



ANNO SEPTIMO & OCTAVO

# VICTORIÆ REGINÆ.

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## *Cap. xc.*

An Act to confirm and extend the Provisions of an Act of the Provincial Parliament of *Canada* passed in the Seventh Year of the Reign of Her present Majesty, for incorporating the *Gaspé* Fishery and Coal Mining Company.

[29th July 1844.]

**W**HEREAS an Act was passed by the Provincial Parliament of the Province or Colony of *Canada* in the Seventh Year of the Reign of Her present Majesty, intituled *An Act to incorporate Charles Cunningham, Richard Norman, Samuel Amory, and others forming a Joint Stock Company for carrying on the Fishery in the Gaspé District and Gulf of Saint Lawrence, and Coal Mining in the said District*: And whereas it is recited by the said Provincial Act, as the Fact is, that the Improvement and Extension of the *British* Fishery in the Gulf of *Saint Lawrence* and Bay of *Chaleurs*, and other Places on the Coast of the Province of *Canada*, are of great Importance, not only to the said Province but to the *British* Empire, and that it is also of great Importance to the said Province that its Mines and Mineral Wealth should be properly worked and brought into useful Operation; and that to accomplish the Purposes aforesaid it is expedient to establish a Body Politic and

[Local.] 50 Y Corporate,



Corporate, with the Powers, Rights, and Privileges in the said Provincial Act contained, and more particularly with Power to the said Body Politic and Corporate to hold Lands, Tenements, and Hereditaments necessary to the carrying on their Business in the said Province of *Canada*, to them and their Successors, either by Acquisition from the Crown or by Purchase from Individuals, and to work any Coal Mine or Coal Mines found thereupon, Mines and Minerals thereunto appurtenant and belonging, and with full Power to work the same, and to hold and possess immovable Property of every Description: And whereas it is further recited by the said Provincial Act, that *Charles Cunningham* of *Clarges Street* in the County of *Middlesex*, *Richard Norman* of *Bryanston Square* in the same County, and *Samuel Amory* of *Throgmorton Street* also in the County aforesaid, in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, Esquires, in order to carry the aforesaid Purpose into effect, had, by their Petition in this Behalf, represented that they are, on behalf of themselves and other Persons, prepared to raise by Subscription a Capital of One hundred and fifty thousand Pounds Sterling when they should be duly authorized and protected in so doing by an Act of Incorporation passed by the Provincial Legislature of *Canada*, and by a Charter from the Crown: And whereas by the said Provincial Act it is enacted, that the said *Charles Cunningham*, *Richard Norman*, *Samuel Amory*, and such and so many other Person or Persons, Bodies Politic or Corporate, as had become or should at any Time thereafter become Subscribers or Shareholders of or for the Capital Stock therein-after mentioned, in manner therein-after provided, and their respective Successors, Executors, Administrators, and Assigns, or such other Person or Persons, Bodies Politic or Corporate, as should from Time to Time be possessed of or entitled to such Shares as therein-after provided, should be a Body Politic or Corporate in the Province of *Canada* in Deed and in Name, by the Name of the "*Gaspé Fishery and Coal Mining Company*," and by that Name should sue and be sued, implead and be impleaded, in all Courts of Law and Equity in the said Province of *Canada*, and should during the Continuance of the said Provincial Act have uninterrupted Succession, with a Common Seal, which by them might be changed or varied at their Pleasure: And whereas by the Twenty-second Section of the said Provincial Act it is enacted, that the said Provincial Act shall not be in force nor have effect until the said Company shall have obtained a Charter from Her Majesty, Her Heirs or Successors, in conformity to the Provisions thereof, in so far as regards Matters to be transacted or Things to be done out of or beyond the Limits of the said Province; and by the Twenty-fifth Section of the said Provincial Act it is also enacted, that before the said Provincial Act shall have its full Effect, and the said Corporation be operative in the said Province, Evidence satisfactory to the Governor or Person administering the Government for the Time being shall be laid before him, showing that the Requirements of the said Provincial Act have *bonâ fide* been complied with, and that One Half at least of the said Capital Sum of One hundred and fifty thousand Pounds Sterling has actually been paid up by the Subscribers or Stockholders of the said Company, and at the Disposal of the Directors thereof for the Purposes of the Company, in accordance with the said Provincial Act, and that Notice thereof has been given by Proclamation.



tion or otherwise in such Manner as his Excellency shall deem advisable, and that thereupon the said Company or Corporation shall be operative in the said Province: And whereas the said *Charles Cunningham, Richard Norman, and Samuel Amory*, since the passing of the said Provincial Act, have presented their Memorial to Her Majesty's Government, stating or referring to the Provisions of the said Act, and praying that Her Majesty would be graciously pleased to grant a Charter to the said *Gaspé Fishery and Coal Mining Company*, pursuant to the said Twenty-second Section of the said Provincial Act, and Her Majesty's Government have deemed it advisable that the said *Charles Cunningham, Richard Norman, and Samuel Amory* should introduce a Bill into the House of Commons for the Purpose of giving them the Privileges of Incorporation, and in order to obtain the Sanction of the supreme Authority of the Imperial Parliament for the Establishment and Incorporation of the said *Gaspé Fishery and Coal Mining Company*: 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 Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, That the said *Charles Cunningham, Richard Norman, Samuel Amory*, and such and so many other Person or Persons as have become or shall hereafter become Subscribers of or for the Capital Stock of the said Company in the said Provincial Act mentioned and provided for, and their respective Successors, Executors, Administrators, and Assigns, or such other Person or Persons, Bodies Politic or Corporate, as shall from Time to Time be possessed of or entitled to such Shares in the said Company as in the said Provincial Act are provided for, shall be a Body Politic or Corporate, as well in the Province or Colony of *Canada* as in the United Kingdom of *Great Britain and Ireland*, in Deed and in Name, by the Name of the "*Gaspé Fishery and Coal Mining Company*," and by that Name shall and may sue and be sued, implead and be impleaded, as well in the Province or Colony of *Canada* as in the said United Kingdom, and in other Provinces and Colonies of the *British Empire* and their Dependencies, and shall during the Continuance of the said Provincial Act have uninterrupted Succession, with a Common Seal.

Subscribers to the Capital Stock of the Company incorporated by the Name of the "*Gaspé Fishery and Coal Mining Company*."

II. And be it enacted, That before this Act or the said Provincial Act shall have their full Effect, and the said Corporation be operative in the said Province of *Canada* or elsewhere, Evidence satisfactory to the Governor or Person administering the Government of *Canada* for the Time being shall be laid before him, showing that the Requirements of the said Provincial Act have *bonâ fide* been complied with, and that One Half at least of the said Capital Sum of One hundred and fifty thousand Pounds Sterling has actually been paid up by the Subscribers or Stockholders of the said Company, and is at the Disposal of the Directors thereof for the Purposes of the said Company, in accordance with the said Provincial Act, and Notice thereof has been given by Proclamation, or otherwise in such Manner as His Excellency shall deem advisable.

One Half of the Capital to be paid up before this Act or the Provincial Act shall have Effect.

III. Provided always, and it is hereby enacted, That unless the Amount of Capital hereby and by the said Provincial Act required to be

Unless such Amount be paid up



within the  
required  
Time, the  
Powers of  
the Acts to  
cease.

be paid up shall be so paid up within Three Years from the Time when this Act shall be approved of and confirmed by the Provincial Parliament of *Canada*, as herein-after provided, the said Provincial Act and this Act shall become and be utterly void and of no Effect as if the same and every Part thereof had never been enacted.

Application  
of Capital.

IV. And be it enacted, That the Capital or Joint Stock of the said Company to be raised pursuant to the Provisions of the said Provincial Act shall be used and applied in establishing and carrying on the Undertakings, and for the Purposes in the said Provincial Act mentioned; and that the Shares and Advantages, Profits and Undertakings, of the said Company, shall be and be deemed Personal Estate and Movable Property in the Province or Colony of *Canada*, and shall also be deemed Personal Estate in other Parts of the *British Empire*.

Capital/Stock  
of the Com-  
pany.

V. And be it enacted, That all Sums of Money paid and received in respect of the Shares of the said Company, together with all Acquisitions or Investments whatsoever, whether real or personal, immovable or movable, or wheresoever lying and being and situated, whether vested in the said Company in their own Name or in the Names of Trustees, or in what Manner soever the same shall be vested, shall form and constitute the Joint or Capital Stock of the said Company and their Successors, and shall be liable and answerable for the Debts, Liabilities, and Engagements of the said Company; and no Shareholder of the Company shall be liable for or charged with the Payment of any Debt or Demand due from the Company beyond the Extent of his or her Share in the Capital of the Company not then paid up.

Public Act.

VI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, as well in the said Province or Colony of *Canada* and its Dependencies as in the other Provinces or Colonies of the *British Empire* and their Dependencies, and shall be judicially taken notice of as such by all Judges, Justices, and others in the United Kingdom, and in the said Provinces or Colonies and their Dependencies.

Act not to  
have Effect  
until confir-  
med by an  
Act of the  
Provincial  
Parliament  
of *Canada*.

VII. Provided always, and be it enacted, That this Act shall not be in force or in any Manner have Effect or Operation in the said United Kingdom, or in *Canada* or elsewhere, until the same has been approved of and confirmed by an Act passed 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 said Province of *Canada* in Provincial Parliament assembled.