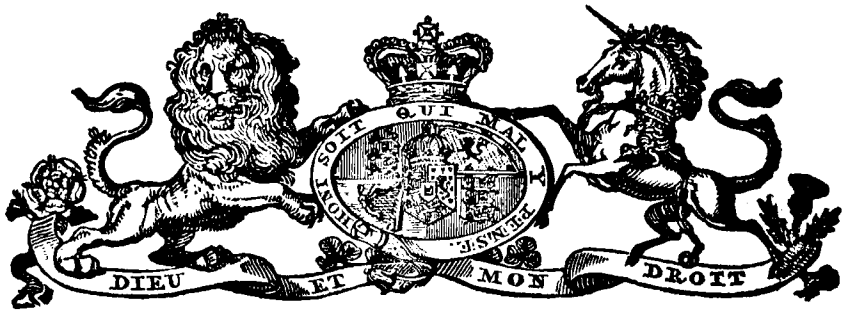


ANNO SEXTO

GEORGII IV. REGIS.

CAP. LXXV.

An Act to enable His Majesty to grant to a Company, to be incorporated by Charter, to be called "The *Canada* Company," certain Lands in the Province of *Upper Canada*, and to invest the said Company with certain Powers and Privileges, and for other Purposes relating thereto.

[27th *June* 1825.]

WHEREAS by an Act passed in the Thirty-first Year of the Reign of His late Majesty, intituled *An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of* Quebec, *in* North America, *and to make further Provision for the Government of the said Province,'* it was enacted, that it should and might be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces of *Upper* and *Lower Canada* respectively, or the Person administering the Government therein, to make, from and out of the Lands of the Crown within such Province, such Allotment and Appropriation of Lands for the Support and Maintenance of a Protestant Clergy within the same, as might bear a due Proportion to the Amount of such Lands within the same, as had at any Time been granted by or under the Authority of His Majesty; and that whenever any Grant of Lands within either of the said Provinces should thereafter be made, by or under the Authority of His Majesty, His Heirs or Successors, 31 G. 3. c. 31.

Successors, there should at the same Time be made in respect of the same a proportionable Allotment and Appropriation of Lands for the above-mentioned Purpose within the Township or Parish to which the Lands so to be granted should appertain or be annexed, equal in Value to the Seventh Part of the Lands so granted; And, whereas in pursuance of the said Act such proportionable Allotments and Appropriations of Lands as aforesaid have from Time to Time been reserved for the Purposes therein mentioned, which Lands are known by the Name of "The Clergy Reserves:" And whereas the greater Part of the said Clergy Reserves in the said Province of *Upper Canada* have ever since continued, and are now waste and unproductive; and it is expedient that Means should be adopted for clearing and cultivating the said Lands, and for that Purpose His Majesty should be authorized to sell and dispose of certain Parts thereof to the Company to be established as here mentioned: And whereas certain other Lands in the said Province of *Upper Canada* have been reserved for the Use of His Majesty, and are known in the said Province by the Name of "The Crown Reserves:" And whereas divers Persons have united together to establish a Company for purchasing, improving, settling, and disposing of Lands in *Upper Canada*, and especially for purchasing and settling the Whole of the before-mentioned Lands known by the Name of "The Crown Reserves," and such Parts of the said Lands known by the Name of "The Clergy Reserves," as His Majesty may be so authorized to sell and convey to them, and for such other lawful Purposes as to His Majesty shall seem meet; and the said Persons have, in order to carry such Purposes into effect, subscribed a Capital of One Million Pounds Sterling, upon which the Sum of Ten Pounds *per Centum* has been paid by the several Subscribers; and they have humbly besought His Majesty to grant to them a Charter of Incorporation: Be it therefore enacted, and it is hereby enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case His Majesty shall, within Three Years after the passing of this Act, be pleased, by Charter of Incorporation under the Great Seal of *Great Britain* and *Ireland*, to declare and grant that such and so many Persons as shall be named therein, and all and every such other Person or Persons as from Time to Time shall be duly admitted Members into their Corporation, shall be a Body Politic and Corporate, by the Name of "The *Canada* Company," and to declare that the said Corporation so to be made and created shall be established for the Purpose herein-before mentioned, and for such other lawful Purposes as to His Majesty may seem meet, then and in that Case it shall and may be lawful for the said Corporation to hold to them and their Successors such Lands, Tenements, and Hereditaments within the said Provinces, as shall or may be granted by His Majesty to them and their Successors within the said Provinces, or as, subject to the Restrictions herein-after mentioned, shall be contracted for and purchased or acquired by them therein; and to hold, alienate, sell, and dispose of all such Lands, Tenements, and Hereditaments, upon, under, and subject to such Conditions, Provisoes, Limitations, and Restrictions, as His Majesty by such His Charter may impose, direct, or prescribe.

If His Majesty shall grant a Charter, the Canada Company may hold Lands, &c.

II. And

His Majesty may sell to Company the Land called Clergy Reserves.

II. And be it further enacted, That His Majesty shall be, and He is hereby empowered to sell and convey to the said Company and their Successors, in Fee Simple, for such valuable Considerations as shall be agreed upon between His Majesty and the said Company, as He shall deem expedient, and upon such Conditions, and with and subject to such Restrictions, Limitations, and Provisoes as His Majesty may be pleased to impose, One equal Half Part, and no more, of the said reserved Lands in the Province of *Upper Canada*, called "The Clergy Reserves," lying in those Townships of the said Province which on or before the First Day of *March* One thousand eight hundred and twenty-four were actually laid out in any of the several Districts thereof: Provided always, that the several Portions of the said Clergy Reserves which have been granted or demised to any Person or Persons by any lawful Authority, or which have been occupied under any Licence or Promise made or given by any lawful Authority, or which have been specially appropriated or set apart for any public Purposes, or which have been occupied by any Person or Persons without Disturbance for a Period of Ten Years, shall not, for the Purposes of any such Grant or Conveyance, be considered as forming any Part of the Clergy Reserves, whereof One Moiety may be so sold and conveyed to the said Company as aforesaid: Provided also, that the Purchase Money which shall be paid by the said Company, for the Lands so to be granted to them, in whatever Securities the same may be vested, shall be appropriated exclusively to the Support and Maintenance of a Protestant Clergy, and shall be in the Place of, and remain to the same Uses, and for the same Purposes, to and for which the said Clergy Reserves have by virtue of the above recited Act been allotted and appropriated: Provided also, that nothing herein contained shall be deemed or taken to limit or restrict any other Grant by His Majesty to the said Company, which by His Majesty's Royal Prerogative he is authorized and empowered to make, or to restrict or prevent the said Company from taking, accepting, and enjoying the same, in as full, ample, and beneficial a Manner as His Majesty may be pleased to direct.

His Majesty may substitute other Lands for the Lands called Clergy Reserves.

III. And be it further enacted, That in case His Majesty shall see fit to set apart and appropriate in the said Province of *Upper Canada* other Waste Lands of and belonging to His Majesty, of equal Value with that Part of the said Clergy Reserves which His Majesty is so empowered as aforesaid to sell and convey to the said Company, it shall and may be lawful for His Majesty, and He is hereby empowered by any Order to be by Him for that Purpose made, by and with the Advice of His Privy Council, to declare, that the Lands so set apart and appropriated shall thenceforward be substituted and exchanged for such last-mentioned Part of the said Clergy Reserves; and then and in that Case such substituted Lands shall, from and after the issuing of any such Order, be held, set apart, and appropriated upon, for, and to such and the same Uses, Trusts, Intents, and Purposes upon, for, and to which the said Clergy Reserves are now held, set apart, and appropriated.

Shares to be Personal Estate.

IV. And whereas it may be necessary for the Purpose of raising the Capital for the proposed Undertaking, with a View to the Accomplishment

complishment of the beneficial Objects aforesaid, to vest in the said Company such Powers and Privileges as cannot be granted without the Aid of Parliament; be it therefore enacted, That the Shares in the said Undertaking, and in the Profits and Advantages thereof, shall be and be deemed Personal Estate, and as such Personal Estate shall be transmissible accordingly.

Subscribers to forfeit their Shares in Default of Payment of Calls.

V. And be it further enacted, That if any Subscriber, or any Proprietor or Proprietors of any Share or Shares in the said Company, his or their Executors, Administrators, Successors, or Assigns, shall neglect or refuse to pay his or their Part or Portion of the Money to be called for, in such Manner as may be directed by Letters Patent, to be granted as aforesaid, during the Space of Six Calendar Months next after the Time appointed for Payment thereof, together with lawful Interest from the appointed Time of Payment, then and in every such Case such Person or Persons, Bodies Politic or Corporate, so neglecting or refusing, shall absolutely forfeit all his or their Share or Shares in the said Company, and all Profits and Advantages thereof, and all Money theretofore advanced by him, her, or them on account thereof, to and for the Use and Benefit of the said Company; and all Shares which shall or may be forfeited shall or may at any Time or Times thereafter be sold at a public Sale, for the most Money that can be gotten for the same, and the Produce thereof shall go to and make Part of the Capital Stock of the said Company; and such Share or Shares, forfeited and sold, shall be assigned and transferred to the Purchaser by an Instrument under the Common Seal of the said Company, in the Manner required upon other Transfers; but no Advantage shall be taken of such Forfeiture of any Share or Shares, until the same shall be declared to be forfeited at some General or Special Meeting of all the said Proprietors, which shall be held not earlier than Six Calendar Months next after the said Forfeiture shall happen; and that every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors, or his, her, or their Executors, Administrators, Successors, and Assigns from all Liability in respect thereof.

Shares not to be sold till Calls paid.

VI. And be it further enacted, That after any Call for Money shall have been made and become due and payable by virtue of the Provisions which may be introduced for that Purpose in any Charter or Letters Patent to be granted as aforesaid, no Person or Persons, Bodies Politic or Corporate, shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Stock of the said Company, until the Money so called for in respect of his, her, or their Share or Shares intended to be sold shall be paid, and until such Money so called for shall be paid, any such Sale or Transfer of any Share or Shares shall be void; and all and every Person and Persons, Body Politic and Corporate, making Default therein, shall be subject and liable to forfeit such his, her, or their Share or Shares in the said Company, to and for the general Benefit of the said Company, unless he, she, or they shall at the Time of such Sale or Transfer pay to the Banker of the said Company, or such other Person or Persons as the Court of Directors for the Time being shall appoint to receive the same, the full Sum of Money called

called for upon every Share so to be sold or transferred; such Forfeiture to be first notified and declared in such Manner as may be directed with respect to the Forfeiture of Shares for not answering the Calls to be made thereon as aforesaid.

Company may hold Lands in any Part of His Majesty's Dominions.

VII. And be it further enacted, That the said Company may be and are hereby authorized to purchase, take, hold, and sell all Lands, Tenements, and Hereditaments situate in *Great Britain* and *Ireland*, or in the said Provinces of *Upper Canada* and *Lower Canada*, which it may be necessary or convenient for the said Company to acquire, in order to carry the Purposes aforesaid into more complete Effect; provided that such Lands, Tenements, and Hereditaments as may be purchased in *Great Britain* and *Ireland*, be not altogether of more than the Value of Five hundred Pounds *per Annum* at the Time of the Purchase; and also provided, that any such Purchases as aforesaid, in the said Provinces of *Upper Canada* and *Lower Canada*, be of such annual Value only as His Majesty by such His Charter or Letters Patent, or by any Order or Orders to be by him issued with the Advice of His Privy Council may from Time to Time authorize and direct, and be made in conformity with the local Laws and Statutes in force in those Parts of His Majesty's Dominions in which the Land so to be purchased may be situate; and the said Company may do all other Acts and Things in relation to the Premises, in all respects as beneficially as any other Body Politic or Corporate, or any Subject of this Realm, is by Law entitled to do.

Limitation of the Value of the Lands to be purchased.

Conveyances of Land to be in the following Form.

VIII. And be it further enacted, That all Conveyances which shall be made by the said *Canada* Company, to any Individual or Individuals, of any Part of the Lands to be granted to, or purchased, or held by the said Company in the Manner and subject to the Restrictions aforesaid, shall and may be made according to the Form following, or as near thereto as the Circumstances of the Case will admit; (that is to say),

'WE, the *Canada* Company, incorporated under and by virtue of an Act made and passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to enable His Majesty to grant to a Company, to be incorporated by Charter, to be called* "*The* Canada *Company*," *certain Lands in the Province of* Upper Canada, *and to invest the said Company with certain Powers and Privileges and for other Purposes relating thereto*, in consideration of the Sum of to us paid, do hereby grant and release to all and all our Right, Title, and Interest to and in the same, and every Part thereof; to have and to hold unto the said and his Heirs for ever.'

And every such Conveyance shall be valid and effectual in Law, to all Intents and Purposes whatsoever.

Charter to be verified and registered.

IX. And be it further enacted, That a Copy of His Majesty's Charter of Incorporation, being duly verified on Oath before One of the Masters in Ordinary of the High Court of Chancery at *Westminster*, shall be transmitted to the Governor or Lieutenant-Governor of

of the said Province of *Upper Canada* and the said Province of *Lower Canada*, and registered in the Office of Chief Secretary of each of the said Provinces; and such Registry, or Copy thereof, shall within the said Provinces respectively be and be deemed and taken to be good and sufficient Evidence of the Contents of such Charter of Incorporation, to all Intents and Purposes.

Public Act.

X. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall extend to and be in force in the said Provinces of *Upper Canada* and *Lower Canada*, and shall be judicially taken Notice of as such by all Judges, Justices, and others, in the United Kingdom aforesaid, and in the said Province, without being specially pleaded.

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