

Provincial Statutes of Canada, passed in the year 1845. Montreal: Stewart Derbishire & George Desbarats, 1845.

8 Victoria – Chapter 87

An Act to give further powers to the North American Colonial Association of Ireland. (29th March, 1845.)

Whereas by an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Session of the fifth and sixth years of the Reign of His late Majesty King William the Fourth, intituled, “An Act for Incorporating and granting certain powers to the North American Colonial Association of Ireland, certain persons were incorporated into a Company, by the name and style of ‘The North American Colonial Association of Ireland,’” for carrying into execution the purposes of the said Act: And whereas, by another Act of the same Parliament, passed in the fifth year of the Reign of Her present Majesty, intituled, “An Act to amend an Act for Incorporating and granting certain powers to the North American Colonial Association of Ireland, and for explaining, altering and enlarging the provisions thereof, the said first recited Act, and the provisions thereof were altered, enlarged and extended: And whereas, by the said last recited Act, it was enacted, among other things, that it should be lawful for the said company to be invested with and exercise any further powers which the Legislature of the Province of Canada should from time to time, by an Act or Acts, to be at any time passed thereby, give to the company, and to do all acts necessary for the exercise of such powers, in the same manner and to the same extent as if the said powers were expressly given, and the said Acts expressly authorized, by the said last mentioned Act of the Parliament of the United Kingdom; and that in such case, it should be lawful for the company, and in furtherance and execution of the power so given to them, and in doing the acts so authorized, to apply and deal with the property and capital, for the time being, of the company, and the monies then or thereafter authorized to be raised by the company, in the same manner and to the same extent, as if such dealings with, and application of such property, capital and monies had been expressly authorized among the purposes for which the company were incorporated: and that the company should be bound and required to do all such acts, and to exercise all such further powers as might at any time be authorized or given to them by such authority as aforesaid, in such manner, and subject to all such limitations, conditions and provisions as might be prescribed and provided by any Act of such Legislature whereby such powers shall be given or such Acts authorized, and that such limitations, conditions and provisions should have effect in the same manner and to the same extent as if prescribed and provided by the said last mentioned or any other Act of the Parliament of the United Kingdom: And whereas it is desirable to enable the company to advance and lend money, on the security of real or personal property in the said Province: Be it therefore enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, “An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,” and it is hereby enacted by the authority of the same, That it shall be lawful for the company, from time to time, and at any time or times, to lend and advance money by way of loan or otherwise, on such

security, either real or personal, or both real and personal, and upon such terms and conditions as to the said company shall seem satisfactory or expedient, and to do all acts that may be necessary for the advancing such sums of money, and for the recovering and obtaining repayment thereof, and for enforcing the payment of all interest (if any) accruing from such sums so advanced, or the observance or fulfilment of any conditions annexed to such advances, or any forfeitures consequent on the non-payment thereof; and to give receipts, acquittances, and discharges for the same, either absolutely and wholly, or partially, and for all and every or any of the foregoing purposes, to lay out and apply the capital and property, for the time being, of the company, or any part thereof, or any of the monies now raised or authorized to be hereafter raised by the company, in addition to their capital for the time being, and to do, assent to, authorize and exercise all acts and powers whatsoever, in the opinion of the Directors of the said company for the time being, requisite or expedient to be done or exercised, in the same manner as if the making such advances, and doing such acts, and so applying the said capital and monies, and the exercise and doing such powers and acts had been expressly authorized among the purposes for which the company were incorporated, and to which they were, by the said hereinbefore recited Acts, or either of them, authorized to apply such capital and monies; any thing to the contrary in the said recited Acts, or in any of them contained, notwithstanding: Provided always, that it shall not be lawful for the said company to exact or take a higher rate of interest than six per cent.

II. And whereas it is desirable to enable the said company to lend and advance money to the Government of the said Province: Be it therefore enacted, That it shall be lawful for the said company, and the said company are hereby empowered to lend and advance money to the Government of the said Province, for any purpose whatsoever, or to any District Council in the said Province, or to any Corporate Body having Municipal authority in any City or Town in this Province, or to any Board, Trustees, Commissioners, or other person or persons having the care of, or making, or executing any public works in the said Province, at such rate of interest, not exceeding six per cent, as may be agreed upon in every such case, and to take and accept from such Government, or District Council, or any such Corporate Body, Board, Trustees, or Commissioners, or other person or persons, such assignment, grant, demise, or other security of or upon any public revenues or property of the said Province, or upon any property belonging to such Corporate Bodies, having Municipal authority as aforesaid, or upon any rates, tolls, charges, or assessments, within the said Province, or such other security for the repayment of the money so to be advanced, and also for the interest thereon, as to the said company shall appear satisfactory, and which shall be good, valid, and effectual for the purposes expressed therein, and shall and may be enforced for the benefit of the said company, and to do all acts that may be necessary for the advancing such sums of money, and for recovering and obtaining repayment thereof, and for enforcing the payment of all interest, (if any) accruing therefrom, or any conditions annexed to such advances, or any forfeitures consequent on the non-payment thereof, or any part thereof respectively, and to give receipts, acquittances and discharges for the same, either absolutely, wholly, or partially, and for all and every, or any of the foregoing purposes to lay out and apply the capital and property for the time being of the said company, or any part of the monies now raised, or authorized to be hereafter raised by the company, in addition to their capital for the time being, and to do, assent to, and exercise all acts whatsoever, in the opinion of the Directors of the said Company, for the time being, requisite or expedient to be done, in the same manner as if the

making such advances and doing such acts, and so applying the said capital and monies, had been expressly authorized among the purposes for which the said Company were incorporated, and to which they were, by the said recited Acts, or either of them, authorized to apply such capital and monies, any thing to the contrary in the said recited Acts, or either of them contained, notwithstanding.

III. And whereas, by the said last mentioned Act of the Parliament of the United Kingdom, it was further enacted, that it should not be lawful for the said company, at any time after the passing of the said last mentioned Act, to purchase or acquire any additional lands and hereditaments within the Province of Canada, other than such lands as were then already acquired or agreed to be acquired therein by them or as were then held in trust for them, without the consent of the Legislature of the said Province, to be, from time to time, and at any time, signified by an Act or Acts of such Legislature; And whereas it is desirable to enable the company to purchase and acquire additional lands and hereditaments within the Province of Canada: Be it therefore enacted, That it shall be lawful for the company, and they are hereby empowered to acquire by purchase, mortgage or otherwise, and to hold, either absolutely or conditionally, any other property, lands and hereditaments in the said Province, in addition to the property, lands and hereditaments already acquired, or agreed to be acquired, by or for them therein, or held in trust for them, and to lay out and apply the capital and other property, for the time being, of the company, or any monies now or hereafter authorized to be raised by the company, in acquiring, by purchase, mortgage or otherwise, further and other property, lands and hereditaments in the said Province, any thing to the contrary in the said recited Acts, or any of them, notwithstanding: Provided always, that the whole of the real property in Lower Canada, of which the said company may be proprietors under and by virtue of the powers given to them by this Act, shall not at any time exceed in value one fifth part of the sums of money then due to the company for monies loaned by the company on the security of hypothecs and mortgages granted to them upon real property situated in Lower Canada.

IV. And be it enacted, That it shall be lawful for the company, from time to time, to deal with and dispose of all lands already acquired and possessed, or held in trust for the company, and of all lands to be hereafter acquired or contracted for, or to which the said company shall be entitled, or of any part thereof, by sale, exchange, mortgage, lease or other disposition thereof, which they may deem most conducive to the speedy and effectual settlement of the same, or to promoting the objects and advantages of the company; and the company shall be, and they are hereby authorized and empowered to lay out and invest their capital and property, for the time being, or any monies now or hereafter authorized to be raised by them, in so dealing with or disposing of such lands.

V. And whereas by the said last recited Act of the Parliament of the United Kingdom, it is enacted, that in case the Legislature of the Province of Canada should at any time, by an Act or Acts of the said Legislature, authorize or prescribe the use of any form for the conveyance to purchasers of any lands of the company within the said Province, such form of conveyance shall, whenever used by the company, operate and take effect in the same manner and to the same extent, as if expressly authorized by the said Act of the Parliament of the United Kingdom: Be it

therefore enacted, That all conveyances to be made by the company, under or by virtue of, or in pursuance of the several powers and authorities given to it by this Act, or by the said recited Acts of the Parliament of the United Kingdom of Great Britain and Ireland, or any of them, may when the real property concerning which the said conveyances are made is situated in Upper Canada, be made according to the form in the Schedule A, to this Act annexed, or as near thereto as the circumstances will admit.

VI. And be it enacted, That in every conveyance of lands situated in Upper Canada, to be made by the company, or their attorney or attorneys, to be appointed in pursuance of this Act, the word “grant”, shall operate as express covenants by the company, for themselves and their successors, with the respective Grantees therein named, and the successors, heirs, executors, administrators and assigns of such Grantees, according to the quality or nature of such grants, and of the estate or interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express words contained in any such conveyance, that is to say:

A Covenant, that notwithstanding any act or default done by the company, they were, at the time of the execution of such conveyance, seized or possessed of the lands or premises thereby granted for an indefeasible estate or inheritance, in fee simple, free from all incumbrances done or occasioned by them, or otherwise, for such estate or interest as therein expressed to be thereby granted, free from incumbrances done or occasioned by them.

A Covenant, that the Grantee of such lands, his heirs, successors, executors, administrators and assigns, (as the case may be,) shall quietly enjoy the same against the company and their successors, and all other persons claiming under them, and be indemnified and saved harmless by the company and their successors from all incumbrances created by the company.

A Covenant for further assurance of such lands at the expense of such Grantee, his heirs, successors, executors, administrators. or assigns, (as the case may be,) by the company or their successors, and all other persons claiming under them, and all such Grantees, and their several successors, heirs, executors, administrators and assigns respectively, according to their respective quality or nature, and the estate or interest in such conveyance expressed to be conveyed, may, in all actions brought by them, assign breaches of Covenants, as they might do if such Covenants were expressly inserted in such conveyances.

VII. And be it further enacted, That every mortgage and bond for securing money, borrowed from the company on the security of real estate in tipper Canada, shall be by deed under seal, wherein the consideration shall be truly stated, and every such mortgage or bond may be according to the forms in the Schedule B, to this Act annexed, or as near thereto as the circumstances of the case will reasonably admit, and any conveyance, act, deed, or other instrument, of or respecting real property in Lower Canada, to be executed by the company, or their attorney or attorneys, to be named as hereinafter mentioned, or to which the company, or their attorney or attorneys, may become a party under the powers hereby given to the company, shall and may be executed according to any form which may, according to the laws of Lower Canada, be used for a like

purpose by any of Her Majesty's subjects, excepting only that the seal of the company shall be affixed thereto, as hereinafter mentioned.

VIII. And be it enacted, That the Directors of the company for the time being, and who shall under and by virtue of the said last recited Act of the Parliament of the United Kingdom, have the management and superintendence of the affairs of the company, are hereby empowered to exercise, in addition to all powers now possessed by them, all the powers conferred on the company by the present Act, and shall make any payments, loans and advances on such securities as they may deem expedient, and enter into all contracts, and make all conveyances, and do all acts and things which are hereby authorized to be made or done by or on behalf of the company, and to purchase, and contract to purchase, or take by way of mortgage, the lands and hereditaments hereby authorized to be acquired by purchase, mortgage, or otherwise, and held by the company, and generally to deal with, treat, sell, and dispose of, and exercise all other acts of ownership over such lands and hereditaments, in such manner as they shall deem expedient and conducive to the benefit of the company, in such and the same manner as if such lands and hereditaments were held and owned according to the tenure, and subject to the liabilities, if any, from time to time, affecting the same, not by a body corporate, but by any of Her Majesty's subjects, being sui juris, and of full age; but all the powers so to be exercised, shall be exercised in accordance with and subject to the provisions of this Act, and the exercise of all such powers shall be subject also to the control and regulation of any general meeting of the Shareholders of the company, specially convened for the purpose, according to the provisions of the said last recited Act of the Parliament of the United Kingdom, but not so as to render invalid any act done by the Directors, prior to any resolutions passed by such general meeting.

IX. And be it enacted, That it shall and may be lawful for the said Company, and they are hereby required, by a warrant of attorney, or written instrument under their corporate seal, to constitute and appoint two or more persons to be jointly, or jointly and severally, as may be expressed in the said warrant of attorney or written instrument, the attorneys of the said Company in this Province, and to authorise and empower the attorneys so to be named, in the name and on behalf of the Company, to make loans and advances from the capital and monies of the Company on such securities, real or personal, or both real and personal, and upon such terms as their said attorneys may deem expedient, subject to such covenants and agreements on the part of the Company as may be in such mortgages set forth, and in the name and on behalf of the Company to make all sales and other conveyances, and to enter into all contracts which by the said Company may be made or entered into under the present Act, and to purchase, or contract, to purchase, or take by way of mortgage, subject to such covenants and agreements on the part of the Company as may be in such mortgage set forth, the lands, tenements and hereditaments hereby authorized to be acquired by purchase, mortgage, or otherwise, and held by the Company, and generally to exercise all the powers conferred upon the Company by the present Act; and all deeds and conveyances of or respecting lands, tenements or hereditaments made or executed by any such attorney or attorneys of the Company, or to which any such attorney or attorneys of the Company may become a party or parties, shall be signed by such attorney or attorneys, and shall be under such seal as hereinafter mentioned, and all such conveyances made by any such attorney or attorneys in the name or on behalf of the Company, of any lands, tenements and hereditaments

situated in Upper Canada, shall be made according to the form contained in the Schedule marked C, to this Act annexed, or as near thereto as the circumstances of the case will admit; and till such powers so to be granted by the Company to their said attorneys, shall be exercised by such attorneys, and he subject to the directions, restrictions, and limitations in such warrant of attorney or other written instrument set forth.

X. And be it enacted, That it shall and may be lawful for the said Company, from time to time, as occasion may require, and as to them may seem meet, to invoke any such warrant or attorney or instrument as aforesaid, and again to make and grant any other warrant or warrants of attorney, instrument or instruments for the like purpose, provided that such warrants of attorney, or instruments as aforesaid, be not addressed to fewer than two persons, and be made to take effect only and so long as the persons thereby appointed shall actually be within the said Province; and it shall also be lawful for the said Company to appoint, and commit to the custody of such their attorneys, for the time being, a seal for the purpose of executing such conveyances, acts, deeds, and other instruments, as their said attorneys may make or execute, or become parties to, and such seal from time to time to break, alter or renew, as to them may seem meet; and every conveyance, act, deed or instrument as aforesaid, to be executed in manner aforesaid, by such attorneys or attorney, for the time being as aforesaid, of the said Company, shall be valid and effectual in law to all intents and purposes whatsoever: Provided always, that any act, deed or other instrument, executed by the Company, or to which the Company may be a party, under the powers hereby given to them, respecting personal property only, shall be sufficiently executed and attested, (so far as regards the execution of such act, deed or other instrument by the Company,) by the signatures or signature of the Directors or Director, or attorneys or attorney of the Company executing the same, and it shall not be necessary to execute any such act, deed, or other instrument concerning personal property only, under the seal of the Company.

XI. And be it enacted, That the seal of the said Company, affixed by the direction of or by such attorneys to any conveyance, deed or instrument in writing, or to any memorial or memorials thereof, for the purpose of registration of the said conveyance, deed or instrument in writing, in the proper office for registering the same in this Province, shall of itself be sufficient evidence of the due execution of such conveyance, deed or instrument in writing, or the memorial thereof by the said company, for all purposes respecting the said registration, and no further evidence or verification of such execution, nor any evidence or verification of the signatures of the Directors, or of such attorneys who shall sign such conveyance, deed or instrument in writing, or the memorial thereof, shall be required for the purpose of such registry; any law or custom now in force in this Province notwithstanding.

XII. And be it enacted, That in all actions to be brought in this Province, in which any conveyance, act, deed or other instrument so to be executed as aforesaid, shall be required to be given in evidence, the signatures of such directors or attorneys as aforesaid, to such conveyance, act, deed or other instrument, shall, as well for as against such Company, or others claiming in their right or interest, be sufficient prima facie proof of the authority of such directors or attorneys as aforesaid to sign the same, and to affix the seal of the said Company thereto; and when any such conveyance, act, deed or other instrument, executed by the Company, or to which the Company

shall be a party, shall have been executed in Lower Canada, in the notarial form, before two Notaries Public, or before a Notary Public and two witnesses, a notarial copy of such notarial conveyance, act, deed, or other instrument, when given in evidence in any action pending in any Court of Justice in Lower Canada, shall as well for as against the Company, and for and against all others claiming in their right and interest, be prima facie proof, not only of all of which a notarial copy of a notarial act is prima facie proof according to the laws of Lower Canada, but also of the authority of the directors, attorneys or attorney who may have signed such original conveyance, act, deed or other instrument, to sign the same, and affix the seal of the Company thereto; and the production by any person to any Registrar, or his deputy, in Lower Canada, at the proper office for registering the same, of a notarial copy of any such notarial conveyance, act, deed or other instrument; executed in Lower Canada, shall be sufficient to authorize and oblige such Registrar, or Deputy Registrar, to register the same, without any requisition in writing from the person presenting the same, and without any further evidence or verification whatever, and any such registration so made shall be good and valid to all intents and purposes whatever.

XIII. And be it enacted, That in any case where any real property situated in Lower Canada, shall be brought to Sheriff's Sale, at the suit of the Company, for the satisfaction of the debt for the payment of which such real property shall have been hypothecated by the debtor in favor of the Company, the Company shall be bound to bid up such property so brought to Sheriff's Sale to the amount of the debt and interest for the payment of which such real estate shall have been hypothecated in their favor, and in default of their so doing, their claim for the debt and interest for the payment of which such real property shall have been so hypothecated shall, if it exceed, be thereby reduced to a sum equal to that at which the real property so sold shall have been adjudged at such Sheriff's Sale. And when any two or more separate and distinct pieces or parcels of real property situated in Lower Canada as aforesaid shall, by any conventional hypothec, be hypothecated in favor of the company for the payment of the same sum of money, the proportion and part of the capital sum or principal to be bid on each piece or parcel of land, shall be specified in the deed by which such conventional hypothec shall be created, and in default thereof the Company shall not by means of such deed have any hypothec upon the real estate therein mentioned, and the Company at the time of such Sheriff's Sale shall be bound to bid for each of such pieces or parcels of land not only that portion of the principal which they may be bound by such deed to bid for such piece or parcel of land, but also all interest due at the time of the sale upon the said portion of such principal, and in default of their so doing, their claim for that portion of the principal and interest due to them, the amount whereof should have been bid by the Company on such piece or parcel of land, shall, if it exceed, be thereby reduced to a sum equal to that at which such piece or parcel of land shall have been adjudged at such Sheriffs Sale; and such debtor at any time prior to the day of sale, shall have a right to determine in what order, as regards each other, the pieces or parcels of land so hypothecated, and which shall have been seized and taken in execution, and to the sale of which no opposition shall exist, shall be sold: Provided always, that two or more contiguous lots, pieces or parcels of land, possessed by the same person as the proprietor or reputed proprietor thereof, shall not for the purposes of this section of this Act be considered separate or distinct pieces or parcels of land.

XIV. And be it enacted, That in every case where any piece or parcel of real property situated in Lower Canada, and hypothecated in favor of the Company, shall sold at Sheriff's Sale at the suit of the Company, and shall be adjudged to the Company, the said sale so made as aforesaid and the said purchase so made by the said Company shall be deemed to be conditional and subject, to the right of redemption hereinafter set forth, and the said sale so made conditionally as aforesaid, shall not be deemed or considered to transfer any absolute right of property whatever in the real estate so purchased, or to give the Company power to alienate, mortgage, or hypothecate the same until after the full and entire expiration of the period of one year as hereinafter stipulated; and in every such case the debtor or other person in possession of the hypothecated property as proprietor at the time of such Sheriff's Sale thereof shall, within one year from the day of the adjudication of such real property, have a right to pay to the Company the price at which such piece or parcel of land may have been adjudged to the Company, with interest thereon from the day of the adjudication of such piece or parcel of land to the day of the repayment of such price and adjudication money to the Company, and also the debt and interest, or such balance as may be due upon the debt and interest, for the payment of which the property so sold was hypothecated in favor of the Company, with the costs incurred in bringing the property to sale, and then unpaid, as well the costs before as the costs after judgment, and all incidental expenses and reasonable disbursements incurred or made by the Company, frais, mises et, loyaux coûts, and thereupon the sale so made to the Company of such property shall be null and void as if the said Sheriff's sale had never taken place, and the Company shall at the request and expense, of the person making such payment, execute an act or instrument to evidence the payment so made, and it shall be lawful for the person making such payment, or for any other person, to cause the act or instrument evidencing the same, or a memorial thereof, to be registered in the Registry Office of the place where such real property shall be situated, in the same manner as any other act or deed executed by the Company may be registered under the provisions of this or any other Act, and no quint, lods et ventes, or other mutation fine shall be due upon any such Sheriff's Sale so annulled, or be exigible upon any such Sheriff's Sale during the time it shall be liable to be annulled by such payment ns aforesaid.

XV. And be it enacted, That it shall not be lawful for the said Company, either directly or indirectly, to acquire by private sale, or in any other manner titan by a judicial sale not at the instance of the Company, any piece or parcel of land situated in Lower Canada, which may be hypothecated in their favour, by any conventional hypothec as aforesaid, for any less sum than the Company would have been obliged under the deed creating such conventional hypothec and the provisions of this Act, to have bid for such real property, had the same been sold at Sheriff's Sale at the suit of the Company; and any deed of sale or other conveyance, made to the Company, contrary to the provisions of this section of this Act shall be null and void; and in the event of the Company acquiring by private sale any real property in Lower Canada, so hypothecated in their favor, for a sum equal to or exceeding that which they would as aforesaid have been bound to bid for such real property, had the same been sold by Sheriff's Sale, at the suit of the Company as aforesaid, the said sale so made as aforesaid, and the said purchase so made by the said Company shall be deemed to be conditional and subject to the right of redemption hereinafter set forth, and the said sale so made conditionally as aforesaid, shall not be deemed or considered to transfer any absolute right of property whatever in the real estate so purchased, or to give the Company power

to alienate, mortgage or hypothecate the same until after the full and entire expiration of the period of one year as hereinafter stipulated; and in every such case the seller shall, within one year from the date of such sale, have the right to pay to the Company the price at which such piece or parcel of land may have been sold by him to them, with interest thereon from the day of the sale to the day of the payment of such price, or the debt and interest, or the balance which may be due upon the debt and interest, for the payment, of which such piece or parcel of land was hypothecated in favor of the Company, and all expenses incidental to the sale, and other reasonable disbursements made by the Company, frais, mises et loyaux couts, and thereupon the deed of sale or other conveyance so made to the Company, shall be null and void as if the said sale had never taken place, and the Company shall, at the request and expense of the seller re-acquiring the property so sold by him, execute an act or instrument to evidence the payment so made by him, in order to re-acquire such real property, audit shall be lawful for the person making such payment, or for any other person, to cause the said act or instrument evidencing the same, or a memorial thereof to be registered in the Registry Office, of the place where such real property shall be situated, in the same manner as any other act or deed executed by the Company may be registered, under the provisions of this Act, or any other Act, and no quint, lods et ventes, or other mutation fine, shall be due upon any such sale so annulled, or be exigible upon any such sale during the time that it is liable to be annulled by such payment as aforesaid; and nothing in this section of this Act, or in the two sections of this Act next before this section contained, shall be construed to relate in any manner to any real property situate in Upper Canada.

XVI. And be it enacted, That all Writs and Process at law or in equity, to be issued in the commencement of any action against the said Company, upon any deed, conveyance, contract or agreement made, executed or entered into within this Province, or upon any cause of suit or action arising out of, upon, or respecting such deed, conveyance, contract or agreement as aforesaid, and all papers and proceedings in any such action, may be served on any of the attorneys to be appointed as aforesaid in any part of this Province; and any such Writs and Process issued out of any of the Courts of Common Law of superior jurisdiction in this Province within whose jurisdiction the cause of action arose, or within whose jurisdiction the real estate which may be the object of such action may be situated, may in Upper Canada be addressed to the Sheriff of the District within which the venue in such action shall be laid, and in Lower Canada to the officer or officers by whom such Writs and Processes are usually served, and a copy thereof may be served on any of such attorneys by a literate person in any part of this Province, out of the limits of the District or place within which the Sheriff or other officer to whom such Writ was addressed could have served the same, and such service being duly verified on oath according to the law and practice of such courts respectively, shall in Upper Canada be of the like force and effect as if the service had been made by such Sheriff in the usual manner and within his District, and shall in Lower Canada be of like force and effect as if the service had been made by any officer who might have legally served the same in the usual manner and within the jurisdiction of the court from which such Process may have issued, and the affidavit verifying the service of such Writ, shall, as regards the parties to such suit, have, and be construed to have, the like force and effect for the purposes of such suit as if the said Sheriff or other officer to whom such Writ was addressed had returned the Writ served in the usual form; and that upon the due proof of such service in manner aforesaid, the Plaintiff may enter an appearance for such Company or otherwise

proceed against the Company, according to the law and practice of the court in which such suit shall be brought, in like manner as in cases where any natural person has been served with Process in the ordinary manner, within the jurisdiction of such courts respectively; and that all papers and proceedings in any such action, may by any literate person be served on any of such attorneys in any part of this Province, whether within or without the jurisdiction of the court in which such action may be pending; and that Process out of the Court of Chancery in Upper Canada, maybe in any such suit or action, the cause whereof arose within the jurisdiction of such court, served on any of such attorneys in any part of this Province by any person to be authorized by the said court in that behalf, and such service being verified in such manner as the said court may prescribe, shall be deemed and taken to be of the like force and effect for all purposes as if such Process had been served within the jurisdiction of the said Court of Chancery and a due return had been made thereof.

XVII. And be it enacted, That so soon as the said Company shall under the provisions of this Act be in operation in this Province, they shall open an office or counting house within the District of Montreal for the transaction of their business, and shall notify the same, and any subsequent change thereof, in the Canada Gazette, and service of any Process instrument or document at such office or counting house for the time being shall be legal and valid service thereof upon the said Company.

XVIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act and Law of this Province, and as such shall be judicially taken notice of by all Judges, Justices and other persons whomsoever, without being specially pleaded.

SCHEDULES

Referred to in the Foregoing Act.

SCHEDULE A.

By virtue of an Act of the Legislature of Canada, passed in the year of the Reign of Queen Victoria, intituled (here set forth the title of this Act,) we, the North American Colonial Association of Ireland, in consideration of the sum of _____, to us paid by A. B., of _____ do hereby grant to the said A. B., his heirs and assigns, all (describing the premises to be conveyed) together with all ways, rights and appurtenances thereto belonging, and all such estate, right, title and interest in and to the same, as we, the said Company, are, or shall become possessed of, or are by the said Act empowered to convey, to hold the premises to the said A. B., his heirs or assigns for ever.

Given under our Common Seal, this _____ day of _____ in the year of our Lord _____.

SCHEDULE B.

By virtue of an Act of the Legislature of Canada, passed in the _____ year of the Reign of Queen Victoria, intituled, (here insert the title of this Act), I, A. B. of _____ in consideration of the sum of _____ paid to me by the North American Colonial Association of Ireland, do hereby, pursuant to the said Act, convey to the said Company, their successors and assigns, all (describing the real or personal property to be conveyed) and all such estate, right, title, and interest in and to the same as I am or shall become seized or possessed of to hold the same to the said Company, their successors and assigns for ever, subject to redemption on payment to the said Company, their successors or assigns, of the said sum of _____ on the ____ day of _____ 18__ with interest for the same at the rate of _____ for every one hundred pounds by the year, payable half-yearly, on the _____ day of _____ and _____ day of _____ in every year. (Add any special powers which may be agreed on.)

In witness whereof, I have hereunto set my hand and seal, the _____ day of _____ in the year of our Lord _____.

FORM OF BOND.

By virtue of an Act of the Legislature of Canada, passed in the _____ year of the Reign of Queen Victoria, intituled, (titled of this Act), I, A. B., in consideration of the sum of _____ to me in hand paid by the said North American Colonial Association of Ireland, do bind myself, and my heirs, executors and administrators, unto the said North American Colonial Association of Ireland, their successors and assigns, in the penal sum of _____ pounds, to be paid to the said Company, their successors or assigns.

The condition of the above obligation is such that if the said A. B., his heirs, executors or administrators, shall pay to the said Company, their successors, or assigns, on the _____ day of _____ which will be in the year 18__ the principal sum of _____ together with interest for the same at the rate of _____ per centum per annum, payable half-yearly, on the _____ day of _____ and _____ day of _____ then the above written obligation is to become void, otherwise to remain in full force.

In witness whereof I have hereunto set my hand and seal, the _____ day of _____ in the year of our Lord _____.

SCHEDULE C.

I, A. B., the Attorney (or we, A. B. and C. D., the Attorneys) of the North American Colonial Association of Ireland, incorporated under and by virtue of an Act of the Imperial Parliament, passed in the Session of the fifth and sixth years of the Reign of His late Majesty King William the Fourth, intituled, "An Act for incorporating and granting certain powers to the North American Colonial Association of Ireland," being constituted and appointed such Attorney, (or Attorneys, as the case may be) by virtue and in pursuance of an Act of the Parliament of the Province of Canada,

passed in the _____ year of the Reign of Her Majesty Queen Victoria, intituled, (insert here the title of this Act) do hereby, in consideration of the sum of _____ to me as such Attorney (or to us as such Attorneys) as aforesaid paid, grant, release and convey to E. F., of the _____ of _____ in the said Province, all that piece or parcel of land, situate, &c., (here set forth the particulars and description of the land), and all the right, title and interest of the said North American Colonial Association of Ireland, to and in the same and every part thereof, to have and to hold unto the said E. F. _____ and _____ heirs and assigns for ever.

As witness my hand (or our hands) and the seal of the said Company, this _____ day of _____ in the year of our Lord _____.

Signed, sealed and delivered } A. B.
in the presence of } C. D.

