

purpose, shall endorse upon one duplicate of the above list and summary the date of the receipt thereof at the Department of the Secretary of State, and shall return the said duplicate list and summary to the company and the same shall be retained at the head office of the company available for perusal or for the purpose of making copies thereof or extracts therefrom by any shareholder or creditor of the company. *New.* 5

Proof of endorsement.

7. The duplicate of the said list and summary endorsed as aforesaid shall be *prima facie* evidence that the said list and summary were filed in the Department of the Secretary of State pursuant to the provisions of this section on any prosecution under subsection 5 of this section, and the signature of an official of the Department of the Secretary of State to the endorsement on the said duplicate shall be deemed *prima facie* evidence that the said official has been designated to sign the said receipt.—*New.* 10 15

Proof of failure to file list.

8. A certificate under the hand and seal of office of the Secretary of State of Canada that the aforesaid list and summary in duplicate were not filed in the Department of the Secretary of State by a company pursuant to the provisions of this section shall be *prima facie* evidence on a prosecution under subsection 5 of this section that such a list and summary were not filed in the Department of the Secretary of State.—*New.* 20 25

Application of section.

9. This section shall, *mutatis mutandis*, be applicable to companies without share capital with respect to a list and summary setting out the particulars referred to in paragraphs (a), (b), (c), (d), (j) (with respect to bonds and debentures), (n), (o), (p) and (r) of subsection 2 of this section, and to directors, managers and other officers of such companies.—*New.* 30

Companies exempt.

10. Companies organized after the thirty-first day of March in any year shall not be subject to the provisions of this section until the thirty-first day of March of the following year.—*New.* 35

Effect of failure to file list for three consecutive years.

11. The name of a company which, for three consecutive years, has omitted to file in the Department of the Secretary of State the said annual list and summary may be given in whole or in part to a new company unless the defaulting company, on notice by the Secretary of State of Canada by registered letter addressed to the company or its president as shown by its last return, proves to the satisfaction of the Secretary of State of Canada that it is still a subsisting company; provided that if at the end of one month from the date of such notice the Secretary of State of Canada shall not have received from the company or its president response to such notice, the company may be deemed not to be a subsisting corporation, and no longer entitled to the sole use of 40 45