

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. York: Stewart Derbshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 159

**An Act to incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance, in Canada West. 30th August, 1851.**

Whereas certain persons have associated themselves in this Province under the names of the “Grand Division and Subordinate Divisions of the Sons of Temperance in Upper-Canada”; And whereas, in addition to the moral objects which that Association has in view, they are associated for the purpose of establishing a Fund for the Mutual Assistance and Benefit of the Members thereof, and of their Families, in case of sickness, disability, or death; And whereas, for the purpose of managing the pecuniary affairs of the said Association, it is desirable that the said Order of Sons of Temperance should be protected by an Act of Incorporation: 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 the Honorable Malcolm Cameron, William Stewart Burnham, John M. Ross, William Rowland, Gavin Russell, Robert Bell, Aaron Pardee, William Harrison Ellerbeck, Christopher Leggo, William Clark, James Paterson Sutton, Thomas Nixon, John Lewis McDonald, and Edward Stacey, Members of the Grand Division of the Order of the Sons of Temperance of Canada West, and their successors, and such and so many other persons and parties as have become or shall become Members thereof, shall be and are hereby constituted a Body Politic and Corporate, by the name of “The Grand Division of the Order of the Sons of Temperance of Canada West,” and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law or Equity whatsoever; and shall have uninterrupted succession and a Common Seal, which may by them be changed or varied at their pleasure.

II. And be it enacted, That it shall be lawful for the said Corporation to acquire and hold land, and immoveable or Real and Personal Property: Provided that the Real Estate to be held by the said Grand Division shall at no time exceed in value the sum of Ten Thousand Pounds; and it shall be lawful for the said Corporation to sell, lease or otherwise dispose of, the said Property and Estate, as they may see fit.

III. And be it enacted, That it shall and may be lawful for the said Corporation to appoint such Members thereof as they may think proper, in such manner as they may by their By-laws provide, for the purpose of managing the Funds and Property of the said Corporation, and to revoke such appointments and substitute others in their places as they may think expedient, and to demand and accept such security as they may from time to time deem proper, from such parties, or from any other Officers appointed by the said Corporation for the performance of their respective

duties, and to make, ordain and put in execution, all such By-laws and Rules as they may think necessary for the purposes aforesaid, not inconsistent with the Laws of this Province.

IV. And be it enacted, That each Subordinate Division of the Order of the Sons of Temperance now instituted, or which may hereafter become instituted within Upper Canada, may, in the manner hereinafter specified, be and become a Body Politic and Corporate by the name, number and place of location by which it is or may be designated in the said Order, and that each Subordinate Division, upon so becoming incorporated, shall have all the powers and privileges conferred upon the Grand Division of the Sons of Temperance by the first section of this Act, for the sole purpose of managing their Real and Personal Estate; Provided that the Real Estate to be held by such Subordinate Division shall in no case exceed the value of Five Thousand Pounds.

V. And be it enacted, That each Subordinate Division which may be desirous of becoming incorporated, shall and may, by a vote of two thirds of its Members present at any Regular Meeting (of the intention to propose which vote two weeks' notice at least shall be given in Regular Meeting of such Subordinate Division by some Member thereof, in writing) decide to become so incorporated; and that upon a copy of the vote of such decision, specifying the name, number and place of location of such Division, and the names of not less than ten of the Members of such Subordinate Division, under the Seal of the said Subordinate Division, and its Recording Scribe and Presiding Officer, together with a Certificate of the Grand Division, under its Corporate Seal, and the Signature of its Presiding Officer and Scribe, that such Subordinate Division is in full standing in the Order,—being filed in the Office of the Register of the County in which such Division is situated,—the Members of such Subordinate Division, whose names may be included in such vote as aforesaid, and their Associates and Successors, Members of such Subordinate Division, shall be and become from the time of filing such Certificate as aforesaid, with such Register, a Body Politic and Corporate as aforesaid, by the style or name, number and place of location of such Subordinate Division.

VI. And be it enacted, That it shall and may be lawful for the Treasurer of each Subordinate Division so incorporated, and he is hereby empowered, from time to time, by and with the consent of such Subordinate Division, to be testified in such manner as may be directed by their By-laws, to lay out and invest all such sum and sums of money as shall from time to time he collected and not required for the immediate exigencies of such Subordinate Division, in real estate or on mortgage, or in Public or other Stock or Funds, or in such other manner as such Subordinate Division may deem best, and from time to time, with the like consent, to alter, sell, and transfer such Securities, Real Estate or Funds respectively, and otherwise to re-invest or dispose of the same; and that the Certificate, Bill of Sale, Deed or other Instrument of Transfer, Sale, or Discharge, of such Estate, or Fund or Security, shall be made under the Seal of such Subordinate Division, and signed by the Treasurer and Presiding Officer of such Subordinate Division; and that all such Investments shall be made, and Securities taken, and Sales and Transfers made, in the Corporate Name and Capacity of such Subordinate Division.

VII. And be it enacted, That it shall and may be lawful for such Subordinate Division, when so incorporated, to receive from the Treasurer thereof, from time to time, in their Corporate Name,

sufficient Security by Bond, with one or more Surety or Sureties or otherwise, as such Subordinate Division may deem expedient, for the faithful performance of his duty as such, and that he will well and truly account for and pay and invest from time to time, all such Sums of Money, Funds or other Property as may come to his Hands or under his Control, belonging to the said Subordinate Division, as directed by the said Subordinate Division.

VIII. And be it enacted, That no Member of any Subordinate Division so incorporated, shall have any power to assign or transfer to any person or persons whomsoever, any interest which he may have to or in the Funds or Property of such Subordinate Division, but the same shall at all times be and remain under the control of such Subordinate Division; and that no Property or Stock of any kind belonging to such Incorporated Subordinate Division shall be subject to the payment of the private debts of any of its Members, nor to be liable to be taken in execution by any judgment creditor against any individual Members of such Subordinate Division.

IX. And be it enacted, That the property of each of the Subordinate Divisions, when incorporated, shall alone be held responsible for the Debts and Engagements of the Subordinate Division owning such property.

X. And be it enacted, That upon the dissolution of any Subordinate Division so incorporated, the property held by it at the time of such dissolution, after the payment of the debts and engagements of such Subordinate Division, shall be disposed of, sold, or conveyed in such manner as the Members, present at any Regular Meeting when such dissolution shall have been determined upon, by a two-third vote, may direct; and in case no disposition of the funds and property of such Subordinate Division shall be made, then all such funds and property such Subordinate Division may be possessed of at the time of such dissolution, shall be *ipso facto* vested in the Grand Division aforesaid, to be by such Grand Division applied, first to the debts or liabilities of such dissolved Subordinate Division, and the balance, if any, in such manner as the said Grand Division may deem best for the general interests of the Order in Upper Canada.

XI. And be it enacted, That if at any time hereafter, any one or more of the Subordinate Divisions shall become so far involved as to be unable to meet its engagements, then and in such case it shall and may be lawful for the said Grand Division to enter into and upon, and take possession of the said property, both real and personal, of which the said Subordinate Division, so becoming bankrupt, shall be possessed, and the same and all debts owing to the said Subordinate Division, and all liens and securities therefor, and all the said rights of action of the said Corporation for any goods or estate, real or personal, shall thenceforth and thereafter be and become vested in the Members, Trustees or Officers appointed for the purpose of managing the real and personal estates and effects of the said Grand Division, and their successors and assigns; and upon so entering and taking possession of the said estates and effects of the said Subordinate Division, the said Grand Division, so far as the said property shall extend, shall be and become liable for, and subject to, all debts and liabilities contracted by such Subordinate Division in its Corporate capacity, and shall and may thenceforth substitute the names or name of such Trustees or Officers as aforesaid, for the time being, and of their successors, in all actions then pending, and in their own names or name bring and prosecute all such actions or action, suits or suit as the said

Subordinate Division might otherwise have done, and may give such releases and such discharges as might have been given by the said Subordinate Division, and may sell and convey all such property, both real and personal, as the said Subordinate Division was possessed of, or was entitled to, at the time of such bankruptcy, and may give all such Deeds as may be necessary for the proper conveyance of the same.

XII. And be it enacted, That the said Grand Division hereby incorporated shall, when required by either of the three Branches of the Legislature, present a Return shewing the amount of the Real or other property held by the said Grand Division, and by each of the Subordinate Divisions incorporated under the provisions of this Act, together with lists of the names of the Managers, Officers and Members of such Grand Division, and Subordinate Divisions respectively.

XIII. And be it enacted, That this Act shall continue in force for the period of ten years from the time of the passing thereof.

XIV. And be it enacted, That this Act shall be a Public Act.