of the said Corporation hereby constituted, shall be the sum of two hundred and fifty thousand pounds

Capital £250,000. in

pounds

shares of £25 each.

Present Capital.

When the remainder must be paid up.

Stock Books may be opened.

Shares to be paid in by instalments.

Proviso: ten per cent. to be paid on subscribing.

Shareholders neglecting to pay instalment, to forfeit ten per cent. on amount of shares.

Shares may be sold to pay instalments.

pounds current money of Canada, divided into ten thousand shares of twenty-five pounds each (the sum of Fifty Thousand Pounds thereof being the subscribed capital stock of the Bank contributed under the free banking Act aforesaid and now in course of payment,) the shares of which said sum of Fifty Thousand Pounds are hereby vested in the present holders or proprietors thereof according to their respective interest in the same; and the remaining Two Hundred Thousand Pounds shall be subscribed for and paid up as follows, that is to say, the sum of Fifty Thousand Pounds within three years from the passing of this Act, a further sum of Fifty Thousand Pounds within four years from the passing of this Act, and the remaining sum of One Hundred Thousand Pounds within five years from the passing of this Act, making in all the said sum of Two Hundred and Fifty Thousand Pounds, on pain of forfeiture of the privileges granted by this Act.

III. The books of subscription for the Capital Stock, by the next preceding section of this Act, authorized to be raised as the Capital Stock of the said Corporation, shall be opened by such persons, at such times and places, and under such regulations as to the Directors of the said Corporation shall seem meet; and the shares of Capital Stock thereupon subscribed for, shall be paid in by such instalments and at such times and places as the said Directors shall appoint; and Executors, Administrators and Curators paying instalments upon the shares of deceased Shareholders shall be and they are hereby respectively indemnified for paying the same.

IV. Provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal to ten pounds *per centum*, on the amount subscribed for, be actually paid at the time of subscribing.

V. If any Shareholder or Shareholders shall refuse or neglect to pay any or either of the instalments upon his, her or their shares of the said Capital Stock, at the time or times required by public notice as herein mentioned, such Shareholder or Shareholders shall incur a forfeiture to the use of the said Corporation of a sum of money equal to ten pounds per centum on the amount of such shares; and moreover, it shall be lawful for the Directors of the said Corporation (without any previous formality other than thirty days' public notice of their intention) to sell at public auction the said shares, or so many of the said shares as shall after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares and the amount of forfeitures incurred upon the whole; and the President, Vice-President or Cashier of the said Corporation, shall execute the transfer to the purchaser of the Stock so sold, and such transfer being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders

holders of the shares of Stock thereby transferred : Provided always, that nothing in this section contained, shall be held to debar the Directors or Shareholders at a general meeting, from remitting, either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid. Proviso : forfeiture may be remitted.

.VI. The chief place or seat of business of the said Corporation shall be in the Town of St. Catherines, in Upper Canada ; but it shall and may be lawful for the Directors of the Corporation to open and establish in other Towns, Cities and places in this Province, branches or offices of discount and deposit of the said Corporation, under such rules and regulations for the good and faithful management of the same as to the said Directors shall, from time to time, seem meet, and shall not be repugnant to any Law of this Province, to this Act, or to the By-laws of the said Corporation. Chief seat of business to be at St. Catherines. Branches elsewhere.

VII. Shares of the Capital Stock of the said Bank may be made transferable, and the dividends accruing thereon may be made payable, in the United Kingdom, in like manner as such shares and dividends are respectively transferable and payable at the Bank in the Town of St. Catherines, and to that end the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agent or agents as they may deem necessary. Transfer of Shares in Great Britain.

VIII. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, the Directors may require such transmission to be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require ; and every such declaration or instrument so signed, made and acknowledged, shall be left at the Bank with the Cashier or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders, and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank nor to vote in respect of any such share as the holder thereof : Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice Consul or other the accredited representative of the British Government in the country where the declaration shall be made, Provision for proving the transmission of shares, otherwise than by regular transfer. Proviso : as to authentication of such proof.

Proviso : as to further evidence.

or shall be made directly before such British Consul or other accredited representative ; And provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier or other Officer or Agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

If the change of ownership be by marriage of a female Shareholder, or by will, &c.

IX. If the transmission of any share of the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the will or the letters of administration or tutorship or curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier or other Officer or Agent of the Bank, who shall then enter the name of the party entitled under such transmission, in the Register of Shareholders.

Mode of obtaining decision of Court of Chancery as to title to shares when the Bank shall entertain reasonable doubt.

X. Whenever the interest in any share or shares of the Capital Stock of the said Niagara District Bank shall be transmitted by the death of any shareholder or otherwise, or whenever the ownership of, or legal right of possession in any such share or shares, shall change by any lawful means other than by transfer according to the provisions of this Act, and the Directors of the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, then and in such case it shall be lawful for the said Bank to make and file, in the Court of Chancery for Upper Canada, a declaration and petition in writing addressed to the Chancellor of the Court, setting forth the facts and the number of shares previously belonging to the party in whose name such shares stand in the Books of the Bank, and praying for an order or judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Bank shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom : Provided always, that notice of such petition shall be given to the party claiming such shares, who shall, upon the filing of such petition establish his right to the several shares referred to in such petition ; and the delays to plead and all other proceedings in such cases shall be the same as those observed in cases pending before the said Court of Chancery ; Provided also, that the costs and expenses of procuring such order or adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Proviso.

Proviso.

XI. The Bank shall not be bound to see to the execution of any trust; whether express, implied or constructive, to which any of the shares of the Bank may be subject, and the receipt of the party in whose name any such share shall stand in the Books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust, and the Bank shall not be bound to see to the application of the money paid upon such receipt; any law or usage to the contrary notwithstanding.

Bank not bound to see to execution of trust to which Shares may be subject.

XII. For the management of the affairs of the said Corporation, there shall be seven Directors, who shall be annually elected by the Shareholders of the Capital Stock of the Corporation, at a General Meeting of them to be held annually on the second Monday in January, beginning on the second Monday in January, in the year of Our Lord, one thousand eight hundred and fifty-six; at which meeting the Shareholders shall vote according to the rule or scale of votes hereinafter established; and the Directors elected by a majority of votes given in conformity to such rule or scale, shall be capable of serving as Directors for the ensuing twelve months, or until their successors shall have been elected, and at their first meeting after such election, shall choose out of their number, a President and a Vice-President who shall hold their offices during the same period; and, in case of a vacancy occurring in the said number of seven Directors, the remaining Directors shall fill the same by election from among the Shareholders, and the Director so elected shall be capable of serving as a Director until the next Annual General Meeting of the Shareholders; and if the vacancy occurring in the said number of seven Directors shall also cause the vacancy of the office of President or of Vice-President, the Directors, at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or electing from among themselves, and the Director so chosen or elected, shall fill the office to which he shall be so chosen or elected until the next General Annual Meeting of the Shareholders; Provided always, that each of the said Directors shall be the holder and proprietor in his own name, of not less than twenty shares of the Capital Stock of the said Corporation wholly paid up, and shall be a natural-born or naturalized subject of Her Majesty.

Affairs to be managed by Directors to be elected yearly by votes of shareholders.

President and Vice-President.

Vacancies how filled.

Proviso: Qualification of Directors.

XIII. If at any time it shall happen that an election of Directors shall not be made or take effect by this Act, the said Corporation shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a General Meeting of the Shareholders to be called for that purpose.

Election not taking place, Corporation not thereby dissolved.

Books, &c.. of Corporation to be subject to inspection of Directors.

XIV. The books, correspondence and funds of the Corporation, shall at all times be subject to the inspection of Directors; but no Shareholder, not being a Director, shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the Corporation.

Three Directors to constitute a quorum.

XV. At all meetings of the Directors of the said Corporation, not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence, the Vice-President, or in their absence, one of the Directors present to be chosen *pro tempore*, shall preside; and the President, Vice-President or President *pro tempore* so presiding, shall vote as a Director, and, if there be an equal division on any question, shall have a casting vote.

Casting vote.

Present Directors continued until others are elected.

XVI. The Shareholders of the Bank, constituted under the Free Banking Act hereinbefore mentioned, who at the time of the passing of this Act, shall be Directors thereof, shall be and continue to be Directors of the Bank hereby constituted until the second Monday in January, in the year of Our Lord, one thousand eight hundred and fifty-six, being the day hereinbefore appointed for the first election of Directors or until their successors are appointed, they shall choose from among themselves a President and Vice-President in the manner hereinbefore provided, and in case of any vacancy occurring before the said day appointed for the first election of Directors, the vacancy shall in like manner be filled up as is hereinbefore provided.

Directors may make By-laws, &c.

XVII. It shall and may be lawful for the Directors of the Corporation hereby constituted, from time to time to make and enact By-laws, rules and regulations, (the same not being repugnant to this Act, or to the laws of this Province,) for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same, and others to make and enact in their stead: Provided always, that the By-laws, rules or regulations of the Bank, constituted as hereinbefore mentioned, in so far as they are not repugnant to this Act or to law, shall be the By-laws of the Corporation hereby constituted, until others shall have been made and enacted as provided for by this section.

Director not to act as private banker. President may be paid.

XVIII. No Director of the Corporation hereby constituted shall, during the period of his services, act as a private banker; the President or Managing Director only, may be compensated for his services either by an annual vote of a sum of money by the Shareholders at their Annual General Meeting, or by a fixed salary.

Directors may appoint

XIX. The Directors of the said Corporation shall have power to appoint such Cashiers, Officers, Clerks and Servants unde

under them as shall be necessary for conducting the business of the Corporation, and to allow reasonable compensation for their services respectively; and shall also be capable of exercising such power and authority for the well governing and ordering of the affairs of the Corporation as shall be prescribed by the By-laws thereof: Provided always, that before permitting any Cashier, Officer, Clerk or Servant of the Corporation, to enter upon the duties of his office, the Directors shall require every such Cashier, Officer, Clerk or Servant, to give bond, to the satisfaction of the Directors, that is to say: every Cashier, in a sum not less than five thousand pounds current money of Canada, and every other Officer, Clerk or Servant, in such sum of money as the Directors consider adequate to the trust to be reposed, with conditions for good and faithful behaviour.

Cashier and Officers.

Other powers.

Proviso:  
They must take security from officers.

XX. It shall be the duty of the Directors to make half yearly dividends of so much of the profits of the Corporation as to them shall appear advisable; and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give public notice thirty days previously: Provided always, that such dividend shall not in any manner lessen or impair the Capital Stock of the Corporation.

Directors to make half yearly dividends.

Proviso.

XXI. A general meeting of the shareholders of the Corporation shall be held in the town of St. Catherines, on the second Monday in the month of January, in every year during the continuance of this Act, for the purpose of electing Directors in the manner hereinbefore provided, and for all other general purposes touching the affairs, and the management of the affairs of the Corporation; and at each of the said annual general meetings, the Directors shall submit a full and clear statement of the affairs of the Corporation, containing, on the one part, the amount of capital Stock paid in, the amount of notes of the Bank in circulation, the net profits in hand, the balances due to other Banks and Institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest; and, on the other part, the amount of current coins and gold and silver bullion in the vaults of the Bank, the value of buildings and other real estate belonging to the Bank, the balances due to the Bank from other Banks or Institutions, and the amount of debts owing to the Bank, including and particularizing the amounts so owing on bills of exchange, discounted notes, mortgages and hypothecs, and other securities; thus exhibiting on the one hand the liabilities of, or debts due by the Bank, and on the other hand, the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the then last dividend declared by the Directors, the amount of profits reserved at the time of declaring such dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.

Annual Meeting of Stockholders for election of Directors.

Statement of affairs to be made.

Its form and contents.

Last Dividends and reserved fund.

Shareholders' ratio of votes in proportion to number of shares.

Proviso : Shares must have been held a certain time.

Proviso as to joint holders.

Officers to have no vote at any election of Directors.

Special meetings may be called by twenty Shareholders.

Notice.

Suspension from office of officer whose removal is the subject of such meeting.

Stock to be deemed personal estate.

XXII. The number of votes which the Shareholders of the said Corporation shall respectively be entitled to give at their meetings, shall be at the rate of one vote for every share; and it shall be lawful for absent Shareholders to give their votes by proxy, such proxy being also a Shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank: Provided always, that a share or shares of the Capital Stock of the said Corporation that shall have been held for a less period than three Calendar Months immediately prior to any meeting of the Shareholders, except the first Meeting, shall not entitle the holder or holders to vote at such meeting, either in person or by proxy: Provided also, that where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered by Letter of Attorney from the other joint holder or holders or a majority of them, to represent the said shares and vote accordingly.

XXIII. No Cashier, Bank Clerk, or other officer of the Bank shall either vote in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose.

XXIV. Any number not less than twenty, of the Shareholders of the said Corporation, who together shall be proprietors of at least five hundred shares of the paid up Capital Stock of the Corporation, by themselves or proxies, or the Directors of the Corporation or any four of them, shall respectively have power at any time to call a special general meeting of the Shareholders of the Corporation, to be held at their usual place of meeting in the town of St. Catherines, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President or Vice-President, or of a Director or Directors of the Corporation, for mal-administration or other specified and apparently just cause, then and in such case, the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall first be published, be suspended from the duties of his or their office or offices, and if it be the President, or Vice-President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors, (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President or Vice-President,) who shall choose or elect a Director to serve as such President or Vice-President, during the time such suspension shall continue or be undecided upon.

XXV. The shares of the Capital Stock of the said Corporation shall be held and adjudged to be personal estate, and be transmissible



transmissible accordingly; and shall be assignable and transferable at the Bank, according to the form of Schedule A annexed to this Act; but no assignment or transfer shall be valid and effectual unless it be made and registered in a book or books to be kept by the Directors for that purpose; nor until the person or persons making the same shall previously discharge all debts actually due by him, her or them, to the Corporation, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share, or other than a whole share, shall be assignable or transferable: and when any share or shares of the said Capital Stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Corporation, an attested copy of the writ, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale has been made; and thereupon (but not until after all debts due by the original holder or holders of the said shares to the Corporation shall have been discharged as aforesaid,) the President or Vice-President, or Cashier of the Corporation, shall execute the transfer of the share or shares so sold to the purchaser, and such transfer, being duly accepted, shall be, to all intents and purposes, as valid and effectual in Law as if it had been executed by the original holder or holders of the said shares; any law or usage to the contrary notwithstanding.

Assignment,  
manner of  
effecting.

Parts of shares  
not assignable.

Sale of shares  
under seizure,  
and transfer to  
purchaser.

XXVI. The said Corporation hereby constituted shall not, either directly or indirectly, hold any lands or tenements (save and except such as by the first section of this Act they are specially authorized to acquire and hold,) or any ships or other vessels, or any share or shares of the Capital Stock of the Corporation, nor in any other Bank in this Province, nor shall the said Corporation, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation of any lands or tenements, nor upon the security or pledge of any share or shares of the Capital Stock of the Corporation, or of any Goods, Wares or Merchandize: nor shall the said Corporation, either directly or indirectly, raise loans of money, or deal in the buying, selling or bartering of Goods, Wares or Merchandize, or engage or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of Banking: Provided always; that the said Corporation may purchase, take and hold mortgages and assignments of mortgages and hypothecs on real and personal property in this Province, by way of additional security for debts contracted to the Corporation in the course of their dealings.

In what busi-  
ness only the  
Bank shall  
engage, and  
what species  
of property it  
may hold.

Proviso:  
Bank may take  
mortgages in  
the course of  
its business.

XXVII. The aggregate amount of discounts and advances made by the said Corporation upon commercial paper or securities

Amount of  
advances on  
securities

securities of Directors or Officers limited.

securities bearing the name of any Director or Officer, or the partnership name or firm of any Director of the said Corporation, shall not at any one time exceed one tenth of the total amount of discounts or advances made by the Corporation at the same time.

Corporation may pay interest on deposits in Bank and take discount.

XXVIII. It shall and may be lawful for the said Corporation to allow and pay interest, (but not exceeding the legal rate of interest in this Province,) upon moneys deposited in the Bank; and also it shall and may be lawful for the Corporation, in discounting promissory notes or other negotiable securities, to receive or retain the discount thereon, at the time of discounting or negotiating the same; any law or usage to the contrary notwithstanding.

Bonds, &c., of Corporation may be assigned by indorsement.

XXIX. The bonds, obligations and bills obligatory and of credit of the said Corporation, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees, successively, and to enable such assignee or assignees to bring and maintain an action or actions thereupon in his, her or their own name or names; and signification of any such assignment by indorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills or notes of the Corporation signed by the President or Vice-President, and countersigned by the Cashier thereof, promising the payment of money to any person or persons, his, her or their order or to the bearer, though not under the seal of the Corporation, shall be binding and obligatory upon the same, in the like manner and with the like force and effect as they would be upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable or negotiable in the like manner as if they were so issued by such private person or persons: Provided always, that nothing in this Act contained shall be held to debar the Directors of the Corporation from authorizing or deputing from time to time any Cashier or Officer of the Corporation, or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of a Branch or office of discount and deposit of the said Corporation, to sign, the bills or notes of the said Corporation intended for general circulation, and payable to order, or to bearer, on demand.

Proviso: Officers may be deputed to sign Bank notes.

Notes to bear date, and be payable at the place of issue. What shall be deemed Branch Banks.

XXX. The notes or bills of the said Corporation made payable to order, or to bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the Corporation in the Town of St. Catherines, or from any of the branches, shall bear date at the place of issue, and not elsewhere;

elsewhere; and shall be payable on demand in specie at the same place of issue; and each and every office of discount and deposit established or hereafter to be established under the management or direction of a local Board of Directors, shall be considered and held to be a Branch Bank, and subject to the restriction as to the issuing and redemption of notes provided in this Section.

XXXI. A suspension by the said Corporation (either at the chief place or seat of business, or at any of their branches or offices of discount and deposit at other places in this Province,) of payment on demand, in specie, of the notes or bills of the said Corporation payable on demand, shall, if the time of suspension extend to sixty days, consecutively or at intervals within any twelve consecutive months, operate as and be a forfeiture of this Act of Incorporation, and all and every the privileges hereby granted.

Suspension for sixty days, to effect a forfeiture of Charter.

XXXII. The total amount of the Notes or Bills of the said Corporation, being for a less sum than one pound, current money of Canada, each, that shall be or may have been issued and put in circulation, shall not exceed at any one time one fifth of the amount of the Capital Stock of the Corporation then paid in: Provided always, that no notes under the nominal value of five shillings shall at any time be issued or put into circulation by the Corporation, nor shall any further limitation by the Legislature of the total amount of notes to be issued or re-issued by the said Corporation be held to be any infringement upon the privileges hereby granted: Provided further, that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to encourage the issue by the Chartered Banks of this Province, of Notes secured in the manner provided by the General Banking Law*, shall be and are hereby declared to be applicable to this Bank.

Total amount of notes under £1 issued, not to exceed one fifth of Capital Stock paid in.

Proviso: No note to be under five shillings.

Proviso: 16 V. c. 162 apply to this Bank.

XXXIII. The total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the Capital Stock paid in and the deposits made in the Bank in specie and Government securities for money; and at no one period after the passing of this Act shall the notes or bills payable on demand and to bearer, exceed the amount of the actually paid up Capital Stock of the Corporation; and in case of excess, the said Corporation shall forfeit this Act of Incorporation and all the privileges hereby granted; and the Directors under whose administration the excess shall happen, shall be liable jointly and severally for the same, in their private capacities, as well to the Shareholders, as to the holders of the bonds, bills and notes of the Corporation; and an action or actions in this behalf may be brought against them, or any of them, and the heirs, executors, administrators or curators of them, or any of them, and be prosecuted to judgment and execution according to

Total liabilities of Bank limited and of its Bank notes.

Penalty for excess and liability of Directors.

to law, but such action or actions shall not exempt the Corporation, or their lands, tenements, goods or chattels from being also liable for such excess: Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt, do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of proceedings of the Corporation, his protest against the same, and do, within eight days thereafter publish such protest in at least one newspaper published in the Town of St. Catherines, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators from the liability aforesaid; any thing herein contained, or any law to the contrary notwithstanding: And provided always, that such publication shall not exonerate any Director from his liability as a Shareholder.

Proviso:  
Directors may  
avoid liability  
by protest and  
publication.

Proviso.

Liability of  
Shareholders  
defined and  
limited.

XXXIV. In the event of the property and assets of the Corporation hereby constituted, becoming insufficient to liquidate the liabilities and engagements or debts thereof, the Shareholders of the Corporation, in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their Capital Stock, that is to say, that the liability and responsibility of each Shareholder shall be limited to the amount of his or her share or shares of the said Capital Stock, and a sum of money equal in amount thereto: Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the Corporation hereinbefore mentioned and declared.

Proviso.

Monthly state-  
ments of  
affairs of the  
Bank to be  
made and pub-  
lished.

XXXV. Besides the detailed statement of the affairs of the said Corporation hereinbefore required to be laid before the Shareholders thereof, at their annual general meeting, the Directors shall make up and publish, on the first day of each month, in every year, statements of the assets and liabilities of the Corporation, in the form of the Schedule B hereunto annexed, shewing under the heads specified in the said form, the average of the amount of the notes of the Corporation in circulation and other liabilities, at the termination of each month, and the average amount of specie and other assets which at the same time, were available to meet the same: and it shall also be the duty of the Directors to submit to the Governor of this Province, a copy of each of such monthly statements; and if by him required to verify all or any part of the said statement, the said Directors shall verify the same by the production of the monthly balance-sheet, from which the said statement shall have been compiled; and furthermore, the said Directors shall from time to time, when required, furnish to the said Governor of this Province, such further information respecting the state and proceedings of the Corporation, and of the several branches and offices of discount and deposit thereof, as such

How verified.

Proviso: Gov-  
ernor may  
require fur-  
ther informa-  
tion.

such Governor, of this Province, may reasonably see fit to call for: Provided always, that the monthly balance sheet, and the further information that shall be so produced and given, shall be held by the said Governor of this Province, as being produced and given in strict confidence that he shall not divulge any part of the contents of the said monthly balance-sheet, or of the information that shall be so given: And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private account or accounts of any person or persons whatever having dealings with the Corporation.

Proviso.

Proviso.

XXXVI. This Act of Incorporation and the privileges hereby granted to the said Company is and are granted upon the express condition that the said Company shall assume and pay and shall be held and bound and liable to pay all and every the notes and bills in circulation and all other the debts and liabilities of the Bank constituted and now existing in the Town of St. Catherines aforesaid, under the Free Banking Act hereinbefore mentioned: and the Corporation by this Act constituted by the name of the Niagara District Bank, shall be and they are hereby empowered and authorized, in their said corporate name, to demand, sue for, recover and receive all the debts remaining due and owing to the aforesaid Bank, in like manner as effectually as if the said debts were contracted with and had become due and owing to the said Corporation hereby constituted; any law, usage or custom to the contrary notwithstanding.

Corporation to assume the liabilities of the Bank at St. Catherines under the free Banking Act.

XXXVII. The bonds, obligations, bills obligatory or of credit, and other bills and notes and the securities for money and effects of the Bank hereinbefore mentioned, constituted by the Free Banking Act aforesaid, shall be held, deemed and adjudged to be within the true intent, meaning and provisions of the last six sections of this Act, any thing herein or any law to the contrary notwithstanding.

Act to apply to Bonds, &amp;c., of Free Bank aforesaid.

XXXVIII. The said Corporation shall be duly organized and in operation under this Act within twelve months after the passing of the same, to entitle the said Company to the provisions thereof, and the said Bank now existing at St. Catherines, under the provision of the said Free Banking Act shall cease, and all and every its assets, property and effects and rights and interests shall become and be and they are hereby merged and vested in the Corporation by this Act constituted: Provided that in the event of the said organization not having been effected within the time aforesaid, the Bank now existing at St. Catherines shall not lose their privileges obtained under the Free Banking Act.

Bank to be organized within one year, when the said Free Bank shall cease.

Proviso.

One tenth of  
paid up Capital  
to be in-  
vested in De-  
bentures of  
certain kinds.

Return to be  
made.

Proviso.

Duration of  
Act.

Public Act.

XXXIX. It shall be the duty of the Directors of the said Bank to keep invested at all times in the Debentures of this Province, payable within the same, or of the Consolidated Municipal Loan Fund, one tenth part of the whole paid up Capital of the said Bank, and to make a Return of the numbers and amount of such Debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank, to the Inspector General, in the month of January of each year, under the penalty of the forfeiture of the Charter of the said Bank, in default of such investment and Return: Provided always, that the Directors shall at no time keep invested in such Debentures a smaller sum than ten thousand pounds.

XL. This Act shall be and remain in force until the first day of June which will be in the year of our Lord, one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer.

XLI. This Act shall be a Public Act.

#### FORM OF SCHEDULE A

*Referred to in the twenty-fifth Section of the foregoing Act.*

For value received from I, (or we,) of  
do hereby assign and transfer unto the said shares,  
(on each of which has been paid pounds shillings,  
currency, amounting to the sum of pounds, shillings)  
in the Capital Stock of the Niagara District Bank, subject to the  
rules and regulations of the said Bank.

Witness my (or our) hand (or hands) at the said Bank, this  
day of in the year one thousand eight hundred  
and

(Signature.)

I, (or we) do hereby accept the foregoing assignment of  
shares in the Stock of the Niagara District Bank, assigned to me  
(or us) as above mentioned, at the Bank, this day of  
one thousand eight hundred and

(Signature.)

FORM OF SCHEDULE B

*Referred to in the thirty-fifth section of the foregoing Act.*

Return of the Average Amount of Liabilities and Assets of  
the Niagara District Bank during the period from first  
to one thousand eight hundred and

LIABILITIES.

Promissory Notes in circulation not bearing interest...	£
Bills of Exchange in circulation not bearing interest...	£
Bills and Notes in circulation bearing interest.....	£
Balances due to other Banks.....	£
Cash deposits, not bearing interest.....	£
Cash deposits, bearing interest.....	£
Total average Liabilities.....	£

ASSETS.

Coin and Bullion,.....	£
Landed or other Property of the Bank,.....	£
Government Securities,.....	£
Promissory Notes or Bills of other Banks,.....	£
Balances due from other Banks,.....	£
Notes and Bills discounted, or other Debts due to the Bank, not included under the foregoing heads.....	£
Total average Assets,.....	£

C A P . C C V .

An Act to incorporate the Bank of Toronto.

[Assented to 19th May, 1855.]

**W**HEREAS William Gamble, William P. Howland, John Brunskill, George P. Dickson, W. R. Wadsworth, J. B. Warren, Abraham Reesor, David McDougall, John W. Gamble, Ebenezer Perry, John Proudfoot, Gooderham and Worts, Thomas R. Merritt, Thomas N. Gibbs, George Wright, G. McKay, Thomas Short, A. Farewell, H. Daniels, John L. Ranney, John C. Hyde, Donald Sutherland, Daniel Way, William Helliwell, and others, have by their Petition prayed that they and their legal representatives might be incorporated for the purpose of establishing a Bank in the city of Toronto; And whereas it would be conducive to the general prosperity of that section of the Country and greatly facilitate and promote the agricultural and commercial growth of the said locality; And whereas it is but just that the said persons and others who see fit to associate themselves should be incorporated for the said purpose: 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

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, as follows :

Certain persons incorporated.

Corporate name and general powers.

Real property limited.

May make By-laws.

Proviso: They must be approved by Stockholders.

Capital £500,000 in shares of £25.

First General Meeting when £100,000 are subscribed and £25,000 paid in.

Election of Directors.

Term of Service.

Proviso: Notice to be given.

I. The several persons hereinabove named, and such other persons as may become Shareholders in the Company to be by this Act created, and their assigns, shall be and they are hereby created, constituted and declared to be a Corporation, body corporate and Politic, by the name of the "Bank of Toronto," and shall continue such Corporation, and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law as other Corporations may do, and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of two thousand five hundred pounds currency, and may sell, alienate or exchange the same and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such Rules, Regulations and By-laws as to them shall seem meet and necessary for the due and proper administration of their affairs, and the due management of the said Bank, (such By-laws and Regulations not being inconsistent with this Act, or contrary to the laws of this Province): Provided however, that such Rules, Regulations and By-laws shall be submitted for approval to the Stockholders or Shareholders in the said Bank, at their regular Annual Meetings.

II. The Capital Stock of the said Bank shall be five hundred thousand pounds of lawful money aforesaid, divided into twenty thousand shares of twenty-five pounds of like money each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns.

III. As soon as the sum of one hundred thousand pounds of the said Capital Stock shall have been subscribed and twenty-five thousand pounds actually paid in thereupon, it shall and may be lawful for the subscribers, or the majority of them, to call a meeting at some place to be named, in the City of Toronto, for the purpose of proceeding to the election of the number of Directors for the said Bank hereinafter mentioned, and such election shall then and there be made by a majority of shares voted upon in the manner hereinafter prescribed in respect of the annual election of Directors, and the persons then and there chosen shall be the first Directors, and shall be capable of serving until the first Wednesday of May then next ensuing the said election: Provided always that no such meeting of the said subscribers shall take place until a notice specifying the objects

of



of such meeting is published in one or more newspapers, published in the Cities of Toronto, Kingston, Hamilton and London, and in the Town of Cobourg, at least twenty days previous to such time of meeting.

IV. The shares of Capital Stock subscribed for, shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint; and Executors, Administrators and Curators paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same: Provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal at least to ten pounds per centum on the amount subscribed for, be actually paid at the time of subscribing; Provided further, that it shall not be lawful for the subscribers of the Capital Stock hereby authorized to be raised, to commence the business of Banking, until a sum not less than twenty-five thousand pounds shall have been duly paid in by such subscribers: Provided further, that the remainder of the said Capital Stock shall be subscribed and paid up as follows, that is to say, the sum of Fifty thousand pounds within eighteen months, the further sum of one hundred thousand Pounds within three years, the further sum of one hundred thousand pounds within four years, and the further sum of two hundred and twenty five thousand pounds within five years, after the said Bank shall have so commenced the business of Banking, under penalty of forfeiture of their charter.

Shares to be paid in by instalments.

Proviso: ten per cent. to be paid on subscribing.

£25,000 to be paid in before commencing.

The remainder to be paid within a certain time.

V. The Stock, property, affairs and concerns of the said Bank shall be managed and conducted by seven Directors, one of whom to be the President, who, excepting as is hereinbefore provided for, shall hold their offices for one year, which Directors shall be stockholders residing in the Province and be elected on the first Wednesday of May, in every year, at such time of the day and at such place in the City of Toronto aforesaid, as a majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors as hereinbefore provided in the next preceding Section, previous to the time of holding the said election, and the said election shall be held and made by such of the said Shareholders of the said Bank as shall attend for that purpose in their own proper person, or by proxy if resident within this Province, and all elections for Directors shall be by ballot, and the said proxies shall only be capable of being held by and voted upon by Shareholders then present; and no one Shareholder shall be entitled to give upon proxies held by him, more than one hundred votes at such election; and the seven persons who shall have the greatest number of votes at any election shall be the Directors, except as is hereinafter directed; and if it should happen at any election, that two or more persons have an equal number of votes in such a manner that a greater number of persons shall, by a plurality of votes appear

Affairs to be managed by seven Directors to be elected yearly by votes of shareholders.

Ballot.

Ties.

President and Vice-President.

Two Directors to be ineligible for one year after they go out.

President and Vice-President always eligible.

Vacancies how filled.

Proviso :  
Qualification of Directors.

Election not taking place, Corporation not thereby dissolved.

Shareholders' ratio of votes in proportion to number of shares.

to be chosen as Directors, then the Directors who shall have had a greater number of votes, or the majority of them, shall determine which of the said persons so having an equal number of votes, shall be the Director or Directors, so as to complete the whole number of seven ; and the said Directors as soon as may be after the said election, shall proceed in like manner to elect by ballot, two of their number to be their President and Vice-President ; and two of the Directors who shall be chosen in any year, excepting the President and Vice-President, shall be ineligible to the office of Director for one year after the expiration of the time for which they shall have been chosen Directors, and in case a greater number than three of the Directors, exclusive of the President and Vice-President who served for the last year, shall appear to be elected, then the election of such person or persons above the said number, and who shall have the fewest votes shall be considered void, and such other of the Stockholders as shall be eligible and shall have the next greatest number of votes, shall be considered as elected in room of such last described person or persons who are hereby declared ineligible as aforesaid, and the President and Vice-President for the time being shall always be eligible for re-election to the office of Director, but Stockholders not residing within the Province of Canada shall be ineligible ; and if any Director shall move out of this Province, his office shall be considered as vacant, and if any vacancy or vacancies should at any time happen amongst the said Directors, by death, resignation, disqualification or removal during the current year of office, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by the remaining Directors, or the majority of them electing in such place or places a Shareholder or Shareholders eligible for such office : Provided always, that no person shall be eligible to be or continue as Director unless he shall hold in his name and for his own use, Stock in the said Bank to the amount of twenty shares.

VI. In case it should at any time happen that an election of Directors of the said Bank should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day, to hold and make an election of Directors in such manner as shall have been regulated by the By-laws of the said Bank.

VII. Each Shareholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in the said Bank, in his or her own name at least one month prior to the time of voting according to the following scale, that is to say, at the rate of one vote for each share ; and all questions proposed for the consideration of the said Shareholders shall be determined by the majority of their votes, the Chairman elected to preside at any such meeting of the said Shareholders

Shareholders shall have the casting vote : Provided always, that no Cashier, Bank Clerk, or other officer of the Bank shall either vote in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose.

Officers to have no vote at any election of Directors.

VIII. The books, correspondence and funds of the Corporation shall at all times be subject to the inspection of the Directors, but no Shareholder not being a Director, shall inspect, or be allowed to inspect, the account or accounts of any person dealing with the Corporation.

Books, &c. of Corporation to be subject to inspection of Directors.

IX. It shall be the duty of the Directors of the said Bank to make half yearly dividends, of so much of the profits of the said Bank, as to them or the majority of them shall appear advisable.

Directors to make half yearly dividends.

X. The Directors for the time being or the major part of them, shall have power to make such By-laws and Regulations not repugnant to the provisions of this Act or the Laws of this Province, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Bank, and touching the duties and conduct of the officers, clerks and servants employed therein, and all such other matters as appertain to the business of a Bank, and shall also have power to appoint as many officers, clerks and servants for carrying on the said business and with such salaries and allowances as to them shall seem meet, and shall have power to make such calls of money from the several Shareholders for the time being upon the shares in the said Bank, subscribed for by them respectively, as the said Board find necessary, and in the corporate name of the said Bank to sue for, recover and get in all such calls, or to cause and declare such shares to be forfeited to the said Bank in case of non-payment of any such call ; and an action of debt may be brought to recover any money due on any such call. And 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 one share or more (as the case may be) in the capital stock of the said Bank, and is indebted for calls upon said share or shares to the said Bank, in the sum to which the call or calls amount (as the case may be, stating the number and amount of such calls), whereby an action hath accrued to the said Corporation, to recover the same from such Defendant by virtue of this Act ; and it shall be sufficient to maintain such action, to prove by any one witness (a Shareholder being competent), that the Defendant at the time of making any such call, was a Shareholder in the number of shares alleged, and to produce the By-law or Resolution of the Board making and prescribing such call, and to prove notice thereof given in conformity with such By-law or Resolution, and it shall not be necessary to prove the appointment of the said Board of Directors or any other matter whatsoever. Provided that each said call

Directors to make By-laws for the conduct of the business of the Bank ;

And appoint Officers ;

Recover instalments on shares.

What only need be alleged in action for instalment.

Proviso: calls for instalments limited.

Proviso: They must take security from officers.

call shall be made at intervals of thirty days, and upon notice to be given at least thirty days prior to the day on which such call shall be payable, and any such calls shall not exceed twenty per cent. of each share subscribed: And provided always that before permitting any Cashier, officer, clerk or servant of the Corporation to enter upon the duties of his office, the Directors shall require every such Cashier, officer, clerk or servant to give bond, to the satisfaction of the Directors; that is to say, every Cashier in a sum not less than five thousand pounds, current money of Canada, and every other officer, clerk or servant, in such sum of money as the Directors consider adequate to the trust to be reposed, with conditions of good and faithful behaviour.

Directors and President may be paid

Quorum.

XI. The Directors, including the said President and Vice-President, shall be entitled to such emolument for their services, as may be fixed by any order or Resolution passed at the usual Annual Meeting of Shareholders; and any five shall constitute a Board for the transaction of business, of whom the President or Vice-President shall be one, except in case of sickness or absence, in which case the Directors present may choose out of their number, a Chairman for such meeting.

No note to issue until £25,000 is paid in.

XII. No Bill or Note for any sum whatever shall be issued or put into circulation by the said Bank, until twenty-five thousand pounds of the capital stock of the said Bank shall have been actually paid in and shall be held by and in the actual possession of the said Bank in gold or silver coin, current in this Province.

Chief place of business to be Toronto.

Branches.

XIII. The chief place or seat of business of the said Bank shall be in the City of Toronto aforesaid, but it shall and may be lawful for the Directors of the said Bank, to open and establish in other Cities, towns and places in this Province, branches or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said Directors shall from time to time seem meet, and shall not be repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Statement of affairs to be made.

XIV. At every annual general meeting of the Shareholders of the said Bank to be held in the City of Toronto in the manner hereinbefore provided, the Directors shall submit a full and clear statement of the affairs of the said Bank, containing on the one part, the amount of the capital stock paid in, the amount of the Notes of the Bank in circulation, and net profits made, and the balance due to other Banks and Institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest, and on the other part, the amount of current coins, the gold and silver bullion in the vaults of the Bank, the balances due to the Bank from other Banks

Banks and Institutions, the value of the real and other property of the Bank, and the amount of debts owing to the Bank, including and particularising the amounts so owing upon Bills of Exchange, discounted Notes, Mortgages and other securities, thus exhibiting on the one hand the liabilities of or the debts due by the Bank, and on the other hand the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the then last dividend declared by the Directors, the amount of reserved profits at the time of declaring the said dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.

Its form and contents.

Last Dividends and reserved fund.

XV. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate, and be transmissible accordingly, and shall be assignable and transferable at the Bank according to the form of Schedule A annexed to this Act; but no assignment or transfer shall be valid or effectual unless it be made and registered in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due by him, her or them to the Bank, which may exceed in amount the remaining stock, if any, belonging to such person or persons; and no fractional part or parts of a share or other than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed, shall within thirty days after the sale, leave with the Cashier of the said Bank, an attested copy of the writ, with the certificate of such Sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due by the original holder or holders of the said shares to the Bank shall be discharged as aforesaid) the President or Vice-President or the Cashier of the Bank shall execute the transfer of the share or shares so sold, to the purchaser, and such transfer being accepted shall be to all intents and purposes as valid and effectual in law, as if it had been executed by the original holder of such shares; any law or usage to the contrary notwithstanding.

Stock to be deemed personal estate.

Assignment, manner of effecting.

Parts of shares not assignable.

Sale of shares under seizure, and transfer to purchaser.

XVI. The said Bank hereby constituted shall not, either directly or indirectly, hold any lands or tenements, (save and except such as by the first section of this Act, they are specially authorized to acquire and hold), or any ships or other vessels or any share or shares in the Stock of the Corporation, nor in any Bank in this Province; nor shall the said Bank, either directly or indirectly, lend money or make advances upon the security or mortgage of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the said Bank, nor shall the said Bank, either directly or indirectly, raise loans of money, or deal in the buying and selling or bartering of goods, wares and merchandise,

In what business only the Bank shall engage, and what species of property it may hold.

merchandise, or engage or be engaged in any trade except as dealers in gold and silver bullion, Bills of Exchange, discounting of Promissory Notes, and negotiable securities, and in all such trade generally, as legitimately appertains to the business of banking; Provided always, that the said Bank may take and hold mortgages and liens and assignments of mortgages and liens, on real and other property, by way of security for debts contracted to or with the Bank, in the course of its dealings, and may proceed either at law or in equity for the realization of the same.

Proviso:  
Bank may  
take mort-  
gages in the  
course of its  
business.

Amount of  
advances on  
securities of  
Directors or  
Officers limit-  
ed.

XVII. The aggregate amount of discounts and advances made by the said Corporation upon commercial paper or securities bearing the name of any Director or Officer, or the co-partnership name or firm of any Director of the said Corporation, shall not at any one time, exceed one tenth of the total amount of discounts or advances made by the Corporation at the same time.

Corporation  
may pay  
interest on  
deposits in  
Bank, and take  
discount.

XVIII. It shall and may be lawful for the said Corporation to allow and pay interest, (but not exceeding the legal rate of interest in this Province,) upon moneys deposited in the Bank; and also, it shall and may be lawful for the Corporation, in discounting Promissory Notes, or other negotiable securities, to receive or retain the discount thereon, at the time of the discounting or negotiating the same; any law or usage to the contrary notwithstanding.

Bonds, &c., of  
Corporation  
may be as-  
signed by en-  
dorsement.

XIX. The Bonds, Obligations and Bills, obligatory and of credit to the said Bank, under its common seal, and signed by the President or Vice-President, which shall be made payable to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring, on due acceptance, an action or actions thereupon, in his, her or their name or names, and signification of any such assignment by endorsement shall not be necessary, any law or usage to the contrary notwithstanding; and Bills and Notes of the said Bank, signed by the President or Vice-President, and countersigned by the Cashier of the said Bank, promising the payment of money to any person or persons, his, her or their orders or to the bearer, though not under seal of the said Bank, shall be binding and obligatory on the same, with the like force and effect and in the same manner as they would upon any private person or persons if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable or negotiable in the like manner as if they were so issued by such private person or persons; Provided always, that nothing in this Act contained, shall be held to debar the Directors of the said Bank from authorizing or

Proviso:  
Officers may  
be deputed to  
sign Bank  
notes.

deputing

deputing from time to time any Officer of the Bank or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of a branch or office of discount and deposit of the said Bank to sign, and any accountant or book-keeper of the said Bank, or of any branch or office of discount and deposit thereof, to countersign the Bills and Notes of the said Bank intended for general circulation, and payable to order or to bearer on demand.

XX. The Bills or Notes of the said Bank made payable to order or to bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the said Bank, in the City of Toronto, or from any of the branches, shall bear date at the place of issue and not elsewhere, and shall be payable on demand in specie at the said place of issue, and each and every office of discount and deposit hereafter to be established under the management or direction of a Local Board of Directors, shall be considered and held to be a Branch Bank, and subject to the restrictions as to the issuing and redemption of Notes provided in this Section.

Notes to bear date and be payable at the place of issue

What shall be deemed Branch Banks.

XXI. A suspension by the said Corporation (either at the chief place or seat of business, or at any of their branches or offices of discount and deposit at other places in this Province,) of payment on demand, in specie, of the Notes or Bills of the said Corporation, payable on demand, shall, if the time of suspension extend to sixty days consecutively or at intervals, within any twelve consecutive months, operate as and be a forfeiture of this Act of Incorporation, and all and every the privileges hereby granted.

Suspension for sixty days, to effect a forfeiture of Charter.

XXII. The total amount of the Notes or Bills of the said Corporation, being for a less sum than one pound, current money of Canada, each, which shall be or may have been issued and put in circulation, shall not exceed at any one time one fifth of the amount of the Capital Stock of the Corporation then paid in; Provided always, that no Notes under the nominal value of five shillings shall at any time be issued or put into circulation by the Corporation: Nor shall any further limitation by the Legislature of the total amount of Notes to be issued or re-issued by the said Corporation be held to be any infringement upon the privilege hereby granted; Provided that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to encourage the issue by the Chartered Banks of this Province, of Notes secured in the manner provided by the General Banking Law*, shall be and are hereby declared to be applicable to this Act.

Total amount of notes under £1 issued, not to exceed one fifth of Capital Stock paid in.

Proviso: No note to be under five shillings.

Proviso: 16 V. c. 162 to apply to this Bank.

XXIII. The total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the Capital Stock paid in, and the deposits made in the Bank,

Total liabilities of Bank limited, and of its Bank notes.

Penalty for  
excess and  
liability of  
Directors.

Bank, in specie and Government securities for money; And at no one period after the passing of this Act shall the notes or bills payable on demand and to bearer, exceed the amount of the actually paid up Capital Stock of the Corporation, and the amount of Provincial or Municipal Loan Fund Debentures held by the Corporation; and in case of excess, the said Corporation shall forfeit this Act of Incorporation and all the privileges hereby granted; and the Directors under whose administration the excess shall happen, shall be liable jointly and severally for the same, in their private capacities, as well to the Shareholders as to the holders of the bonds, bills and notes of the Corporation; and an action or actions in this behalf may be brought against them, or any of them, and the heirs, executors, administrators or curators of them, or any of them, and be prosecuted to judgment and execution according to law, but such action or actions shall not exempt the Corporation, or their lands, tenements, goods or chattels from being also liable for such excess: Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt, do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of proceedings of the Corporation, his protest against the same, and do, within eight days thereafter publish such protest in at least one newspaper published in the City of Toronto, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators, from the liability aforesaid, any thing herein contained, or any law to the contrary notwithstanding: And provided always, that such publication shall not exonerate any Director from his liability as a Shareholder.

Proviso:  
Directors may  
avoid liability  
by protest and  
publication.

Proviso.

Liability of  
Shareholders  
defined and  
limited.

XXIV. In the event of the property and Assets of the said Bank hereby constituted, becoming insufficient to liquidate the liabilities and engagements or debts, the Shareholders of the said Bank in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their Capital Stock, that is to say, the liability and responsibility of each Shareholder shall be limited to the amount of his or her share or shares of the said Capital Stock, and a sum of money equal in amount thereto; Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the Corporation hereinbefore mentioned and declared.

Proviso.

Monthly state-  
ments of  
affairs of the  
Bank to be  
made and pub-  
lished.

XXV. Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the Shareholders thereof, at their Annual General Meetings, the Directors shall make up and publish on the first day of each month in every year, statements of the assets and liabilities of the said Bank, in the form of the Schedule B herewith annexed, shewing

under



under the head specified in the said form, the average of the amount of the Notes of the Bank and other liabilities at the termination of each month during the period to which the statement shall refer, and the average amount of specie and other assets that at the same time were available to meet the same ; And it shall also be the duty of the Directors to submit to the Governor a copy of each such monthly statements ; and if by him required to verify all or any part of the said statements, the said Directors shall verify the same by the production of the weekly or monthly balance-sheets, from which the said statements shall have been compiled. And furthermore, the said Directors shall from time to time, if required, furnish to the said Governor such further information as such Governor may reasonably see fit to call for ; Provided always, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them, to make known the private account or accounts of any person or persons whatever having dealings with the said Bank.

How verified.

Proviso: Governor may require further information.

Proviso.

XXVI. The provisions of this Act so far as the same relate to the said Bank, shall nowise be forfeited for non-user at any time before the first day of June, in the year one thousand eight hundred and sixty.

Act not forfeited by non-user before 1st June, 1860.

XXVII. It shall not be lawful for the Corporation hereby constituted, at any time whatever, directly or indirectly, to advance or lend to, or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money or any securities for money : and if such unlawful advance or loan be made, then and from thenceforth the said Corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantage hereby granted shall cease and determine ; any thing in this Act to the contrary notwithstanding.

Bank not to lend money to Foreign Powers.

XXVIII. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in the Cities of Toronto, Hamilton, Kingston and London, in the Town of Cobourg, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette for the publication of Official documents and notices, emanating from the Civil Government of this Province.

How notices shall be published.

XXIX. Books of Subscription may be opened and shares of the Capital Stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively made transferable and payable at the Bank, in the City of Toronto ; and to that end the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agent or agents as they may deem necessary.

Subscription for, and transfer of shares in Great Bri. a. n.

Provision for proving the transmission of shares otherwise than by regular transfer.

**XXX.** If the interest in any share in the said Bank become transmitted, in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, the Directors may require such transmission to be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration or other instrument so signed, made and acknowledged, shall be left at the Bank, with the Cashier or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders, and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any shares of the profits of the Bank nor to vote in respect of any such share or shares as the holder thereof; Provided always, that every such declaration and instrument, as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice Consul, or other the accredited representative of the British Government, in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice Consul, or other accredited representative; And provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier or other Officer or Agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso: as to authentication of such proof.

Proviso: as to further evidence.

If the change of ownership be by marriage of a female Shareholder, or by will, &c.

**XXXI.** If the transmission of any share of the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the will or the letters of administration or of tutorship or curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier or other Officer or Agent of the Bank, who shall then enter the name of the party entitled under such transmission in the Register of Shareholders.

Mode of obtaining decision of Court of Chancery as to title to shares when the Bank entertains rea-

**XXXII.** Whenever the interest in any share or shares of the Capital Stock of the said Bank of Toronto shall be transmitted by the death of any shareholder or otherwise, or whenever the ownership of, or legal right of possession, in any such share or shares, shall change by any lawful means, other than by transfer according to the provisions of this Act, and the Directors of the

the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of Stock, then and in such case it shall be lawful for the said Bank to make and file, in one of the Superior Courts of law for Upper Canada, a declaration and petition in writing addressed to the Justices of the Court, setting forth the facts and the number of shares previously belonging to the party in whose name such shares stand in the Books of the Bank, and praying for an order or judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Bank shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom; Provided always, that notice of such petition shall be given to the party claiming such share or shares, who shall, upon the filing of such petition establish his right to the several shares referred to in such petition: and the delays to plead and all other proceedings in such cases shall be the same as those observed in analogous cases before the said Superior Courts; Provided also, that the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

reasonable doubts.

Proviso.

Proviso.

XXXIII. The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares in the Bank may be subject, and the receipt of the party in whose name any such share shall stand in the Books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust, and the Bank shall not be bound to see the application of the money paid upon such receipt: any law or usage to the contrary notwithstanding.

Bank not bound to see to execution of trusts to which shares may be subject.

XXXIV. It shall be the duty of the Directors of the said Bank to invest, as speedily as the Debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Province, payable within the same, or of the Consolidated Municipal Loan Fund, one tenth part of the whole paid up Capital of the said Bank, and to make a Return of the numbers and amount of such Debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank, to the Inspector General, in the month of January of each year, under the penalty of the forfeiture of the Charter of the said Bank, in default of such investment and Return: Provided always, that

One tenth of paid up Capital to be invested in Debentures of certain kinds.

Proviso.  
the

the said Directors shall not commence the ordinary business of Banking until the sum of ten thousand pounds shall have been invested in such Debentures.

Duration of Act.

XXXV. This Act shall be and remain in force until the first day of June, which will be in the year of our Lord, one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer.

Public Act.

XXXVI. This Act shall be a Public Act.

### FORM OF SCHEDULE A

*Referred to in the foregoing Act.*

For value received from I, (or we,)  
of do hereby assign and transfer unto the  
said shares, (on each of which has been  
paid, pounds, shillings, currency,  
amounting to the sum of pounds,  
shillings) in the Capital Stock of the Bank of Toronto, subject  
to the rules and regulations of the said Bank.

Witness my (or our) hand (or hands) at the said Bank, this  
day of , in the year one thousand eight  
hundred and

*(Signature.)*

I (or we) do hereby accept the foregoing assignment of  
shares in the Stock of the Bank of Toronto, assigned  
to me (or us) as above mentioned, at the Bank, this  
day of one thousand eight hundred and

*(Signature.)*

### FORM OF SCHEDULE B

*Referred to in the foregoing Act.*

Return of the Average Amount of Liabilities and Assets of the  
Bank of Toronto, during the period from first  
to one thousand eight hundred and

#### LIABILITIES.

Promissory Notes in circulation not bearing interest.	£
Bills of Exchange in circulation not bearing interest.	£
Bills and notes in circulation bearing interest .....	£
Balances due to other Banks.....	£
Cash deposits, not bearing interest.....	£
Cash deposits, bearing interest .....	£
Total average Liabilities....	£

ASSETS.

ASSETS.

Coin and Bullion .....	£
Landed or other Property of the Bank.....	£
Government Securities.....	£
Promissory Notes or Bills of other Banks .....	£
Balances due from other Banks.....	£
Notes and Bills discounted, or other Debts due to the Bank, not included under the foregoing heads ..	£
Total average Assets.....	£

C A P . C C V I .

An Act to incorporate the Eastern Townships Bank.

[Assented to 19th May, 1855.]

**W**HEREAS it has been prayed by petition to the Legislature of this Province, that Benjamin Pomroy, Esquire, Duncan McDonald, Esquire, George F. Bowen, Esquire, Livingston E. Morris, Esquire, Albert P. Ball, Esquire, Alexander T. Galt, Esquire, John S. Sanborn, Esquire, and others, their respective heirs, legal representatives and assigns, might be incorporated for the purpose of establishing a Bank in the Eastern Townships of Lower Canada, to be located at Sherbrooke, and to be called the "Eastern Townships Bank;" And whereas it would be conducive to the general prosperity of that section of the country, and greatly facilitate and promote the agricultural and commercial growth of the said locality; And whereas it is but just that such persons and others who see fit to associate themselves, should be incorporated for the said purpose: 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, as follows:

Preamble.

I. The several persons hereinabove named, and such other persons as may become Shareholders in the Company to be by this Act created, their heirs, legal representatives and assigns, shall be and they are hereby created, constituted and declared to be a Corporation, Body Corporate and Politic, by the name of the "Eastern Townships Bank," and shall continue such Corporation, and shall have perpetual succession and a Corporate Seal, with power to alter and change the same at pleasure, and may sue and be sued, implead and be impleaded in all Courts of Law as other Corporations may do, and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value

Certain persons incorporated.

Corporate name and general powers.

Real property  
limited.

May make  
By-laws.

value of two thousand pounds currency, and may sell, alienate or exchange the same and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such Rules, Regulations and By-laws as to them shall seem meet and necessary for the due and proper administration of their affairs, and the due management of the said Bank, such By-laws and Regulations not being inconsistent with this Act, or contrary to the laws of this Province: Provided, however, that such Rules, Regulations and By-laws shall be submitted for approval to the Stockholders or Shareholders in the said Bank, at their regular Annual Meetings.

Capital £250,  
000 in shares  
of £12 10s.  
each.

II. The Capital Stock of the said Bank hereby incorporated, shall be two hundred and fifty thousand pounds, current money of this Province, divided into twenty thousand shares of twelve pounds ten shillings currency each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns.

Stock Books  
may be open-  
ed—

III. For the purpose of raising the amount of the said Capital Stock, it shall be lawful for the persons hereby incorporated, or for any number of them not less than five, to cause Stock Books to be opened, after giving four weeks' public notice in two newspapers in the District, if there be so many, upon which Stock Books shall and may be received the signatures and subscriptions of such persons or parties as desire to become Shareholders in the said Bank, and such Books shall be opened at Sherbrooke and elsewhere, at the discretion of the persons opening the same, and shall be kept open so long as may be necessary; and so soon as one hundred thousand pounds of the said Capital Stock shall have been subscribed upon the said Stock Books, a public meeting shall be called of subscribers after two weeks' notice as hereinabove provided, at such time and place as such notice shall indicate, and at such meeting the Shareholders shall proceed to elect seven Directors, having the requisite Stock qualification, who shall from thenceforward, manage the affairs of the said Corporation, shall take charge of the Stock Books hereinabove referred to, and shall continue in office until the first Monday in June next thereafter, and until their successors in office shall be duly elected, and the said election shall be had in the same manner as the Annual Elections hereinafter provided for, as respects the regulating of votes according to the number of shares subscribed for.

At Sherbrooke  
and elsewhere.

First meet-  
ing for elec-  
tion of Direc-  
tors.

Shares to be  
paid in by  
instalments.

IV. The shares of Capital Stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint; and Executors, Administrators and Curators paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same: Provided always, that no share or shares shall be held to be lawfully subscribed for  
unless

Proviso: ten  
per cent. to be

unless a sum equal at least to ten pounds per centum on the amount subscribed for, be actually paid at the time of subscribing: Provided further, that it shall not be lawful for the subscribers to the Capital Stock hereby authorized to be raised, to commence the business of banking, until a sum not less than twenty-five thousand Pounds shall have been duly paid in by such subscribers: Provided further, that the remainder of the said Capital Stock shall be subscribed for and paid up as follows, that is to say, the sum of twenty-five thousand Pounds within eighteen months; the sum of fifty thousand Pounds within three years; the further sum of fifty thousand Pounds within four years; and the further sum of one hundred thousand Pounds within five years after the said Bank shall have so commenced the business of Banking, under penalty of forfeiture of their charter.

paid on subscribing.

Proviso :  
£25,000 to be paid before commencing.

The remainder to be paid within a certain time.

V. If any Shareholder or Shareholders shall refuse or neglect to pay any or either of the instalments upon his, her or their shares of the said Capital Stock, at the time or times required by public notice as aforesaid, such Shareholder or Shareholders shall incur a forfeiture to the use of the said Corporation of a sum of money equal to ten pounds per centum on the amount of such shares; and moreover, it shall be lawful for the Directors of the said Corporation (without any previous formality other than thirty days of public notice of their intention) to sell at public auction the said shares, or so many of the said shares as shall after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares and the amount of forfeitures incurred upon the whole; and the President, or Vice-President, or Cashier of the said Corporation, shall execute the transfer to the purchaser of the shares of Stock so sold, and such transfer being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of Stock thereby transferred: Provided always, that nothing in this section contained, shall be held to debar the Directors or Shareholders at a general meeting, from remitting, either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid.

Shareholders neglecting to pay instalment, to forfeit ten per cent. on amount of Shares.

Shares may be sold to pay Instalments.

Proviso: forfeiture may be remitted.

VI. The chief place or seat of business of the said Corporation shall be in the Town of Sherbrooke aforesaid; but it shall and may be lawful for the Directors of the Corporation to open and establish in other Cities, Towns and places in this Province, branches or offices of discount and deposit of the said Corporation, under such rules and regulations for the good and faithful management of the same as to the said Directors shall, from time to time, seem meet, and shall not be repugnant to any Law of this Province, to this Act, or to the By-laws of the said Corporation

Chief place of business to be at Sherbrooke.

Branches elsewhere.

Affairs to be managed by seven Directors yearly by votes of Shareholders.

President and Vice-President.

Vacancies how filled.

Provide.

Qualification of Directors.

Election not taking place, Corporation not thereby dissolved.

Books, &c., of Corporation to be subject to inspection of Directors.

Three Directors to constitute a quorum.

VII. For the management of the affairs of the said Corporation, there shall be seven Directors, who shall be annually elected by the Shareholders of the Capital Stock of the Corporation, at a General Meeting of them to be held annually on the first Monday in June, beginning on the first Monday in June, in the year one thousand eight hundred and fifty-six; at which meeting the Shareholders shall vote according to the rule or scale of votes hereinafter established; and the Directors elected by a majority of votes given in conformity to such rule or scale, shall be capable of serving as Directors for the ensuing twelve months, and at their first meeting after such election, shall choose out of their number, a President and a Vice-President, who shall hold their offices, respectively, during the same period, and, in case of vacancy occurring in the said number of seven Directors, the remaining Directors shall fill the same by election from among the Shareholders, and the Director so elected shall be capable of serving as a Director, until the next Annual General Meeting of the Shareholders; and if the vacancy occurring in the said number of seven Directors shall also cause the vacancy of the office of President, or of Vice-President, the Directors, at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected shall fill the office to which he shall be so chosen or elected until the next General Annual Meeting of the Shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name, of not less than twenty shares of the Capital Stock of the said Corporation, and shall be a natural-born or naturalized subject of Her Majesty, and shall have resided seven years in Canada.

VIII. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said Corporation shall not be deemed or taken to be thereby dissolved; but it shall be lawful at any subsequent time to make such election at a General Meeting of the Shareholders to be duly called for that purpose.

IX. The books, correspondence and funds of the Corporation, shall at all times be subject to the inspection of the Directors; but no Shareholder, not being a Director, shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the Corporation.

X. At all meetings of the Directors of the said Corporation, not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence, one of the Directors present, to be chosen *pro tempore* shall preside; and the President, Vice-President, or President *pro tempore* so presiding, shall vote as a Director, and, if there be



be an equal division on any question, shall have a casting vote.

XI. It shall and may be lawful for the Directors of the Corporation hereby constituted, from time to time to make and enact By-laws, rules and regulations, (the same not being repugnant to this Act, or to the laws of this Province,) for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same, and others to make and enact in their stead: Provided always, that no By-law, rule, or regulation so made by the Directors, shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the Shareholders at an Annual General Meeting, or at Special General Meeting called for that purpose.

Directors may make By-laws, &c.

Proviso: By-laws subject to confirmation by Stockholders.

XII. No Director of the Corporation hereby constituted shall, during the period of his services, act as a private banker, nor shall any Director other than the President, be entitled to any salary or emolument for his services as a Director, but the President may be compensated for his services as President, either by an annual vote of a sum of money by the Shareholders at their Annual General Meetings, or by a fixed salary; and in the latter case, for the purpose of securing to the Corporation the undivided attention and services of the President, it shall be lawful for the Directors, if they see fit, to choose and appoint annually from among themselves, a person duly qualified who shall be President of the Corporation, and to award to him such remuneration for his services as they in their judgment shall see fit; any thing hereinbefore contained to the contrary notwithstanding.

Director not to act as private Banker, nor receive emolument as Director.

Except that the President may be paid for his services.

XIII. The Directors of the said Corporation shall have power to appoint such Cashiers, Officers, Clerks and Servants under them as shall be necessary for conducting the business of the Corporation, and to allow reasonable compensation for their services respectively; and shall also be capable of exercising such power and authority for the well governing and ordering of the affairs of the Corporation, as shall be prescribed by the By-laws thereof: Provided always, that before permitting any Cashier, Officer, Clerk or Servant of the Corporation, to enter upon the duties of his office, the Directors should require every such Cashier, Officer, Clerk or Servant to give bond, to the satisfaction of the Directors, that is to say, every Cashier in a sum not less than five thousand pounds, current money of Canada, and every other Officer, Clerk or Servant, in such sum of money as the Directors consider adequate to the trust to be reposed, with conditions for good and faithful behaviour.

Directors may appoint Cashier and Officers.

Other powers.

Proviso. They must take security from Officers.

XIV. It shall be the duty of the Directors to make half yearly dividends of so much of the profits of the Corporation as to them shall appear advisable; and such dividends shall be

Directors to make half yearly dividends.

be

be payable at such place or places as the Directors shall appoint, and of which they shall give public notice thirty days previously : Provided always, that such dividend shall not in any manner lessen or impair the Capital Stock of the Corporation.

Proviso.

Annual meeting of Stockholders for election of Directors.

Statement of affairs to be made.

Its form and contents.

Last dividends and reserved fund.

Shareholders' ratio of votes in proportion to number of Shares.

XV. A general meeting of the Shareholders of the Corporation shall be held in the Town of Sherbrooke on the first Monday in the month of June, in every year during the continuance of this Act, for the purpose of electing Directors in the manner hereinbefore provided, and for all other general purposes touching the affairs, and the management of the affairs of the Corporation ; and at each of the said annual general meetings the Directors shall submit a full and clear statement of the affairs of the Corporation, containing, on the one part, the amount of capital Stock paid in, the amount of notes of the Bank in circulation, the net profits in hand, the balances due to other Banks and Institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest ; and, on the other part, the amount of current coins and gold and silver bullion in the vaults of the Bank, the value of buildings and other real estate belonging to the Bank, the balances due to the Bank from other Banks or Institutions, and the amount of debts owing to the Bank, including and particularizing the amounts so owing on bills of exchange, discounted notes, mortgages and hypothèques, and other securities ; thus exhibiting on the one hand the liabilities of, or debts due by the Bank, and on the other hand, the assets and resources thereof ; and the said statement shall also exhibit the rate and amount of the then last dividend declared by the Directors, the amount of profits reserved at the time of declaring such dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.

XVI. The number of votes which the Shareholders of the said Corporation shall respectively be entitled to give at their meetings, shall be according to the following scale, that is to say : for one share and not more than two, one vote ; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares ; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares ; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares ; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares ; and no Shareholder shall be entitled to give a greater number of votes than twenty ; and it shall be lawful for absent Shareholders to give their votes by proxy, such proxy being also a Shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank :  
Provided

Provided always, that a share or shares of the Capital Stock of the said Corporation, that shall have been held for a less period than three Calendar Months immediately prior to any meeting of the Shareholders, except the first meeting, shall not entitle the holder or holders to vote at such meeting, either in person or by proxy : Provided also, that where two or more persons are joint holders of shares, it shall be lawful that only one of such joint holders be empowered by Letter of Attorney from the other joint holder or holders or a majority of them, to represent the said shares and vote accordingly : And provided also, and it is hereby enacted, that no Shareholder who shall not be a natural-born or naturalized subject of Her Majesty, or who shall be a subject of any Foreign Prince or State, shall, either in person or by proxy, vote at any meeting whatever of the Shareholders of the said Corporation, or shall assist in calling any meeting of the Shareholders ; any thing in this Act to the contrary notwithstanding.

Proviso.  
Shares must have been held a certain time.

Proviso as to joint holders.

Proviso: voter must be a British subject.

XVII. No Cashier, Bank Clerk, or other officer of the Bank, shall either vote in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose.

Officers to have no vote at any election of Directors.

XVIII. Any number not less than twenty, of the Shareholders of the said Corporation, who together shall be proprietors of at least five hundred shares of the paid up Capital Stock of the Corporation, by themselves or proxies, or the Directors of the Corporation, or any four of them, shall respectively have power at any time to call a special general meeting of the Shareholders of the Corporation, to be held at their usual place of meeting in the Town of Sherbrooke, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting ; and if the object of any such special general meeting be to consider of the proposed removal of the President or Vice-President, or of a Director or Directors of the Corporation, for mal-administration or other specified and apparently just cause, then and in such cases, the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall first be published, be suspended from the duties of his or their office or offices, and if it be the President or Vice-President, whose removal shall be proposed as aforesaid, his Office shall be filled up by the remaining Directors, (in the manner hereinbefore provided in the case of a vacancy occurring in the Office of President, or Vice-President) who shall choose or elect a Director to serve as such President or Vice-President, during the time such suspension shall continue or be undecided upon.

Special meetings may be called by twenty Shareholders.

Notice.

Suspension from office of Officers whose removal is the subject of such meeting.

XIX. The shares of the Capital Stock of the said Corporation shall be held and adjudged to be personal estate, and be transmissible accordingly ; and shall be assignable and transferable at the Bank, according to the form of Schedule A annexed to this Act ; but no assignment or transfer shall be valid

Stock to be deemed personal estate.

Assignment,  
manner of  
effecting.

Parts of Shares  
not assignable.

Sale of Shares  
under seizure  
and transfer to  
purchaser.

valid and effectual unless it be made and registered in a book or books to be kept by the Directors for that purpose; nor until the person or persons making the same shall previously discharge all debts actually due by him, her or them, to the Corporation, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share, or other than a whole share, shall be assignable or transferable: and when any share or shares of the said Capital Stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Corporation, an attested copy of the writ, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale has been made; and thereupon (but not until after all debts due by the original holder or holders of the said shares to the Corporation shall have been discharged as aforesaid,) the President or Vice-President, or Cashier of the Corporation, shall execute the transfer of the share or shares so sold to the purchaser, and such transfer, being duly accepted, shall be, to all intents and purposes, as valid and effectual in Law as if it had been executed by the original holder or holders of the said shares; any law or usage to the contrary notwithstanding.

In what business only the Bank shall engage, and what species of property it may hold.

XX. The said Corporation hereby constituted shall not, either directly or indirectly, hold any lands or tenements (save and except such as by the first section of this Act they are specially authorized to acquire and hold,) or any ships or other vessels, or any share or shares of the Capital Stock of the Corporation, nor in any other Bank in this Province, nor shall the said Corporation, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation (hypothèque,) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the Corporation, or of any Goods, Wares or Merchandise: nor shall the said Corporation, either directly or indirectly, raise loans of money, or deal in the buying, selling or bartering of Goods, Wares or Merchandise, or engage or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of Banking: Provided always, that the said Corporation may take and hold mortgages and hypothèque on real estates and property in this Province, by way of additional security for debts contracted to the Corporation in the course of their dealings.

Proviso:  
Bank may  
take mortgages in the course of its business.

Amount of advances on securities of Directors or

XXI. The aggregate amount of discounts and advances made by the said Corporation upon commercial paper or securities bearing the name of any Director or Officer, or the co-partnership name or firm of any Director of the said Corporation, shall not

not at any one time exceed one tenth of the total amount of discounts or advances made by the Corporation at the same time.

Officers limited.

XXII. It shall and may be lawful for the said Corporation to allow and pay interest, (but not exceeding the legal rate of interest in this Province,) upon moneys deposited in the Bank; and also it shall and may be lawful for the Corporation, in discounting promissory notes or other negotiable securities, to receive or retain the discount thereon, at the time of discounting or negotiating the same; any law or usage to the contrary notwithstanding.

Corporation may pay interest on deposits in Bank and take discount.

XXIII. The bonds, obligations and bills obligatory and of credit of the said Corporation, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees, successively, and to enable such assignee or assignees to bring and maintain an action or actions thereupon in his, her or their own name or names; and signification of any such assignment by indorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills or notes of the Corporation, signed by the President or Vice-President, and countersigned by a Cashier thereof, promising the payment of money to any person or persons, his, her or their order or to the bearer, though not under the seal of the Corporation, shall be binding and obligatory upon the same, in the like manner and with the like force and effect as they would be upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable or negotiable in the like manner as if they were so issued by such private person or persons: Provided always, that nothing in this Act contained shall be held to debar the Directors of the Corporation from authorizing or deputing from time to time any Cashier or Officer of the Corporation, or any Director other than the President or the Vice-President, or any Cashier, Manager or local Director of a Branch or office of discount and deposit of the said Corporation, to sign, and any Cashier, Accountant or Book-keeper of the said Corporation, or of any Branch or office of discount and deposit thereof, to countersign the bills or notes of the said Corporation intended for general circulation, and payable to order, or to bearer, on demand.

Bonds, &c., of Corporation may be assigned by indorsement.

Proviso: Officers may be deputed to sign Bank Notes.

XXIV. The notes or bills of the said Corporation made payable to order, or to bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the Corporation in the Town of Sherbrooke, or from

Notes to bear date and be payable at the place of issue.

What shall be deemed Branch Banks.

from any of the branches, shall bear date at the place of issue, and not elsewhere, and shall be payable on demand in specie at the same place of issue; and each and every office of discount and deposit established or hereafter to be established under the management or direction of a local Board of Directors, shall be considered and held to be a Branch Bank and subject to the restriction as to the issuing and redemption of notes provided in this Section.

Suspension for sixty days, to effect a forfeiture of Charter.

XXV. A suspension by the said Corporation (either at the chief place or seat of business, or at any of their branches or offices of discount and deposit at other places in this Province,) of payment on demand, in specie of the notes or bills of the said Corporation payable on demand, shall, if the time of suspension extend to sixty days, consecutively or at intervals within any twelve consecutive months, operate as and be a forfeiture of this Act of Incorporation, and all and every the privileges hereby granted.

Total amount of Notes under £1 issued, not to exceed one fifth of Capital Stock paid in.

Proviso: no Note to be under five shillings.

Proviso: 16 V. c. 162 to apply to this Bank.

XXVI. The total amount of the Notes or Bills of the said Corporation, being for a less sum than one pound, current money of Canada, each, that shall be or may have been issued and put in circulation, shall not exceed at any one time one fifth of the amount of the Capital Stock of the Corporation then paid in: Provided always, that no notes under the nominal value of five shillings shall at any time be issued or put into circulation by the Corporation, nor shall any further limitation by the Legislature of the total amount of notes to be issued or re-issued by the said Corporation be held to be any infringement upon the privilege hereby granted: Provided further, that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to encourage the issue by the Chartered Banks of this Province, of Notes secured in the manner provided by the General Banking Law*, shall be and are hereby declared to be applicable to the Bank established under this Act.

Total liabilities of Bank limited and of its Bank Notes.

Penalty for excess and liability of Directors.

XXVII. The total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the Capital Stock paid in and the deposits made in the Bank, in specie and Government securities for money, and at no one period after the passing of this Act shall the notes or bills payable on demand and to bearer, exceed the amount of the actually paid up Capital Stock of the Corporation; and in case of excess, the said Corporation shall forfeit this Act of Incorporation and all the privileges hereby granted; and the Directors under whose administration the excess shall happen, shall be liable jointly and severally for the same, in their private capacities, as well to the Shareholders, as to the holders of the bonds, bills and notes of the Corporation; and an action or actions in this behalf may be brought against them, or any of them, and the heirs,

heirs, executors, administrators or curators of them, or any of them, and be prosecuted to judgment and execution according to law, but such action or actions shall not exempt the Corporation, or their lands, tenements, goods or chattels from being also liable for such excess: Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt, do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of proceedings of the Corporation, his protest against the same, and do, within eight days thereafter publish such protest in at least one newspaper published in the Town of Sherbrooke, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators from the liability aforesaid; any thing herein contained, or any law to the contrary notwithstanding: And provided always, that such publication shall not exonerate any Director from his liability as a Shareholder.

Proviso: Directors may avoid liability by protest and publication.

XXVIII. In the event of the property and assets of the Corporation hereby constituted, becoming insufficient to liquidate the liabilities and engagements or debts thereof, the Shareholders of the Corporation, in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of paid up Capital, that is to say: that the liability and responsibility of each Shareholder shall be limited to the amount of his or her share or shares of the said paid up Capital Stock, and a sum of money equal in amount thereto: Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the Corporation hereinbefore mentioned and declared.

Liability of Shareholders defined and limited.

Proviso.

XXIX. Besides the detailed statement of the affairs of the said Corporation hereinbefore required to be laid before the Shareholders thereof, at their annual general meeting, the Directors shall make up and publish, on the first day of each month, in every year, statements of the assets and liabilities of the Corporation, in the form of the Schedule B hereunto annexed, shewing under the heads specified in the said form, the average of the amount of the notes of the Corporation in circulation and other liabilities, at the termination of each month, and the average amount of specie and other assets which, at the same time, were available to meet the same: and it shall also be the duty of the Directors to submit to the Governor, Lieutenant Governor, or Person administering the Government of this Province, a copy of each of such monthly statements; and if by him required to verify all or any part of the said statement, the said Directors shall verify the same by the production of the monthly balance-sheet, from which the said statement shall have been compiled; and furthermore, the said Directors shall from time to time, when required, furnish to the said Governor,

Monthly statements of affairs of the Bank to be made and published.

How verified.

Proviso: Governor may require further information.

Proviso.

Proviso.

Governor, Lieutenant Governor, or Person administering the Government of this Province, such further information respecting the state and proceedings of the Corporation, and of the several branches and offices of discount and deposit thereof, as such Governor, Lieutenant Governor, or Person administering the Government of this Province, may reasonably see fit to call for: Provided always, that the monthly balance-sheet, and the further information that shall be so produced and given, shall be held by the said Governor, Lieutenant Governor, or Person administering the Government of this Province, as being produced and given in strict confidence that he shall not divulge any part of the contents of the said monthly balance-sheet, or of the information that shall be so given: And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private account or accounts of any person or persons whatever having dealings with the Corporation.

Bank not to lend money to foreign powers.

XXX. It shall not be lawful for the Corporation hereby constituted, at any time whatever, directly or indirectly, to advance or lend to, or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money, or any securities for money: and if such unlawful advance or loan be made, then and from thenceforth the said Corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine; any thing in this Act to the contrary notwithstanding.

How notices shall be published.

XXXI. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in the Town of Sherbrooke, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette for the publication of Official documents and notices emanating from the Civil Government of this Province.

Punishment of Officers of Bank embezzling its property, &c.

XXXII. If any Officer, Cashier, Manager, Clerk or Servant of the Corporation hereby constituted, shall secrete, embezzle, or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note, or with any security for money, or money, or effects intrusted to him as such Officer, Cashier, Manager, Clerk or Servant, whether the same belong to the said Corporation, or belonging to any other person or persons, body or bodies corporate or politic, or institution or institutions, be lodged or deposited with the said Corporation, the Officer, Cashier, Manager, Clerk or Servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Punishment of felony under this Act.

XXXIII. Every person convicted of felony under this Act shall be punished by imprisonment at hard labor in the Provincial Penitentiary for any term not less than seven years, or

by



by imprisonment in any other Gaol or place of confinement for any term not exceeding two years.

XXXIV. It shall and may be lawful to and for any one Justice of the Peace, on complaint made before him, upon the oath of one credible person, that there is just cause to suspect that any one or more person is or are, or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or of any of the officers or persons engaged in the management of its affairs, by warrant under the hand of such Justice, to cause the dwelling house, room, workshop, outhouse or other building, yard, garden, or other place, belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings, orders, or any such plates, rolling-presses or other tools, instruments or materials, shall be found in the custody or possession of any persons whomsoever not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same, to seize, and he and they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, rolling-presses or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District, (or if more convenient, of the adjoining County or District,) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid, in some Court of Justice, proper for the determination thereof, and the same, after being so produced in evidence, shall, by order of the Court, be defaced or destroyed or otherwise disposed of as such Court shall direct.

Warrant may be obtained to search for forged Bank Notes, &c.

Proceedings if any such be found.

XXXV. Shares of the Capital Stock of the Bank may be made transferable and the dividends accruing thereon may be made payable in the United Kingdom in like manner as such shares and dividends are respectively made transferable and payable at the Bank, in the Town of Sherbrooke; and to that end, the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agent or agents as they may deem necessary.

Transfer of Shares in Great Britain.

XXXVI. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, the Directors may require such transmission to be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require, and every such

Provision for proving the transmission of Shares otherwise than by regular transfer.

Proviso as to authentication of such proof.

Proviso as to further evidence.

If the change of ownership be by marriage of a female Shareholder or by will, &c.

How the decision of a Court may be obtained as to title to Shares when the Bank entertains reasonable doubts.

such declaration or other instrument so signed, made and acknowledged, shall be left at the Bank with the Cashier or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders, and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank nor to vote in respect of any such share or shares as the holder thereof: Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice Consul or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or other accredited representative; And provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier or other Officer or Agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

XXXVII. If the transmission of any share in the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the will or the letters of administration or of tutorship or curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier or other Officer or Agent of the Bank, who shall then enter the name of the party entitled under such transmission in the Register of Shareholders.

XXXVIII. Whenever the interest in any share or shares of the Capital Stock of the said Eastern Townships Bank shall be transmitted by the death of any Shareholder or otherwise, or whenever the ownership of, or legal right of possession in any such share or shares, shall change by any lawful means other than by transfer according to the provisions of this Act, and the Directors of the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, then and in such case it shall be lawful for the said Bank to make and file, in the Superior Court for Lower Canada, a declaration and petition in writing addressed to the Justices of the Court, setting forth the facts and the number of shares previously belonging to the party in whose name such shares stand in the Books of the Bank, and praying for an order or judgment adjudicating and awarding the said shares to the party

party or parties legally entitled to the same, and by which order or judgment the Bank shall be guided and held tully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom: *Provido.* Provided always, that notice of such petition shall be given to the party claiming such shares, who shall, upon the filing of such petition establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court: *Provido.* Provided also, that the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

XXXIX. The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares of the Bank may be subject, and the receipt of the party in whose name any such share shall stand in the Books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust, and the Bank shall not be bound to see to the application of the money paid upon such receipt; any law or usage to the contrary notwithstanding. *Bank not bound to see to execution of trusts to which Shares may be subject.*

XL. It shall be the duty of the Directors of the said Bank to invest, as speedily as the Debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Province, payable within the same, or of the Consolidated Municipal Loan Fund, one tenth part of the whole paid up Capital of the said Bank, and to make a Return of the numbers and amount of such Debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank, to the Inspector General, in the month of January of each year, under the penalty of the forfeiture of the Charter of the said Bank, in default of such investment and Return: *One tenth of paid up Capital to be invested in Debentures of certain kinds.* Provided always, that the said Directors shall not commence the ordinary business of Banking until the sum of ten thousand pounds shall have been invested in such Debentures.

XLI. This Act shall be and remain in force until the first day of June which will be in the year of our Lord, one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer. *Duration of Act.*

XLII. This Act shall be deemed a Public Act.

Public Act.

FORM

## FORM OF SCHEDULE A

*Referred to in the Nineteenth Section of the foregoing Act.*

For value received from I, (or we,) of  
do hereby assign and transfer unto the said shares,  
on each of which has been paid, pounds, shillings,  
currency, amounting to the sum of pounds, shillings)  
in the Capital Stock of the Eastern Townships Bank, subject  
to the rules and regulations of the said Bank.

Witness my (or our) hand (or hands) at the said Bank, this  
day of in the year one thousand eight hundred  
and

(Signatures.)

I (or we) do hereby accept the foregoing assignment of  
shares in the Stock of the Eastern Townships Bank, assigned  
to me (or us) as above mentioned, at the Bank, this day  
of one thousand eight hundred and

(Signatures.)

## FORM OF SCHEDULE B

*Referred to in the Twenty-ninth Section of the foregoing Act.*

Return of the Average Amount of Liabilities and Assets of  
the Eastern Townships Bank during the period from first  
to one thousand eight  
hundred and

## LIABILITIES.

Promissory Notes in circulation not bearing interest.....	£
Bills of Exchange in circulation not bearing interest.....	£
Bills and Notes in circulation bearing interest.....	£
Balances due to other Banks.....	£
Cash deposits, not bearing interest.....	£
Cash deposits, bearing interest.....	£
Total average Liabilities.....	£

## ASSETS.

Coin and Bullion.....	£
Landed or other Property of the Bank.....	£
Government Securities.....	£
Promissory Notes or Bills of other Banks.....	£
Balances due from other Banks.....	£
Notes and Bills discounted, or other Debts due to the Bank, not included under the foregoing heads.....	£
Total average Assets.....	£

## C. A. P. C. C. V. I. I.

An Act to amend the Act incorporating the Montreal Telegraph Company.

[Assented to 19th May, 1855.]

**W**HEREAS the Montreal Telegraph Company have represented that doubts exist as to their right to hold real estate in certain cases for the general purposes of the Company and the accommodation of the Stations thereof; And whereas it is desirable and expedient to remove such doubts, and to grant other facilities to said Company: 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, as follows:

Preamble.

I. For and notwithstanding any thing in the Act intituled, *An Act to incorporate the Montreal Telegraph Company* contained, it shall be lawful for the said Company and they shall have power to purchase, receive, have and hold to them and their successors to and for the use of the Company, such real estate in this Province and such only, in addition to that now held by them, as may be necessary for the convenient transaction of the business of the Company, and for the erection of buildings for the suitable accommodation of the Stations thereof, in this Province, now or hereafter to be established and for the construction of the Line or Lines or branches thereof, and for the effectually carrying on the operations of such Company, and the same to let, convey, or otherwise depart with, for the benefit and on account of the Company, from time to time, as they shall deem expedient.

Notwithstanding 10 & 11 V. c. 83, Company may hold land for stations, &c.

II. The said Company is authorized to construct and maintain such other Line or Lines, and such Branch Line or Lines of Telegraph Electric, or otherwise, from and to any point in this Province in addition to the present Lines of the Company and the extensions, continuations and branches thereof heretofore constructed, and which they have full power and authority to maintain and keep up, as may be required, to meet the increase of business or as they may think desirable, along and upon any of the public roads and highways of, or across any of the waters within, the Province, or with the consent of any Railway Company in this Province, along the line thereof, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such Lines, provided the same shall not be so constructed as to

Company may construct Branch Lines of Telegraph.

Proviso

incommode the public use of such roads or highways, or injuriously to interrupt the navigation of such waters, and also upon any lands purchased by the Company or the right to carry the Line over which shall have been conceded to them by the parties having a right to such concession, nor shall any thing herein contained be construed to confer on such Company the right of building a Bridge over any navigable water.

May purchase or lease other lines.

III. The said Company is further hereby authorized and empowered to purchase and acquire of any other Telegraph Company, Association or person, any line of Telegraph already constructed or hereafter to be constructed, and the same to hold, keep up and maintain, or to depart with or to lease any such line of Telegraph, and the same to maintain, and during the lease thereof to work for the profit of the Company. Provided always, that nothing herein contained shall authorize the said Company to purchase any parallel line of Telegraph, or to exempt the said Company from any restrictions imposed upon Telegraph lines under any general law of this Province.

Proviso.

The said Act 11 & 11 V. c. 83 to apply to Branches.

IV. The hereinbefore cited Act shall apply to and comprehend such lines, extensions, continuations and branches as are hereinbefore mention'd and referred to, and the said Act and this Act shall authorize the appointment by the Company of such officers and agents, and the making of such prudential Rules and Regulations and By-laws, as may be necessary for the construction or management and maintenance thereof: Provided the same shall not be inconsistent with the Laws of this Province.

Proviso.

Public Act.

V. This Act shall be a Public Act.

## C A P . C C V I I I .

An Act further to amend the Act of Incorporation of the British North American Electric Telegraph Association, to enable the said Association to construct Branch Lines, and to subscribe for Stock in other Electric Telegraph Companies.

[Assented to 19th May, 1855.]

Preamble.  
13 V. c. 111.

**W**HEREAS by an Act passed in the sixteenth year of the Reign of Her Majesty, intituled, *An Act to amend the Act of Incorporation of the British North American Electric Telegraph Association*, the said Association were authorized to extend their line of Telegraph to the boundary of the United States of America, and to Montreal; And whereas it would be advantageous to construct branch lines connecting with their main line of Telegraph, in order to extend the usefulness thereof; And whereas it would be advantageous to the said Association to hold and possess Stock in other lines of Telegraph within this Province: Be it therefore enacted by the Queen's Most Excellent Majesty,

by

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, as follows :

I. It shall be lawful for the said Company to make, construct and build such branch line or lines in connexion with their main line, to such places and in such directions as may be selected by the said Company, and to construct Station Houses and Observatories at the terminations and at such other places on the said branch line or lines as the said Company may deem expedient; and to construct such works as may be found necessary, whether the same be required to be constructed on land or under or over any river or rivers, or stream or streams of water, in order to facilitate the better working of the said line of Telegraph; Provided always that the navigation of such rivers be not thereby impeded in any way.

Company may  
make Branch  
lines with the  
requisite  
works.

Proviso.

II. And to the end that the said Company may be enabled to fulfil the object of the next foregoing section, it shall and may be lawful for the said Company and their successors, to raise and contribute among themselves and others who may become stockholders, in such proportions as to them shall seem meet and convenient, a sum sufficient for the extending, making and completing of the said branch lines, and all such other works, matters and conveniences as may be found necessary for extending, making, effecting, preserving, improving, completing, maintaining and using the same; Provided always, that the sums so raised shall not exceed the sum of five thousand pounds currency in the whole, and that the same be divided into shares of ten pounds currency each, and the money so to be raised is hereby directed and appointed to be laid out and applied in the first place for and towards the payment, satisfaction and discharge of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereunto and all the expenses relating thereto; and all the rest, residue or remainder of such money shall be used and applied in and about the making and constructing of the branch lines and the works aforesaid and towards maintaining the same, and to no other use, interest or purpose whatsoever.

Company may  
add to their  
Capital.

Proviso: such  
addition not  
to exceed  
£5,000; appli-  
cation of such  
sum.

III. The said five thousand pounds currency, or such part thereof as shall be raised by the persons now composing the said Company and by such other person or persons as shall or may at any time become a subscriber or subscribers to the said Telegraph, shall be divided and distinguished into five hundred shares, at a price not exceeding ten pounds currency per share.

How such ad-  
ditional Cap-  
ital shall be  
raised.

and the shares shall be deemed personal estate and shall be transferred as such; and the said five hundred shares shall be and they are hereby vested in the said several subscribers and their several heirs, executors, administrators and assigns, to their and every their proper use and behoof, proportionally to the sum that they and each of them shall severally subscribe and pay thereunto; and all and every the bodies corporate, politic or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curators, administrators and assigns who shall severally subscribe and pay the sum of ten pounds or such sum or sums of money as shall be demanded in lieu thereof, towards carrying on and completing the said branch lines of Telegraph, shall be entitled to and receive, after the said branch lines shall have been completed, from and out of the proceeds of that part of the main line between Quebec and Montreal now built, and the said branches hereby authorized to be built, after deducting the expenses of working the same, interest at the rate of six per cent per annum upon the said sum of five thousand pounds, in common with the holders of stock subscribed for and taken under the first section of the said amending Act, and in the same manner as if the stock by this Act authorized to be raised formed part thereof; and the surplus of such proceeds shall be distributed among the whole of the stockholders in the said Association, as well original as preferential, without distinction, in proportion to the number of shares held by them respectively, and each and every of the said stockholders holding a share or shares in the stock authorized to be raised by this Act, shall bear and pay an adequate and proportional sum of money in the proportion of such share or shares, towards carrying out the said undertaking in the manner by the Act of Incorporation of the said Company and by the said amending Act directed and appointed.

Preferential rights of the subscribers in connection with the subscribers for Stock under 16 V. c. 111.

Surplus after payment of preferential Stock claims.

Cost to be borne equally.

Directors may borrow money.

Proviso: not to exceed one half the Capital of the Company.

Debentures may be issued.

IV. The Directors of the said Company, or a quorum of them, may, and they are hereby empowered, from time to time, and at such times as they may see fit, to borrow from any person or persons such sum or sums of money, as they may deem necessary for the purposes of the said Company; Provided always, that the sum or sums of money so to be borrowed shall not at any time exceed one half of the whole capital stock of the said Company, and the said Directors, or a quorum of them, are hereby further empowered and authorized, in the name of the said Company, to issue bonds or debentures for the sum or sums so to be borrowed as aforesaid, which bonds or debentures shall bear the corporate seal of the said Company, and shall be signed by the President or Vice-President of the said Company, and countersigned by the Secretary of the said Company, for the time being, and the said bonds or debentures shall be made payable to the bearer thereof, and be transferable by delivery, and shall specify the amount for which each shall be issued, the time appointed for the redemption thereof, and the



the rate of interest to be paid thereon, and the time for the payment of such interest; Provided, however, that no such bond or debenture shall bear interest exceeding the rate of seven per centum per annum.

Proviso as to rate of interest.

V. All, each and every of the provisions and enactments of the Act incorporating the said Company, providing for the construction of the said line, the purchase of property and the protection and preservation of the said line, and all the provisions therein contained not inconsistent with the present Act, and also the provisions of the said Act amending the same, shall be held and considered and they are hereby made to apply to the branch lines and other works by this Act authorized to be built and constructed, to the same extent as if the said branch lines and other works had been originally authorized by the said Act of Incorporation, and to the proprietors or holders of the stock authorized to be raised by this Act.

Proviso of former Acts to apply to Branches and to holders of new Stock.

VI. The said British North American Electric Telegraph Association may and they are hereby authorized to subscribe for and hold stock in any other connecting Telegraph Company incorporated or to be hereafter incorporated under any Act of the Legislature of this Province, or under the Act passed by the Legislature of this Province, in the sixteenth year of the Reign of Her present Majesty, intituled, *An Act to provide by one general Law for the incorporation of Electric Telegraph Companies*, or which may hereafter become incorporated under the said last mentioned Act; Provided always, that the said British North American Electric Telegraph Association shall not subscribe or hold stock in any such Company or Companies to an amount exceeding the sum of one thousand pounds; And provided always, that no such stock shall be subscribed for by the said Association unless the sanction and authority of the said Association so to do shall be first had and obtained in the manner provided in and by the twenty-third section of the Act, intituled, *An Act to incorporate the British North American Electric Telegraph Association*, passed in the tenth and eleventh years of Her Majesty's Reign.

Company may hold Stock in Telegraphs connected with theirs.

16 V. c. 10.

Proviso.

Proviso.

10 & 11 V. c. 82.

VII. The said Association may raise by loan such sum or sums of money not exceeding the stock so to be subscribed for by the said Association, as may be necessary to pay for such stock; and to secure to the lenders of such sum or sums of money the repayment thereof, the said Association are hereby authorized to bind and pledge their said line of Telegraph, as also the branch lines constructed or authorized by this Act to be constructed and the property by them held for the working thereof, as security for the loan so to be effected; Provided always, that nothing herein contained shall limit or be construed to limit the power and authority of the said Association to contract debts in the manner and to the extent already provided for.

Company may raise money by Loan to pay for such Stock and pledge their works.

Proviso.

VIII. This Act shall be deemed a Public Act.

Public Act.

## CAP. CCIX.

An Act granting certain privileges to the New-York, Newfoundland and London Telegraph Company.

[Assented to 19th May, 1855.]

Preamble.

**W**HEREAS the Legislature of Newfoundland has incorporated a Company under the style and title of the *New York, Newfoundland and London Telegraph Company*, for the purpose, among others, of establishing a line of Telegraphic communication between America and Europe; And whereas certain British subjects have already agreed to become interested in the Stock of the said Company, to the extent of one half thereof; And whereas it is expedient for the Legislature of Canada to encourage the said undertaking: 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, as follows:

Company may acquire and hold land required for working their Telegraph.

I. The said Company shall have power to purchase, receive, have and to hold to them and their successors to and for the use of the said Company, such real estate in this Province, and such only, as may be necessary for the convenient transaction of the business of the Company, and for the erection of buildings for the suitable accommodation of the stations thereof in this Province, now or hereafter to be established, and for the construction of the line or lines or branches thereof, and for the effectual carrying on the operations of such Company, and the same to let, convey or otherwise depart with for the benefit and on account of the Company from time to time as they shall deem expedient.

May construct the Telegraph in this Province.

II. The said Company may establish, construct, purchase, hire, keep in order and work any line or lines of magnetic, electric or other Telegraph or means of Telegraphic communication, in any part of the Province of Canada, or places under its jurisdiction, or between any two or more points therein, or between any point or points therein, and any Island, Province, Country or place in or near the Continent of America, or in or near the Continent of Europe, or in the Atlantic Ocean.

Telegraph may be carried along high-ways, &c.

III. The said Company may erect or maintain their said lines of Telegraph along the side of or across any public high-ways, bridges, water course or other such places, provided they do not interfere with the public right of travelling thereon, or may enter upon any lands or places, and survey and set off such

such parts thereof as may be necessary for the said lines of Telegraph, and may take from any part of the ungranted and unoccupied Crown Lands of this Province, having first obtained the consent of the Crown, any posts or building materials necessary to make or repair the lines or any buildings in connection therewith; and in case of disagreement between the Company and any owner or occupier of lands which the Company may take for the purposes aforesaid, or in respect to any damage done to the same by constructing the lines through or upon the same, the Company and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision on the matter in difference of any two of them in writing shall be final; and if the said owner or occupier, or the agent of the said Company shall neglect or refuse to choose an arbitrator within four days after notice in writing, and upon proof of personal service to him from the opposite party, or if such two arbitrators when duly chosen shall disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Provincial Secretary, for the time being, to nominate any such arbitrator, or such third arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided; Provided always, that nothing herein contained shall be construed to confer on the said Company the right of building a Bridge over any navigable water.

Damages done  
to be settled  
by Arbitrators.

Proviso: Na-  
vigation not to  
be interrupted.

IV. Any person wilfully interrupting the free use by the said Company of any Telegraphic line, established, hired or used by it, or any works connected therewith, shall be subject to a penalty of not less than ten pounds nor more than one hundred pounds, to be recovered by any person informing and suing for the same in a summary way before one or more Justices of the Peace, and to be levied by a warrant of distress and sale of the offenders' goods and chattels, one half of such penalty to go to the party suing for the same, and the other half to be paid to the Receiver General of the Province for the use thereof; and in default of goods and chattels to satisfy such warrant, every such offender shall be committed to gaol by such Justice or Justices for any period not exceeding one hundred days, and if any person shall wilfully or maliciously obstruct or damage any such Telegraphic line, works, buildings, machinery or other property connected therewith, he shall be guilty of misdemeanor, and shall be punished by imprisonment for a period not exceeding one year, and by a fine not exceeding two hundred pounds; And every operator, agent or servant of the said Company employed in the transmission or delivery of intelligence or messages, shall, before he enters on the duties of his office, make oath before a Judge or Justice of the Peace, that he will not wilfully divulge the contents of any message transmitted by the said Company, or left with any of its operators, agents or servants for transmission or delivery; and every person violating the said oath shall be adjudged guilty of misdemeanor and punished

Penalty on  
persons in-  
juring the Te-  
legraph or in-  
terrupting the  
use of it.

Operators to  
be sworn.

Violation of  
oath to be  
misdemeanor.

punished by imprisonment for a period not exceeding one year, and by a fine not exceeding two hundred pounds.

Wire, &c., for the Telegraph, to be free of duty.

V. All wires and materials required for constructing, repairing or working the said Company's main or branch lines of Telegraph, or for connecting them or any of them with any Island, Province or Country, shall and may be imported free of duty.

Public Act.

VI. This Act shall be deemed and taken to be a Public Act.

## C A P. C C X .

An Act to incorporate the Imperial Fire, Marine and Life Insurance Company.

[Assented to 19th May, 1855.]

Preamble.

WHEREAS Nelson Marcus Bockus, James Simeon McCuaig, James Walker, James H. Birss and others, have petitioned the Legislature of this Province, praying that an association under the style and title of the Imperial Fire, Marine and Life Insurance Company, may be incorporated for the purpose of enabling the said petitioners and others to carry on the business of Fire, Marine and Life Assurance with facility; And whereas it hath been considered that the establishment of such an association would be greatly beneficial to the Mercantile and Agricultural interests of the Province, and tend to the retaining therein a large portion of the money annually sent away as premiums for such insurances: 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-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

Company incorporated.

I. All such persons as now are or hereafter shall become stockholders of the said Company, shall be and are hereby ordained, constituted and declared to be from time to time and until the first day of January, of the year one thousand nine hundred, a Body Corporate and Politic in law, in fact and in name, by the style and title of the "Imperial Fire, Marine and Life Insurance Company," and by that name, style and title, they and their successors, until the said first day of January, one thousand nine hundred, shall and may have continued succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts and places whatsoever in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors may have a Common Seal, and may change and alter the

Corporate name and general powers.

same

same at pleasure, and also they and their successors, by and under the name, style and title of the "Imperial Fire, Marine and Life Insurance Company," shall be capable in law of purchasing, holding or conveying any estate, real or personal, for the use of said Corporation, subject to the rules and conditions hereinafter mentioned.

II. A Share in the Stock of the said Corporation, shall be Ten Pounds or the equivalent thereof in specie, and the number of shares shall not exceed two thousand, and Books of Subscription shall be opened in the principal Cities and Towns of this Province, at the same time, of which public notice shall be first given by such person or persons, and under such regulations as the majority of the said petitioners shall direct: Provided always, that it shall and may be lawful for the said Corporation to increase its Capital Stock, to a sum not exceeding Two Hundred and Fifty Thousand Pounds, as a majority of the Stockholders at a Meeting to be expressly convened for that purpose shall agree upon.

Capital Stock  
£20,000 in  
Shares of £10.

Proviso: for  
increase of  
Capital.

III. It shall and may be lawful, as soon as five hundred out of the aforesaid two thousand shares shall have been taken up, for the shareholders or subscribers, to proceed to the election by ballot of six Directors, at such time and place as the majority of such subscribers shall appoint, giving fifteen days' notice thereof in the *Canada Gazette*, and in one newspaper in each District where subscription has been made; which Directors shall be subjects of Her Majesty, and Stockholders at the time of their election, and during their continuance in office, to the amount of twenty-five shares, and shall have power to choose from among themselves a President and Vice-President: and the said Directors shall thereupon, at their first meeting thereafter, divide themselves by lot into two classes of three each, who shall go out of office in rotation as hereinafter provided for.

First election  
of Directors  
when 500  
shares are  
taken.

IV. Each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name, at least three months prior to the time of voting, according to the following ratios, that is to say: at the rate of one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten; all votes given at any meeting may be given either personally or by proxy, the holders of such proxies being Stockholders, authorized by writing under the hands of the Stockholders nominating such proxy, and every proposition at any such Meeting shall be determined by a majority of the votes of the parties present, including proxies: Provided always, that the authority to any such proxy shall bear date within six months of the time of the Meeting at which it is produced; And provided also that no person, partnership or body politic shall be entitled to more than fifteen votes at any such Meeting or on any one proposition.

Number of  
votes to which  
Stockholders  
shall be en-  
titled.

Proviso.

Proviso.

Period during which Directors shall hold office.

V. The persons chosen Directors of the said Corporation by the Stockholders as aforesaid, shall hold their offices until the second Monday of February, one thousand eight hundred and fifty-six, or until the election hereinafter provided for shall take place.

Annual General Meeting of Stockholders.

VI. A General Meeting of the Stockholders of the said Corporation shall be holden in the City of Quebec, at the place of business of the said Corporation, on the second Monday in the month of February, one thousand eight hundred and fifty-six, and thereafter on the same day in each and every year, and at such Meeting the three Directors whose names stand first on the Roll or List of Directors, shall be held to vacate their seats, and the Stockholders present at such Meeting, either in person or by proxy, shall proceed to elect by ballot three Stockholders to serve as Directors for the ensuing three years, who shall upon election be placed at the bottom of the Roll of Directors: Provided always, that nothing herein contained, shall be held to render the retiring Directors ineligible to re-election.

Proviso.

In case of vacancies in number of Directors.

VII. If any Director of the said Corporation die, resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other cause than that of going out of office in rotation as aforesaid, the remaining Directors, if they think proper so to do, may elect in his place any Stockholder duly qualified to be a Director, and the Stockholder so elected to fill up any such vacancy shall continue in office until the first yearly Meeting after such vacancy, and the Stockholders then present shall elect a new Director, who shall hold office for the same period as the Director would have done, whose death, resignation or disqualification caused such vacancy.

Power given to Company to grant Policies of Insurance.

VIII. The Corporation hereby created shall have power and authority to make and effect Contracts of Insurance, with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores or other buildings whatsoever, and on any shipping or vessels whatsoever, wheresoever or whithersoever proceeding, against loss or damage by fire, water or any other risk whatever, and in like manner on any goods, chattels, or personal estate whatsoever, whether on shore or afloat, and to make and effect Assurance on life or lives, or in any manner dependent on life or lives, and to grant annuities for such time or times and for such premises or consideration, and under such modifications and restrictions as may be bargained or agreed upon, or set forth, by and between the Company and the person or persons agreeing with them for such insurance, and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all other necessary matters and things, connected with and proper to promote those objects; and all Policies or Contracts of Insurance issued or entered into by the said Company, shall be signed by the President, and countersigned by the Managing Director, or as otherwise directed by the Rules and Regulations of the Company in case of their

How Policies shall be executed.

their absence ; and being so signed and countersigned and under the Seal of the said Company, shall be deemed valid and binding upon them according to the tenor and meaning thereof.

IX. It shall be lawful for any person or persons to subscribe for such and so many shares as he, she or they may think fit, not however exceeding, during the first month after the subscription books are opened, eighty shares ; and five per centum shall be paid at the time of subscription, and twenty per centum shall be paid up and be called for by the Directors, as soon as they may deem expedient, and the remainder shall be payable in such instalments as a majority of the Directors may determine upon : Provided always, that no instalment shall exceed five per centum upon the Capital Stock in any period of one month, nor be called for, nor become payable, in less than thirty days after public notice shall have been given in one newspaper published in the City of Quebec and the *Canada Gazette*, and by Circular addressed to each Stockholder at his, her or their last known residence. If any Stockholder or Stockholders as aforesaid shall refuse or neglect to pay to the said Directors the instalment due upon any share or shares held by him, her or them, at the time required so to do, such Stockholder or Stockholders as aforesaid, shall forfeit such share or shares as aforesaid, together with the amount previously paid thereon, and such forfeited share or shares may be sold at a public sale, by the Directors, after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act : Provided always, that in case the money produced by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner, and no more shares shall be sold than what shall be deemed necessary to pay such arrears, interest and expenses.

Subscription for Stock regulated.

Five per cent. to be paid down.  
Calls.

Proviso :  
Calls limited.

Shares on which calls are not paid to be forfeited.

Proviso :  
Surplus to be returned to owner.

X. If payment of such arrears of calls, interest and expenses be made before any share so forfeited and vested in the Company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, as if such calls had been duly paid. And in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the said Company to allege that the defendant being an owner of such shares, is indebted to the said Company in such sums of money as the calls in arrear amount to for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act ; and on the trial it shall only be necessary to prove that the defendant was owner of some shares in the Company, that such calls were in fact made, that notice was given as directed by this Act, and it shall not be necessary to prove the appointment of the Directors who made such calls, or any other matter whatsoever.

Forfeiture avoided by payment of arrears before sale.

XI. Provided always, that if the whole number of shares shall not be subscribed for within one month after the said books of subscription shall be opened, then it shall be lawful for any former subscriber

Subscribers may increase subscription if there be a sur-  
subscriber

plus of Stock  
at the end of  
the month.

subscriber or subscribers to increase his, her or their subscription: And provided further, that if the total amount of subscriptions, within the period aforesaid, shall exceed the Capital Stock, limited by this Act to Twenty Thousand Pounds, then and in such case the shares of each subscriber or subscribers above ten shares shall, as nearly as may be, be proportionately reduced until the total number of shares be brought down to the limits aforesaid: And provided, nevertheless, that the said limitation in respect to persons subscribing to the said Capital Stock shall not extend or be construed to extend to prevent the acquisition of a greater number of shares by purchase, after the said Corporation shall have commenced its operations.

Proviso.

Directors—  
their meetings  
and duties.

XII. The said Directors shall meet together at least once a week, at such time and place as may be designated in the By-laws, for the purpose of transacting the business of the Corporation, at which Meeting two or more of the Directors aforesaid shall be a quorum, for the purpose of transacting and managing the details of business and affairs of the said Corporation, and all questions before them shall be decided by a majority of votes, each Director to have one vote, and in case of an equality of votes, the President, Vice-President, or presiding Director shall give the casting vote, over and above his proper vote as a Director; and at such weekly Meetings of the Directors, the President, or Vice-President, or in their absence, the Director appointed by a majority of the Directors present, shall preside.

President to  
preside and  
have casting  
vote.

XIII. At all Meetings of the Stockholders, the President or Vice-President, or in their absence, a Director chosen by the Stockholders, shall preside, who, in case of an equality of votes, shall give the casting vote, over and above his proper vote.

Powers and  
authority  
given to  
Directors.

XIV. Any number of the Directors of the said Corporation, being a majority of the said Directors, shall have full power and authority to make, prescribe, and alter such By-laws, Rules, Regulations and Ordinances as shall appear to them proper and needful, touching the well ordering of the Corporation, the management and disposition of its stock, property, estate and effects; and also to call in any instalment or instalments of the Capital Stock of the said Corporation at such time and season as they shall think fit, giving due notice thereof, according to the ninth section of this Act; also, to declare and cause to be paid or distributed to the respective Stockholders any dividend or dividends of profits at such times and seasons as they shall think proper, or to add the same to the paid up portion of the Capital Stock; also, to appoint a Managing Director and such other persons as to them may appear necessary for the carrying out the business of the said Corporation, with such salary and allowances to each as they may think meet and advisable: Provided always, that for the purpose in this section of this Act mentioned, a majority of the Directors at least, shall be present and assisting; And provided further that all such By-laws, Rules, Regulations and Ordinances made by the  
Directors

Managing  
Directors.

Proviso.

Proviso.



Directors as aforesaid, shall be subject to the control of the Stockholders at their Annual Meeting, but not so as to render invalid any act done by the Directors, prior to any resolution passed at such General Meeting.

XV. The said Corporation shall be in law capable of acquiring by purchase, lease, mortgage or otherwise, and of holding absolutely or conditionally any lands, tenements, real or immovable estate, and the same to sell, alienate, let, release, transfer and dispose of, as to them shall seem expedient: Provided always that nothing herein contained shall be considered as permission to hold any real estate beyond what may be absolutely necessary for the said Corporation to hold for its own immediate accommodation in relation to the convenient transaction of its business, or such as shall have been *bonâ fide* mortgaged to it, by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts. And provided also, that it shall not be lawful for the said Corporation to deal in or use or employ any part of the stock, funds or moneys thereof, in buying or selling any goods, wares or merchandises, or in any banking operations whatsoever, but it shall nevertheless be lawful for the said Corporation to purchase and hold for the purpose of investing therein any part of their funds or money, any of the public securities of this Province, the stocks of any of the Banks or other chartered Companies, and the bonds and debentures of any of the incorporated Cities or Towns or Municipalities, and also to sell and transfer the same, and also to make loans upon or purchase bonds, mortgages and other securities, and the same to call in, sell and re-loan as occasion may render expedient; And provided further, that the said Corporation shall be bound to sell or dispose of any real estate so purchased or conveyed to it as aforesaid, (except such as may be necessary as aforesaid for the convenient transaction of its business) within five years after acquiring the same.

Corporation may acquire and hold certain real estate.

Proviso.

Proviso.

May invest funds in certain securities.

Proviso.

XVI. No transferred share shall entitle the person to whom it is transferred, to a vote, until the expiration of ninety days after such transfer.

Votes on transferred Shares.

XVII. No transfer of any share of the said Corporation shall be valid until entered in the Books of the said Corporation according to such form as the Directors may from time to time determine; and until the whole of the capital stock of the said Corporation is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided always, that no Stockholder indebted to the said Corporation shall be permitted to make a transfer or receive a dividend until such debt be paid, or secured to be paid to the satisfaction of the Directors.

Formalities attending transfers.

Proviso.

XVIII. In respect to all debts which shall be contracted by the said Corporation, or obligations incurred before the said first day

Individual responsibility of

of Stockholders limited.

of January, one thousand nine hundred, or whenever the said Corporation may be dissolved, the persons composing the said Corporation at the time of its dissolution shall be responsible in their individual and private capacity to the extent of their respective shares, and no further, in any suit or action, to be brought or prosecuted after the dissolution of the said Corporation.

Annual Returns to Parliament.

XIX. It shall be the duty of the said Corporation to make a return under the hand of the President and Managing Director to the Provincial Parliament once a year, which return shall contain a full and true account of the funds and property of the said Corporation,—the amount of Capital subscribed and paid in,—the amount of insurance effected during the previous year,—the amount of insurance charges upon the several kinds of property insured, and the amount which the Corporation have paid, or are liable to pay for losses during such year; a copy of which return shall be laid before the Stockholders at their next meeting, and addressed to each of them respectively.

In case of election not taking place on days appointed.

XX. If at any time it shall happen that an election of the Directors shall not be made on the several days hereinbefore provided for their election, the said Corporation shall not for that cause be deemed to be dissolved, and it shall and may be lawful on any other day to hold and make an election of Directors in such manner as may be directed and required by the By-laws of the said Corporation.

Public Act.

XXI. This Act shall be deemed a Public Act.

Forfeiture for non-user.

XXII. This Act shall in no wise be forfeited for non-user at any time before the first day of March, one thousand eight hundred and fifty-nine.

## C A P . C C X I .

An Act to incorporate the *Provident Life Assurance and Investment Company*.

[Assented to 19th May, 1855.]

Preamble.

WHEREAS William Henry Smith, B. W. Smith, Samuel Thompson, Wm. Thomas, Columbus H. Green, Peter Hutty, John Patton, T. C. Orchard, Esquires, and others, have petitioned the Legislature, praying that an Association under the style and title of the *Provident Life Assurance and Investment Company*, may be incorporated for the purpose of enabling the said petitioners and others, more effectually to carry on the business of a Life Assurance and Investment Company; And whereas the practice of Life Assurance has been found to be of great service in enabling persons of limited capital to provide from their yearly income for the support of their families in the event of their decease; And whereas the establishment of Life Assurance Companies in this Province is conducive to the

the more general diffusion of such a practice, and by means of local investments of its accumulations likely not only to reduce materially the expense of Life Assurance, but generally to encourage prudence and aid in promoting the prosperity 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, as follows:

I. All such persons as now are or hereafter shall become Members of the said Company, and their several and respective heirs, executors, curators, administrators, successors and assigns, shall be and are hereby constituted and declared to be a Corporation, body corporate and politic, by and under the name and style of the "Provident Life Assurance and Investment Company," and by the said name they and their successors shall and may have continued succession, and shall be capable in law of contracting and being contracted with, and of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts or places whatsoever, either in law or equity, in this Province or elsewhere, and they and their successors shall and may have a common Seal, and may change, break or alter the same, at their will and pleasure, and may also from time to time, at any General Meeting of the Directors, by a majority of votes as hereinafter provided, ordain, establish, and put in execution such By-laws, Ordinances, Rules and Regulations, (the same not being contrary to this Act, or to the laws in force in this Province) as may appear to them necessary or expedient, for the management of the said Corporation, its business and affairs, and may from time to time alter or repeal the same or any of them, and shall also be in law capable of acquiring by purchase, lease, mortgage or otherwise, and of holding absolutely or conditionally, any lands, tenements, real or immovable estate, and the same to sell, alienate, let, release, transfer and dispose of, as to them may seem expedient; Provided always, that nothing herein contained shall be considered as permission to hold any real estate beyond what it may be necessary for the said Corporation to hold for its own immediate accommodation in relation to the convenient transaction of its business, or such as shall have been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts; And provided also that it shall not be lawful for the said Corporation to deal or use or employ any part of the Stock, funds or money thereof, in buying or selling any goods, wares or merchandise, but it shall

Certain persons incorporated as the "Provident Life Assurance and Investment Company," and certain powers conferred on them.

Provido as to real estate.

Provido: Corporation prohibited from acting as

be

Traders in  
Goods, &c.  
Exception as  
to certain  
Stocks and se-  
curities.

Proviso: as to  
real estate.

Amount of  
Capital Stock.

Shares to be  
£20 each.

Stock to be  
called in by  
instalments.

Notice.

Calls may be  
recovered with  
interest.

Company may  
commence  
business when  
2500 Shares  
are subscribed  
and 20 per  
cent. paid in.

What their  
business shall  
consist of.

be lawful, nevertheless, for the said Corporation to purchase and hold for the purpose of investing therein any part of their funds or money, any of the public securities of this Province, the Stock of any of the Banks or other chartered Companies, and the bonds and debentures of any of the incorporated Cities or Towns, or Municipal Divisions, and also to sell and transfer the same; and provided further, that the said Corporation shall be bound to sell or dispose of any real estate so purchased or conveyed to them (except such as may be necessary as aforesaid, for the convenient transaction of their business) within five years after acquiring the same.

II. The Capital Stock of the said Corporation shall, until otherwise determined as hereinafter provided, consist of the sum of one hundred thousand pounds, lawful money as aforesaid, divided into five thousand shares of twenty pounds each, which Shares shall be, and the same are hereby vested in the Stockholders in the said Corporation, their successors and assigns, according to the shares and interests which they may respectively have subscribed, purchased or acquired, and may hold in the same; and such part of the said sum of one hundred thousand pounds subscribed for, as may not have been paid in by the Stockholders respectively by whom the same is due, shall be paid by the said Stockholders, by such instalments and at such times and places as the Directors of the said Corporation shall appoint, after notice of not less than two calendar months in that behalf, to be previously given in one or more of the public newspapers published in the City of Toronto, as well as by circular letters, addressed by mail to every Stockholder, at his last known place of residence, and in case any such Stockholder neglect or refuse to pay the same, the said Company are hereby empowered to sue for and recover the same, with interest after the rate of six per cent. per annum, from the time appointed for payment thereof, and all executors, curators and administrators, who shall pay up the instalments due by the estate or succession which they may respectively represent, in obedience to any call made for that purpose in the manner aforesaid, shall be and they are hereby respectively indemnified.

III. So soon as two thousand five hundred shares shall have been subscribed for and twenty per cent. shall have been actually paid thereon, the said Corporation shall have power and legal authority to make and effect contracts of Assurance with any person or persons, bodies politic or corporate, upon life or lives, or in any way dependent upon life or lives, and to grant or sell annuities, either for lives or otherwise, and on survivorships, and to purchase annuities,—to grant endowments for children or other persons, and to receive investments of money for accumulation,—to purchase contingent rights, whether of reversion, remainder, annuities, life policies or otherwise, and generally to enter into any transactions

transactions depending upon the contingency of life, and all other transactions usually entered into by life Assurance Companies, including re-assurance.

IV. The business of the said Corporation shall be conducted by a Board of twelve Directors, one of whom shall be chosen President, one Vice-President, and one Managing Director; which Board in the first instance, and until the first General Meeting of the Company, and until others may be chosen and appointed as hereinafter provided, shall consist of William H. Smith, B. W. Smith, J. Brega, J. Stoughton Dennis, being the present Managing Committee of the said Company, together with eight others, being Members of the said Company, and qualified for such office as hereinafter provided, to be chosen and appointed by the said present Managing Committee.

First Board of Directors appointed.

V. A General Meeting of the Stockholders of the said Corporation shall be holden in the City of Toronto, at the place of business of the said Corporation, on the first Tuesday in the month of June, eighteen hundred and fifty-five, and thereafter on the same day in each and every year, and such meetings shall be called "Ordinary Meetings," and at such meetings the three Directors whose names stand first on the roll or list of Directors, shall be held to vacate their seats, and the Stockholders either in person or by proxy, shall proceed to elect by ballot three Stockholders to serve as Directors for the ensuing four years, who shall upon election be placed at the bottom of the roll of Directors; Provided always, that nothing herein contained shall be held to render the retiring Directors ineligible for re-election; And provided further that the Director to whom shall be delegated the special management of the business of the Society, to be called the Managing Director, and who shall be chosen by a majority of the Directors present at their first meeting after the first general meeting of the Stockholders of the said Corporation, shall not be held to vacate his seat at the annual election, but shall serve for the full term of four years.

General Meetings.

Retirement of Directors.

Provido as to re-election.

Provido.

VI. The said Board of Directors shall annually at their first meeting after such annual general meeting, elect by ballot from amongst themselves, a President and Vice-President of the said Corporation; Provided always, that until the first general meeting as aforesaid, B. W. Smith shall be President, and William H. Smith, Managing Director.

President.

Vice-President.

Provido.

VII. At the annual general meeting, and at all extraordinary meetings of the said Stockholders of the said Corporation, each Stockholder of the said Corporation shall be entitled to cast one vote for every share he or she may hold; and every question shall be decided by a majority of votes present at any such meeting.

Powers of voting.

Majority to decide.

Certain decisions to require confirmation.

VIII. No determination or resolution at any ordinary meeting on any matters except such as are directed by this Act to be transacted at an ordinary meeting, shall be binding upon the Company, unless either the same be confirmed by a subsequent meeting, of which meeting and of which determination or resolution reasonable notice shall be given by the Secretary of the said Corporation, or unless special notice of such extraordinary matter be given in the advertisement concerning such first mentioned ordinary meeting.

Extraordinary Meetings.

IX. Every meeting of the Stockholders, other than an ordinary meeting shall be called an "Extraordinary Meeting," and such meeting may be convened by the Directors at such times and in such places as they may think fit.

Extraordinary Meetings how convened by Stockholders.

X. If at any time it shall appear expedient to any five of the Board of Directors or to any five or more Stockholders of the said Company holding in the aggregate one fifth part of the Capital Stock of the said Company, to call an extraordinary meeting of the Proprietors at large, it shall be lawful for them by writing under their hands at any time to require the Directors so to do, and such requisition shall fully express the object of the meeting so required to be called, and shall be left at the office of the Company, upon receipt whereof it shall be the duty of the Directors forthwith to convene a meeting of the Stockholders, and if the Directors shall fail to call a meeting within fourteen days thereafter, it shall be lawful for the said number of Directors or the said Stockholders so qualified as aforesaid, to call such meeting by giving public notice thereof as hereinafter mentioned; Provided always, that no extraordinary meeting shall enter upon any business not set forth in such requisition and notice.

Proviso.

Notice of Meetings.

XI. Fourteen days' public notice at least, of all the meetings, whether ordinary or extraordinary, shall be inserted at least in one newspaper published in the said City of Toronto, and by mailing at the Toronto Post Office, circulars addressed to the said several Shareholders respectively, which shall specify the place, the day and the hour of such meeting, and every notice of an extraordinary meeting shall specify the purpose for which the same is called.

Quorum for General Meetings.

XII. In order to constitute a meeting, whether ordinary or extraordinary, there shall be present eight or more Stockholders, holding in the aggregate two hundred shares, and the Stockholders present at any such meeting shall proceed in the execution of the powers of the Company by this Act authorized.

Chairman at Meetings.

XIII. At every meeting of the said Company, one or other of the following persons shall preside as Chairman, that is to say: the President, or in his absence the Vice-President, or in his absence the Managing Director, or in the absence of all three, one

one of the Directors present who shall be elected by a majority of the Stockholders present, and such Chairman shall not only have a deliberative vote in all matters before the meeting, but also, in addition, a casting vote in case of equality.

Casting vote

XIV. Every meeting of the Stockholders may be adjourned from time to time, and no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place; Provided always, that it shall and may be lawful for the Directors to submit to any meeting, whether ordinary or extraordinary, the *interim* regulations agreed on by the Directors.

Adjourned Meetings.

Proviso.

XV. Each and every person or persons entitled to vote at any meeting, may by writing under his or their hands (or if such persons be a Corporation, then under their common seal) constitute any other Stockholder, his, her, or their proxy to vote at any such meeting, and every such appointment shall be produced to the Secretary and entered in a book to be kept by him: Provided always, that such authority shall bear date within twelve months of the time of the meeting at which it is produced.

Manner of voting by proxy.

Proviso.

XVI. If any of the Directors at any time subsequent to his election become bankrupt or insolvent, or cease to be a holder of twenty shares in the Capital Stock of the said Company, then, and in any of the cases aforesaid, the office of such Directors shall become vacant, and thenceforth the person in respect of whom the office of Director shall so have become vacant shall cease from voting or acting as a Director.

Cases in which office of Directors shall become vacant.

XVII. If any Director of the said Company die, resign or become disqualified or incompetent to act as a Director, or cease to be a Director by any other cause than that of going out of office in rotation as aforesaid, the remaining Directors if they think proper so to do, may elect in his place, any Stockholder duly qualified to be a Director, and the Stockholder so elected to fill up any such vacancy, shall continue in office until the first yearly meeting after such vacancy, and the Stockholders then present shall elect a new Director, who shall hold office for the same period as the Director would have done, whose death, resignation, or disqualification caused the vacancy.

Occasional vacancies among Directors, how supplied.

XVIII. And with respect to the exercise of the powers of the Company—Be it enacted, that the Directors shall have the management and superintendence of the affairs of the Company, and they may lawfully exercise all the powers of the Company: And amongst other powers to be exercised by the Directors, they may use and affix or cause to be used and affixed the seal of the Company to any document or paper which in their judgment may require the same,—they may fix the salaries of all officers,—they may make and enforce the calls upon the shares of the

Powers of the Directors.

Seal.

Salaries.

Forfeiture of Stock.

respective

- Dividing profits. respective Stockholders,—they may declare the forfeiture of all shares on which such calls are not duly paid,—they may appoint the times and places of holding ordinary and extraordinary meetings,—they may allot and divide among the assurers upon the participation scale, so much of the profits realized from that branch, and at such times as they may think fit, and may also declare and cause to be paid or distributed to the respective Stockholders any dividend or dividends of profits, in proportion to the shares held by them, at such times and seasons as they shall think proper, or add the same to the paid up portion of the Capital Stock,—they may make any payments and enter into all contracts for the execution of the purposes of the Company, and do and perform all other matters and things necessary for the transaction of its affairs,—they may generally deal with, treat, sell and dispose of and exercise all other acts of ownership over the lands, property and effects of the said Company for the time being, in such manner as they shall deem expedient and conducive to the benefit of the Company,—they may from time to time appoint and displace all such officers, agents or servants as they shall deem requisite for the management and care of the property and affairs or for the efficient exercise of the powers of the said Company,—they may make By-laws for the regulation of the affairs of the Company ; But all the powers so to be exercised, shall be exercised in accordance with and subject to the provisions of this Act in that behalf, and the exercise of all such powers shall be subject also to the control and regulation of any general meeting specially convened for the purpose, but not so as to render invalid any act done by the Directors prior to any resolution passed by such general meeting.
- Payments and contracts.
- Management of affairs.
- By-laws.
- President or Vice-President, Managing Director or Secretary to execute Policies.
- Meetings of Directors.
- Quorum.
- Casting vote.
- XIX. All policies, contracts, securities, deeds and writings touching or concerning the said Company, shall be signed and executed by the President of the said Company (or in his absence by the Vice-President) by the Managing Director and the Secretary, or in case of the absence or death of the President, Vice-President and Managing Director, then by any three of the Directors of the said Company and the Secretary.
- XX. The Directors shall hold meetings at such times and places as they shall appoint for that purpose, and they may meet and adjourn as they think proper from time to time and from place to place, and at any time three of the Directors may require the Secretary to call a meeting of the Directors, and in order to constitute such meeting there shall be present at least three of the Directors, and all questions, matters and things considered at any such meeting shall be determined by a majority of votes, and no Director except the Chairman shall have more than one vote at such meeting, but the Chairman in addition to his vote as one of the Directors shall have a casting vote as Chairman in case of equality ; and at any such meeting or meetings the President or Vice-President, or in their absence



absence the Director appointed by a majority of Directors present, shall preside.

XXI. The shares of the said Capital Stock shall be transferable, and may be from time to time transferred by the respective persons so subscribing or holding the same; Provided always, that no such transfer shall be valid until sanctioned and approved by the Directors and duly registered in a book or books to be kept for that purpose by the Secretary; and provided also, that after any call has been duly made as aforesaid, no person shall be entitled to sell or transfer any share he may possess, until he shall have paid all calls for the time being due on any share held by him.

Shares to be transferable.

Proviso.

Proviso.

XXII. It shall and may be lawful for the said Company at any time hereafter, to increase its Capital Stock to a sum not exceeding two hundred and fifty thousand pounds, by issuing from time to time as may be expedient, additional Stock for such amount as the convenient conduct of the business of the Company may require.

Power to increase Capital Stock.

XXIII. For the better enforcing the payment of any calls as aforesaid, if any Stockholder for the space of thirty days next ensuing such call, shall neglect or refuse to pay his rateable share, he shall forfeit the sum of ten shillings for each share, and in case he shall continue to refuse or neglect for the space of sixty days, it shall be lawful for the Directors to declare the share or shares of such Stockholder forfeited, and such forfeited shares may be sold at a public sale by the Directors, after such notice as they may direct, for the most money that can be got for the same, and the moneys arising therefrom shall be applied for the purposes of this Act. Provided always, that in case the money produced by any sale of shares be more than sufficient to pay all arrears and lawful interest thereon, and the aforesaid penalties for non-payment, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner; and no more shares of a defaulter shall be sold than shall be deemed necessary to pay such arrears, interest, penalties and expenses.

Forfeiture of Shares for non-fulfilment of calls.

Sale of forfeited Shares.

Proviso.

XXIV. If payment of such arrears of calls, interest, penalties and expenses be made before any share so forfeited and vested in the Company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, in like manner as if such calls had been duly paid.

Shares to revert in certain cases.

XXV. In all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the Company to allege that the defendant, being an owner of such shares, is indebted to the said Company in such sums of money as the calls in arrear amount to, for such and so many shares, whereby an action

Right to sue for calls.

Allegations and proof in such suits.

hath accrued to the said Company by virtue of this Act; and on the trial it shall be only necessary to prove that the defendant was owner of some shares in the undertaking, and that such calls were in fact made, and that notice was given as directed by this Act, and it shall not be necessary to prove the appointment of the Directors who made such calls, nor any other matter whatsoever.

As to claims to share of profits in right of marriage, &c.

XXVI. Before any person claiming any part of the profits of the said undertaking in right of marriage, shall be entitled to receive the same or to vote in respect of any shares, an affidavit containing a copy of the register of such marriage shall be made and sworn to by some credible person before any one of Her Majesty's Justices of the Peace, or before the Mayor or Chief Magistrate of any city, borough or town corporate in any foreign country, and shall be transmitted to the Secretary of the said Company, who shall file the same, and make an entry thereof in a book kept for the entry of the transfer of shares as aforesaid; and before any person claiming by virtue of any bequest or will, or in the course of Administration, shall be entitled to any part of such profits or to vote as aforesaid, the said will or the probate thereof, or the letters of Administration, shall be produced and shown to the said Secretary, who shall file and enter the same as before mentioned; and in all cases where the right to any such shares passes from the proprietor by any legal means other than a transfer and assignment thereof as aforesaid, an affidavit shall be made and sworn to, stating the manner in which such share has passed to such other person, and the same shall be transmitted to the Secretary, who shall thereupon enter and register the name of such new proprietor, and the production of such register shall be *prima facie* evidence in all Courts of law and equity, of the person whose name shall appear therein being such Shareholder, and of the number and amount of his shares.

Proof required.

Affidavit required whenever the transmission is not by a regular transfer.

Yearly statement how submitted by Directors.

XXVII. The Directors shall cause to be yearly prepared and submitted to the Stockholders at the ordinary meeting, a full and correct statement of the accounts of the said Company,—the receipts and expenditure of the past year,—the number of the Policies issued,—the amount covered by Policies in force,—together with a general abstract of the estimated liabilities and assets of the Company; a copy of which statement, under the hand of the Managing Director, and countersigned by the Secretary, shall be transmitted to every Shareholder and to the several branches of the Legislature.

Interest may be taken in advance.

XXVIII. The said Company may and are hereby empowered to demand and receive in advance from the Government of this Province, or from any District or County Council, Board of Trustees or Commissioners, or other person or persons, the half yearly interest from time to time accruing on any loans granted by the said Company under and by virtue of the powers given them

them by this Act ; any law or statute of this Province or the late Province of Upper Canada notwithstanding.

XXIX. It shall be the duty of the Directors of the said Company to allow, during the hours of business, the names of the Stockholders and the number of their shares in the said Company, to be taken by any Stockholder who may require the same. Names of Stockholders to be furnished when required.

XXX. In all actions, suits and prosecutions in which the said Company may be at any time engaged, the Secretary or other officer of the said Company shall be a competent witness, notwithstanding any interest he may have therein. Officers of the Company may be witnesses, &c.

XXXI. Should it at any time appear to the Directors that the interests of the said Company would be enhanced by the removal of the Head Office of the Company to some other City or Town in Upper Canada, it shall be lawful for them to remove the same, having first obtained the consent of at least two thirds of the Stockholders of the said Company thereto, and having also advertised the said removal in at least one newspaper published in the City of Toronto, and in one paper, should such be in existence, published in each city, town or village in which the Company may have an Agency, for the period of three calendar months. May remove Office of Company. Proviso.

XXXII. In this Act, the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say : words importing the plural number shall include the singular number ; words importing the masculine gender shall include females ; the word " Secretary " shall include the word " Clerk ; " the word " lands " shall extend to messuages, lands, tenements and hereditaments of any tenure ; the expression " the Company " shall mean the Provident Life Assurance and Investment Company in this Act mentioned and described ; the words " the Directors " and " the Secretary, " shall mean the Directors and Secretary respectively, for the time being. Interpretation clause.

XXXIII. This Act shall be a Public Act.

Public Act.

## C A P . C C X I I .

An Act to amend the Act incorporating the Quebec Fire Assurance Company, and to facilitate the management of the business of the said Company.

[Assented to 30th May, 1855.]

WHEREAS by the Act of the Parliament of the late Province of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act to incorporate certain persons therein named under the name of the Quebec Fire Assurance Company*, the several persons therein Preamble. Act of L. C. 9 G. 4 c. 58.

therein mentioned were incorporated for the purpose of insuring against losses by fire, with a Capital of two hundred and fifty thousand pounds, divided into two thousand and five hundred shares of one hundred pounds each; And whereas it is expedient and necessary to amend the said Act, and to grant to the said Company more efficacious means of enforcing payment of any call of money upon the respective Stockholders in respect of the amount of Capital respectively subscribed or owing by them: 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, as follows:

Directors empowered to make additional calls of Stock.

I. Over and above the calls already made under the said Act, and which are hereby confirmed, the Directors of the said Company shall have power from time to time to make calls upon the Stockholders who have shares of the Capital Stock of the said Company, to pay such proportion thereof as the Directors shall deem necessary; and payment of such calls shall be made unto such person or persons and at such times and places as the Directors shall from time to time appoint, of which at least thirty days' previous notice shall be given in the manner specified in the ninth Section of this Act; And it shall be competent to the Directors to make several calls by one notice: Provided always, that there shall be an interval of not less than thirty days between the dates fixed for the payment of the several calls; and that no call shall exceed in amount the sum of one pound five shillings currency for every share of one hundred pounds currency; any thing in the said recited Act or in the By-laws, rules, ordinances and regulations of the said Company to the contrary notwithstanding.

Proviso:  
Calls limited.

Shareholders may pay in advance and receive interest.

II. It shall be competent to any Stockholder to anticipate the payment of any share or shares of the Capital Stock of the said Company, or of any such parts of the amount thereof as may remain unpaid and uncalled for, and thereupon it shall be lawful for the Company to allow and give lawful interest for the amount of the anticipated payment, until the same shall in due course become payable by virtue of the calls of the Directors.

Calls overdue to be payable with interest.

Recovering calls.

III. If any Stockholder shall have made or shall make default in the payment of any call, he shall *ipso facto* be and become further liable to the payment to the Company of interest on the amount of the unpaid call from the date fixed for the payment of the same; And the Company in its corporate name shall and may recover the amount of every unpaid call, with interest,

as aforesaid, and costs of suit, by action or suit at law in any Court of competent jurisdiction; and so long as any Stockholder shall be in default he shall not be entitled to vote at any meeting of the Stockholders in respect of the shares upon which such default has been incurred; any thing in the said Act or in the said By-laws, rules, ordinances and regulations to the contrary notwithstanding.

Defaulters not to vote.

IV. No transfer of shares of the Capital Stock of the Company shall be allowed or shall be valid unless all calls due thereon, together with any interest that may be due in respect of unpaid calls, and the costs and expenses incurred in relation thereto, shall have been paid and discharged; nor shall any transfer of less than a whole share of the said stock be allowed or be valid.

Transfer not to be valid until all calls are paid, nor for less than a whole Share.

V. In actions or suits at law by the Company against the proprietor of a share or shares of the Capital Stock of the Company for the recovery of any unpaid call or calls, with interest, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the Defendant is a holder of one share or more, stating the number of shares, and is indebted to the Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the Company to recover the same with interest for non-payment.

What only need be averred or proved in an action for costs.

VI. In every such action it shall not be competent to the Defendant to plead the general issue, but he may, by a plea in denial, traverse any particular matter or matters of fact alleged in the declaration, or specially plead some particular matter or matters of fact in confession and avoidance; And in all such actions or suits at law recourse shall be had to the rules of evidence laid down by the Laws of England as recognized in Lower Canada in commercial cases, and no proprietor of a share or shares of the Capital Stock of the Company shall be deemed an incompetent witness, either for or against the Company, unless he be also one of the Directors, or be otherwise than as a Stockholder incompetent.

What only the Defendant may plead.

Evidence in such suits.

VII. Copies of the minutes of proceedings and resolves of the proprietors of shares of the Capital Stock of the said Company, at any general or special meeting, and of minutes of proceedings and resolves of the Directors at their meetings, extracted from the minute book or books kept by the Secretary of the Company, and by him certified to be true copies extracted from such minute book or books, shall be *prima facie* evidence of such proceedings and resolves in all Courts of Civil jurisdiction, and all notices given by the Secretary of the Company, by order of the Directors, shall be deemed notices by the said Directors and Company.

Evidence of proceedings and resolves of the Company, &c.

Notice.

Certified printed copy of certain By-laws to be evidence thereof.

VIII. A printed copy of the By-laws of the Company, revised, corrected and confirmed at a General Meeting of Stockholders held at the Company's office, on the thirtieth day of December, one thousand eight hundred and thirty-nine, and an Adjournment Meeting of the third of February, one thousand eight hundred and forty, certified by the Secretary of the Company to be such copy, shall be received whenever offered in any Court of Justice in Lower Canada, as evidence of the said By-laws of the said Company.

Publication of notices of meetings and calls.

Proof of publication of such notices.

IX. All notices of meetings of or calls upon the proprietors of shares of the Capital Stock of the said Company, shall be published once a week in a newspaper published in the English language, and in another in the French language, in the City of Quebec; And in all actions by or against the Company, in which it shall be necessary for the Company to prove the publication of any such notice, the proof of the publication thereof, by the production of such newspapers, shall be deemed sufficient, unless the fact of the publication be specially put in issue, and in that case it shall not be necessary for the Company to give any further proof than that the notice was duly published in such papers, or that the Defendant or party denying the same had been personally or by letter from the Secretary of the Company, notified to the effect of the notice in question; any thing in the said Act of Incorporation, and any other Law, usage or custom to the contrary notwithstanding.

Public Act.

X. This Act shall be deemed a Public Act.

### C A P . C C X I I I .

An Act to amend the Act for the Incorporation of the Provincial Insurance Company of Toronto.

[Assented to 30th May, 1855.]

Preamble.

12 V. c. 167.

16 V. c. 69.

WHEREAS it is desirable further to amend an Act passed in the twelfth year of Her present Majesty's Reign, intituled, *An Act to incorporate the Provincial Mutual and General Insurance Company*, amended by an Act passed in the sixteenth year of Her said Majesty's Reign: 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, as follows:

Sect. 9 of 12 V. c. 167, repealed.

I. The ninth Section of the said Act cited in the Preamble shall be repealed so far as relates to votes heretofore allowed to

to Mutual Members of the Company in the election of Directors; and for and notwithstanding any thing in the said Acts contained, no Member shall be allowed to have more than one vote in that election of Directors, on each policy he may hold in the said Mutual Branch, which it is hereby declared he shall be entitled to.

Votes.

II. For and notwithstanding any thing in the said Act contained, any five or more Directors of the Company shall form a Quorum for the purpose of all business connected with the said Company, and such Quorum of five (or more) Directors shall act and be in the place of the majority of the Directors which shall now in no case be necessary, and shall have the like power, and be subject to the same rules, to all intents and purposes, as the present majority of the Board of Directors would have been, if this amendment had not passed.

Quorum of Directors reduced.

III. Any Member of the Board of Directors absenting himself from the Board for the space of three months, unless with leave from the Board, or in consequence of ill health, shall cease to be a Director, and the Board shall in such event pass a resolution to that effect and fill up the vacancy created thereby, in the usual manner.

Absence during a certain time to vacate the seats of Directors.

IV. The compensation to be given to each of the Directors for their attendance at the Board, mentioned in the thirteenth Section of the said Act, shall, for the current year, be increased to and in future shall be fifteen shillings for each attendance at the Board in lieu of the sum heretofore allowed; and to the President of the said Corporation such sum as shall be voted by a majority of the Stockholders at their annual meeting.

Remuneration of Directors and President.

V. The said Company shall have power and be entitled to have, hold, use and employ any vessel or vessels (not exceeding two) boat or boats, that they may build, charter or purchase, or by any lawful means be possessed of, for all purposes of or connected with salvage, with full power to use such vessels for the purpose of towage, during the time that such vessel or vessels may not be fully engaged for salvage purposes; and the said Company shall be empowered, to sue for, recover and have due remuneration for any services rendered by such vessel or vessels, or for the use thereof, and be entitled to charge, receive and take the usual fees and charges, for any such services; and the said Company shall have the same powers, rights, advantages and privileges, and be subject to the like laws, that any person or persons, subjects of Her Majesty, owning, holding, or chartering such vessels, can or could have or be subject to, with the like powers as to making and enforcing all agreements and contracts relative or incident thereto, or growing thereout or connected therewith in any manner.

Company may own and work vessels for the purpose of salvage, &amp;c.

May purchase &c., property in danger, in which they are interested.

VI. The said Company shall have power to purchase, have and hold, and to dispose of as they shall think proper, any goods, chattels or property in which they may have an interest, which they shall consider to be endangered.

As to transfer of Stock.

VII. No transfer of Stock of the Proprietary Branch shall be valid unless all instalments due thereon shall have been first paid up.

Registry of Company's vessels under 8 V. c. 5.

VIII. It shall and may be lawful for any three Directors, who may be from time to time appointed by the Directors of the Company for that purpose, to make and subscribe the declaration required by the Act passed in the eighth year of our Sovereign Lady Victoria, intituled, *An Act to secure the right of property in British Plantation Vessels navigating the inland waters of this Province, and not registered under the Act of the Imperial Parliament of the United Kingdom, passed in the third and fourth years of the reign of His late Majesty King William the Fourth, intituled, 'An Act for the registering of British Vessels,' and to facilitate transfers of the same, and to prevent the fraudulent assignment of any property in such vessels,* for the purpose of obtaining the certificate of ownership mentioned in the said Act, and thereupon, without further proof or permission, a certificate of ownership shall be granted to, and the vessel duly registered in the name of the said Company, and shall have the same effect as if registered under the provisions of the said Act; any thing in the same or in any other Act of this Province to the contrary thereof, notwithstanding.

As to Policies issued out of the Province.

IX. And whereas doubts may arise as to the liability of the said Company on Policies issued by them out of the said Province of Canada, either in the United States of America or elsewhere, it is hereby declared and enacted, that the said Policies wheresoever issued shall have a like force and effect as if issued within this Province, and shall be to all intents and purposes as binding on the said Company.

Sect. 7 of 12 V. e. 167, amended.

X. The seventh section of the Act cited in the Preamble shall be amended by adding thereto after the words "to be nominated by a majority of the Directors," the following clause:

Vacancies, how filled.

"The vacancy or vacancies thus temporarily filled up, to be permanently filled up by the election of the Shareholders, at the first General Annual Meeting, in addition to the election of three Directors in the room of the three who go out by rotation."

No Officers to vote at elections of Directors.

XI. No Director, Officer, Agent, or Employee of the Company shall be allowed to vote, either in person or by proxy, or to hold proxies from other Shareholders, in the election of Directors.



XII. During the hours of business any Stockholder or Stockholders of the said Corporation shall have free access to the Stock Books, and be at liberty to take a copy of the names of all the Stockholders of the said Corporation.

List of Stockholders to be kept for inspection.

XIII. It shall be the duty of the said Corporation to make a return under the hand of the President and Secretary thereof for the time being, and attested by them before a Justice of the Peace or other Public Officer authorized to administer oaths, to the Provincial Parliament once a year, which return shall contain a full and true account of the funds and property of the said Corporation, the amount of the Capital subscribed and paid in, the amount of property insured during the previous year, the amount of the insurance received upon the several kinds of property insured, and the amount which the Company have paid or are liable to pay for losses during such year, a copy of which return shall be laid before the Stockholders at their next meeting.

Yearly return to be made to Parliament.

XIV. The provisions of the sixth section of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to amend the Act for the Incorporation of the Provincial Mutual and General Insurance Company of the City of Toronto*, shall be and they are hereby extended to all parties having or claiming to have any right of action against the said Company for any cause or on any account whatever, and to any writ, process or proceeding at the suit of any such person or persons against the said Company.

Provisions of sect. 6 of 16 V. c. 69, extend to all having claims on the Company.

XV. This Act shall be deemed a Public Act.

Public Act.

C A P . C C X I V .

An Act to incorporate the St. Lawrence Assurance Company.

[Assented to 30th May, 1855.]

WHEREAS Henry Barthe, Anselme Marmen, Amable Pelletier, George Achille Bois, Pierre Narcisse Bois, Firmin Gabriel Bois, Flavien Babineau and Isaïe Gaudry, all of Quebec, have petitioned the Legislature that an Association may be incorporated under the name of the St. Lawrence Assurance Company, to enable the said Petitioners and others to carry on the business of Marine and Inland Assurance generally: 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, as follows:

Preamble.

Company incorporated.

Corporate name and general powers

Property.

Capital £100,000 in Shares of £25.

Proviso : may be increased to £150,000.

Subscriptions for Stock.

Payment on subscribing.

Calls.

Proviso.

Calls limited.

Notice.

Forfeiture for non-payment of calls.

Sale of forfeited Shares.

Proviso :

I. All such persons as now are or hereafter shall become Stockholders of the said Association, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact and in name, by the style and title of the "St. Lawrence Assurance Company," and by that name, style and title, they and their successors, shall and may have continued succession, and shall be capable in law of suing and being sued, pleading and being impleaded in all manner of actions and causes whatsoever, and they and their successors may have a common seal, and may change and alter the same at pleasure ; and also they and their successors, by and under the said name of the St. Lawrence Assurance Company, shall be capable in law of purchasing, holding or conveying any estate, real or personal for the use of the said Corporation, subject to the rules and conditions hereinafter mentioned.

II. A share in the stock of the said Company shall be twenty-five pounds currency, and the number of shares shall not exceed four thousand, and books of subscription shall be opened in the City of Quebec and such other places at the same time, of which public notice shall be given by such person or persons, and under such regulations as the majority of the Directors hereinafter appointed shall direct ; Provided always, that it shall and may be lawful for the said Corporation to increase its stock to a sum not exceeding one hundred and fifty thousand pounds currency, as a majority of the Stockholders, at a meeting expressly to be convened for that purpose shall agree upon.

III. It shall be lawful for any person or persons, or body politic, to subscribe for such and so many shares as he, she or they may deem fit, not however exceeding, during the first month the subscription books are opened, forty shares, and one pound per cent. shall be paid at the time of subscription, and nine pounds per cent. shall be ready as a Deposit, to be called for by the Directors as soon as they may deem expedient ; and the remainder shall be payable in such instalments as a majority of the Directors may determine upon ; Provided always, that no instalment shall exceed five per cent. upon the Capital Stock in any period of one month nor be called for nor become payable in less than twenty days after public notice shall have been given in one newspaper published in the City of Quebec and the *Canada Gazette*, and by circular addressed to each Stockholder at his last known residence. If any Stockholder or Stockholders as aforesaid, shall refuse or neglect to pay to the said Directors, the instalment due on any share or shares held by him, her or them, at the time required so to do, such Stockholder or Stockholders as aforesaid, shall forfeit such share or shares, together with the amount previously paid thereon, and such forfeited share or shares may be sold at a public sale by the Directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act ; Provided always, that in case the money

money produced by any sale of shares be than more sufficient to pay all arrears and interest, together with the expense of such sale, the surplus of such money shall be paid on demand to the Shareholder so in default to pay such instalment, and no more shares shall be sold than shall be deemed necessary to pay such arrears, interest and expenses.

Surplus to owner.

IV. If payment of such arrears of calls, interest and expenses be made before any shares so forfeited and vested in the Company shall have been sold, such shares shall revert to the party to whom the same belonged before such forfeiture, as if such calls had been duly paid; and in all actions and suits for the recovery of such arrears or calls, it shall be sufficient for the said Company to declare in an action of debt in manner following:

Shares to revert on payment of all calls.

What only need be alleged and proved in suits for calls.

“ For that whereas the Defendant heretofore, to wit, on the day of one thousand eight hundred and was indebted to the St. Lawrence Assurance Company in the sum of for divers calls upon certain stock and shares of the said Company held by the Defendant, before then due and unpaid upon the said stock and shares, and being so indebted became liable to pay the said amount to the Plaintiffs, yet the Defendant though requested, hath not paid the same or any part thereof, wherefore the Plaintiffs pray judgment for the said sum of with interest and cost.”

Declaration.

And on the trial it shall only be necessary to prove that the Defendant was owner of the said shares in the said Company, that such calls were in fact made, and that notice was given as directed by this Act, and it shall not be necessary to prove the appointment of the Directors who made such calls, nor any other matter whatsoever.

Proof.

V. Provided also, that if the whole number of shares shall not be subscribed for within one month after the said books of subscription shall be opened, then it shall be lawful for any former subscriber or subscribers to increase his, her or their subscription; And provided further, that if the total amount of subscriptions within the period aforesaid, shall exceed the Capital Stock, limited by this Act to one hundred thousand pounds, then and in such case, the shares of each subscriber or subscribers, above ten shares, shall, as nearly as may be, be proportionably reduced until the total number of shares be brought down to the limits aforesaid: And provided nevertheless, that the said limitation in respect to persons subscribing to the said Capital Stock, shall not extend or be construed to extend, to prevent the acquisition of a greater number of shares by purchase, after the said Corporation shall have commenced its operations.

Subscribers may increase their subscriptions in a certain case.

Proviso: Allotment of Shares if too many subscribed for.

Proviso: not to limit purchasers.

Business of  
the Corpora-  
tion defined.

VI. The Corporation hereby erected, shall have power and authority to make and effect contracts of Assurance with any person or persons, body politic or corporate, against losses or damage of or to any shipping or vessels whatsoever, where-soever or whithersoever proceeding, and against any loss or damage of or to the cargoes or property conveyed in or upon any such vessels, and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all other necessary matters and things connected with and proper to promote those objects.

May acquire  
real estate.

VII. The said Corporation shall be in law capable of acquiring, by purchase, lease, mortgage or otherwise, and of holding absolutely or conditionally, any lands, tenements, real or personal estate, and the same may sell, let, release, transfer and dispose of as to them shall seem expedient: Provided always, that nothing herein contained shall be considered as permission to hold any real estate beyond what it may be necessary for the said Corporation to hold for its own immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts; And provided also, that it shall not be lawful for the said Corporation to deal, use or employ any part of the stock, funds or moneys thereof, in buying or selling any goods, wares or merchandise or in any banking operations whatsoever; but it shall, nevertheless, be lawful for the said Corporation to purchase and hold for the purpose of investing therein any part of the said funds or money, any of the public securities of this Province, the Stocks if any of the Banks or other chartered Companies, and the Bonds and Debentures of any of the Incorporated Cities or Towns, or Municipal Divisions, and also to sell and transfer the same and again to renew such investment, when and as often as a due regard to the interest of the said Company shall require, and also to make loans of their Funds on bond and mortgage, at any legal rate or interest, and with power to receive the same in advance, and the same investments to call in and re-loan as occasion may require.

Proviso: real  
estate limited.

Proviso: busi-  
ness of Com-  
pany defined.

Loans on se-  
curity.

Business to be  
managed by  
nine Directors

VIII. The property, affairs and concerns of the said Company shall be managed and conducted by a Board of nine Directors, one of whom shall be chosen President, and one Vice-President.

First election  
of Directors  
when 800  
Shares are  
subscribed for.

IX. It shall and may be lawful, as soon as eight hundred out of the aforesaid four thousand shares shall have been taken up, or twenty thousand pounds out of the aforesaid Capital Stock of one hundred thousand pounds shall have been paid, for the shareholders or subscribers to proceed to the election, by ballot

ballot of nine directors at such time and place as the Committee of management shall appoint, giving fifteen days' notice thereof in the *Canada Gazette*, and in one newspaper at least in the City of Quebec, which Directors shall be subjects of Her Majesty and Stockholders at the time of their election and during their continuance in office, to the amount of ten shares, and shall have power to choose from among themselves a President and Vice-President; and the said Directors shall thereupon at their first meeting thereafter, divide themselves by lot into three classes of three each, who shall go out of office in rotation as hereinafter provided for.

Notice.  
President, &c.

X. Each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her name, at least one month prior to the time of voting, according to the following ratios: at the rate of one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares, and one vote for every five shares above ten; and all votes at any meeting shall be given personally, and every proposition shall be determined by a majority of the votes of the parties present; Provided always, that no person or co-partnership or body politic shall be entitled to more than forty votes.

Scale of votes.  
Proviso.

XI. If any Director of the said Corporation shall die, resign or become disqualified, or incompetent to act as a Director, or shall cease to be a Director through any other cause than that of going out of office by rotation as aforesaid, the remaining Directors, if they think proper so to do, may elect in his place any Stockholder duly qualified to be a Director, and the Stockholder so elected to fill up any such vacancy shall continue in office until the first yearly meeting after such vacancy, and the Stockholders then present shall elect a new Director, who shall hold office for the same period as the Director would have done whose death, resignation or disqualification caused the vacancy.

Casual vacancies, how filled.  
Term of office.

XII. A general meeting of the Shareholders of the said Company shall be held in the City of Quebec on the first day of February of each year, or if it be a Sunday or Holiday, then on the next day, after giving thirty days' notice thereof; and at such meeting the three Directors whose names stand first on the list of Directors, shall be held to vacate their seats, and the Stockholders present at such meeting shall proceed to elect by ballot three Directors, to serve as Directors for the ensuing year, who shall, upon election, be placed at the bottom of the Roll of Directors: Provided always, that nothing herein contained shall be held to render any retiring Director ineligible for re-election.

Yearly general meetings.  
Notice.  
Election of three Directors.  
Proviso.

XIII. At the Annual General Meeting of the Company, and before the Shareholders then assembled, the Board of Directors shall

Statement of affairs to be exhibited.

shall exhibit a full and unreserved Statement of the affairs of the Company, and of its Funds, Property and Securities, shewing the amount in real estate, in Bonds and Mortgages, and other securities, or in public debt or other stock, and the amount of debt due to and from the said Company.

Failure of election not to dissolve Corporation.

XIV. If it shall happen at any time or for any cause, that an election of Directors shall not be made on any day when pursuant to this Act or the By-laws of the Company, it ought to have been made, the said Corporation shall not for that cause be dissolved, but it shall be lawful on any other day, to hold and make an election of Directors in such manner as shall have been regulated by the By-laws and Ordinances of the Company; and the Directors in office shall so continue until a new election shall be made.

Shareholders to make By-laws.

XV. The shareholders, at a meeting called for the purpose, shall have full power and authority to make, prescribe and alter such By-laws, Rules, Regulations and Ordinances as shall appear to them proper and needful touching the well ordering of the Company, the Rates and amount of Assurance and issuing of Policies, and the management and disposition of its stock, property, estate and effects; and any number of the Directors of the said Company, being a majority of the said Directors, shall have full power and authority to call in any instalment or instalments at such times and seasons as they shall think fit, giving due notice thereof as hereinbefore provided; and also to declare and cause to be paid or distributed to the respective Stockholders of the Company, any dividends or dividends of profit, at such times and seasons as they shall deem expedient; and also to appoint a Managing Director, Secretary and Treasurer, or any of them, with such salary or allowances to each, as well as to other officers or agents of the Company as may be thought reasonable, and to take security for the due performance of their respective duties as they shall think desirable: Provided always, that for the purposes in this section mentioned, except as hereinafter specially provided, a majority of the Directors shall be present and assisting, and it shall not be competent for a Board consisting of a less number of Directors than were present at the time, to alter, repeal or amend any matter or thing so done.

Calling in instalments.

Managing Directors.

Proviso.

Directors may return part of profits to the insured.

XVI. It shall be lawful for a majority of the said Directors, if they shall deem it for the interest of the said Company, to return to the holders of Policies or other Instruments, such part or parts of the actual realized profits of the Company, in such parts, shares and proportions, and at such time and in such manner as the said Directors may deem advisable, and to enter into obligations so to do, either by Endorsements on the Policies or otherwise: Provided always, that such holders of Policies or other Instruments shall not be held to be in any wise answerable for the debts or losses of the said Company, beyond the amount

Proviso: Insured not liable for losses, &c.

amount of the premiums which may have been actually paid up by him, her or them.

XVII. There shall be a Weekly Meeting of the Board of Directors of the said Company, and any three or more of the said Directors shall be a Quorum for the purpose of transacting and managing the details of business and affairs of the said Company ; and at all meetings of the Board of Directors, all questions before them shall be decided by a majority of voices or votes, and in case of an equality of votes, the President, Vice-President, or presiding Director, shall give the casting vote, over and above his proper vote as Director : Provided always, that nothing herein contained, shall be construed to authorize the making, altering or repealing any By-laws or Ordinances of the said Company, or calling in any Instalments on Stock, or declaring dividends of profits, or the appointment of Managing Director, Secretary or Treasurer, or the appointments of salaries to or securities from officers or agents of the said Company, by any less number of Directors, or in any other manner than is hereinbefore mentioned and provided.

Weekly meeting of Directors.

Majority to decide.

Casting vote.

Proviso.

XVIII. The Directors for the time being shall receive a reasonable compensation for their attendance at the Board, to be ascertained and determined by a By-law or rule of the Board ; and the said Directors shall be indemnified and saved harmless by the Members of the said Corporation, in proportion to their several interests in the same, in and for their giving out and signing Policies of Assurance, and all other lawful acts, deeds and transactions done and performed in pursuance of this Act, and neither shall the said Directors be answerable for or chargeable with the defaults, neglects or misdeeds of others of them.

Directors may receive compensation.

They shall be indemnified.

XIX. All Policies, Checks, or other Instruments issued or entered into by the said Company, shall be signed by the President, Vice-President, or Managing Director, and countersigned by the Secretary, or as otherwise directed by the Rules and Regulations of the Company in case of their absence ; and being so signed and countersigned, and under the Seal of the said Company, shall be deemed valid and binding upon them according to the tenor and meaning thereof.

Execution of Policies, &c.

Seal.

XX. No transferred share shall entitle the person to whom it is transferred, to a vote, until the expiration of thirty days after such transfer.

When transferee of Share may vote.

XXI. No transfer of any share of the said Corporation shall be valid until entered in the Books of the Corporation, according to such form as the Directors may from time to time determine, and until the whole of the Capital Stock of the said Corporation is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made ; Provided always, that no Stockholder indebted to the said Corporation shall be permitted

Transfers not valid until entered in books.

Proviso.

to make a transfer or receive a dividend until such debt is paid or secured to be paid, to the satisfaction of the Directors, nor shall any Stockholder in arrear be allowed to vote at any meeting.

Shareholders may be witnesses.

XXII. In all actions, suits and prosecutions, in which the said Company may be at any time engaged, any Stockholder in the said Company shall be a competent witness, notwithstanding any interest he may have therein.

May see the list of Shareholders.

XXIII. During the hours of business, every Stockholder of the said Corporation shall have power to ask and receive from the President, Secretary or other officer, the names of all the Stockholders of the said Corporation.

Return to be made to the list of Shareholders, when required.

XXIV. The said Company shall, when required so to do by either of the three branches of the Legislature, present a Return, under oath, of the amount of Real Estate held by the said Corporation; the amount of Capital Stock subscribed and paid up, with a list of the Shareholders, and the Stock subscribed by each, and the names of the Directors; together with a statement of the amount of risks paid during the past year, the amount of risks for which the Company is liable under each class, the amount paid the Stockholders in Dividends and Bonuses, and the amount of money in hand at the time of making the Return.

Public Act.

XXV. This Act shall be deemed a Public Act.

Not forfeited by non-user before 1853.

XXVI. This Act shall in no wise be forfeited for non-user at any time before the first day of January, one thousand eight hundred and fifty-eight.

## C A P . C C X V .

An Act to extend the powers of the Consumers' Gas Company of Toronto.

[Assented to 19th May, 1855.]

Preamble.

**W**HEREAS the Consumers' Gas Company of Toronto have petitioned for certain alterations in their Charter to enable them to meet the requirements of the rapidly increasing population of Toronto, and it is expedient to grant and allow 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, as follows:



I. That it shall and may be lawful to and for the said Company to increase their present Capital Stock by a further sum not exceeding fifty thousand pounds, so that the whole Capital Stock of said Company may extend to, but not exceed the sum of one hundred thousand pounds, in shares of twelve pounds ten shillings each, either among themselves or by the admission of new Stockholders on such terms as the Directors may decide and appoint, and that it shall and may be lawful as to such new Stock for the Directors to call in the same either in instalments as at present provided, or to issue such new Stock or any portion thereof payable at once or at such other dates and times and in such manner as said Directors may appoint, and that the manner and dates when such Stock shall be paid up may be declared in any one or more resolutions of said Directors.

Capital may be increased by £50,000 in Shares of £12 10s., and how.

II. That such new Stock shall be assignable and be subject to all the legal incidents and provisions already by law declared as to the present Stock of said Company.

Incidents of new Stock.

III. That it shall and may be lawful for said Company to borrow on Debenture, Bond, Mortgage or other real or personal security, any sum or sums not exceeding in the whole fifty thousand pounds, at such rate of interest and on such terms of credit or otherwise as to said Company may seem advisable, and to secure the same as said Company may determine on all or any part of their estates real or personal, or both, no such Debenture or Bond being for a less sum than twenty-five pounds, and any rate of interest thereby payable shall be legally enforceable although exceeding the rate of six per cent; and all moneys so borrowed or raised shall be applied to the purposes of said Company in the manufacture and distribution of Gas, and in increasing and extending their business, or in discharging liabilities contracted or to be contracted therefor.

Company may borrow money on Mortgage, &c. at any rate of interest.

Application of moneys borrowed.

IV. That it shall and may be lawful for the said Company to hold lands and real property and estate for the purposes of their incorporation; and that said Company may sell and dispose of absolutely in fee simple or by way of lease for years to any persons or bodies, any lands or real estate not longer required by them for the purposes aforesaid.

Company may hold and dispose of certain real estate.

V. That it shall and may be lawful for said Company to pay dividends on the Capital Stock quarterly, if deemed advisable so to do.

May pay dividends quarterly.

VI. That it shall and may be lawful for all persons, whether British subjects or foreigners, to be Stockholders in said Company.

Aliens may be Stockholders.

VII. That this Act shall be a Public Act.

Public Act.

## CAP. CCXVI.

## An Act to provide for an increase of the Capital Stock of the Quebec Gas Company.

[Assented to 19th May, 1855.]

Preamble.

12 V. c, 132.

WHEREAS by the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to incorporate the Quebec Gas Company*, the Capital Stock of the said Company is limited to Forty thousand pounds; And whereas the said Company have by their Petition represented that the said amount hath been subscribed and paid up, and is found insufficient for the purposes of the said Act, and have prayed for an increase of the said Capital Stock to Sixty thousand pounds; And whereas it is right and proper to grant the prayer of the said Petition: 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:

Company may add £20,000 to their Stock in Shares of £50.

Proviso.

I. That it shall be lawful for the said Company to add to their present Capital Stock, a sum not exceeding Twenty thousand pounds, divided into Shares of Fifty pounds each, and to raise such sum either by subscription among the present Shareholders, or by the admission of new Shareholders, or partly in one way and partly in the other. Provided always that no such increase shall take place unless the same be agreed to by a majority representing two thirds of the Shares, at a Special Meeting of the Shareholders called for that purpose.

New provision as to the filling of casual vacancies among the Directors.

II. And be it enacted, that for and notwithstanding any thing in the sixth section of the said Act contained, it shall not be necessary for the Directors to call a Special Meeting of the Shareholders for the purpose of electing a Director to supply the place of one dying, resigning, being disqualified, or ceasing to be a Director from any other cause than that of going out of Office by rotation; but any such election may be postponed until and take place at the next Annual Meeting after the occurrence of the vacancy, which shall in that case be filled for the interval by a qualified Shareholder chosen by the Directors at a Special Meeting of Directors called for the purpose within one month after its occurrence.

Penalty on persons refusing the Company's access for pur-

III. And be it enacted, that if any person or persons refuse to permit, or do not permit the Servants or Officers of the said Company or their Agents or Workmen to enter any House or other Building or Premises for any of the purposes, or to do or perform

perform any of the acts at any of the times mentioned in the twenty-seventh section of the Act referred to in the preamble to this Act, every such person so refusing or obstructing shall incur a penalty to the said Company for every such offence not exceeding Ten pounds currency, to be recovered with costs in the manner provided for in and by the thirty-fifth section of the said Act.

poses authorized by 12 V. c. 182, sect. 27.

## CAP. CCXVII.

## An Act to increase the Capital Stock of the City of Kingston Water Works Company.

[Assented to 19th May, 1855.]

**W**HEREAS the City of Kingston Water Works Company Preamble. have by their Petition prayed that the Capital Stock of the Company be increased from ten thousand pounds to twenty thousand pounds; And whereas it is expedient to grant the prayer of their petition: 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, as follows :

I. It shall be lawful for the Stockholders of the said City of Kingston Water Works Company, constituted and incorporated by an Act of the Parliament of this Province passed in the Session held in the twelfth year of Her Majesty's Reign, and intituled, *An Act to incorporate the City of Kingston Water Works Company*, to raise and contribute among themselves or by the admission of new subscribers, a further sum of ten thousand pounds in addition to the present Capital Stock of the said Company, which said additional sum of ten thousand pounds shall be divided into eight hundred shares of twelve pounds ten shillings each; and every person subscribing for or taking any share or shares in such additional Capital Stock of ten thousand pounds, shall have the same rights and be subject to the same rules and liabilities as the original subscribers and shareholders of the said City of Kingston Water Works Company.

Stock of the Company incorporated by 12 V. c. 158, may be increased to £20,000.

Rights and liabilities of new Stockholders.

II. The said additional shares shall and may be subscribed for in such proportions or numbers and at such times and under such conditions and regulations as the said Directors of the said Company shall from time to time establish, and the shares subscribed for shall be paid in by such instalments and

How new Stock may be subscribed for and called in, &c.

at

at such times as the said Directors shall from time to time appoint; and all the provisions of the thirteenth section of the Act of incorporation of the said Company shall be applicable to all cases in which instalments or shares subscribed for under this Act shall be unpaid.

Public Act.

III. This Act shall be deemed a Public Act.

### CAP. CCXVIII.

An Act to amend the Act incorporating the Metropolitan Gas and Water Company, in the City of Toronto.

[Assented to 30th May, 1855.]

Preamble.

16 V. c. 250

WHEREAS it is desirable to amend the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to incorporate a Company in the City of Toronto, to be called "The Metropolitan Gas and Water Company:"* 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, as follows:

Amendment to sect. 3, as regards amount of Stock.

I. So much of the third section of the said Act as limits the joint sum to be raised and constituted in shares to one hundred and fifty thousand pounds, is hereby altered and amended, so as to extend the same to the sum of two hundred and fifty thousand pounds.

Number of Directors diminished, and their qualification raised.

II. So much of the fourth section of the said Act as authorizes the Shareholders to elect by ballot seven of their number to be Directors of the said Company, and as requires each such Shareholder so elected to be a holder of not less than fifty shares in the said Company, shall be, and the same is hereby altered and amended, so as to authorize the Shareholders to elect only three of their number to serve as a Board of Directors, and to require that each such Shareholder so elected, shall be holder of not less than one hundred shares in the said Company.

Quorum of Directors altered.

III. So much of the fifth section of the said Act as prescribes, "that any four of the said Directors shall form a quorum for the transaction of business," is hereby amended, so that a majority of the Directors elected shall form a quorum for the transaction of business.

IV. The thirtieth section of the said Act shall be and the same is hereby repealed. Section 30 repealed.

V. The thirty-third section of the said Act shall be and is hereby repealed, and the following shall stand in lieu thereof: Section 33 repealed.  
 If neither of the said Works shall be in operation within five years from the passing of the said Act, then this Act shall be void and of no effect. New provision substituted.

VI. So much of the Act cited in the preamble of this Act as shall be found inconsistent with the provisions of this Act, shall be and the same is hereby repealed. Inconsistent enactments repealed.

VII. This Act shall be deemed a Public Act. Public Act.

## CAP. CCXIX.

An Act to incorporate the Canada Ore Dressing Company.

[Assented to 19th May, 1855.]

**W**HEREAS James L. Willson, Richard P. Street, James D. Mackay, Aeneas D. McKay, William R. McDonald, James Dunbar Pringle, George Evans, Senior, Geo. Evans, Junior, Charles Keeling Scholefield, John O'Brien Heward, Lewis T. Ord, Edward Priddham, Francis H. Heward, Andrew Thornton Todd and William J. Fitzgerald, have associated themselves together as a Joint Stock Company, for the purpose of dressing Copper and other Ores in the Province of Canada, and for that purpose, have at great expense erected suitable buildings at Bruce Mines on Lake Huron, and have also procured the machinery necessary to carry on the work; And whereas the persons hereinbefore named have, by their Petition to the Legislature, represented the necessity of their obtaining a special Act of Incorporation under the name, style and title of the Canada Ore Dressing Company, to enable them to conduct all necessary business connected with or appertaining to the crushing and dressing or otherwise manufacturing Copper and other Ores in the Province of Canada; And whereas such an Incorporated Company, with the machinery and new method of manufacturing Ores, would tend to develop the resources of the mineral wealth 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, as follows:

Company in-  
corporated.

I. The persons aforesaid, or such of them and all such other persons as now are or shall become Shareholders of the said Company, shall be and are hereby ordained, constituted and appointed to be a body corporate and politic in law, in fact and in name for the purposes mentioned in the Preamble to this Act, with power to hold such real property as may be necessary for such purposes, but no other, by the name, style and title of the Canada Ore Dressing Company: Provided that nothing in this Act contained shall exempt any or all of the said Shareholders from their present liabilities for any claim, engagement, loss, or payment incurred, made or suffered by them.

Name.  
Proviso.

Capital Stock.

II. The Capital Stock of the Company incorporated by this Act shall not exceed the amount of Twenty-five Thousand Pounds, to be composed of two thousand five hundred shares of the value of Ten Pounds each; and upon which ten per cent. shall be paid at the time of subscribing, and before the said Company shall have any power to commence operations under this Act.

Shares.

Ten per cent.  
to be paid  
down.

First Direc-  
tors.

III. James Adam, Charles Freeland, James D. Mackay, Charles Keeling Scholefield and John O'Brien Heward, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall, under the provisions of this Act, be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, with power to open Stock Books and make calls on the shares subscribed in such Books, and shall call a meeting of subscribers for the election of Directors in manner hereinafter provided.

Term of of-  
fice and pow-  
ers.

First Direc-  
tors to open  
Stock Books  
and allot  
Shares.

IV. The said Directors are hereby empowered to take all necessary measures for opening the Stock Books, for the subscription of parties desirous to become Shareholders in the said Company, and to determine and allot to parties subscribing for stock in the said Company the number of shares (if any) that parties so subscribing may have and hold in the Capital Stock aforesaid; And the said Directors shall cause an entry to be made in the records of their proceedings and in the Shareholders' Book, of the Stock so allotted and assigned to parties subscribing as aforesaid, and the Secretary of the said Company shall notify the respective parties in writing of such allocation and assignment, and upon such entries being made the rights and liabilities of such Shareholders shall accrue in respect of their particular interest in the said Company.

Company to  
be managed  
by five Direc-  
tors.

Annual elec-  
tion.

V. The stock, property and concerns of the said Company shall be managed by a Board of five Directors who shall respectively be Shareholders in the said Company, and who shall be annually elected by the Shareholders on the second Tuesday in July in each year; and notice of the time and place of holding such election shall be sent to each Shareholder by circular

circular not less than twenty days previous thereto, and the election shall be made by such of the Shareholders as shall attend for that purpose either in person or by proxy; And if such election shall not be held on the day so appointed, it shall be the duty of the Directors to notify and cause such election to be held within thirty days after the day so appointed, when such election shall take place at the time and place so notified, and in manner hereinbefore appointed; and all acts of Directors of the said Company shall be valid and binding, as against the said Company, until their successors shall be elected; And it shall be the duty of the Directors to submit to such annual meeting of the Stockholders, a Report stating the amount of the Capital of the said Company, and the proportion thereof actually paid in, together with the amount of the existing debts of the said Company, which Report shall be signed by the President and Secretary, and a copy thereof subscribed as aforesaid shall, within fourteen days from the date of such annual meeting, be transmitted to the Secretary of the Province.

Provision in case of failure of any election.

Yearly report of Directors.

Copy to be sent to Secretary of the Province.

VI. All elections of Directors shall be by ballot, and each Shareholder shall be entitled to as many votes as he owns shares of Stock in the said Company; And the persons receiving the greatest number of votes shall be Directors; and when any vacancy shall happen amongst the Directors by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided by the By-laws of the said Company.

Elections to be by ballot.

Votes.

Casual vacancies how filled.

VII. The said Company shall have a President, who shall be elected by the Directors from among themselves, and also such subordinate officers as the Company by its By-laws may require, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their respective offices, as the Company by its By-laws may provide.

President.

Subordinate Officers.

VIII. It shall be lawful for the Directors of the said Company to call in and demand from the Shareholders thereof respectively, all sums of money by them subscribed, at such times and in such payments or instalments as such Directors shall deem proper; and if any Shareholder or Shareholders shall, after notice of such call or demand shall have been personally made, or after notice thereof shall have been given to him by circular, refuse or neglect to pay to the said Directors or the Secretary of the said Company, any such call or calls due upon the share or shares held by him, such share or shares shall or may, in the option of the said Directors become forfeited, together with the amount or amounts paid thereon, and such forfeited share or shares may be disposed of as the Directors for the time being may think fit, in any manner whatsoever, or the same may become vested in and for the benefit of the said Company, as the Directors may determine, or the amount may be recovered by the Company by action.

Instalments on Stock, how called in.

Forfeiture for non-payment of calls.

What only  
need be alle-  
ged and pro-  
ved in any ac-  
tion for calls.

IX. In any action or suit to recover any money due upon any call, 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 shall amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the said Company; And on the trial it shall only be necessary to prove that the Defendant was owner of certain shares, and the call or calls thereon, and the notice or demand required by this Act, and no other fact or thing whatsoever.

Directors  
to make By-  
laws.

X. The Directors of the said Company shall have power to make such By-laws as they shall deem proper for the management and disposition of the stock and business affairs of the said Company, for the appointment of officers, and for prescribing their duties and those of all artificers and servants that may be employed, and for carrying on all kinds of business within the objects and purposes of the said Company; and any copy of the said By-laws or any of them, purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the corporate seal of the said Company affixed to it, shall be received as *prima facie* evidence of such By-law or By-laws in all Courts of Law or Equity in this Province.

Proof of By-  
laws.

Transfer of  
Shares of  
Stock.

XI. The Stock of the said Company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the By-laws of the Company; but no share shall be transferable until all previous calls thereon shall have been fully paid in, unless such share shall have been declared forfeited for the non-payment of calls thereon; and it shall not be lawful for the said Company to use any of its funds in the purchase of any stock in any other Company.

Company may  
borrow money  
to the amount  
of half their  
Capital.

XII. It shall be lawful for the said Corporation from time to time to borrow, either in this Province or elsewhere, all such sum or sums of money (not exceeding in all at any time an amount equal to half of the paid up capital of the Company) as they may find expedient, and to make the bonds, debentures, or other securities they shall grant for the sums so borrowed, payable either in currency or in sterling, with interest, and at such place or places within or without this Province as they may deem advisable, and such bonds or other securities may be made payable to bearer or transferable by simple indorsement or otherwise, and may be in such form as the Directors for the time being may see fit; and the said Directors may hypothecate, mortgage or pledge the lands, revenues and other property of the said Corporation, for the due payment of the said sums and the interest thereon; provided that no such bonds

May pledge  
their lands,  
Revenue, &c.

Proviso.



bonds or debentures shall be issued by the Corporation for any amount less than one hundred pounds, currency.

XIII. Each stockholder of the said Corporation shall be severally and individually liable to the creditor thereof to an amount of the stock held by him, for all debts and contracts made by such Corporation, until the whole amount of the stock held by such stockholder shall have been paid up.

Limit of liability of Shareholders.

XIV. If the Directors of the said Company shall declare and pay any dividend when the Company is insolvent, or any dividend the payment of which would render it insolvent, or which would diminish the amount of its Capital Stock, they shall be jointly and severally liable for all debts of the Company then existing, and for all that shall be thereafter contracted while they shall respectively continue in office.

Directors to be liable if they make any dividend when the Company is insolvent, &c.

XV. It shall be the duty of the Directors of the said Company to cause a Book to be kept by the Treasurer or Clerk thereof, containing in alphabetical order the names of all persons who are or have been Shareholders of the said Company, and shewing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares, and also a statement of all the existing debts and liabilities of the said Company and of the amount of its stock actually paid in; which Book shall, during the usual business hours of the day, on every day, except Sundays and obligatory holidays, be open for the inspection of Shareholders of the Company and their personal representatives, at the Office of the said Company; which office shall be at the place at which a majority of the Shareholders both in number and value shall determine.

List of Stockholders to be kept.

Also of debts and liabilities.

Open to all Stockholders.

XVI. Subject to the payment of the debts and liabilities of the Joint Stock Company referred to in the Preamble of this Act, the estate and effects of the said Company shall, from and after the passing of this Act, become and are hereby vested in the Corporation to be erected by this Act.

Substitution of Corporation for present Company.

XVII. The Statute of this Province passed in the twelfth year of Her Majesty's Reign, chapter ten, and known, cited, and referred to as "The Interpretation Act," shall, so far as it can be made applicable, apply to this Act.

Interpretation Act to apply.

XVIII. This Act shall be deemed a Public Act.

Public Act.