

CAP. XIV.

An Act to provide for the formation and encouragement of Colonization Societies.

[Assented to 5th April, 1869]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. One or more colonization societies may, as hereinafter provided, be formed in each electoral division of the province, and the aim and object of such societies shall be :

Formation and object of the societies.

1. To aid in promoting the establishment of settlers on crown lands, to attract emigrants from other countries, and to restore to this province such of its inhabitants as have emigrated ;

2. To open, with the leave of the government, and to aid the government and municipalities in opening roads through wild lands of the crown or leading thereto ;

3. To direct settlers or emigrants towards the localities which the commissioner of crown lands shall, as hereinafter provided, have assigned to, and reserved for them ;

4. To provide settlers with seed grain, provisions, and implements suitable for the clearing and cultivation of land ;

5. To aid the department of agriculture and the department of crown lands, to diffuse knowledge and information of a nature to extend colonization ;

6. To promote colonization and assist settlers by all means and proceedings which they shall deem desirable to adopt, in conformity with regulations to be approved by the lieutenant-governor in council.

2. In every electoral division of this province, thirty or more persons may join themselves together and form a colonization society ; they shall for this object :

Number and formalities required for the formation of societies.

1. Sign a declaration in the terms of form A of the schedule hereunto annexed ;

2. Elect a president, a vice-president, a secretary-treasurer, and a board of management composed of not less than five members, including therein the officers above mentioned ;

3. Adopt a constitution and by-laws ;

4. Report to the commissioner and demand recognition as forming a colonization society, by transmitting to him such declaration, constitution, and by-laws, the list of officers and of the members of the board of management, and the name of the locality where the society and the council are to assemble, and which is to be deemed the place of business of the society.

Any county united to another county for electoral purposes, shall be deemed a separate electoral division for the purposes of this act.

Members of the society need not reside within the electoral division.

What constitution shall provide for.

3. The constitution of each society shall provide in what manner the subscriptions of the members shall be paid, and shall lay down rules respecting the duties and powers of the officers and of the board of management, the manner of their election and the time during which they shall remain in office, the admission of new members, the holding of general meetings of the society and generally respecting every thing which relates to the organization of the society.

By-laws.

The by-laws shall provide in detail for the operations of the society and for everything which may be calculated to insure the better carrying out of the objects of this act.

Formalities for the amendment of the constitution or by-laws.

4. The constitution, when sanctioned by the lieutenant-governor in council as hereinafter provided, may be amended at a general meeting of the society duly convened; and the by-laws may be, from time to time, amended by the board of management; but in either case a copy of the amendments, certified by the president and secretary-treasurer, or by the vice-president and secretary-treasurer, must be transmitted to the commissioner, and they shall not come into force until they have received, on the recommendation of the commissioner, the sanction of the lieutenant-governor in council.

Upon the approval of the Lieutenant-Governor, the commissioner may grant a certificate in the nature of a charter.

5. If the lieutenant-governor in council, on the recommendation of the commissioner, approve the constitution and by-laws of the society, the commissioner shall give to such society a certificate (form B) which shall have all the effects of a charter, conferring upon the society the right of contracting, suing and being sued, under the name which shall be bestowed upon it, as hereinafter provided, in regard of all business which it shall transact in conformity with the object and intention of the present act, of taking by devise and of holding real estate to an amount not exceeding one thousand dollars in annual value; and the commissioner shall enregister such report in the office of the registrar of the province, and shall give notice of all the foregoing in the *Quebec Official Gazette* (form C.)

How a second and third society may be formed in one electoral division.

6. When, in any electoral division, a society shall have been constituted and shall have obtained a certificate, if difference of race or religion, or the extent of such division, or other reasons render it necessary or useful, a second and third society may be formed therein; and the persons who shall be desirous of establishing such second or third society shall set forth in their memorial the reasons which actuate them in so doing; and the lieutenant-governor, in

council, on the report of the commissioner, shall decide whether or not the establishment thereof is useful and desirable, and all proceedings required for the establishment of a first society shall be likewise necessary in regard to the establishment of a second or third; and every thing shall be performed as hereinabove provided.

7. If several requisitions for the formation of a society, in the same electoral division, are transmitted to the commissioner at the same time, or at such times as to cause that several are at once before him, the lieutenant-governor in council upon the report of the commissioner shall decide which of such requisitions shall have preference over the others.

When requisitions to form societies are made at the same time.

8. The societies shall be designated as: "The colonization society No. one, two or three of the electoral division of _____," or, if there are two counties united in one electoral division, and each regarded as an electoral division for the purpose of this act, then as "The colonization society No. one, two or three of the county of _____."

Societies how designated.

The first society recognized in each electoral division shall be at once designated as number one, without waiting for the formation of any other, and whenever any society shall cease to exist the other societies shall retain the order which shall have been assigned them, and every society replacing any other society which shall have ceased to exist shall assume the number borne by such society.

9. It shall be lawful for the lieutenant-governor in council, on the demand of two or more societies, signed by the two-thirds of the members of the board of management thereof, whether such societies belong to the same electoral division or not, and on the report of the commissioner, to authorize the co-operation and joint action of such societies, and the powers, or part of the powers of each board of management, may be vested in a general board composed of delegates from the several boards, which shall be presided over and organized in the manner provided by the order in council; and such authorization, may, at any time, be revoked.

How several societies may co-operate.

10. Every colonization society, within the three months next after the publication of the official notice of its establishment, shall transmit to the commissioner, a certificate in the terms of form D, of the schedule annexed to this act, attested under oath by the president (or vice-president) thereof, and by the secretary-treasurer thereof, declaring the sum of money which shall have been paid into the hands of the secretary-treasurer for the purposes of this act, which must amount to at least one hundred dollars and the commissioner shall pay to the society an amount

Upon a certificate under oath being furnished, Commissioner shall pay a subsidy.

How amount
of subsidy
shall be deter-
mined.

equal to such sum, not however, to exceed the sum of three hundred dollars, if such society is the first formed in the electoral division, and not to exceed the sum of one hundred and fifty dollars if it is the second or third. But if within the nine months next after the passing of this act, only one society in any electoral division has obtained a certificate, the lieutenant-governor in council, on report of the commissioner, may award to such society the subsidies which would have been awarded to the two other societies, provided that such first mentioned society is entitled thereto by reason of the amount subscribed and paid by the members thereof, which, over three hundred dollars, shall not entitle the society to more than one half of the amount in excess of that sum; and if a second society has been established, and no third society is established, the first and second society may in like manner receive the subsidy which would have been awarded to the third society, in such proportions as may be determined by the lieutenant-governor in council, upon the report of the commissioner; and this provision shall also apply to subsequent subsidies, hereinafter provided for, after the first nine months of each year; and whenever any society has not subscribed a sufficient amount to entitle it to receive the maximum of the subsidy which is awarded to it, the difference may be granted to the other societies of the same electoral division, if they are entitled thereto by reason of the amount of their subscriptions; and such grant shall be made in such proportions as the lieutenant-governor in council, on report of the commissioner, shall determine.

Each society
shall forward
an annual re-
port of its
operations.

11. Each society so established in any electoral division shall forward each year a certificate, in the form hereinabove set forth under oath, of the sums paid by the members thereof, which must amount in the whole to at least one hundred dollars and also a report of its operations for the year, and a detailed statement of its receipts and expenditure, both of which shall be in the form and at the time required by the by-laws sanctioned by the lieutenant-governor in council, on the report of the commissioner, and during the three years next after the passing of this act, the commissioner shall grant an aid to each of such societies; but after the first year of the establishment of any society, he may proportion the subsidy to the results obtained, provided always that no society be paid any sum larger than that which is subscribed and paid into the hands of the secretary-treasurer for the year, to the amount of three hundred dollars, and not more than one-half of any amount in excess of that sum, and provided also that not more than six hundred dollars in one and the same year, be divided among the several societies of one and the same electoral division.

Amount of aid
limited.

12. Every colonization society shall conform itself to the by-laws approved by the lieutenant-governor in council, and to the instructions of the commissioner, and in case of contravention thereof, the commissioner may delay the payment of the subsidy coming to the society so in fault, and may even, with the approval of the lieutenant-governor in council, wholly withdraw such subsidy therefrom, and whenever it shall appear to the commissioner that a society, established in any electoral division, does not fulfil the objects and intentions of this act, and fills the place of another society which might be more advantageously formed in such electoral division, the said commissioner may, by letter addressed to the president or secretary-treasurer thereof, notify the said society of his intention to recommend its dissolution, and three months after such notice shall have been given, the lieutenant-governor in council on the report of the commissioner, may declare such society dissolved, and notice thereof shall be given in the *Quebec Official Gazette*, and one year after the publication of such notice a new society may be formed in such electoral division to replace that which shall have been dissolved; but such new society shall receive no subsidy until it has reported its operations in the manner laid down for an original society.

Control of Commissioner over societies by dissolution, &c.

13. All the property and all the goods, chattels, bills, notes and sums of money of any society dissolved, shall be vested in the commissioner, and he may appoint a trustee to settle and liquidate the property and debts of such society, and, if it is necessary, he may appropriate for such object the whole or part of the subsidy which would have come to the same for the year in which it was dissolved.

Liquidation of the affairs of a dissolved society.

14. When a society shall have fulfilled its object, it shall be lawful for the society, by a petition signed by two-thirds of the members of its board of management, and approved by two-thirds of the members present at a general meeting specially called for that object, to submit to the lieutenant-governor the reasons why it should be dissolved, and the lieutenant-governor in council, on the report of the commissioner, may declare such society dissolved, and all the above provisions shall apply.

15. Colonization societies, other than those formed in the electoral divisions as hereinabove provided, may be formed, and the members thereof may belong to any part of the province whatsoever, and such societies shall be known under such names as the lieutenant-governor shall confer upon them, and, save and except that they shall receive no subsidy from the commissioner and that they cannot be dissolved otherwise than on their demand in the manner hereinafter provided, all the provisions of this act shall apply to such societies.

How a society may be dissolved.

Other societies independent of the Commissioner, may be formed, but without aid.

Facilities afforded societies for purchasing lands for settlers.

Free grants to societies in certain cases.

Municipalities and agricultural societies may subscribe.

Sec.-Treas. shall give security.

No member to derive profit

16. Every society may, from time to time, address to the commissioner of crown lands, a requisition for lands for the settlers whom it is desirous of establishing, and such commissioner may, from time to time, with the approval of the lieutenant-governor in council, point out to the society a township or part of a township for its operations, and the lots of such township or such part of a township shall be reserved for the settlers sent by such society, who, at the prices and on the conditions required by law and by the regulations for the sale of crown lands, shall have preference over all others; provided always that the society establishes upon the said lots, within the delays required by the order in council the number of settlers directed thereby; and if the society does not do so the commissioner of crown lands may sell the lands to others; but in no case shall a township or part of township be thus reserved for more than three years.

17. The commissioner of crown lands may make, to each society, a free grant of one lot for every ten lots which shall have been settled by settlers of the society, such free grants being subject to the ordinary conditions of clearing and settlement, and the society shall dispose of the lots thus granted in the manner provided for by its by-laws.

18. Any incorporated city, or town, or any county, town, village, township or parish municipality, and any other corporation in this province, may subscribe funds in favor of any colonization society, and the annual amount thus contributed or paid to such society shall be reckoned on the apportionment of the government grant as if it had been subscribed and paid by the members of the society; and it shall be lawful for any agricultural society in this province to subscribe to the funds of any colonization society, or to apportion between several colonization societies, an annual sum not exceeding one-third of the grant received from government by such agricultural society for the year; but such contribution shall not be taken into consideration in the apportionment of the government grant to agricultural societies.

All gifts or contributions from others than members of the society, and all legacies bequeathed to the society shall be reckoned in such apportionment.

The head of any such municipality, corporation or agricultural society, or any number of its members as may be agreed upon, may be members *ex-officio* of the board of management of any colonization society.

19. The secretary-treasurer shall give security to the society, and the amount and condition of the bail shall be provided for by the by-laws of each society.

20. No society nor any of its members, either directly or indirectly, shall derive any profit on the sale of any lands

granted to the settlers thereof, nor shall any of the officers or members of the board of management of such societies derive any salary or emolument, either from the funds of the society or from the settlers, or from any other person whatsoever, for the services by them performed; nor shall any money subscribed by members, be paid back to them, or applied to any purpose other than those of the society. Provided always that a compensation or indemnity may be allowed to the secretary-treasurer, and to an agent, the amount of which shall be fixed by the by-laws of each society; and provided also that nothing in this clause contained shall prevent any member from becoming a *bond fide* settler under the operation of the society, or from obtaining or acquiring, under its by-laws, any of the lots given as free grants to the society.

21. By any order in council, passed in virtue of the act of this province thirty-first Victoria, chapter nineteen, designating a colonization road, or by any subsequent order in council any colonization society, or number of colonization societies, may be declared interested therein. and any such colonization society may thereafter co-operate in the opening or improvement of such road.

Societies may co-operate in colonization roads

22. Any such colonization society may appropriate any moneys at its disposal to that end.

Societies may apply funds to such roads.

23. The secretary-treasurer of every colonization society shall at all times permit and facilitate the examination of the registers, books of account and vouchers in support thereof by any officers of the department of agriculture, or by any person specially appointed for that purpose by the commissioner.

Inspection of the books, &c., of secretary-treasurer.

24. The commissioner shall, in his report to the legislature, account annually for all sums paid under the said act, and detail the operations of the various societies thereunder established, and the results attained by them, in the most ample and complete manner possible.

Annual account by commissioner.

25. The lieutenant-governor, within ten days after the opening of the legislature, shall lay before the legislative council and the legislative assembly copies of all orders in council by which any townships or portions of townships are set apart for colonization societies.

Copies of Order in Council setting apart lands shall be laid before both Houses

26. The word "society" in this act means "colonization society for the purposes of this act," and the word "commissioner" means "the commissioner of agriculture and public works."

Interpretation.

27. This act shall be known, and may be cited, as "The colonization societies act."

Short title.

SCHEDULE.

A

FORM OF DECLARATION.

We, the undersigned, declare that we have this day united and associated ourselves together for the purpose of forming a colonization society in the electoral division of _____, and we pledge ourselves to submit to all the provisions of The colonization societies act, and to pay each of us an annual subscription of at least _____ dollars, for the purposes of the said act.

B

FORM OF CERTIFICATE.

I certify by these presents that a colonization society which shall be known as "the colonization society No. one of the electoral division of _____ (or of the county of _____ as the case may be) " having its place of business at _____ has been formed in the electoral division of _____

; and that Messrs.

_____, president,

_____, vice-president,

_____, secretary-treasurer, and

members of the board of management, and the subscribers of the declaration which has been for such purpose transmitted to me, and all other persons who hereafter shall unite with them according to the terms of the constitution and the by-laws adopted by the said society, are recognized and authorized to constitute and hereafter shall constitute the said society with all the powers and civil rights conferred by The colonization societies act.

A. B.

Commissioner of agriculture
and public works.

C

FORM OF NOTICE.

Public notice is hereby given that a colonization society has been constituted under the name of "The colonization society No. _____ of the electoral division of _____"