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No. 2.] **BILL.** [1876.

An Act to provide for the appointment of Assistant Inspectors of Penitentiaries in Manitoba and British Columbia.

[*It is intended that the clause in brackets shall be introduced in Committee.*]

Preamble.

WHEREAS owing to the distance it is essential to the efficient and economical inspection of Penitentiaries in Manitoba and British Columbia to make provision for the appointment of Assistant Inspectors resident in those Provinces: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Assistant Inspectors in Manitoba and British Columbia.

1. It shall be lawful for the Governor in Council to appoint some fit and proper person to be Assistant Inspector of any Penitentiary established in the Province of Manitoba, and also to appoint some fit and proper person to be Assistant Inspector of any Penitentiary established in the Province of British Columbia.

To represent and report to Inspector.

2. Such Assistant Inspectors shall act as the representatives of the Inspector, to whom they shall report, and they shall hold office during pleasure.

To be officers of Department of Justice.

3. They shall be officers of the Department of Justice [and shall each receive a salary not exceeding two hundred and fifty dollars per annum, and travelling expenses, to be determined by the Governor in Council.]

Their powers.

4. They shall have, with reference to the Penitentiaries of which they are respectively appointed Assistant Inspectors, such of the powers and discharge such of the duties imposed by law on the Inspector of Penitentiaries as may be from time to time assigned to them respectively by the Governor in Council.

No. 2.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to provide for the appointment of Assistant Inspectors of Penitentiaries in Manitoba and British Columbia.

Received and read the first time, Wednesday, 16th February, 1876.

Second reading Thursday, 17th February, 1876.

MR. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 3.] BILL. [1876.

An Act to make provision for the Collection and Registration of the Criminal Statistics of Canada.

(It is intended that the Clause in Bracke's shall be introduced; and the amount of the penalty in Section 5 filled up in Committee.)

WHEREAS it is expedient to make provision by law for the Collection and Registration of the Criminal Statistics of Canada, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Clerk, and where there is no Clerk, the officer performing like duties, and where there is no such officer, the Judge of every Court administering criminal justice, and the Warden of every Penitentiary, and the Sheriff of every District shall, before the end of February in each year, fill up and transmit to the Minister of Agriculture, or in case this branch of the subject of statistics and the registration thereof be by the Governor in Council assigned to any other Minister, then to such other Minister, such schedules for the preceding year relative, in the case of the Clerk, Officer or Judge to the criminal business transacted in the Court, and in the cases of the Warden or Sheriff to the prisoners committed to his Penitentiary or Gaol, as he shall receive from time to time from the said Minister. Schedules of criminal statistics to be filled up and transmitted yearly by certain functionaries to the proper Minister, in forms furnished by him.

2. Every officer required by the "*Act respecting the duties of Justices of the Peace out of sessions, in relation to summary convictions and orders*" (being 32-33 Vict., c. 31,) to transmit to the Minister of Finance true copies of returns made by Justices of the Peace under the said Act, shall, before the end of February in each year, transmit to the Minister of Agriculture, or such other Minister as aforesaid, true copies of all such returns for the preceding year, instead of transmitting the same at the times required by the eighty-first section of the said Act. Returns under 32 & 33 Vic., c. 31, s. 81, to be transmitted to the proper Minister yearly.

3. It shall be the duty of every person required under the first section hereof to transmit any schedules, to make from day to day and to keep entries and records of the particulars to be comprised in such schedules. Records to be kept for filling up schedules under section 1.

Remuneration of persons filling up and transmitting schedules.

[4. The Minister of Agriculture, or such other Minister as aforesaid shall cause to be paid, out of any monies which may be provided by Parliament for that purpose, to any Clerk, Officer or Sheriff filling up and transmitting the schedules required under the first section hereof, the sum of and the further sum of for each comprised in such schedules; and to any officer transmitting the returns required under the second section hereof the sum of .]

Penalty on persons neglecting to comply with the requirements of this Act.

5. Any person neglecting or refusing to fill up and transmit any schedule, or transmit any return required under the first or second section hereof, or wilfully making a false, partial or incorrect Schedule or return under either of the said sections shall forfeit and pay the sum of *eighty dollars* together with full costs of suit, to be recovered by any person suing for the same by action of debt or information in any court of record in the Province in which such return ought to have been made, or is made, or in the Exchequer Court of Canada, one moiety whereof shall be paid to the party suing, and the other moiety into the hands of Her Majesty's Receiver General, to and for the public uses of Canada.

Application of penalty.

Duty of Secretary of State respecting exercise of prerogative of mercy.

6. The Secretary of State shall, before the end of February in each year, cause to be filled up and transmitted to the Minister of Agriculture, or such other Minister as aforesaid, such schedules for the preceding year relative to the cases in which the prerogative of mercy has been exercised, as he shall from time to time receive from the Minister of Agriculture, or such other Minister as aforesaid.

Forms to be approved by Governor in Council and published.

7. All schedules transmitted under this Act shall be according to forms from time to time approved by the Governor in Council, and published in the *Canada Gazette*.

Statistics to be abstracted and printed yearly.

8. The Statistics collected by the Minister of Agriculture, or such other Minister as aforesaid, under this Act shall be abstracted and registered, and the results thereof shall be printed and published in an annual report.

Interpretation.

9. The word Judge in the first section of this Act includes any Recorder, District, Stipendary, or other Magistrate, or other functionary presiding over any court or tribunal administering criminal justice.

No. 3.

3rd Session, 3rd Parliament, 39 Victoria, 187

BILL.

An Act to make provision for the Co
lection and Registration of th
Criminal Statistics of Canada.

Received and read the first time, Wednesda
16th February, 1876.

Second reading Thursday, 17th Februar
1876.

Mr. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Stree
1876.

No. 4] **BILL.** [1876.

An Act to incorporate "The National Exchange Company."

Preamble.

WHEREAS, John Francis Mahon, James Adolphus Mahon, Alexander Johnston, Loftus Cuddy, William Ralph Meredith, John Taylor, Daniel Regan, and Samuel Crawford, propose to establish a Joint Stock Company, and have, by petition, prayed for the passing of an Act of Incorporation for the said Company, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Certain persons and their associates incorporated.

1. John Francis Mahon, James Adolphus Mahon, Alexander Johnston, Loftus Cuddy, William Ralph Meredith, John Taylor, Daniel Regan, and Samuel Crawford, and all and every other person and persons, body and bodies politic, who shall from time to time be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be united into a Company, according to the powers and authorities, rules, orders and regulations hereinafter set forth or referred to, and shall be one body politic and corporate by the name of The National Exchange Company, and by that name shall have perpetual succession and a common seal, with power to break and alter such seal; and by that name may sue and be sued, plead and be impleaded in all courts of law or equity whatsoever.

Corporate name and general powers.

Provisional Directors.

2. The said above named persons shall be the Provisional Directors of the Company, and shall hold office as such until Directors of the Company are elected as hereinafter provided.

Powers and business of the Company.

3. The Company are hereby empowered to lay out and invest their capital in the first place in paying and discharging all costs, charges and expenses incurred in applying for and obtaining the passing of this Act, and all other expenses preparatory or relating thereto; and the remainder of such capital, or so much thereof as may from time to time be deemed necessary, in the manner and for the purposes hereinafter mentioned, that is to say:—The Company may from time to time lend and advance money by way of loan or otherwise for such periods as they may deem expedient on any real or personal security, or both, or on the public securities of the Dominion or of any of the Provinces thereof, or on the security of the debentures of any corporation issued

May make loans of money and on what security, &c., &c.

under or in pursuance of any statutory authority, or of the stock or shares of any incorporated bank or railway in the Dominion, and upon such terms and conditions as to the Company shall seem satisfactory or expedient ; and may acquire by purchase or otherwise mortgages on real estate, and real and personal securities and evidences of debt (other than the stocks of incorporated companies), and debentures of municipal or other corporations issued under any statutory authority ; and may re-sell the same, as they may deem advisable ;—with power to do all acts that may be necessary for advancing such sums of money and for receiving and obtaining re-payment thereof, and for compelling the payment of all interest (if any) accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and the forfeiture of any term or property consequent on the non-fulfilment of such conditions or for the delay of payment, and to give receipts, acquittances and discharges for the same either absolutely and wholly or partially ; and to execute such deeds, assignments or other instruments as may be necessary for carrying any such purchase or re-sale into effect ; and for all and every and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the Company may lay out and apply the capital and property, for the time being, of the Company, or any part thereof, or any of the moneys authorized to be hereafter raised or received by the Company in addition to their capital for the time being, with power to do, authorize and exercise all acts and powers whatsoever in the opinion of the Directors of the Company requisite or expedient to be done or exercised in relation thereto.

Powers for collecting, &c.

Application of capital for such purposes.

Incidental and necessary powers.

4. The Company are hereby empowered to act as an Agency Association, and for the interest and on behalf of others who shall entrust them with money for that purpose, and either in the name of the company, or of such others, to lend and advance money to any person or persons upon such securities as are mentioned in the next preceding section, or to any body or bodies corporate whomsoever, or to any municipal or other authority, or any board or body of trustees or commissioners whatsoever, upon such terms and upon such security as to the Company shall appear satisfactory ; and to purchase and acquire mortgages, real and personal securities, debentures of municipal or other corporations, the stock of incorporated banks, and other securities and evidences of debt, and again to re-sell the same ; and the conditions and terms of such loans and advances, and of such purchases and re-sales may be enforced by the Company for their benefit and for the benefit of the person or persons or corporation for whom such money has been lent and advanced or purchase or re-sale made ; and the Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon them in respect of loans, advances, purchases and sales made from their own capital ; and they may also guarantee either the re-payment of the principal or interest or both of any moneys entrusted to the

Company may lend money and recover the same, either on their own behalf, or as agents for others.

May guarantee repayment if they see fit.

Company for investment; and for all and every and any of the foregoing purposes, may lay out and employ the capital and property for the time being, of the Company, or any part of the moneys authorized to be hereafter raised by the Company in addition to their capital, for the time being, or any moneys so entrusted to them as aforesaid, and to do, assent to, and exercise all acts whatsoever, in the opinion of the Directors of the Company for the time being, requisite or expedient to be done in regard thereto.

Borrowing powers of the Company.

Securities to be given by them.

Total amount to be borrowed, limited.

5. The Directors may, from time to time, with the consent of the Company in general meeting assembled, borrow money on behalf of the Company at such rates of interest and upon such terms as they may from time to time think proper; and the Directors may for that purpose make and execute any mortgages, bonds or other instruments, under the common seal of the Company, for sums of not less than one hundred dollars each; or assign, transfer or deposit by way of equitable mortgage or otherwise, any of the documents of title, deeds, muniments, securities or property of the Company, and either with or without power of sale, or other special provisions as the Directors may deem expedient, provided that the aggregate of the sum or sums so borrowed shall not at any time exceed the amount of the subscribed capital of the Company for the time being not paid up; and no lender shall be bound to enquire into the occasion for any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted.

Power to receive money on deposit.

Proviso as to amount.

6. It shall be lawful for the Company to receive money on deposit for such periods and at such rate of interest as may be agreed upon: Provided that the aggregate amount of such deposits at any time, together with the amount of the mortgages, bonds or other instruments given by the Company, remaining unpaid, shall not exceed the amount of the paid up capital stock of the Company.

Power to hold land for the transaction of their business, or taken in satisfaction of debt.

Proviso—the latter to be sold within a certain time.

7. The Company may hold such real estate as may be necessary for the transaction of their business, or as being mortgaged or hypothecated to them, may be acquired by them for the protection of their investments, and may, from time to time, sell, mortgage, lease or otherwise dispose of the same; Provided always that it shall be incumbent upon the Company to sell any real estate acquired in satisfaction of any debt within five years after it shall have fallen to them, otherwise it shall revert to the previous owner or his heirs or assigns.

Company may charge commission to either party.

8. The Company when acting as an intermediary may charge such commission to the lender or borrower upon moneys invested on their behalf, as they may deem advisable or as may be agreed upon between them.

Company may demand and receive interest in advance.

9. The Company may stipulate for, and may demand and receive in advance, the interest from time to time accruing on any loans granted by the Company, and may also receive

payment on any loans by way of sinking fund, for the gradual extinction of such loan upon such terms and in such manner as may be regulated by the by-laws of the Company, and may require from the borrower the payment of the expenses incidental to any such loan, either at the time the loan is advanced or may give such time for payment of the same as they may be advised, and may add the same to the principal or interest secured by any mortgage or other security securing the loan.

Expenses may be added to principal.

What interest or discount the Company may take or payment to a sinking fund.

10. The Company may stipulate for, take, reserve and exact any rate of interest or discount that may be lawful for similar Companies on similar securities in the place when the contract for the same shall be made or be executory, and shall not in respect thereof be liable for any loss, penalty or forfeiture on any account whatever, and may also receive an annual payment on any loan by way of a sinking fund for the gradual extinction of such loan, upon such terms and in such manner as may be regulated by the by-laws of the Company.

Register of securities what to show.

11. A register of all securities held by the Company shall be kept, and within fourteen days after the taking of any security an entry or memorial, specifying the nature and amount of such security, and the names of the parties thereto, with their proper additions, shall be made in such register.

Capital and number of shares.

Power to increase stock.

12. The capital of the Company shall be two hundred thousand dollars, in shares of one hundred dollars each, but it shall be lawful for the said Company, by a resolution passed at any general meeting of the shareholders, to increase the capital stock at any time, or from time to time as may be deemed expedient, to any sum not exceeding one million dollars, and to raise the amount of the said new stock either by distribution amongst the original shareholders or by the issue of new shares, or partly in one way and partly in the other; and the said new stock shall be subject to all such incidents, both with reference to the payment of calls and forfeiture and as to the powers of lending and borrowing or otherwise as the original stock.

Shares to be personal estate.

13. All shares in the capital of the Company shall be personal estate, and transmissible as such.

Extent of liability of shareholders.

14. No member 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 shares in the capital of the Company not then paid up.

Register of shareholders.

15. The Company shall keep, in a book or books, a register of the members of the Company, and therein shall be fairly and distinctly entered from time to time the following particulars:—The names and addresses, and the occupations (if any) of the members of the Company, and the number of

shares held by such members, and the amount paid or agreed to be considered as paid on the shares of each member.

Who to be deemed members.

16. Every person who agrees to become a member of the Company, and whose name is entered on the register of members, shall be deemed to be a member of the Company.

Register to be deemed evidence.

17. The register of members shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Company not bound to regard trusts on stock.

18. Notice of any trust, expressed, implied or constructive shall not be entered on the register, nor shall any such notice in any way affect the Company.

Allotment of shares and its effect.

19. When any person makes application in writing, signed by him or her, for an allotment of shares, and any shares or share are or is allotted to him or her in pursuance of such application, he or she shall be deemed conclusively to have agreed to become a member of the Company in respect of the shares so allotted, and he or she shall be entered on the register of members in respect thereof accordingly.

Certificates of shares.

20. Every member of the Company shall, on payment of twenty-five cents or such less sum as the Directors shall prescribe, be entitled to receive a certificate under the common seal of the Company, specifying the share or shares held by him or her, and the amount paid up thereon; and on evidence to the satisfaction of the Directors being given that any such certificate is worn out, destroyed or lost, it may be renewed on payment of the sum of twenty-five cents, or such less sum as the Directors shall prescribe; such certificate shall be *primâ facie* evidence of the title of the member therein named to the share or shares therein specified.

Renewal of certificates.

Joint shareholders.

21. If any share stands in the name of two or more persons, the first named in the register of such persons, shall, as regards voting at meetings—receipt of dividends—service of notices—and all other matters connected with the Company (except transfer) be deemed the sole holder thereof.

No share to be divided.

No share in the Company shall be subdivided.

Power to make calls.

Notice—calls limited.

22. The Directors may from time to time make such calls upon the members in respect of all moneys unpaid upon their respective shares as they shall think fit: Provided, that twenty-one days at the least before the day appointed for each call, notice thereof shall be served on, or handed to, each member liable to pay the same, but no call shall exceed the amount of ten dollars per share; and a period of three months shall at the least intervene between two successive calls.

Liability to pay calls.

23. Each member shall be liable to pay the amount of any calls so made upon him, to such person, and at such time and place as the Directors shall appoint.

Interest on calls due and unpaid.

24. A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed; and if a shareholder shall fail to pay any call due from him, before, or on the day appointed for payment thereof, he shall be liable to pay interest upon the same at the rate of ten per cent. per annum, or at such other less rate as the Directors shall determine, from the day appointed for payment to the time of actual payment thereof.

Payment in advance.

Interest may be allowed.

25. The Directors may, if they think fit, receive from any member willing to advance the same, all, or any part of the amounts due on shares held by such member, beyond the sums then actually called for; and upon the moneys so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate per annum as the member paying such sum in advance and the Directors shall agree upon.

Transfer Register.

26. There shall be a book called the "Register of Transfers" provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the Company.

Consent of Directors requisite.

27. No transfer of shares shall be made without the consent and approval of the Directors.

Execution of transfer.

28. Every instrument of transfer of any share in the Company shall be executed by the transferrer, and the transferee and the transferrer shall be deemed to remain the holder of such share, and a member of the Company in respect thereof, until the name of the transferee shall be entered in the register of members in respect thereof.

Arrears must be first paid.

29. The Directors may decline to register any tranfer of shares belonging to any member who is indebted to the Company.

Transmission of shares by bankruptcy, marriage of female members, &c.

30. Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member upon such evidence being produced as shall from time to time be required by the Directors, and on production of a request in writing in that behalf, signed by him (his signature being attested by at least one witness), which shall be conclusive evidence of his having agreed to become a member.

Liability to forfeiture for non-payment of calls.

Notice.

31. If any member fail to pay any call on the day appointed for the payment thereof the Directors may at any time thereafter during such time as the call may remain unpaid, serve a notice on him, requiring payment of such call, together with any interest that may have accrued due thereon by reason of such non-payment; and such notice shall name a day (not less than twenty-one days from the date of such notice) and a place on and at which such

call and interest and any expenses that may have been incurred by reason of such non-payment are to be paid ; and such notice shall also state that in the event of non-payment at or before the time and at the place so appointed as aforesaid, the shares in respect of which such call was made will be liable to forfeiture.

Forfeiture of share.

32. If the requisitions of any such notice are not complied with, any share, in respect of which such notice has been given, may at any time thereafter before payment of all calls, interest and expenses due in respect thereof, be declared forfeited by a resolution of the Directors to that effect.

Disposal of forfeited shares.

33. Every share which shall be so declared forfeited shall be deemed to be the property of the Company, and may be sold, re-allotted or otherwise disposed of upon such terms, in such manner and to such person or persons as the Company shall think fit.

Liability to payment of arrears.

34. Any member whose shares shall have been declared forfeited, shall—notwithstanding such forfeiture—be liable to pay to the Company all calls, interest and expenses owing upon such shares at the time of the forfeiture.

Fee on transfers.

35. There shall be paid in respect of every transfer or transmission of shares, such a fee not exceeding fifty cents, as the Directors shall from time to time prescribe.

Reservation of shares.

36. The Directors may reserve the issue of any portion of the shares constituting the present capital of the Company until such further time as they shall think expedient, and may issue any portion of them from time to time as and where they shall think proper.

Offer of reserved shares to their members in proportion to their stock.

37. The shares so reserved shall be offered to the members in proportion to the existing shares held by them ; and such offer shall be made by a notice specifying the number of shares to which the member is entitled, and limiting a time within which such offer, if not accepted, will be deemed to be declined ; and after the expiration of the time, or on receipt of an intimation from the member to whom such notice is given that the declines to accept the shares offered, the Directors may dispose of the same in such manner as they may think most beneficial to the interests of the Company.

Amount of capital stock to be subscribed and paid before transaction of business and election of Directors.

38. So soon as fifty thousand dollars of the capital stock shall have been subscribed, and ten thousand dollars shall have been paid in, the Provisional Directors of the said Company may call a meeting of the shareholders, at some place to be named in the City of London, giving at least ten days' notice by circular, and also in some daily newspaper published in the said city, at which meeting the shareholders present in person or represented by proxy shall elect seven Directors in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors, and

shall hold office until they are re-elected or their successors appointed at such time as may be provided for in the by-laws of the Company.

Number of Directors.

39. The business of the Company shall be managed by seven Directors, a majority of whom shall constitute a quorum for the transaction of business.

Directors shall fix salaries of president and employees.

Power to make by-laws, &c.

Proviso.

40. The Board of Directors shall fix and determine the salaries or compensation for services to be allowed and paid to the President, Cashier, and other employees, and may make and adopt such by-laws, rules or regulations for the internal management of the affairs of the Company, as they may deem expedient and proper: Provided such by-laws shall not be at variance with any of the provisions of this Act.

Qualification of Directors.

41. No person shall be eligible for Directorship in the said Company who does not hold in his own name and for his own use at least ten shares of its capital stock.

Annual election of Directors.

42. There shall be an annual election of Directors for the Company, to be held at the City of London, on a day and at a place to be fixed by by-law, and notices of such election shall be mailed to the stockholders or published in one daily and one weekly paper printed at the said City of London, during the ten days preceding the day of election.

President and vice-president, election of and how.

43. The Directors and their successors at their first meeting, or as soon thereafter as practicable, shall elect by ballot one of their number to the office of President, and another to the office of Vice-President; and the President so elected shall be acknowledged the official head of the Company.

Vacancies.

44. If any vacancy should any time occur amongst the said Directors by death, resignation, removal or disqualification, during his term of office, such vacancy shall be filled for the remainder of the time by the remaining Directors, or the majority of them, electing in such place or places a shareholder or shareholders eligible for such office.

If election not held on day appointed may be held on another day named by Directors.

45. In case it should happen that an election of Directors of the said Company should not be made on any day when pursuant to this Act and in accordance with the provisions of the by-law made in that respect, it should have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election in such manner as may be regulated, directed and appointed by the Directors for the time being; and the Directors in office shall so continue until a new election is made.

Votes and proxies.

46. At all meetings of the Company each shareholder shall be entitled to give one vote for each share then held by him and so held for not less than twenty days prior to the time of voting. Such votes may be given in person or by proxy—

the holder of any such proxy being himself a shareholder—but no shareholder shall be entitled, either in person or by proxy, to vote at any meeting unless he shall have paid all the calls then due upon all the shares held by him; all questions proposed for the consideration of the shareholders shall be determined by a majority of votes, which votes, in all cases, shall be cast by ballot, the chairman presiding at such meeting having the casting vote in case of an equality of votes; and at all meetings of the Directors the President or Vice-President or presiding Director shall give the casting vote in case of an equality of votes, in addition to his own vote as a Director.

All calls to be paid before voting.

Majority to decide. Votes by ballot.

Casting vote.

47. The Directors shall appoint a person to the office of Cashier or Manager, whose duty it shall be to keep the minutes of the Board of Directors, to direct the employees of the Company, to examine accounts and give directions for carrying into effect the general business of the Company, and report to the Directors at their meetings the state and condition of the Company.

Directors to appoint a cashier or manager; duties of.

48. The cashier and all other employees of the Company appointed by the Board of Directors shall, before entering upon their several duties, give bonds with sureties satisfactory to the President for the faithful performance of the various trusts reposed in them: Provided always that no Director of the Company shall at any time become a surety for any employee of the Company.

Cashier and employees to give bonds.

Proviso.

49. The Board of Directors may, from time to time, appoint committees composed of their own body and delegate to them such of their powers as may be deemed expedient or proper, and they may revoke the same at pleasure.

Directors may appoint committees.

50. The Cashier for the time being shall give to subscribers to the capital stock of the Company, receipts for instalments paid by them, countersigned by the President for the time being, and no certificate of stock shall be issued to a subscriber until the total amount of his or her subscriptions shall have been paid.

Cashier to give receipts for instalments.

51. All certificates of stock in the Company shall be signed by the Cashier and President, and countersigned by one of the Directors for the time being, appointed by the Board for that purpose, and such Director shall keep a duplicate stock ledger.

Certificates of stock how signed and countersigned.

52. The profits of the Company, so far as the same shall extend, shall be divided and disposed of in manner following, that is to say; there shall in the first place, be set apart for the purpose of forming a reserve fund, to meet contingencies or for equalizing dividends, such sum, not less in any one year than two and a half per centum upon the net profits of the business of such year, as the directors shall from time to time think fit, and the residue of such profits shall be divided amongst the members, in such manner as

Division of profits of Company.

the Directors with the sanction of the Company in general meeting assembled shall determine.

Dividends not to reduce capital.

53. The Company shall not make any dividend whereby the capital stock shall be reduced.

Deductions from dividends.

54. The Directors may deduct from dividends payable to any member, all such sums of money as may be due from him to the Company on account of calls or otherwise.

Notices of dividends.

55. Notice of any dividend that may have been declared shall be given to each member—and no dividend shall bear interest against the Company.

Chief office in London.

56. The Company shall have its chief office in the City of London, and may establish such other offices or agencies elsewhere in the Dominion of Canada as they may deem expedient.

Service of notices by the Company.

57. Notices required to be served by the Company upon the members, may be served either personally, or by leaving the same for, or sending them through the post office in prepaid letters, addressed to the members at their registered places of abode.

Notices to members sent by post.

58. A notice or other document served by post by the Company on a member, shall be taken as served at the time when the letter containing it would be delivered in the ordinary course of post; to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed and was put into the post office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post.

Notices to joint shareholders.

59. All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichsoever of such persons is first named in the register of members, and notice so given shall be deemed sufficient notice to all the proprietors of such shares.

Notice binding on transferees.

60. Every person who by operation of law, transfer or other means whatsoever, shall become entitled to any shares; shall be bound by any and every notice which previously to his name and address being entered upon the register of members in respect of such share, shall have been given to the person from whom he shall derive his title.

Certified copies of by-laws, &c., to be received as *primâ facie* evidence without further proof.

61. A copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the President or Vice-President, or the cashier or secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *primâ facie* evidence of such by-law, rule, regulation, minute or entry without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Certain matters may be regulated by by-law.

62. The appointment or election of Directors and officers, and the times, place, and mode of calling and holding ordinary and extraordinary or other meetings of the Company, and of the Directors and other officers, and the proceedings at meetings of the Company and of the Directors shall be subject to and regulated by such by-laws, rules, regulations and provisions, and meetings of the Company and of the Directors shall have such powers privileges and authorities, as may be set forth and directed in and by by-laws, of the Company passed from time to time at any general meeting of the Company.

Annual statement to Finance Minister and what it must show.

63. The Company shall transmit annually to the Minister of Finance a statement in duplicate, verified by oath of the President or Cashier, setting out the capital stock of the Company and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company, both on their own behalf and on behalf of others; and the average rate of interest derived therefrom, distinguishing the classes of securities, the extent and value of the lands held by them, or in respect of which they are acting as agents; and such other details as to the nature and extent of the business of the Company as may be required by the Minister of Finance; Provided always that in no case shall the Company be bound to disclose the names or private affairs of any person who may have dealings with them.

Interpretation.

64. In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say: the word "Cashier" includes the words Manager, Secretary and Clerk. The expression "The Company," means the National Exchange Company. "The Directors and the Cashier" mean the Directors and Cashier respectively for the time being of the said Company

No. 4.

3rd Session 3rd Parliament, 39 Vict. 1876.

BILL

An Act to incorporate "The National Exchange Company."

Received and read First time Thursday, 17th February, 1876.

Second reading—Friday, 18th February, 1876.

MR. SCATCHERD.

(PRIVATE BILL.)

OTTAWA:
Printed by MacLean, Roger & Co.,
1876.

No. 5.] **BILL.** [1876.

An Act to amend the Criminal Law relating to Violence, Threats and Molestations.

WHEREAS it is expedient to amend the Criminal Law relating to Violence, Threats and Molestation,; therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. The Act of the thirty-eighth year of Her Majesty's Reign, Chapter thirty-nine, intituled "*An Act to amend the provisions of 'An Act to amend the Criminal Law relating to Violence, Threats and Molestation*" is hereby repealed. 38 Vic., c. 39, repealed.

2. The first section of the Act of the thirty-fifth year of Her Majesty's Reign, Chapter thirty-one, intituled "*An Act to amend the Criminal Law relating to Violence. Threats and Molestation*" shall remain repealed, and the following provisions shall be substituted instead thereof, and shall hereafter be read as forming the first section of the said Act, which shall be construed accordingly :— Sect. 1 of 35 V., c. 31, repealed and other provisions substituted.

"1. Every person who wrongfully and without legal authority, with a view to compel any other person to abstain from doing anything which he has a legal right to do, or to do anything from which he has a legal right to abstain,— Persons wrongfully committing certain acts, viz :

"(1). Uses violence to such other person, or his wife or children, or injures his property ; or—

"(2.) Intimidates such other person, or his wife or children, by threats of using violence to him, her or any of them, or of injuring his property ; or—

"(3.) Persistently follows such other person about from place to place ; or—

"(4.) Hides any tools, clothes or other property owned or used by such other person, or deprives him, or hinders him in the use thereof ; or—

"(5.) Follows such other person with one or more other persons in a disorderly manner in or through any street or road ; or—

"(6.) Besets or watches the house or other place where such other person resides or works or carries on business or happens to be;

Liable to fine or imprisonment.

"Shall be liable to a fine not exceeding *one hundred dollars*, or to imprisonment for a term not exceeding three months;

Proviso.

"Attending at or near or approaching to such house or other place as aforesaid, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section."

Persons charged with such offences may object to be tried under S. 2 of 35 V., c. 31.

Proceedings in such case to be by indictment.

3. Where a person is brought before a functionary or tribunal named in the second section of the said Act of the thirty-fifth year of Her Majesty's reign, chapter thirty-one, in respect to any offence under the provisions of the first section of the said Act as amended by the second section of this Act, the accused may on appearing before such functionary or tribunal declare that he objects to being tried for such offence by such functionary or tribunal, and thereupon such functionary or tribunal shall not proceed with such trial, but may deal with the case in all respects as if the accused were charged with an indictable offence and not with an offence punishable on summary conviction, and the accused may be prosecuted on indictment accordingly: and this section shall be read as part of the said Act.

Limitation of prosecution and punishment for conspiracy for purposes of trade combination.

4. A prosecution shall not be maintainable against a person for conspiracy to do any act, or to cause any act to be done for the purposes of a trade combination, unless such act is an offence indictable by statute or is punishable under the provisions of this statute; nor shall any person, who is convicted upon any such prosecution, be liable to any greater punishment than is provided by such statute or by this statute, for the act of which he may have been convicted as aforesaid.

"Trade combination" and "act" meaning of in this Act.

(2.) For the purpose of this section, "trade combination" means any combination between masters or workmen or other persons, for regulating or altering the relations between any persons being masters or workmen or the conduct of any master or workman, in or in respect of his business or employment, or contract of employment or service; and the word "act" includes a default, breach, or omission.

No. 5.

3rd Session, 3rd Parliament, 39 Victoria,

BILL.

An Act to amend the Criminal L relating to Violence, Threats and lestations.

Received and read the first time, Thurs 17th February, 1876.

Second reading—Friday, 18th Febru 1876.

Mr. Blai

OTTAWA:

Printed by MacLean, Roger & Co., Wellington S 1876.

No. 6.] **BILL.** 1876.]

An Act to make further provision for the institution of Suits against the Crown by Petition of Right.

Preamble.

WHEREAS since the passing of the Petition of Right Act, Canada 1875, the Supreme and Exchequer Court Act has come into force; and whereas it is expedient to make further and other provision for the institution of Suits against the Crown in Canada by Petition of Right: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

38 Vic., c. 12, repealed.

1. The Petition of Right Act, Canada, 1875, is hereby repealed.

Form of petition of right.

2. A petition of right may be addressed to Her Majesty to the effect of the form No. 1 in the schedule to this Act annexed.

To be left for Governor's *fiat*, without fee.

3. The Petition shall be left with the Secretary of State of Canada, for submission to the Governor General in order that he may consider it, and, if he shall think fit, grant his *fiat* that right be done; and nothing shall be payable by the suppliant on leaving or upon receiving back the petition.

Where and how to be filed &c., after *fiat*.

4. Upon the Governor General's *fiat* being obtained the petition and fiat shall be filed in the Exchequer Court of Canada, which Court shall have exclusive original cognizance of such petitions and thereafter a copy of the petition and fiat shall be left at the office of Her Majesty's Attorney General of Canada, with an endorsement thereon to the effect of the form No. 2 in the Schedule to this Act annexed.

No preliminary inquisition. Time for filing defence or demurrer.

5. There shall be no preliminary inquisition finding the truth of the petition, or the right of the suppliant, but the statement in defence or demurrer or both shall be filed within four weeks after service, or such further time as shall be allowed by the Court, or a Judge.

Service on other parties affected by the petition.

6. In case the petition be presented for the recovery of any real or personal property, or any right in or to the same, which shall have been granted away or disposed of by or on behalf of Her Majesty, or Her Predecessors, a copy of the petition and fiat shall be served upon or left at the last, or usual or last known place of abode of the person in the possession or occupation of such property or right, endorsed with a notice to the effect of the form No. 3 set forth in the Schedule to this Act annexed; and it shall not be necessary to issue any *scire facias* or other process to such person for

No *scire facias*

Time for defence or demurrer.

the purpose of requiring him to file his statement in defence, but if he intend to contest the petition he shall within four weeks after such service or leaving as aforesaid, or such further time as shall be allowed by the Court or a Judge, file his statement in defence or demurrer or both.

What defence may be raised.

7. The statement in defence or demurrer may raise besides any legal or equitable defences in fact or in law available under this Act any legal or equitable defences which would have been available had the proceeding been a suit or action in a competent Court between subject and subject, and any grounds of defence which would be sufficient on behalf of Her Majesty, may be alleged on behalf of any such person, as aforesaid.

Certain issues triable without a jury.

8. Any issue of fact or assessment of damages to be tried or had under this Act, shall be tried or had by a Judge without a jury.

Where and how the trial may be had and evidence taken.

9. The trial of any issue of fact or assessment of damages may, by order of the Court or a Judge, be had partly at one place and partly at another; and the evidence of any witness may by like order be taken by commission or on examination or affidavit.

Judgment by default.

10. In case of failure on behalf of Her Majesty or of such other person as aforesaid, to file a statement in defence or demurrer in due time, the suppliant shall be at liberty to apply to the Court or a Judge for an order that the petition may be taken as confessed; and it shall be lawful for the Court or Judge, on being satisfied that there has been such failure, to order that the petition be taken as confessed as against Her Majesty, or such other person, and thereupon the suppliant may have judgment; provided always, that such judgment may afterwards be set aside by the Court or a Judge, in their or his discretion, upon such terms as to them or him shall seem fit.

Proviso: may be set aside on terms.

Form of judgment.

11. The judgment on every petition of right, shall be that the suppliant is not entitled to any portion or that he is entitled to the whole or to some specified portion of the relief sought by his petition, or to such other relief, and upon such terms and conditions, if any, as may be just.

If for suppliant, to have effect of *amoveas manus*.

12. In all cases in which the judgment commonly called a judgment of *amoveas manus*, was formerly given in England upon a petition of right, a judgment that the suppliant is entitled to relief as herein provided, shall be of the same effect as such judgment of *amoveas manus*.

Provisions of 38 Vic., c. 11, to apply.

13. All the provisions of the Supreme and Exchequer Court Act not inconsistent with this Act shall extend and apply to the jurisdiction by this Act conferred in like manner as if such jurisdiction had been conferred on the Exchequer Court by the 58th section of the said Act.

Judges of Supreme Court to make rules, &c.

14. The Judges of the Supreme Court or any five of them may, from time to time, make general rules and orders for regulating in every particular the pleading, practice, procedure and costs on petitions of right, and for the effectual execution and working of this Act and the attainment of the intention and object thereof, and may from time to time alter and amend any rules and orders, and make other rules and orders instead thereof; and such rules and orders may extend as well to matters provided for as to any matter not provided for by this Act, but for which it may be found necessary to provide in order to ensure the proper working of this Act and the better attainment of the objects thereof; and all such rules and orders (being consistent with such express provisions of this Act as are not subject to alteration by rules or orders) shall have the force and effect of law; Provided that copies of all such rules and orders shall be laid before both Houses of Parliament at the next session thereof; Provided always that it shall be lawful for the Governor-General in Council by proclamation inserted in the *Canada Gazette*, to suspend any rule or order made under this Act, and such rule or order shall thereupon cease to have force or effect untilthe end of the then next session of Parliament.

To what such rules may extend.

Their effect.

To be laid before Parliament.

May be suspended by Governor in Council.

English rules to apply in default of rules under this Act.

15. In default of other provision either by this Act or by general rules and orders made under the authority of this Act, the rules of pleading, practice and procedure in force with regard to petitions of right in England shall, as to all matters, including the question of costs, so far as applicable, and unless the Court or a Judge otherwise order, apply and extend to a petition of right filed hereunder.

Payment of costs against Crown.

16. Any costs adjudged to Her Majesty on a petition of right shall be paid to the Receiver General.

Judgment for relief or order for costs to suppliant to be certified to Receiver General.

17. Whenever on a petition of right judgment is given that the suppliant is entitled to relief and there is no appeal, and whenever upon appeal judgment is affirmed or given that the suppliant is entitled to relief, and whenever any rule or order is made, entitling the suppliant to costs, any Judge shall upon application after the lapse of fourteen days from the making, giving, or affirming of such judgment, rule or order, certify to the Receiver General the tenor and purport of the same, to the effect of the form No. 4 in the schedule to this Act annexed, and such certificate may be sent to, or left at the office of the Minister of Finance.

Certificate may be left with Minister of Finance.

Payment by Receiver General.

18. The Receiver General shall pay out of any moneys in his hands for the time being legally applicable thereto, or which may be thereafter voted by Parliament for that purpose, the amount of any moneys or costs which shall have been so certified to him to be due to any suppliant.

Act not to affect H. M's. prerogative rights, or—

19. Nothing in this Act contained shall—

1. Prejudice or limit otherwise than is herein provided,

the rights, privileges or prerogatives of Her Majesty or Her Successors ; or

Prevent proceeding as heretofore, or—

2. Prevent any suppliant from proceeding as before the passing of this Act ; or

Give remedy not allowed in England before 23 & 24 Vic., c. 34, or—

3. Give to the subject any remedy against the crown (*a*) in any case in which he would not have been entitled to such remedy in England under similar circumstances by the laws in force there prior to the passing of the Imperial Statute 23 and 24 Victoria, chapter 34, entitled: "*An Act to amend the law relating to Petitions of Right, to simplify the proceedings and to make provisions for the costs thereof,*" or (*b*) in any case in which, either before or within two months after the presentation of the petition, the claim is under the Statutes in that behalf referred to arbitration by the Head of the proper Department, who is hereby authorized with the approval of the Governor in Council to make such reference upon any petition of right.

In any case referred to arbitration tion under Statute.

As to petitions of right presented under 38 Vic., c. 12.

20. All petitions of right which may have been presented under the provisions of the Act hereby repealed shall be held and taken to be presented under this Act at the expiration of thirty days from the passing hereof, and shall be by the Secretary of State entituled in the Exchequer Court of Canada.

Interpretation "Relief."

21. The word "relief" comprehends every species of relief claimed or prayed for in a petition of right, whether a restitution of any incorporal right, or a return of lands or chattels or a payment of money or damages or otherwise ;

"Court." "Judge."

The word "Court" means the Exchequer Court of Canada, and the word "Judge" means the Chief Justice or any Judge of the same Court, unless there be any thing in the context indicating that such words are used in another sense.

Short Title.

22. In citing this Act it shall be sufficient to use the words "*The Petition of Right Act*, 1876."

SCHEDULES REFERRED TO IN FOREGOING ACT.

No. 1.

Petition of Right.

In the Exchequer Court of Canada.
To the Queen's most Excellent Majesty :
County (*or* District) of (*place proposed for trial*) to wit :

The humble petition of A. B. of , showeth that (*state with convenient certainty the facts on which petitioner relies as entitling him to relief*).

Conclusion.

Your suppliant therefore humbly prays that (*state the relief claimed*).

Dated the day of A. D.

(Signed) A. B.
or C. D., Counsel for A. B.

No. 2.

The suppliant prays for a statement in defence on behalf of Her Majesty, within four weeks after the date of service hereof, or otherwise that the petition may be taken as confessed.

No. 3.

To A. B.

You are hereby required to file a statement in defence to the within petition in Her Majesty's Exchequer Court of Canada within four weeks after the date of service hereof.

Take notice, that if you fail to file a statement in defence or demurrer in due time, the said petition may, as against you, be ordered to be taken as confessed.

Dated the day of A. D.

No. 4.

To the Honorable the Receiver General.

Petition of Right of A. B. in Her Majesty's Exchequer Court of Canada at

I hereby certify that on the day of A. D. it was by the said Court adjudged (*or* ordered) that the above named suppliant was entitled to, etc.

(*Judge's signature.*)

No. 6.

3rd Session 3rd Parliament, 39 Vict. 1876.

BILL

An Act to make further provision for the institution of Suits against the Crown by Petition of Right.

Received and read First time Thursday, 17th February, 1876.

Second reading—Friday, 18th February, 1876.

MR. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co.,
1876.

No. 7.] **BILL.** [1876.

An Act respecting the North-West Territories, and to create a separate Territory out of part thereof.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. All that portion of the North-West Territories, bounded as follows, that is to say ;— New district formed.

Beginning at the westerly boundary of the Province of Ontario on the International Boundary Line dividing Canada from the United States of America ; then westerly following upon the said International Boundary Line to the easterly boundary of the Province of Manitoba ; thence due north along the said easterly boundary of Manitoba to the north-east angle of the said Province ; thence due west on the north boundary of the said Province to the intersection by the said boundary of the westerly shore of Lake Manitoba ; thence northerly following the said westerly shore of the said Lake to the easterly terminus thereon of the Portage connecting the southerly end of Lake Winnepegosis with the said Lake Manitoba known as " the Meadow Portage " ; thence westerly following upon the trail of the said Portage to the westerly terminus of the same, being on the easterly shore of the said Lake Winnepegosis ; thence northerly following the line of the said easterly shore of the said Lake to the southerly end of the Portage leading from the head of the said Lake into " Cedar Lake, " known as the " Cedar " or " Mossy Portage ; " thence northerly following the trail of the said Portage to the north end of the same on the shore of Cedar Lake ; thence due north to the northerly limits of Canada ; thence easterly following upon the said northerly limits of Canada to the northerly extremity of Hudson's Bay ; thence southerly following upon the westerly shore of the said Hudson's Bay to the point where it would be intersected by a line drawn due north from the place of beginning, and thence due south on the said line last mentioned to the said place of beginning :— Boundaries thereof.

Shall be and is hereby set apart as a separate District of the said North-West Territories by the name of the District.

Provided always, that the Governor in Council may, by Proclamation published in the *Canada Gazette*, at any time when it may appear to the public advantage so to do, detach any portion of the said District from the same, and re-annex it to that part of the North-West Territories not included in Proviso. Power to re-annex any part to N. W. T. if necessary.

the said District, and the portion so detached shall then be subject to the same government and laws as that part of the said Territories to which it is re-annexed.

Repeal of certain acts hereby consolidated and amended. 34 V. c. 16. 36 V. c. 5. 36 V. c. 34.

2. The Act passed in the thirty-fourth year of Her Majesty's Reign, chaptered sixteen, and intituled : "*An Act to make further provision for the Government of the North-West Territories,*"—and the Act passed in the thirty-sixth year of Her Majesty's Reign, chaptered five, and intituled : "*An Act to amend the Act intituled* 'An Act to make further provisions for the Government of the North-West Territories,' "—and the Act passed in the thirty-sixth year of Her Majesty's Reign, chaptered thirty-four, and intituled : "*An Act further to amend the Act to make further provision for the Government of the North-West Territories,*"—the provisions whereof are herein amended and consolidated, shall be repealed as respects the said District, on the coming into force of this Act.—

Lt.-Governor of district.

3. The Lieutenant-Governor of the Province of Manitoba or the person acting as such, shall *ex-officio* be Lieutenant-Governor of the said District.

Council for the district.

4. The Governor may with the advice of the Queen's Privy Council for Canada, constitute and appoint by warrant, under his sign manual, not exceeding nor less than persons to be members of a Council to aid the Lieutenant-Governor in the administration of the affairs of the said District, with such powers as may be from time to time conferred upon them by Order of the Governor Council.

Governor in Council may empower Lt.-Governor and his council to make laws for the district.

5. It shall be lawful for the Governor by any Order or Orders to be by him made, with the advice of Her Majesty's Privy Council for Canada, and subject to such restrictions and conditions as to him shall seem meet, to authorize and empower the Lieutenant-Governor of the said District, by and with the advice and consent of the Council appointed to aid him as aforesaid, to make provision for the administration of justice in the said District, and generally to make, ordain and establish all such laws, institutions and ordinances as he may deem necessary for the peace, order and good government of Her Majesty's subjects and others therein, and from time to time to repeal, alter or amend the same in like manner ;—and any Order of the Governor in Council giving such authority to the Lieutenant-Governor and his Council, shall be in force unless and until repealed, altered or amended (as it may be) by any subsequent Order of the Governor in Council : Provided always that all such Orders of the Governor in Council, and all laws and ordinances made by the Lieutenant-Governor, with the advice and consent of his said Council, shall be subject to the provisions hereinafter made.

Proviso : laws to be subject to this Act.

Subject to this act, Governor in Council may

6. Subject to the said provisions and those hereinafter made, it shall be lawful for the Governor in Council to make laws for the peace, order and good government of the said

District, and of Her Majesty's subjects and others therein, in relation to all matters and subjects in relation to which the Lieutenant-Governor and his Council are not then empowered to make laws, and for that purpose either to make new laws, or to extend and apply and declare applicable to the said District, with such amendments and modifications as he may deem necessary, any Act or Acts of the Parliament of Canada, or any parts thereof, and from time to time to amend or repeal any laws so made and to make others in their stead.

make laws as to matters on which Lt. Governor and his council cannot make them.

7. The powers hereby given to the Governor in Council with respect to Acts of the Parliament of Canada, shall belong also to the Lieutenant-Governor and his Council, with respect to the subjects and matters in relation to which they are empowered to make laws, and shall extend to the modification, amendment or repeal (as to the said District) of any Act mentioned in section *eleven* or in the schedule to this Act, and to the vesting in any judge or judges of any Court or Courts in Manitoba the power of hearing and determining in that Province either in the first instance or in appeal, but according to the laws in force in the said District, any civil or criminal suit or case arising therein; and the Lieutenant-Governor shall have power to appoint Justices of the Peace, and such other officers as may be necessary for administering the laws in force in the said District :—

Power to modify certain acts extended to the district.

J. P. and other necessary officers.

Provided always that no law to be made either by the Governor in Council, or by the Lieutenant-Governor and his Council shall—

Proviso : as to power to make laws.

1. Be inconsistent with any provision of this Act or of any Act of the Parliament of Canada, expressly referring to the said District, or—

2. Impose any tax or any duty of Customs or Excise or any penalty exceeding one hundred dollars ; or—

3. Alter or repeal the punishment provided by any Act mentioned in section *eleven* or the Schedule to this Act for any offence ; or—

4. Appropriate any public money, lands or property of the Dominion without the authority of Parliament ;

A copy of every such law made by the Lieutenant-Governor and his Council shall be mailed for transmission to the Governor in Council within ten days after its passing, and may be disallowed by him at any time within *two years* after its passing; and a copy of every such law and every law made by the Governor in Council, shall be laid before both Houses of Parliament, as soon as conveniently may be after the making and passing thereof: Any copy of any such law made by the Governor in Council, or by the Lieutenant-Governor and his Council, printed in the *Canada Gazette*, or by the Queen's Printer or the Printer

Copies to be transmitted to Governor and laid before Parliament.

Proof of Laws.

to the Government of Manitoba, at Winnipeg, shall be *prima facie* evidence of such law and that it is in force.

As to Customs and Excise duties and laws.

8. Unless and until it is otherwise ordered by the Parliament of Canada, the duties of Customs and Excise shall continue to be the same in the said District as in Manitoba; and except in so far as it may be otherwise provided by any law made under this Act, or made under any former Act and remaining in force in the said District, and subject always to the prohibition of Intoxicants hereinafter mentioned, the laws respecting the Customs and Excise shall be also the same in the said District as in Manitoba.

Laws now in force in the N. W. T. to remain in force in the district until altered.

9. All laws in force in the said District as part of the North-West Territories, at the time of the coming into force of this Act, and not hereby repealed, shall, so far as they are consistent with "*The British North America Act*, 1867," with the terms and conditions of the admission of Rupert's Land and the North-Western Territories into the Union, approved of by the Queen, under the 146th section thereof, and with any Act of the Parliament of Canada relating to the North-West Territories then in force, and with this Act, remain in force in the said District until repealed or altered by the Parliament of Canada, or by the Governor in Council or the Lieutenant-Governor and his Council, under this Act, as shall also any order of the Governor in council made under any Act mentioned in the second section of this Act, until repealed, or altered, as it may be, under this Act.

Officers continued.

10. All public officers and functionaries holding office in the *North-West Territories* at the time of the coming into force of this Act; shall continue to be public officers and functionaries of the said District until it is otherwise ordered under the authority of this Act.

Acts mentioned in this section or in the schedule, to apply to new district.

11. Unless and until it is otherwise ordered by any law relating to the North-West Territories and in force in the said District, or under this Act, and subject always to the provisions of this Act, the Acts mentioned in the schedule to this Act as limited in the said schedule, and as amended by any subsequent Acts, shall apply to and be in force in the said District,—as shall also all Acts of the Parliament of Canada relating to the Executive Government and the several departments thereof, the public works of the Dominion, the postal service, the Canada Pacific Railway, the currency, the statutes of Canada, the public lands of the Dominion and the survey thereof, commissions of public officers and the oaths of allegiance and of office, and the extradition of certain offenders to the United States of America,—and so much of the Act passed in the thirty-eighth year of Her Majesty's Reign, and intituled "*An Act to amend and consolidate the Laws respecting the North-West Territories*," chaptered 49, as is hereinafter mentioned, that is to say;

Parts of 38 V. c. 49 to apply.

—Sections 14 to 53 of the said Act, respecting—DESCENT OF REAL ESTATE,—OTHER PROVISIONS AS TO REAL ESTATE,—WILLS,—AND MARRIED WOMEN, and section 74 respecting the PROHIBI-

TION OF INTOXICANTS ;—and the said sections shall so apply to and be in force in the said District from the coming into force of this Act, whether the said Act shall or shall not have then been brought into force by proclamation in other portions of the North-West Territories ; The remaining provisions of the said Act shall not apply to the said District unless expressly extended to it by a law or laws made under the authority of this Act ; and in construing any provision of the said Act as applicable to the said District, the said District shall be held to be intended whenever the North West Territories are mentioned, unless the context and intention require another construction.

Interpretation.

12. The rule of construction mentioned in the next preceding section shall apply also to sections one to nine, both inclusive, of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered 35, and intituled : "*An Act respecting the administration of justice and for the establishment of a Police Force in the North-West Territories*," which sections shall remain in force in and with respect to the said District notwithstanding the coming into force of the Act last cited in the next preceding section, and shall as respects the said District be excepted from the repeal therein proposed. The remaining sections of the said Act of the thirty-sixth year of Her Majesty's reign, chapter thirty-five, relating to the Police Force in the North-West Territories, as amended by the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered twenty-two, and the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered fifty, shall remain in force in the said District, and apply to it, and the Lieutenant Governor of the said District shall (but subject to any order in that behalf from the Governor) have the local disposition of the said force in such numbers and to such extent as the Governor may direct, and may exercise such power in aid of the administration of civil and criminal justice, and for the general peace, order and good government of the said District, and for or in aid of the performance of all duties assigned by the laws in force in the said District, to any constables or officers therein.

Certain sections of 36 V. c. 35 to apply to the new district.

Other sections of the said act respecting N. W. Police Force to apply as amended by 37 V. c. 22 and 38 V. c. 50.

13. The words "the said District" in this Act shall mean the District hereby constituted ; the words "this Act" shall include the provisions of former Acts hereby declared applicable to the said District.

Interpretation clause.

14. This Act shall not affect the said Act passed in the thirty-eighth year of Her Majesty's reign, chaptered forty-nine, except only as herein expressly provided.

Proviso as to 35 V., c. 49.

15. This Act shall come into force and effect upon, from and after a day to be named in a proclamation to be issued by the Governor in Council for that purpose.

When this act shall come into force.

SCHEDULE A.

Acts of the Parliament of Canada referred to in the eleventh section of this Act.

Chapter.	TITLE.
	Acts passed in the First Session, 31st Victoria, 1867, 1868.
14	An Act to protect the inhabitants of Canada against lawless aggression from subjects of foreign countries at peace with Her Majesty.
15	An Act to prevent the unlawful training of persons to the use of arms, and the practice of military evolutions: and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.
69	An Act for the better security of the Crown and of the Government. *Act amended by* 32, 33 *Vict., chap.* 17.
70	An Act respecting riot and riotous assemblies.
71	An Act respecting forgery, perjury and intimidation in connection with the Provincial Legislatures and their Acts.
72	An Act respecting Accessories to and Abettors of indictable offences.
73	An Act respecting the Police of Canada.
74	An Act respecting persons in custody charged with high treason or felony.
	Acts passed in the Second Session, 32, 33 Victoria, 1869.
18	An Act respecting offences relating to the Coin.
19	An Act respecting Forgery.
20	An Act respecting offences against the Person. *As amended by* 36 *Vict., chap.* 50.
21	An Act respecting Larceny and other similar offences. *As amended by* 38 *Vict., chap.* 40, *and other Acts.*
22	An Act respecting Malicious Injuries to Property. *As amended by* 35 *Vict., chap.* 34.
23	An Act respecting Perjury. *As amended by* 33 *Vict., chap.* 26.
24	An Act for the better preservation of the peace on Public Works. *As amended by* 33 *Vict., chap.* 28.
29	An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law. *Sections* 1 *to* 7, *both inclusive, relating to the apprehension of offenders; sections* 81 *to* 87, *both inclusive, relating to the punishment of offences; and sections* 125 *to* 138, *both inclusive, relating to pardons, undergoing sentence, limitation of actions and prosecutions, and general provisions. The whole Act will apply, in Manitoba, to offences committed in the said District of* ———, *but triable in Manitoba, and the persons committing them.*
30	An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences. *So far as respect indictable offences committed in the said District and triable in Manitoba, or committed in some Province in Canada, and the offender apprehended in the said District.*
31	An Act relating to the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders. *Except so much of this Act (or of any Act amending it) as gives any appeal from any conviction or order adjudged or made under it.*
32	An Act respecting the prompt and summary administration of criminal justice in certain cases. *In applying this Act to the said District, the expression "competent magistrate" shall be construed as meaning two Justices of the Peace sitting together, as well as any functionary or tribunal having the power of two Justices of the Peace, and the jurisdiction shall be absolute without the consent of the parties charged.*
33	An Act respecting the trial and punishment of juvenile offenders. *In applying this Act to the said District, the expression "any two or more justices" shall be construed as including any magistrate having the powers of any two Justices of the Peace. This Act shall not apply to any offence punishable by imprisonment for two years or upwards, and it shall not be necessary that any recognizance be transmitted to any Clerk of the Peace.*

No. 7.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act respecting the North-West Territories, and to create a separate Territory out of part thereof.

Received and read 1st time Thursday, 17th February, 1876.

Second R ading Friday, 18th February, 1876.

MR. MACKENZIE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 8.] **BILL.** [1876.

An Act to amend the Act 37th Victoria, chapter 51, entitled: "An Act to authorize the incorporation of Boards of Trade in the Dominion."

WHEREAS it is expedient to make further provisions for the management and incorporation of Boards of Trade in the Dominion of Canada, and to provide for the incorporation and management of Chambers of Commerce in the said Dominion: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Sections one, two and three of the said Act cited in the title of this Act shall, on and from the passing of this Act be repealed, and in lieu and place thereof the following sections are substituted therefor:— Sections 1, 2, 3 of 37 Vic., c. 51 repealed.

"1. Any number of persons not less than thirty, being merchants, traders, brokers, mechanics, manufacturers, managers of banks, or insurance agents, and being residents of any duly incorporated municipal village, town, city, county, or of any district (when the word "district" shall be defined a district established for judicial purposes by the Legislature of the Province wherein the same is situate) having a population of not less than two thousand five hundred, may associate themselves together as a Board of Trade, and appoint a secretary, with all the privileges and powers conferred by, and subject to all the restrictions of this Act." New section in place of section 1. Formation of Boards of Trade.

"2. The persons associating themselves together as a Board of Trade under this Act shall, under their hands and seals, make a certificate specifying the name assumed by the association, and by which it shall be known, the name as hereinbefore defined, of the village, town, city, county or district in which the same is situate and its business transacted, and the name of the person by them elected Secretary to the said Board of Trade." Certificate of formation.

"3. Such certificate shall be acknowledged before a Notary Public, Commissioner appointed for receiving affidavits, or justice of the peace, by the secretary of the said Board of Trade, and shall be forwarded to the Secretary of State, who shall cause the same to be recorded in a register to be kept for that purpose; and a copy thereof duly certified by the Secretary of State, shall be evidence of the existence of such association." Certificate duly acknowledged to be sent to Secretary of State.

Section 5 amended.

4. Section five of the said Act cited in the title of this Act shall be amended by erasing the words "*adding the name of the village, town, city,*" in the parenthesis in the said section, and substituting therefor the following words "*adding the name, as hereinbefore defined, of the village, town, city, county or district,*" and by erasing the word "*Secretary*" coming between the words "*Vice-President*" and "*and*" toward the end of the said section.

5. The said Act cited in the title of this Act shall be further amended by adding thereto the following section, which shall form section twenty-seven of the said Act:—

Act to apply to Chambers of Commerce

"**27.** Each, all and every of the provisions of this Act shall apply to the incorporation and management of the commercial institutions styled 'Chambers of Commerce' now existing or which hereafter may be called into existence in the Dominion of Canada, as fully and effectually as if the words '*Chamber of Commerce*' or '*Chambers of Commerce*' appeared therein in lieu and place of the words '*Board of Trade*' or '*Boards of Trade*,' wheresoever the same appear respectively."

No. 8.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Act 37 Vic., Cap. 51, entitled "An Act to authorize the incorporation of Boards of Trade in the Dominion."

Received and read the first time, Monday, 21st February, 1876.

Second reading Tuesday, 22nd February, 1876.

Mr. Wood.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

No. 9.] **BILL.** [1876.

An Act to amend the Act 38 Vict, Chap. 42, respecting the Transportation of Cattle by Railway or other means of conveyance, within the Dominon of Canada.

Preamble. 38 Vic., c. 42.

IN amendment of the Act passed in the thirty-eighth year of Her Majesty's reign, intituled: "*An Act to prevent cruelty to Animals while in transit by Railway or other means of conveyance, within the Dominion of Canada;*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 2 repealed, and new one substituted.

1. The second section of the said Act is hereby repealed, and the following substituted therefor, and shall be read and have effect, and is hereinafter referred to, as the second section of the said Act:—

Cattle on railways and vessels not to be kept more than 24 hours without unlading them for food, water and rest.

"2. No railway company within the Dominion of Canada, whose railway forms any part of a line of road over which cattle are conveyed from one Province to another Province, or from or to the United States to or through any Province, or from any part of a Province to another part of the same, nor the owner or master of any vessel carrying or transporting cattle from one Province to another Province, or within any Province, or from or to the United States to or through any Province, shall confine the same in any car or vessel of any description, for a longer period than twenty-four consecutive hours, without unlading the same for rest, water and feeding, for a period of at least six consecutive hours, unless prevented from so unlading and furnishing water and food by storm or other unavoidable cause; and in reckoning the period of confinement, the time during which the cattle have been confined without such rest, and without the furnishing of food and water on any connecting railways or vessels from which they are received, whether in the United States or in Canada, shall be included, it being the intention of this Act to prevent their continuous confinement beyond a period of twenty-four hours, except upon the contingencies hereinbefore stated."

Exception.

Time, how reckoned.

Section 5 repealed and new one substituted.

2. The fifth section of the said Act is hereby repealed, and the following substituted therefor, and shall be read and have effect as the fifth section of said Act:—

Penalty for contravention.

"5. Any railway company, owner or master of a vessel, having cattle in transit as aforesaid, who shall knowingly and wilfully fail to comply with the provisions contained in

the second section of this Act, shall, for each and every such failure to comply with its provisions, forfeit and pay as a penalty the sum of *one hundred dollars* for each case in which such provisions are disregarded: Provided, however, that when cattle are carried in any car or vessel, in which they can and do have proper space and opportunity for rest and proper food and water, the foregoing provisions in the said second section contained in regard to their being unladen, shall not apply:—The penalty imposed by this section shall be recoverable by any person who will sue for the same by action of debt or information, in any Court having jurisdiction in civil cases, to the amount of such penalty, in the place where the offence has been committed, with full costs of suit; and one-half of every penalty recoverable under this Act shall belong to the Crown."

Proviso: where food and space are furnished in the cars or vessel.

Penalty, how recoverable, &c.

One-half to the Crown.

3. The tenth section of the said Act is hereby repealed, and the following is substituted therefor, and shall be read and have effect as the tenth section of said Act:—

Section 10 repealed and new one substituted.

"10. One-half of every penalty recoverable under this Act shall be paid to the person who sues or proceeds for the same; but no person shall commence any action or proceeding for the recovery of such penalty after the expiration of one month next after the committing of the offence."

One-half of the penalty to the prosecutor. Proviso.

No. 9.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Act 38 Vict., Chap. 42, respecting the Transportation of Cattle by Railway or other Mode of Conveyance within the Dominion of Canada.

Received and read the first time, Monday, 21st February, 1876.

Second reading—Tuesday, 22nd February, 1876.

MR. CHARLTON.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 10. **BILL.** [1876.

An Act to amend the Law relating to Criminal Procedure.

Preamble.

WHEREAS it is desirable in the interests of justice, that persons accused of crime should have the same means of adducing evidence before Courts having Criminal Jurisdiction, on their trial, as are afforded in civil cases: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Commissions may issue for examination of witnesses for def nce in criminal cases.

1. Any person who is committed or held to bail for trial at any Court of Criminal Jurisdiction, for any offence, shall be permitted to make application to such Court, or any Judge thereof, or to any Judge of a Superior Court of common law, in the Province where he is so committed, for a commission to examine witnesses on his behalf for such trial, and such commission may be granted, and the evidence taken thereunder shall be read in evidence on such trial, and be used in the same manner as if the witnesses so examined were examined *vivâ voce* in open court at such trial.

Preliminary proceedings, and conditions.

2. Before granting any such commission the Court or Judge to which or to whom application is made therefor, shall be satisfied that such commission is not sought for the purpose of delay, but that the evidence of the witnesses to be examined thereunder is *bonâ fide* required for the defence of the accused, and the interrogatories to be administered to the witnesses and the proceedings to be taken under such commission, shall be subject to the same practice as in civil suits in the Province in which such commission is granted, and such commission shall be open to the same objections at the trial, as similar commissions in civil cases are open to by the laws of such Province.

Notice to law officers of the Crown.

3. Whenever any such commission is applied for in any case, such notice shall be given to the Law Officers of the Crown in the Province, or the County Attorney of the County in which such person charged is held for trial, as the Court or Judge shall determine.

Convicts undergoing their punishment competent as witnesses in any case.

4. No person shall be excluded from giving evidence on any case by reason of his conviction of any crime for which he has been sentenced, and is under going on such sentence.

No conviction on evid nce of accomplice uncorroborated.

5. No person shall be convicted on any Court of criminal offense on the evidence of an accomplice, without such evidence of corroboration, as shall be deemed sufficient to be left to the Jury by the Court or Judge by whom such offence is tried.

No. 10.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the law relating to Criminal Procedure.

Received and read 1st time Wednesday, 23rd February, 1876.

Second Reading Thursday, 2nd March, 1876.

MR CAMERON,
(Cardwell.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 11.] BILL. [1876.

An Act to amend the Act to make better provision, extending to the whole Dominion of Canada, respecting the inspection of certain Staple Articles of Canadian Produce.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Section sixty-four of the Act cited in the title to this Act, thirty-seventh Victoria, chapter forty-five, is hereby repealed, and the following is substituted in place thereof:— Sect. 64 of 37 V. c. 45, amended.

"64. The Inspection of all pickled fish cured for market or exportation, and of all fish oils, codfish tongues, or codfish sounds, cured for such purpose and contained in any such packages as are hereinafter mentioned shall, whenever such pickled fish, fish oils, or other articles as aforesaid, are removed beyond the limits of the Inspection District in which they are pickled or packed, be compulsory in every Province of the Dominion (except British Columbia and Manitoba); and if any such pickled fish, fish oil, or other article as aforesaid be sold or removed for sale beyond the limits of such District, or shipped or laden in any vehicle for removal, or offered to be removed from any district or place within the Dominion, except Manitoba and British Columbia, without being inspected under this Act, the person so selling or removing the same, or offering the same for sale or removal, shall incur a penalty of not less than *one dollar* and not more than *five dollars* for each and every such package, provided: however, that such articles as aforesaid may be exported from such Districts to any place outside the Dominion of Canada without being subject to any such nspection." Inspection of certain articles to be compulsory. Exception. Penalty for contravention.

2. For the correction of a clerical error in the fifty-sixth section of the said Act, in relation to the storage of ashes, the words "thirty-five days" are hereby substituted for the words "forty days," and the words "five days" for the words "ten days," wherever the said words "forty days" and "ten days" respectively occur in the said section, which shall be read, construed, and have effect as so amended. Clerical error in sect. 6 of the said Act corrected.

No. 11.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Act to make better provision, extending to the whole Dominion of Canada respecting the inspection of certain Staple Articles of Canadian Produce.

Received and read the first time, Wednesday, 23rd February, 1876.

Second reading Thursday, 24th February, 1876.

MR. FORBES.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 12.] **BILL.** [1876.

An Act to amend the Criminal Law in relation to the Crime of Abortion.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. Any person, who by the use of any medicine, drug, noxious thing, instrument, or other means whatsoever, unlawfully and wilfully attempts to procure the miscarriage of any woman, whether pregnant or not, either intending to cause her death, or with the knowledge that by such use he may cause her death, and death ensues to such woman from such use of such medicine, drug, noxious thing, instrument, or other means, shall be guilty of murder. In what cases the attempt to procure abortion shall be murder.

2. Any person, who by the use of any medicine, drug, noxious thing, instrument, or other means whatever, unlawfully attempts to procure the miscarriage of any woman, whether pregnant or not, not intending to cause death, nor considering it likely that such use will cause death, and death ensues to such woman, from such use of such medicine, drug, noxious thing, instrument, or other means, shall be guilty of manslaughter. In what cases such attempt shall be manslaughter.

3. Any person who shall knowingly advertise, print, publish, distribute, or circulate, or cause to be advertised, printed, published, distributed or circulated, any pamphlet, printed paper, book, newspaper, notice, advertisement or reference, containing words or language, giving or conveying any notice, hint or reference to any person, or to the name of any person, whether real or fictitious, from whom, or to any warehouse, shop or office where any poison, drug, mixture, preparation, medicine, noxious thing, instrument or means whatever, or any direction, advice, information or knowledge may be obtained, for the purpose or with the object or intent of causing or producing the miscarriage of any woman pregnant with child, shall be guilty of a misdemeanor, and on conviction shall be liable to be imprisoned in any common gaol or prison for a period not exceeding one year, with or without hard labor. Advertising, &c., information as to means of procuring abortion, to be misdemeanor. Punishment.

No. 12.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Criminal Law in relation to the Crime of Abortion.

Received and read the first time, Wednesday, 23rd February, 1876.

Second reading — Thursday, 2nd March, 1876.

MR. CAMERON (Cardwell.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 13] **BILL.** [1875.

An Act to make more effectual provision for the administration of the law relating to corrupt practices at elections of members of the House of Commons.

(It is intended that the clause in brackets shall be introduced in Committee.)

WHEREAS it is expedient to make more effectual provision for the administration of the law relating to corrupt practices at elections of members of the House of Commons : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

Persons appearing to have committed corrupt practices, to be summoned to appear for summary trial.

1. In case on the trial of an election petition relating to the election of a member of the House of Commons, it is determined that any person has been guilty of a corrupt practice within the meaning of *the Dominion Controverted Elections Act*, 1874, or in case on such trial there is in the opinion of the Judge sufficient evidence available that any person has been guilty of such corrupt practice or contravention as aforesaid to warrant his being put on his trial, the Judge shall order that such person shall be summoned to appear at a time and place to be fixed in such summons, the time not being more than days from the date of the summons, and the place being the nearest convenient Court House or other available room, in order to be summarily tried for the offence, which shall be specified in the summons.

May be bound by recognizance so to appear.

2. The Judge may by recognizance bind such person to appear at the said time and place to be tried, and may by recognizance bind any person whom he may consider necessary to be examined touching the matter to attend at the said time and place and give evidence upon the trial, and any such recognizance shall be of the same effect and any forfeiture thereof shall be enforced in the like manner, and any refusal to enter into the same shall entail the same consequences, as if the recognizance had been given or required in any of the Superior Courts of criminal jurisdiction within the Province in which the election was held.

Issue of the summons to be reported by Judge.

3. The Judge shall forthwith after the issue thereof, report to the Secretary of the Province in which the election was held for the information of the Lieutenant Governor, and also to the Secretary of State of Canada for the information of the Governor General, the fact of the issuing of the summons in the second section mentioned.

Witnesses to be summoned.

4. It shall be the duty of the County Attorney, or other officer on whom in case the party had been charged with an indictable offence the like duty would have devolved, to subpœna to attend at the trial the witnesses who at the trial of the election petition depose to any facts material to the charge, and such other witnesses as he may think requisite to prove the charge.

Counsel for prosecution.

5. It shall be the duty of the Attorney General of Canada to instruct Counsel to assist the local authorities in the due prosecution of the accused.

If the accused fails to appear.

6. In case at the time and place fixed by the summons the accused being duly served a reasonable time before the time fixed for the trial, fails to appear, the trial may proceed in his absence.

Summary trial and judgment.

7. The Judge, or, if he be unable to attend, then at his request some other Judge competent under *the Dominion Controverted Elections Act*, 1874, to try an election petition for any district of the province within which the electoral district in question is situate, or being one of the Judges of a Superior Court of criminal jurisdiction within such Province, shall, without a Jury and in a summary manner, try the accused and shall after hearing the counsel for the prosecution and also (if the accused be present), such accused or his counsel, and also such evidence as may be adduced on either side, give such judgment as to law and justice may appertain.

Reception, &c of Judges.

8. The Judge shall be received and attended at the trial in the same manner, as far as circumstances will admit, as if he were holding a sitting of the Provincial Court of which he is a member.

Expenses of trial &c., how payable.

9. [The travelling expenses of the Judge and any expenses necessarily incurred by the Sheriff or other officer in connexion with the trial, shall be defrayed out of any moneys which may be provided by Parliament for the purpose.]

Judge's Court to be a Court of record.

10. The Judge trying the accused is for all the purposes of such trial and the proceedings connected therewith, or relating thereto, hereby constituted a Court of Record, and shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority as if he were sitting in any Superior Court of criminal jurisdiction within the Province; and the record of any such case shall be fyled among the records of such Superior Court as indictments are, and as part of such records.

Record of trial to be fyled.

Summoning and swearing witnesses.

11. Witnesses shall be summoned or subpœnaed and sworn in the same manner as nearly as circumstances will admit, and shall be subject to the like penalties for perjury as in cases in a Superior Court of criminal jurisdiction within the Province.

Witness is bound to attend and give evidence.

12. Any witness, summoned or subpœnaed, whether for or against the accused, to attend and give evidence at the trial, shall be bound to attend and remain in attendance throughout the whole trial, and in case he fails, he shall be held guilty of contempt of Court and may be proceeded against therefor accordingly.

Punishment of witnesses disobeying the order of the Court.

13. Upon proof to the satisfaction of the Judge of the service of the subpœna upon any witness who fails to attend, and that the presence of such witness is material to the ends of justice, he may by his warrant cause such witness to be apprehended and forthwith brought before him to give evidence and to answer for his disregard of the subpœna, and such witness may be detained on such warrant before the Judge or in the common gaol with a view to secure his presence as a witness, or in the discretion of the Judge he may be released on a recognizance with or without sureties conditioned for his appearance to give evidence and to answer for his default in not attending as for a contempt; the Judge may, in a summary manner, examine into and dispose of the charge of contempt against such witness, who if found guilty thereof, may be fined and imprisoned, or both, the fine not exceeding *one hundred dollars* and the imprisonment being in the common gaol, with or without hard labor, for a term not exceeding ninety days.

Fine and imprisonment limited.

Punishment of offender if convicted.

14. In case of conviction of a corrupt practice the offender shall be sentenced to imprisonment in the common gaol for a term not exceeding three months with or without hard labour and to a fine not exceeding *two hundred dollars* and to pay the costs of the prosecution to be taxed by the proper officer under the direction of the Judge; and if the said fine and costs be not paid before the expiration of such term, then to imprisonment for such further time as they shall remain unpaid, not exceeding three months.

Application of fines.

15. All fines, recovered under this Act shall belong to Her Majesty for the public uses of Canada.

Proviso if offender has been already tried.

16. No summons shall be issued or prosecuted under this Act if it appears to the Judge or Court that a criminal prosecution for the same matter against the same person has been tried before the issue of the summons.

Pending prosecution stayed.

17. Upon the issue of any summons under this Act any criminal prosecution pending in any other Court in respect of the same matter shall be stayed.

Offender not to be twice tried.

Proviso as to disqualification.

18. No person tried under the provisions of this act shall be subject to be otherwise criminally prosecuted in respect of the same matter: Provided that nothing in this section contained shall affect any disqualification imposed on such person under the operation of any statute.

Report of proceedings of Commission-

19. Where it appears by the report of the Commissioners under the Act of the present session intituled "*An Act to*

ers under Act of this session that any person has been guilty of corrupt practices.

provide for more effectual enquiry into corrupt practices at elections of Members of the House of Commons" that any person named by them has been guilty of a corrupt practice and has not been furnished by them with a certificate of indemnity, such report, with the evidence taken by the Commissioners, shall be laid before the Attorney General of Canada, who shall if in his opinion there is sufficient evidence available for a prosecution, certify such opinion to the Secretary of State who shall thereupon communicate the report with the evidence to the Lieutenant Governor of the Province in which the election was held ; and it shall be the duty of the Attorney General of Canada to instruct counsel to assist in any prosecution which may be thereon instituted by the local authorities charged with the administration of Justice.

Proceedings in consequence.

No. 13.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to make more effectual provision for the administration of the law relating to corrupt practices at elections of members of the House of Commons.

Received and read the first time, Wednesday, 23rd February, 1876.

Second reading Thursday, 24th February, 1876.

Mr. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

No. 14.] **BILL.** [1876

An Act to provide for more effectual Inquiry into the existence of Corrupt Practices at Elections of Members of the House of Commons.

(*It is intended that the clause in brackets shall be introduced in Committee.*)

WHEREAS it is expedient to make more effectual provision for inquiring into the existence of corrupt practices at elections of Members of the House of Commons, therefore Her Majesty, by and with the advice and consent of the House of Commons of Canada, enacts as follows :— Preamble.

1. In addition to the matters to be reported on by the Judge, under the thirtieth section of the *Dominion Controverted Elections Act*, 1874, the Judge shall report whether he is of opinion that the inquiry into the circumstances of the election has been rendered incomplete by the action of any of the parties to the petition, and that further inquiry as to corrupt practices is desirable. Report of judges under 37 V. c. 10, as to corrupt practices.

2. When the Judge, in his report on the trial of an election petition under the said Act, states that corrupt practices have, or that there is reason to believe that corrupt practices have extensively prevailed at the election to which the petition relates, or that he is of opinion that the inquiry into the circumstances of the election has been rendered incomplete by the action of any of the parties to the petition, and that further inquiry as to corrupt practices is desirable, no new writ shall issue for a new election under the thirty-sixth section of the said Act, save by order of the House of Commons. When judge reports his opinion that corrupt practices have prevailed, &c., new writ to issue only on order of the House of Commons.

3. When the House of Commons, by address, represents to the Governor that a Judge in his report on the trial of an election petition under the said Act, states that corrupt practices have, or that there is reason to believe that corrupt practices have extensively prevailed at the election, or that he is of opinion that the inquiry into the circumstances of the election has been rendered incomplete by the action of any of the parties to the petition, and that further enquiry as to corrupt practices is desirable; or when the House of Commons by address represents to the Governor that a petition has been within sixty days after the publication in the *Canada Gazette* of the receipt of the return to a writ of election, by the Clerk of the Crown On such report, and that inquiry is desirable, or on Address of House of Commons, Commission of Inquiry to issue.

in Chancery, if Parliament be then sitting or, if Parliament be not then sitting, within fourteen days after the then next meeting of Parliament, presented to the House of Commons, signed by any or more electors of the district, stating that no petition charging the existence of corrupt practices has been presented under the Act for the trial of Controverted Elections, and that corrupt practices have, or that there is reason to believe that corrupt practices have, extensively prevailed at the election; and when the House of Commons, by such address, prays the Governor to cause inquiry to be made under this Act by one or more Judges of the Supreme Court of Canada, or by one or more Judges competent under *The Dominion Controverted Elections Act*, 1874, to try an election petition for any district of the Province within which the district in question is situate, or by one or more persons named in such address, such persons being Barristers at Law or Advocates of not less than seven years standing, and not being Members of Parliament, or holding any office or place of profit under the Crown, it shall be lawful for the Governor to appoint one or more of such Judges or such person or persons, as the case may be, to be a Commissioner or Commissioners for the purpose of making inquiry into the existence of such corrupt practices; and in case any of the Commissioners so appointed die, resign, or become incapable to act, it shall be lawful for the surviving or continuing Commissioners or Commissioner to act in such inquiry as if they or he had been solely appointed to be Commissioners or a Commissioner for the purposes of such inquiry; and all the provisions of this Act concerning the Commissioners appointed to make any such inquiry shall be taken to apply to such surviving or continuing Commissioners or Commissioner, and in case a sole Commissioner be originally appointed than to such sole Commissioner.

Who may be appointed Commissioners.

In case of decease or inability of any Commissioners, surviving or continuing Commissioners to act.

Commissioners' oath of office.

4. Every Commissioner shall before taking any other step under this Act, take the following oath (that is to say):—"I, A.B, do swear that I will truly and faithfully execute "the powers and trusts vested in me by an Act intituled "(*here insert the title of this Act*) according to the best of my "knowledge and judgment. So help me God" and every such oath shall be taken before a Judge of the Supreme Court of Canada or before a Judge competent to try an election petition for any district of the Province within which the district in question is situate.

Secretary to Commission.

5. It shall be lawful for the Commissioners to appoint, and at their pleasure to dismiss, a Secretary, and so many clerks, messengers, and officers, as shall be thought necessary by the Minister of Justice for the purpose of conducting the inquiry to be made by them; and the remuneration of such persons shall be fixed by the Governor in Council.

Proceedings of Commissioners.

6. The Commissioners shall, upon their appointment, or within a reasonable time afterwards, go to and shall from time to time hold meetings for the purposes of

the inquiry at some convenient place within the district or within ten miles thereof, and shall have power to adjourn such meetings from time to time, and from place to place within the district or within ten miles thereof, as to them may seem expedient; and they shall give notice of their appointment and of the time and place of holding their first meeting by publishing the same in two newspapers in general circulation in the district or the neighbourhood thereof:—Provided always that they shall not adjourn the enquiry for any period exceeding one week, without the approbation of the Minister of Justice:—Provided also, that it shall be lawful for them with the approbation of the Minister of Justice, to hold meetings for the purposes of deliberation, in the Capital City of the Province within which the district is situate, or in the City of Ottawa, and to adjourn the same from time to time, as they may deem fit.

Notice.

Proviso as to adjournments, and as to place of sitting.

7. The Commissioners shall by all such lawful means as to them appear best, with a view to the discovery of the truth, enquire into the manner in which the election, or where the report or petition has referred to two or more elections, the latest of such elections has been conducted, and whether any corrupt practices have been committed at such election, and if so the nature and particulars of such corrupt practices; and in case they find that corrupt practices have been committed at the election into which they are hereinbefore authorized to inquire, it shall be lawful for them to make the like inquiries concerning the latest previous election, and so in like manner from election to election as far back as they think fit; but where upon inquiry concerning any election they do not find that corrupt practices have been committed thereat, they shall not inquire concerning any previous election; and they shall from time to time report to the Governor the evidence taken by them, and what they find concerning the premises, and especially they shall report with respect to each election the names of all persons whom they find to have been guilty of any corrupt practice thereat with the particulars thereof, and all other things whereby in their opinion the truth may be better known touching the premises.

Duties of Commissioners.

In certain cases inquiry may extend to former elections.

But in such cases only.

Report to the Governor, and particulars to be contained in it.

8. Every report shall be laid before Parliament within fourteen days after such report is made if Parliament be then sitting, or if Parliament be not then sitting within fourteen days after the then next meeting of Parliament.

Report to be laid before Parliament.

9. It shall be lawful for the Commissioners by a summons under their hands and seals, or under the hand and seal of any one of them, to require the attendance before them at a place and reasonable time to be specified in the summons, of any person whose evidence in their or his judgment may be material to the subject matter of the inquiry, and to require any person to bring before them such books, papers, deeds, and writings as appear necessary for arriving at the truth of the matters to be inquired into; and all such persons shall attend the Commissioners, and shall answer all questions

Power to command attendance of witnesses, and production of papers.

put to them by the Commissioners touching the matters to be enquired into, and shall produce all books, papers, deeds, and writings required of them and in their custody or under their control according to the tenor of the summons.

To swear witnesses.

10. The Commissioners, or one of them, shall administer an oath or an affirmation, where an affirmation would be admitted in a Court of Justice, to every person examined before them, and any person who upon such examination wilfully gives false evidence, shall be liable to the pains and penalties of perjury.

Perjury.

Witnesses not excused from answering on certain grounds.

11. No person called as a witness shall be excused from answering any question relating to any corrupt practice at the election forming the subject of inquiry, on the ground that the answer thereto may criminate or tend to criminate himself:—Provided always, that where any witness shall answer every question relating to the matters aforesaid which he shall be required to answer, and the answer to which may criminate, or tend to criminate him, he shall be entitled to receive from the Commissioners, under their hands, a certificate stating that he was upon his examination, required by them to answer one or more questions relating to the matters aforesaid, the answer or answers to which criminated, or tended to criminate him, and had answered every such question; and if any information, indictment or penal action be at any time thereafter pending in any Court against such witness in respect of any corrupt practices committed by him previously to the time of his giving his evidence, at any election concerning which he may have been so examined, the Court shall, on production and proof of such certificate, stay such proceedings, and may at its discretion award to him any costs to which he may have been put: Provided that no statement made by any person in answer to any question put by the Commissioners shall, except in case of indictment for perjury, be admissible in evidence in any legal proceeding.

Proviso: witness giving answer tending to criminate him, may obtain a certificate, which shall stay prosecution for offences acknowledged in his evidence.

Proviso as to statements made by witnesses.

Punishment of persons disobeying summons of Commissioners.

12. If any person on whom any summons shall have been served by the delivery thereof to him, or by leaving thereof at his usual place of abode, fail to appear before the Commissioners at the time and place specified therein, then in case the Commissioners be Judges of any of the Courts hereinbefore referred to, it shall be lawful for any of them and any Court of which any of them is a member, to proceed against the person so failing in the same manner as if he had failed to obey any writ of subpœna, or any process lawfully issuing from the Court to which such Judge belongs, or from such Judge, and in the case the Commissioners be not such Judges, it shall be lawful for them to certify such default under their hands and seals, or under the hand and seal of any one of them, to any Court or Judge competent to try an election petition under the Dominion Controverted Elections Act, 1874, or any Act amending it for any district of the Province within which the district in question is situate, whereupon such Court or

If the Commissioners are not Judges.

Judge shall proceed against such person in manner aforesaid; and if any person so summoned to attend as aforesaid, or having appeared before the Commissioners, shall refuse to be sworn or to make answer to any question put to him by them touching the matters in question, or to produce and show to them any papers, books, deeds, or writings being in his possession or under his control, which they may deem necessary to be produced; or if any person shall be guilty of any contempt of the Commissioners, or their office, the Commissioners shall have the same powers, to be exercised in the same way, as any such Judge or Court under like circumstances arising in the course of proceedings in an election petition under the said Act may by law exercise in that behalf; and all officers concerned in the administration of justice shall give their aid and assistance in matters within the scope of their duty to the Commissioners in the execution of their office.

Or for refusing to answer or produce papers, &c.,

or being guilty of any contempt.

Duty of officers of justice.

13. The Commissioners shall have power, if they deem fit, to award to any witness summoned to appear before them a reasonable sum for travelling expenses and maintenance, according to a scale to be fixed by the Governor in Council, and they shall certify to the Minister of Justice the name of any such witness, and the sum awarded.

Remuneration of witnesses.

[**14**. It shall be lawful for the Governor in Council to order the payment of the necessary expenses of any inquiry under this Act; and every Commissioner not being a Judge shall be paid at the conclusion of the inquiry, besides his travelling and other expenses, such sum as shall be fixed by the Governor in Council; and every Commissioner shall, after the making of the report hereinbefore directed, lay before the Governor in Council a statement of the number of days he has beenactually employed in the inquiry, together with an account of his travelling and other expenses; and any payments by this Act authorized shall be made out of any money which may be provided by Parliament for the purposes of Commissions issued hereunder.]

Payment of necessary expenses of Commissioners.

15. The Commissioners shall have such and the like protection and privileges in case of any action brought against them for any act done or omitted to be done in the execution of their duty, as is given by any Act in force to Justices of the Peace acting in the execution of their office.

Protection of Commissioners.

No. 14.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to provide for more effectual Inquiry into the existence of Corrupt Practices at Elections of Members of the House of Commons.

Received and read the first time Wednesday, 23rd February, 1876.

Second reading Thursday, 24th February, 1876.

MR. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

No. 15.] **BILL.** [1876.

An Act to amend the Law relating to Banks and Banking.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Whenever a cheque or draft on any incorporated bank, payable to order or demand, shall be issued, crossed with the name of any other incorporated bank, in written or stamped letters, across its face, such name being placed there either by the maker or payee of such cheque or draft, such cheque or draft shall be payable only to or through such other incorporated bank, by the bank on which such cheque or draft is drawn. Crossed cheques to be paid only to bank so indicated.

2. The crossing of such cheque or draft with the name of any incorporated bank shall be a material point of such cheque or draft, and shall not be obliterated, altered or added to by any person whomsoever; and any person who shall obliterate, alter, or add to the crossing of such cheque or draft with intent to defraud, or shall offer, utter, dispose of or put off such cheque or draft, whereon such obliteration, alteration or addition has been made, with such intent, shall be guilty of felony, and shall be subject to the same punishment as is provided by law for the forgery of a bill of exchange or promissory note. Crossing to be a material part of the cheque, and altering it to be forgery.

3. Any cheque or draft drawn upon any incorporated bank for a sum of money payable to order on demand, which shall, when presented for payment, purport to be indorsed *to* the person to whom the same shall be drawn payable, shall be a sufficient authority to such bank to pay the amount of such cheque or draft to the bearer thereof, and it shall not be incumbent on such bank to prove that such indorsement, or any subsequent indorsement, was made by or under the direction or authority of the person to whom the said cheque or draft was or is made payable, either by the payee or any subsequent indorser thereof. Cheque payable to order on demand, purporting to be indorsed *by* payee, to be payable to bearer.

No. 15.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Law relating to Banks and Banking.

Received and read the first time, Thursday, 24th February, 1876.

Second reading, Thursday, 2nd March, 1876.

Mr. CAMERON,
of Cardwell.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

No. 16.] **BILL.** [1876.

An Act to provide for the Examination and Licensing of persons employed as Engineers elsewhere than on Steamboats.

Preamble.

WHEREAS, for the greater security of life and property it is expedient to provide for the examination and licensing of persons employed as Engineers elsewhere than on Steamboats: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

1. In this Act the term "Board of Inspectors" means the Board of Steamboat Inspection constituted by the Act passed in the thirty-first year of Her Majesty's reign, chapter sixty-five; the term "Inspector" means a menber of the said Board; and the term "Engineer" means any person having the care, management and control of any stationary steam engine used for the purpose of moving machinery of any kind.

Examination of applicants for certificate.

2. Any person claiming to be qualified to perform the duties of an Engineer in connection with a stationary engine set up and used in any mill, manufactory or other place, for the moving of machinery of any description whatsoever, shall apply to the Board of Inspectors who shall examine or shall cause an Inspector or Inspectors to examine and report upon the applicant and the proofs that he produces in support of his claim; and any such examination may be upon oath, which any Inspector may administer; and if upon full consideration the Board of Inspectors are satisfied that his character, habits of life, knowledge and experience in the duties of an Engineer are all such as to authorize the belief that the applicant is a suitable and safe person to be intrusted with the powers and duties of such a station, the said Board of Inspectors shall give him a license to that effect for one year, under the hand and seal of the Chairman, and the said certificate, subject to the above conditions, shall be renewable yearly, or oftener if applied for; and for every such certificate the applicant shall pay the sum of *five dollars*, and for every renewal *one dollar*, which shall go to the Steamboat Inspection Fund, established by the thirty-second section of the Act hereinbefore cited.

Certificate by Board of Inspectors: conditions and fee

Revocation in certain cases.

(2) But the license of any such Engineer may be revoked by the said Board upon proof of negligence, unskillfulness or drunkenness, or upon the finding of a Coroner's Inquest.

Temporary certificate by Inspector examining applicant.

3. Any Inspector duly appointed under the said Act shall have power with the consent of the Chairman to grant to any person claiming to be qualified to perform the duties of an Engineer in steamboats, a temporary certificate of his qualification, after examination of the applicant, on oath administered by the Inspector; and such certificate shall have all the force and effect of a license granted by the Board of Inspectors, for a period not exceeding sixty days from the day on which it was granted, and such Inspector shall immediately after granting such certificate forward a copy of it to the Chairman of the Board of Inspectors, together with a report on the qualification of the applicant; and for every such certificate so granted the applicant shall pay the sum of *one dollar*, which shall go to the Steamboat Inspection Fund hereinbefore mentioned.

Penalty for employing or acting without a license.

4. It shall not be lawful for any person to employ another as Engineer, or for any person to serve as Engineer, unless the person serving or employed as Engineer is then licensed by the said Board, or temporarily by an Inspector as aforesaid and any person so offending shall thereby incur a penalty of *two hundred dollars*.

Commencement of Act.

5. This Act shall come into force on the first day of , One thousand eight hundred and seventy-five.

No. 16.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to provide for the Examination and Licensing of persons employed as Engineers elsewhere than on Steamboats.

Received and read the first time, Thursday, 24th February, 1876.

Second reading—Monday, 28th February,

Mr. Cook

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1876.

No. 17. **BILL.** [1876.

An Act to provide means of escape for persons falling into the water in the vicinity of Wharves and Docks.

Preamble.

WHEREAS the neglect to provide means of escape at wharves, slips and docks, for persons falling into the water in the vicinity thereof is a source of great danger to human life, and it is desirable to provide a remedy: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Wharf—what to mean.

1. In this Act and for the purposes thereof the word "Wharf" means any wharf, landing stage, slip or dock at which passengers are usually landed from any sailing or steam vessel or boat.

Ladders to be fitted to wharves.

2. It shall be the duty of all corporations and individuals owning, controlling or having the management of any wharf to cause the same, within six months after the passing of this Act, to be fitted with ladders extending from low water mark to the surface level of such wharf, and to keep such ladders constantly in good repair thereafter.

At what distance apart.

3. The ladders in the next preceding section mentioned shall be well and sufficiently made, and shall be attached to the side of the wharf, at distances not more than twenty feet from each other; Provided always, that the fitting of any wharf with such ladders shall not be compulsory as respects any part thereof, alongside of which the depth at high water does not exceed four feet.

Proviso.

Penalty for neglect.

4. Any Corporation or individual owning, controlling or having the management of any wharf to which this Act applies, who violates the provisions thereof, shall be liable to a fine not exceeding *fifty dollars*, recoverable on information before any two of Her Majesty's Justices of the Peace, or before the Mayor or Police Magistrate of any city or town; one moiety of such fine shall be paid to the party laying the information, and the other moiety to the municipality within which the case may arise; and parties so complained against shall be liable to a further fine of *five dollars* for every week succeeding that in which the complaint is laid, until the necessary changes are made.

Further penalty for continuance.

No. 17.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to provide means of escape for persons falling into the water in the vicinity of Wharves and Docks.

Received and read, first time, Thursday, 24th February, 1876.

Second Reading, Monday, 28th February, 1876.

Mr. Cook.

OTTAWA:

Printed by MacLean, Roger & Co.,

1876.

No. 18.] **BILL.** [1876.

An Act to incorporate the Canada Fire and Marine Insurance Company.

Preamble.

WHEREAS John Winer, George Roach, David Thompson and others on behalf of themselves and other Directors and shareholders in the Company hereinafter named, and the Canada Fire and Marine Insurance Company incorporated under the Act chapter sixty-seven of the Statutes of the Province of Ontario passed in the thirty-eighth year of Her present Majesty's reign have, by their petition, represented that they are desirous of becoming incorporated by an Act of the Parliament of Canada under the name of the Canada Fire and Marine Insurance Company, for the purpose of carrying on the business of Fire and Marine Insurance and doing all things appertaining thereto or connected therewith as well in the Province of Ontario where they are now carrying on such Insurance business as in other Provinces of the Dominion and in foreign countries; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporation created and continued.

1. The shareholders of the Canada Fire and Marine Insurance Company incorporated by an Act of the Legislature of the Province of Ontario passed in the thirty-eighth year of Her present Majesty's reign and chaptered sixty-seven, together with such other persons as may hereafter become shareholders in the Company shall continue to be and are hereby constituted a body politic and corporate in law, in fact and in name by the style and title of the Canada Fire and Marine Insurance Company, for the purpose of carrying on the business of Fire and Marine Insurance and doing all things appertaining thereto or connected therewith, with all the powers, privileges and rights to such company heretofore belonging and hereinafter mentioned; and shall and may have perpetual succession and shall be capable in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded in any court of law or equity in their corporate name aforesaid; and they and their successors shall and may have a common seal, and may change the same at their will and pleasure: Provided always that nothing in this Act contained shall be construed in any manner to affect any contract, matter, or thing concerning the said Company otherwise than is herein expressed, or to affect any action, suit or proceeding commenced on behalf of or against the said Company at the time of the passing of this Act; and that all the shareholders in the

Proviso: existing rights saved.

said Company incorporated as aforesaid shall be and continue to be shareholders in the Company hereby incorporated and liable as such shareholders on their stock subscriptions as heretofore; and that all such subscriptions, and all other property real and personal, debts, rights, claims and privileges heretofore belonging to or vested in the said Company and all their interest in the same shall be held by and are hereby vested in the said Canada Fire and Marine Insurance Company in the same manner and by the same title, and with all the benefits and liabilities attaching to the same as existed at the time of the passing of this Act; and all the policies and other contracts of insurance and other engagements made or entered into by or on behalf of the said Company under its former charter of incorporation shall continue to be valid and binding under this Act.

Capital stock.

2. The capital stock of the said Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, with the privilege to increase the same from time to time to any amount not exceeding five millions of dollars, by a vote of the shareholders at any annual or special meeting of shareholders called for that purpose, which said shares shall be and are hereby vested in the several persons who have subscribed or shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act. Aliens as well as British subjects and whether resident in Canada or elsewhere, may be shareholders in the said Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects and shall also be eligible to hold office as Directors or otherwise in the said Company.

Payment of shares.

3. The shares of capital stock subscribed for shall be paid in and by such instalments and at such times and places as the said Directors shall appoint; no such instalment shall exceed ten per cent of the sum subcribed; thirty days' notice of each call shall be given, and instalments shall not be made payable more frequently than once in three months; provided that the said Company shall not be authorized to avail themselves of the privileges of this Act, otherwise than in accordance with the provisions of the several Acts of the Parliament of the Dominion relating to Fire and Marine Insurance Companies.

Forfeiture of shares.

4. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may declare such share or shares forfeited, together with the amount previously paid thereon, in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold at a public sale by the Directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act;

Proviso:

Provided always, that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner; and

no more shares shall be sold than what are deemed necessary to pay such arrears, interest and expenses.

Payment of calls, &c., to cause share to revert to owner.

5. If payment of such arrears of calls, interest and expenses be made before any share so declared forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls it shall be sufficient for the Company to allege that the defendant, being the owner of such shares, is indebted to the said Company in such sum of money as the calls in arrear amount to for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made, and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such calls, or any matter whatsoever other than what is before mentioned; a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the President or one of the Vice-Presidents or the Managing Director, or Secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *primâ facie* evidence of such by-law, rule, regulation, minute or entry without proof of the official character or signature of the officer signing the same, or of the corporate seal.

What must be proved on the trial.

Transfers, how made.

6. No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company according to such form as may, from time to time, be fixed by the by-laws; and until the whole of the capital stock of the said Company is paid up it shall be necessary to obtain the consent of the Directors to such transfer being made; Provided always that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors; and no transfer of stock shall at any time be made until all calls thereon have been paid in.

Proviso.

Liability of shareholders limited.

7. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the Company, but no further; and when any transfer of any stock not paid up in full has been made as aforesaid for the purpose of collateral security only, the transferee shall not be liable for any calls on such stock or any debts or engagements of the Company; but the owner of such stock shall, notwithstanding such transfer, continue to be liable on such subscription as theretofore.

Board of Directors.

8. The stock, property, affairs and concerns of the said Company shall be managed and conducted by twenty-five Directors, who shall hold office for one year, and shall be elected (at the expiration of the term during which the Di-

rectors hereinafter appointed are to hold office) at the annual meeting of shareholders to be held at the city of Hamilton in the month of July next and yearly thereafter on such day as may be appointed by by-law, not less than ten days notice of such meeting being given by letter to the shareholders and also by advertisement in some daily newspaper published in said City ; and the said election shall be held and made by such of the shareholders present in person or represented by proxy as shall have paid all calls made by the Directors and then due, and all such elections shall be by ballot ; and the twenty-five persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed ; and if two or more persons have an equal number of votes, in such a manner that a greater number of persons than twenty-five shall appear to be chosen as Directors, then the Directors who shall have the greater number of votes, or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of twenty-five ; and the said Directors (as soon as may be after the said election) shall proceed to elect one of their number to be the President and two to be Vice-Presidents ; and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors, or the majority of them, electing in such place or places a shareholder or shareholders eligible for such an office : Provided always, that no person shall be eligible to be or continue as Director, unless he shall hold in his name and for his own use stock in the said Company to the amount of twenty shares, whereof at least ten per centum shall have been paid in, and shall have paid all calls made upon his stock and all liability actually matured and incurred by him with the Company. The first Directors of the Company incorporated under this Act shall be : John Winer, George Roach, David Thompson, Lyman Moore, George Rutherford, John M. Buchan, Thomas Banter, George Lee, William Harris, C. E. Chadwick, James Reid, F. P. Brickley, H. P. Coburn, H. H. Hurd, Charles Goodhue, John McKinnon, McLeod Stewart, T. H. Marsh, William Elliot, A. Macallum, J. A. Bruce, Dr. E. Vernon, George A. Cox, and A. B. Petrie ; and they shall hold office until the annual meeting of the shareholders of the Company in July next.

Election of Directors.

Vacancies.

Proviso : qualification of Directors.

Provisional Directors.

Failure of election not to dissolve company.

9. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when pursuant to this Act it should have been made, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election in such a manner as may be regulated, directed and appointed by the Directors for the time being; and the Directors in office shall so continue until a new election is made.

Votes on shares.

10. At all general meetings of the said Company each

shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid up; such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes.

Proceedings at annual meetings.

11. At the annual meeting of the shareholders the election of Directors shall be held and all business transacted without the necessity for specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such further information as may be required by the by-laws, shall be laid before the shareholders: Special general meetings of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders the President or, in his absence, one of the Vice-Presidents, or in the absence of all of them, a Director or shareholder chosen by the shareholders, shall preside, who, in case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder.

Special meetings.

Quorum and decision of questions.

12. At all meetings of Directors three shall be a quorum for the transaction of business; and all questions before them shall be decided by a majority of votes, and in case of an equality of votes the President, Vice-President or presiding Director shall give the casting vote in addition to his vote as a Director.

Dividends.

13. The Directors of the Company at a meeting held for such specified purpose may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends; and may also, by resolution, order that the holders of policies or other instruments shall be paid such portion of the actual realized profits, in such portions, at such times and in such manner as the said Directors may think proper, and may enter into obligations so to do either by endorsement on the policies or otherwise: Provided always that the holders of policies or other instruments so participating in the profits, shall not be in anywise answerable or responsible for the debts of the said Company.

Participation by policy holders.

Proviso:

Business of the Company.

14. The said Company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire or lightning on any house, store or other building whatsoever, and in like manner on any goods, chattels or personal estate whatsoever, for such time or times and for such premiums or considerations and under such modifications and restrictions, and upon such conditions as may be bar-

gained and agreed upon or set forth by and between the Company and the person or persons agreeing with them for such insurance; and the said Company in like manner shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire, storm or tempest, or from any other cause, of or to ships, boats, vessels, steamboats or other craft navigating the oceans, lakes, rivers, or high seas, or other navigable waters whatsoever, from any port or ports in Canada, to any other port or ports in Canada or to any Foreign port or ports upon the oceans, lakes, rivers, or other navigable waters aforesaid, or from one Foreign port to another Foreign port, or from any Foreign port or ports, to any port or ports in Canada or elsewhere, upon all or any of the oceans, lakes, rivers and navigable waters aforesaid, and against any loss or damage of or to the cargoes or property conveyed in or upon such ships, vessels, boats or other craft, and the freight due or to grow due in respect thereof, or of or to timber or other property of any description conveyed in any manner upon any of the oceans, seas, lakes, rivers, or navigable waters aforesaid, or on any railway, or stored in any warehouse or railway station, and generally to do all matters and things relating to or connected with fire and marine insurances as aforesaid, and to make and to grant all policies therein and thereupon; and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business; and generally to do and perform all other necessary matters and things connected with and proper to promote those objects; and all policies or contracts of insurance issued or entered into by the said Company shall be signed by the President or one of the Vice-Presidents, and countersigned by the Managing Director or Secretary, or otherwise, as may be directed by the by-laws, rules and regulations of the Company, and being so signed and countersigned, shall be deemed valid and binding upon the Company, according to the tenor and meaning thereof.

Re-insurance.

Power to hold real estate.

15. The Company shall have power to acquire and hold real estate not exceeding an annual value of ten thousand dollars for the purpose of its business within the *Province of Ontario*, and to sell or dispose of the same and acquire other property in its place, as may be deemed expedient; and to take, hold and acquire all such lands and tenements, real or immovable estate, as shall have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof or of the owners thereof; and to retain the same for a period not exceeding ten years; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada, or of any of the Provinces thereof, or of any foreign state or states, when required for the carrying on business in such foreign state, or in the stocks of any

Investment of funds.

chartered banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate, or in such other securities and in such manner as the Directors may elect ; and may, from time to time, vary or sell the said securities, or mortgage or pledge the same from time to time as occasion may require : The Company shall have power to borrow money on the security of its debentures to an amount not exceeding one-half of the amount of its paid up Capital Stock and ten per centum of the amount of its reserve or assets requisite for the re-insurance of the Company's outstanding risks; and the legal standard for computing such reserve or re-insurance fund shall be forty per centum of the premiums for the preceding twelve months.

Borrowing powers of the Company.

16. The Directors shall have full power and authority to make, and, from time to time, to alter by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well-ordering of the company, the management and disposition of stock, property, estate and effects, the calling of special general meetings, the regulation of the meetings of the Board of Directors, the increasing or the decreasing of the number of Directors, the increasing of the capital stock, the appointment of a Managing Director, and of local boards to facilitate the details of business, and the definition of the duties and powers of such local boards, the making of calls upon the subscribed capital, the issue and allotment of shares, the appointment and removal of officers and agents of the company, the regulation of their powers and duties, and the remuneration to be paid to them, the regulation of the transfer of stock and the form thereof, the compensation of Directors, the establishment and regulation of agencies, and the determining of rates, rules, and conditions, under which the company's policies shall be issued, transferred or re-purchased.

Directors may make by-laws for certain purposes.

17. The chief place of business of the company shall be in the City of Hamilton ; and the said company shall have full power and authority to comply with the laws of any province, state or country wherein it proposes to carry on business, and to appoint therein, under the seal of the company, local managers, agents, or other officers.

Chief place of business and branches.

18. The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock may be subject, or to which any policy or policies shall be subject ; and the receipt of the person in whose name any share stands, or by whom any policy or policies appear to be held in the books, shall be a sufficient discharge to the company for any money paid in respect of such share or shares, or policy or policies, notwithstanding any trust to which they or any of them may be held subject, and whether or not the company shall have had notice of such trust.

Company not bound to see to trusts.

Dividends not to impair capital stock.

Responsibility of Directors.

19. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable as well to the company as to the individual shareholders and creditors thereof, for the amount of the dividend or dividends so paid; but if any director present when such dividend is declared, do forthwith, or if any director then absent do, within twenty-four hours after he shall have become aware thereof and able to do so, enter in the minutes of the board of directors his protest against the same, and do within eight days thereafter, publish such protest in at least one newspaper, published at or as near as may be possible to the head office of the company, such director may thereby and not otherwise, exonerate himself from such liability.

General laws to apply.

20. The said company shall be subject to the provisions of the Act passed by the Parliament of Canada, in the thirty-eighth year of Her Majesty's reign, and intituled: "*An Act to amend and consolidate the several Acts respecting Insurance in so far as regards Fire and Inland Marine business,*" and to all other general laws in force or that may hereafter, be in force respecting Fire and Marine Insurance Companies.

No. 18.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to incorporate the Canada Fire and Marine Insurance Company.

Received and read, first time, Friday, 25th February, 1876.

Second Reading, Monday, 28th February, 1876.

(PRIVATE BILL.)

Mr. Thompson, (Haldimand.)

OTTAWA:

Printed by MacLean, Roger & Co.,

1876.

No. 19.] **BILL.** [1876

An Act to authorize the Shareholders of the "Union Permanent Building and Savings Society" to change the name of the said Society to that of the "Union Loan and Savings Company."

Preamble.

WHEREAS the Union Permanent Building and Savings Society by their petition have represented that they were incorporated under the authority of the Act passed by the Legislature of the late Province of Canada, passed in the ninth year of Her Majesty's Reign and intituled "*An Act to encourage the establishment of certain Societies commonly called Building Societies, in that part of the Province of Canada formerly constituting Upper Canada*," and of the Act amending the same; and that by reason of the great extension of their business, the increase in the number of their shareholders, and the extended character of their financial transactions, it is necessary that they should seek from Parliament power to change the name of the said Society; and whereas it would be for the public advantage as well as for the convenience of the corporation, that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name of Company may be changed.

1. It shall be lawful for the said Society by by-law to change the name of the "Union Permanent Building and Savings Society" to that of the "Union Loan and Savings Company," which change shall take effect and shall be held to be effectual to all intents and purposes from and after a day to be therein specified; Provided, that the Directors of the said Society shall advertise the change of name once a week for one month previous to the change taking effect, in the *Canada Gazette* and in a newspaper published in the City of Toronto.

Proviso.

Company continued under new name.

2. Upon the said change taking effect, the said Society and all its then members, their successors and assigns forever, shall therefrom be, and be thereby held to be constituted, and shall continue to be a body politic and corporate, under the name last aforesaid, having its principal place of business in the City of Toronto: and under that name shall be capable of suing and being sued, pleading and being impleaded in all Courts and places whatsoever.

Not to be a new corporation.

3. The said Society, under its new name, shall not be deemed to be a new corporation, but it shall have, hold, and

continue to exercise all the rights, powers and privileges that shall, previously to such change, have been held, exercised and enjoyed by the said "Union Permanent Building and Savings Society" in as full and ample a manner as if the said Society had continued to exist under its original name; and all statutory provisions applicable to the said Society, shall continue applicable to the said "Union Loan and Savings Company."

Property vested in the Company.

4. All real and moveable property, shares, or stock obligations, debts, rights, claims and privileges of the said "Union Permanent Building and Savings Society" shall, from the time such change shall take effect, be held by and vested in the said Society under its new name; and all the shareholders in the said Society shall, from such time, continue shareholders in all respects as before such change of name; but all legal proceedings heretofore regularly begun by or against the "Union Permanent Building and Savings Society" may be continued and be terminated under the name or style of cause in which they have been instituted.

Officers continued.

5. The then existing President, Vice-President, Directors and officers of the said "Union Permanent Building and Savings Society," shall continue in office as such in the said Society under its new name, until replaced in conformity with the by-laws of the Corporation.

By-laws continued.

6. All the then existing by-laws and rules of the said "Union Permanent Building and Savings Society" shall continue in full force and effect, and shall be binding in law, as regards the said Society under its new name, its Directors, officers, shareholders and borrowers, until modified, amended or repealed in accordance with the provisions of this Act.

No. 19.

3rd Session, 3rd Parliament, 39 Vict. 1876.

BILL.

An Act to authorize the Shareholders of the "Union Permanent Building and Savings Society," to change the name of the said Society.

Received and read First time Friday, 25th February, 1876.

Second reading—Monday, 28th February, 1876.

Mr. MACDONALD (Toronto Centre).

(PRIVATE BILL.)

OTTAWA:
Printed by MacLean, Roger & Co,
1876.

Bill No 20 Mr Botterill tells me was not printed
JL

No. 21.] **BILL.** [1876.

An Act to amend the Acts respecting the "Citizens' Insurance and Investment Company," and to change the name the said Company to that of the "Citizens' Insurance Company of Canada."

Preamble.

WHEREAS the Citizens' Insurance and Investment Company by their petition have represented that it would be for the advantage of the said Company that provision should be made for a separate fund, available only to the holders of life policies in the said Company, and that the name of the said Company should be changed; and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name of Company changed.

1. The name of the said Company is hereby changed to the Citizens' Insurance Company of Canada, by which name in future the said Company shall enjoy all the franchises and privileges, and shall hold all the rights and assets, and shall be subject to all the liabilities heretofore held, enjoyed and possessed, or which have heretofore attached to the Citizens' Insurance and Investment Company: and no suit now pending shall be abated by reason of the said change of name, but may be continued to final judgment in the name under which it shall have been commenced.

Life fund to be created.

2. From and after the date of the coming in force of this Act the sum of *twenty-eight thousand nine hundred and nineteen* dollars and *forty-nine* cents, being the amount standing at the credit of the business of Life Insurance heretofore carried on by the said Company, on the thirty-first day of December last; and also, the sum of *fifty-three thousand* dollars deposited in the hands of the Government of Canada, shall constitute and be a separate fund available only to the holders of life policies in the said Company; and separate books of account shall be kept for all transactions in connection with the business of Life Insurance. And all moneys received subsequent to the said thirty-first day of December last, as premiums upon policies of Life Insurance or in anywise in respect of such business added to the said sums, and shall be invested and kept distinct and separate from the remaining funds of the Company, and shall be known as the Life Fund of the said Company; and such Life Fund shall not be available or applicable to or liable for any losses or claims whatsoever that

Life premiums to be kept separate.

may happen or be made upon the said Company in respect of Fire, Accident or Guarantee Policies; but on the other hand the remaining funds and assets of the Company are not relieved from responsibility for losses on the Life business; and if the Life fund should at any time hereafter be found to be insufficient for the payment of losses arising upon Life Insurance Policies, then and in that case, the Company shall pay holders of just claims upon Life Insurance Policies issued by the Company out of any or all other funds, stocks or property of the Company from whatever source they may be derived.

No. 21.

3rd Session, 3rd Parliament, 39 Victoria, 18 6.

BILL.

An Act to amend the Acts respecting the Citizens' Insurance and Investment Company.

Received and read first time Friday, 25th February, 1876.

Second Reading, Monday, 28th February, 1876.

(PRIVATE BILL.)

M. JETTÉ.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street.
1876.

No. 22] **BILL.** [1876.

An Act to provide for the Salaries of County Court Judges in the Province of Nova Scotia, and for other purposes.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. The salaries of the County Court Judges in the Province of Nova Scotia shall be as follows :— Salaries of County Court Judges.

Six County Court Judges, each.....	$2,000 per annum.
The County Court Judge for the County of Halifax.....	2,400 " "

To each of the County Court Judges there may be paid for actual travelling expenses such sum not exceeding the rate of two hundred dollars per annum, as may be allowed by the Governor in Council. Travelling Expenses.

The salary of any of the said County Court Judges receiving less than two thousand four hundred dollars per annum shall after a period of three years' service as such County Court Judge, be two thousand four hundred dollars per annum, with travelling expenses as aforesaid. Increase from $2,000 to $2,400 after three years' service.

The said salaries and allowances may be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, and *pro rata* for any shorter time than a year, in like manner as the salaries and allowances of other Judges. Payment out of Con. Rev. Fund.

2. The eighth section of the Act passed in the thirty seventh year of Her Majesty's Reign, intituled "*An Act to amend the Act thirty-sixth Victoria, chapter thirty-one, for the readjustment of the Salaries of Judges, and other purposes*," shall apply to the said County Court Judges in the Province of Nova Scotia, and they shall be entitled to the same retiring allowance or annuity on the same conditions and payable in the same manner as if they were expressly referred to and included in the said section. Sect. 8 of 37 V., c. 4, to apply to County Court Judges in Nova Scotia.

No. 22.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to provide for the Salaries of County Court Judges in the Province of Nova Scotia, and for other purposes.

Received and read the first time, Friday, 25th February, 1876.

Second reading Monday, 26th February, 1876.

Mr. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

No. 23.] **BILL.** [1876.

An Act to amend the Act 35th Victoria, Chapter 111, intituled: "An Act to incorporate The Mail Printing and Publishing Company (Limited.)"

Preamble.

WHEREAS The Mail Printing and Publishing Company (Limited), duly incorporated as such by Act of Parliament, thirty-fifth Victoria, Chapter one hundred and eleven, have by their petition prayed to be permitted to increase their capital stock by the issue of five hundred preferential shares, representing fifty thousand dollars, current money of Canada, and it is expedient to grant their prayer; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preferential shares may be issued.

1. Immediately after the coming into force of this Act, the said Company shall have power to increase their capital stock by the issue of five hundred preferential shares, of one hundred dollars currency each, for which purpose a stock-book shall be opened in the office of the said Company.

Notice to be given.

2. Of the opening of such stock-book, notice shall be given to each shareholder by the Secretary of the said Company, by circular bearing the ordinary last known address of such shareholder, or, in case of his absence of his duly authorized agent, deposited and registered in the Post Office in the City of Toronto, and by advertisement, during fourteen consecutive days in The Mail Newspaper.

Shareholders to have preference.

3. During a period of one month from the opening of the said stock-book, each shareholder of the said Company shall be entitled to subscribe for such preferential shares to the extent of one preferential share for every two shares held by him in the original capital stock of the said Company. At the expiration of that month any preference stock not then taken up may be divided *pro rata* among the shareholders who have already subscribed to the preference stock: one month being allowed them for decision.

Disposal of remainder of shares.

4. After the expiration of such second month, it shall be competent for any body approved of by the Directors of the Company to subscribe for any portion of the said preferential shares which may not then have been taken up under the provisions of the next preceding section by the shareholders of the said Company.

Interest and calls.

5. The said preferential shares shall be called preference Stock, and shall bear interest on all such portions thereof as shall be actually paid up, from the date of payment. And calls on such preference stock may be made by the Directors of the said Company, from time to time, in their discretion.

Transfer.

6. Shares of preference stock shall be transferable only in the manner and on the conditions provided by the by-laws of the said Company, with respect to the transfer of shares of the original stock of the Company, and they shall confer voting power in the same ratio.

Net earnings liable for interest.

7 The net earnings of the said Company, after the payment of all their outstanding liabilities, shall be applied towards the payment of interest at the rate of ten per centum per annum on the preferential stock, and any surplus remaining shall be applied as a dividend on the original capital stock of the Company.

Rights of preference shareholders.

8. In case it should become necessary, or be determined by a vote of the shareholders to wind up the affairs of the said Company, the shareholders of the preferential stock shall be paid in preference to the shareholders of the original capital stock.

No. 23.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Act 35th Victoria, Chapter 111, intituled: "An Act to incorporate The Mail Printing and Publishing Company (Limited.)"

Received and read the first time, Monday, 28th February, 1876.

Second reading Tuesday, 29th February, 1876.

(PRIVATE BILL.)

MR. KIRKPATRICK.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street.

1876.

No. 24.] **BILL.** [1876.

An Act to make further provision in regard to the Supreme Court, and the Exchequer Court, of Canada.

It is intended that the clause in brackets shall be introduced in Committee.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

EVIDENCE.

Proceedings for the examination on interrogatories or by commission of persons who cannot, for certain reasons, conveniently appear in Court.

1. In case any party to any proceeding had or to be had in either the Supreme Court or the Exchequer Court, is desirous of having therein the evidence of any person, whether a party or not, or whether resident within or out of Canada, the Court or any Judge thereof, if in its or his opinion it is, owing to the absence, age, or infirmity, or the distance of the residence of such person from the place of trial, or the expense of taking his evidence otherwise, or for any other reason, convenient so to do, may, upon the application of such party, order the examination of any such person upon oath by interrogatories or otherwise before the Registrar of the said Courts, or any Commissioner for taking affidavits in the said Courts, or any other person or persons to be named in such order; or order the issue of a commission under the seal of the Court for such examination; and may, by the same or any subsequent order, give all such directions touching the time, place and manner of such examination, the attendance of the witness and the production of papers thereat, and all matters connected therewith, as may appear reasonable.

Such persons hereinafter called "witnesses."

(2.) The person, whether a party or not, to be examined under the provisions of this Act is hereinafter called a witness.

Duty of persons taking such examination.

2. It shall be the duty of every person authorized to take the examination of any witness, in pursuance of any of the provisions of this Act, to take such examination upon the oath of the witness or upon affirmation in any case where affirmation is allowed by law instead of oath; and any witness who wilfully or corruptly gives any false evidence is guilty of perjury, and may be indicted and prosecuted for such offence in any County or District or other judicial division in Canada where such evidence shall have been

Punishment of witnesses wilfully giving false evidence.

given, or if the evidence be given out of Canada, in any judicial division in Canada in which he may be apprehended or in custody.

Court or Judge may order further examination.

Penalty on party refusing to aid in procuring the same.

3. The Court or a Judge may, if it be considered for the ends of justice expedient so to do, order the further examination, before either the Court or a Judge thereof, or other person, of any witness, and if the party on whose behalf the evidence is tendered neglects or refuses to obtain such further examination, the Court or Judge in its or his discretion may decline to act on the evidence.

Notice to adverse party.

4. Such notice of the time and place of examination as shall be prescribed in the order, shall be given to the adverse party.

Obligation of witness to attend and give evidence on being notified and tendered his legal fees.

5. When any order shall be made for the examination of a witness and a copy of the order together with a notice of the time and place of attendance signed by the person or one of the persons to take the examination shall have been duly served on the witness and he shall have been tendered his legal fees for attendance and travel, the refusal or neglect to attend for examination or to answer any proper question which may be put to him on examination, or to produce any paper which he has been notified to produce, shall be deemed a contempt of Court and may be punished by the same process as other contempts of Court : but he shall not be compelled to produce any paper which he would not be compelled to produce or to answer any question which he would not be bound to answer in Court.

Proviso : as to production of papers.

Consent of parties to examination equivalent to an order.

6. If the parties in any case pending in either of the said Courts consent in writing that a witness may be examined within or out of Canada by interrogatories or otherwise, such consent and the proceedings had thereunder shall be as valid in all respects as if an order had been made and the proceedings had thereunder.

Return of examinations in Canada.

Use thereof.

7. All examinations taken in Canada, in pursuance of any of the provisions of this Act, shall be returned to the Court, and the depositions certified under the hands of the person or one of the persons taking the same may, without further proof be used in evidence, saving all just exceptions.

And if taken out of Canada.

8. All examinations taken out of Canada, in pursuance of any of the provisions of this Act, shall be proved by affidavit of the due taking of such examinations, sworn before some Commissioner, or other person authorized under this or any other Act to receive such affidavit at the place where such examination has been taken, and shall be returned to the Court, and the depositions so returned, together with such affidavit, andthe order or commission, close under the hand and seal of the person or one of the persons authorized to take the examination, may without further proof be used in evidence, saving all just exceptions.

Use thereof.

Reading examination.

9. When any examination has been returned, any party may give notice of such return, and no objection to the examination being read shall have effect unless taken within the time, and in the manner prescribed by general order.

Governor in Council may appoint commissioners for receiving affidavits within or out of Canada.

10. The Governor in Council may, by one or more commissions, from time to time empower such persons as he may think necessary, within or out of Canada, to administer oaths and take and receive affidavits, declarations and affirmations in or concerning any proceeding had or to be had in the Supreme Court, or in the Exchequer Court; and every oath, affidavit, declaration or affirmation taken or made as aforesaid shall be as valid, and of the like effect to all intents, as if it had been administered, taken, sworn, made or affirmed before that one of the said Courts in which it is intended to be used, or before any Judge or competent officer thereof in Canada.

Style of Commissioners.

(2.) Any Commissioner so empowered shall be styled "A Commissioner for administering oaths in the Supreme "Court and in the Exchequer Court of Canada."

Further powers within Canada.

11. Any Commissioner so empowered resident within Canada is authorized to take and receive acknowledgments or recognizances of Bail and all other recognizances in the Supreme Court and in the Exchequer Court.

Before whom affidavits, &c, may be made out of Canada. Their effect.

12. Any oath, affidavit, affirmation or declaration, administered, sworn, affirmed or made out of Canada, before any Commissioner, authorized to receive affidavits to be used in Her Majesty's High Court of Justice in England, or before any Notary Public and certified under his hand and official seal, or before the Mayor or Chief Magistrate of any city, borough or town corporate in Great Britain or Ireland, or in any colony or possession of Her Majesty, out of Canada, or in any foreign country, and certified under the common seal of such city, borough or town corporate, or before a Judge of any Court of supreme jurisdiction in any colony or possession of Her Majesty, or dependency of the Crown out of Canada, or before any Consul, Vice-Consul, Acting Consul Pro-Consul or Consular Agent of Her Majesty exercising his functions in any foreign place, and certified under his official seal, concerning any proceeding had or to be had in the Supreme Court or Exchequer Court, shall be as valid and of like effect to all intents, as if it had been administered, sworn, affirmed or made before a Commissioner appointed under the *eighth* section of this Act.

Documents purporting to be under the hand or seal of such persons to be admitted without proof of that fact.

13. Any document purporting to have affixed, imprinted or subscribed thereon or thereto, the signature of any Commissioner appointed under this Act, or the signature of any such Commissioner authorised to receive affidavits to be used in Her Majesty's High Court of Justice in England, as aforesaid, or the signature and official seal of any such Notary Public as aforesaid, or the signature of any such Mayor or

Chief Magistrate as aforesaid and the common seal of the Corporation, or the signature of any such Judge as aforesaid and the seal of the Court, or the signature and official seal of any such Consul, Vice-Consul, Acting Consul, Pro-Consul or Consular Agent as aforesaid, in testimony of any oath, affidavit, affirmation or declaration having been administered, sworn, affirmed or made by or before him, shall be admitted in evidence without proof of any such signature or seal being the signature or the signature or seal of the person whose signature or signature and seal the same purport to be, or of the official character of such person.

Wilfully tendering document with false seal or signature, to be felony.

14. If any person tenders in evidence any such document as aforesaid with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be deemed guilty of felony, and shall be subject to the punishment by law provided for felony.

Informality not to be an objection to any affidavit, &c., if the Court or Judge thinks proper to receive it.
Nor set up as defence in case of perjury.

15. No informality in the heading or other formal requisites to any affidavit, declaration or affirmation made or taken before any person under any provision of this or any other Act, shall be an objection to its reception in evidence in the Supreme Court or the Exchequer Court, if the Court or Judge before whom it is tendered think proper to receive it; and in case the same be actually sworn to, declared or affirmed by the person making the same before any person duly authorized thereto, and be received in evidence, no such informality shall be set up to defeat an indictment for perjury.

APPEAL IN CONTROVERTED ELECTION CASES.

Supreme Court may adjudge that costs be paid wholly or in part by either party.

Recovery of such costs.

16. In Controverted Election Appeals under *The Dominion Controverted Elections Act*, 1874, the Supreme Court may adjudge the whole or any part of the costs in the Court below to be paid by either of the parties. Any order directing the payment of such costs shall be certified by the Registrar to the Court in which the Petition was filed, and the same proceedings for the recovery of such costs may thereupon be taken in the last mentioned Court as if the order for payment of costs had been made by that Court or by the Judge before whom the Petition was tried.

EXCHEQUER COURT JURISDICTION.

Sect. 58 of 38 V. c. 11, amended.

17. The fiffty-eighth section of *The Supreme and Exchequer Court Act* is hereby amended by striking out the words "on its Revenue Side."

And Sect. 61.

The sixty-first Section of *The Supreme and Exchequer Court Act* is hereby amended by striking out the words "on its Revenue Side" and inserting *in lieu* thereof "in similar suits."

EXCHEQUER COURT REFERENCES.

Court may refer any matter to Registrar, &c.

18. The Exchequer Court may for the purposes of taking accounts and making enquiries, refer any cause, matter or petition, over which it has under any Act jurisdiction, to

the Registrar or any other officer of the Court, or to any other referee.

EXCHEQUER COURT JURORS.

Qualification, exemption, &c.

19. The qualifications, exemptions and mode of summoning jurors shall be according to the Law applicable to the Superior Courts of the Province where the issues are to be tried.

Number of jurors to be summoned.

20. The number of Jurors to be summoned on any panel under a writ of *Venire facias* issued pursuant to the fifteenth section of the Supreme and Exchequer Courts Act, shall never be less than double nor more than three times the number of Jurors required in Civil cases to form a Jury for the trial of causes in the Superior Courts of the Province where the issues are to be tried, but within these limits, the Judge who orders the Writ of *Venire facias* to issue may exercise his discretion as to the number to be summoned.

Tales in default of jurors

21. When from challenges or other causes, a complete Jury for the trial of any cause cannot be obtained, the presiding Judge may direct the Sheriff or other proper officer to summon and return a *tales* according to the Law applicable to the Superior Courts of the Province where the issues are to be tried.

EXCHEQUER COURT EXECUTIONS.

Writs in addition to those prescribed by General Rules or Orders.

22. In addition to any Writs of Execution which may be prescribed by General Rules or Orders, the Exchequer Court may issue writs of Execution against the person or the goods, lands or other property of any party of the same tenor and effect as those which may be issued by any of the Superior Courts of the Province in which any judgment or order is to be executed; and where by the law of the Province a Judge's order is required for the issue of any writ of execution, a Judge of the Exchequer Court shall as regards like executions to issue out of that Court, have power to make a similar order.

If Judge's orders is necessary.

In what case only a person may be taken in execution.

23. No person shall be taken in custody under process of execution for debt issued out of the Exchequer Court at the suit of the Crown, unless he could be taken in custody under the laws of the Province in which he happens to be, in a similar case between subject and subject; and any person taken in custody under such process may be discharged from imprisonment upon the same grounds as would entitle him to be discharged under the laws in force relating to imprisonment for debt in the Province in which he is in custody.

Writs of and sales under execution to have some effect as like writs from Courts of the

24. All writs of execution against real or personal property as well those which may be prescribed by general Rules and Orders as those authorized by the *twenty-second* section of this Act shall, as regards the property liable to execution and the mode of seizure and sale, be

Province where the property seized lies.

executed as nearly as possible in the same manner as similar writs issued out of the Superior Courts of the Province in which the property to be seized is situated are by the law of the Province required to be executed; and such writs shall bind property in the same manner as such similar writs, and the rights of purchasers thereunder shall be the same as those of purchasers under such similar writs.

Life provision as claims to such property or proceeds of sales.

25. Any claim made by any person to property seized under a writ of execution issued out of the Exchequer Court or to the proceeds of the sale of such property shall be heard and disposed of as nearly as may be according to the procedure applicable to like claims to property seized under similar writs of execution issued out of the Courts of the Province.

MISCELLANEOUS.

Orders for payment of money, how enforced.

26. An order in either the Supreme Court or the Exchequer Court for payment of money, whether for costs or otherwise, may be enforced by the same writs of execution as a judgment in the Exchequer Court.

No attachment for non-payment only.

27. No attachment as for contempt shall issue in either the Supreme Court or the Exchequer Court for the non-payment of money only.

Judges may make rules and orders for carrying out this Act.

28. The Judges of the Supreme Court shall have the same power to make rules and orders for carrying out the purposes of this Act as they possess under the seventy-ninth section of the Supreme and Exchequer Court Act, in reference to the purposes of that Act.

Acts 31 V., c. 34, and 33 V., c. 4, to apply to officers of said Courts at Ottawa.

29. [The provisions of *The Canada Civil Service Act*, 1868, and any Acts amending the same, and of the "*Act for better "ensuring the efficiency of the Civil Service of Canada, by "providing for the superannuation of persons employed therein; "in certain cases*," and any Acts amending the same, shall extend and apply to the Officers, Clerks and Servants of the Supreme Court of Canada and of the Exchequer Court of Canada, at the seat of Government.]

No. 24.

3rd Session, 3rd Parliament, 39 Victoria, 18

BILL.

An Act to make further provision in gard to the Supreme Court, and t Exchequer Court, of Canada.

Received and read the first time, Monda 28th February, 1876.

Second reading Tuesday, 29th Februar 1876.

Mr. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1876.

No. 25.] BILL. [1876.

An Act further to amend "The St. Lawrence and Ottawa Railway Act."

Preamble.

WHEREAS, the St. Lawrence and Ottawa Railway Company have by their petition represented that by an Act passed in the thirty-first year of Her Majesty's reign known as "The St. Lawrence and Ottawa Railway Act" a deed of trust of the eighteenth day of April in the year one thousand eight hundred and sixty-seven, and the certificates thereunder issued were thereby confirmed, and the sum of fifty thousand pounds sterling money of Great Britain thereby secured, and the interest thereon from time to time to become and be payable was thereby declared to be a first security, charge or lien in or upon the said Railway, its lands, rights, privileges, franchises and appurtenances, tolls and revenues, rolling stock, plant and machinery, and the lands and premises as particularly in the said deed mentioned; And that by a certain other deed dated the fifteenth day of April in the year one thousand eight hundred and seventy-two a further sum of fifty thousand pounds sterling money of Great Britain was made a mortgage charge or lien upon the said railway as therein mentioned; And that by an Act passed in the thirty-fifth year of Her Majesty's reign known as "The St. Lawrence and Ottawa Railway Company amendment Act 1872" it was provided that nothing therein contained should in any way, vary, lessen or diminish or permit or authorize the Company to vary, lessen or diminish the first security, charge or lien of the deed of trust of the eighteenth day of April in the year one thousand eight hundred and sixty-seven for fifty thousand pounds sterling in and upon the railway, its lands, rights, privileges, franchises and appurtenances, tolls and revenues, rolling stock, plant and machinery (being the security mentioned in the Act hereinbefore recited) or the second security charge or lien of and under a certain deed or mortgage of the fifteenth day of April in the year one thousand eight hundred and seventy-two for fifty thousand pounds sterling upon the railway and the tolls, revenues and other properties thereof, which said two charges or incumbrances of fifty thousand pounds sterling each are, with the priority as between themselves therein mentioned, the first securities, charges or liens, mortgages or pledges on the said railway, and prior to the preference stock, and which are the two charges or incumbrances on the said railway hereinbefore recited; And that since the passing of the last recited Act the Railway Company have expended large sums of money in the construction of the Chaudière Extension in

the last recited Act mentioned, and have acquired other property in connection with the same; And that it is necessary and expedient for the Company that they should be enabled to borrow a farther sum of money for the purpose of further developing the said railway and for further carrying out the objects contemplated by the said Act passed in the year one thousand eight hundred and seventy-two hereinbefore recited; And that it is expedient that such money should be borrowed or raised either by issue of debenture stock or upon mortgage or mortgage bonds, and that the Company may be empowered from the proceeds thereof to pay off and redeem the first and second securities hereinbefore mentioned, the assent of the holders of securities under the said two deeds of mortgage to the extent of two thirds of each of the said sums of fifty thousand pounds sterling being first obtained thereto; And whereas the Company have prayed that an Act may be passed for the purposes aforesaid, and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited for all purposes as "The St. Lawrence and Ottawa Railway Company Amendment Act 1876."

Interpretation.

2 In this Act the term "the Company" means The St. Lawrence and Ottawa Railway Company.

The term "undertaking" means the railway, its lands, rights, privileges, franchises and appurtenances, tolls and revenues, rolling stock, plant and machinery, but subject to any incumbrances or equities affecting the same or any parts thereof.

Company may borrow £200,000 sterling.

3. It shall be lawful for the Company to raise in their option either by the issue of debenture stock or by mortgage bonds upon the undertaking a sum not exceeding two hundred thousand pounds sterling money of Great Britain, and bearing interest at a rate not exceeding seven per centum per annum, and the said debenture stock or the said mortgage bonds (as the case may be) and in either case the interest payable thereon shall be a charge and lien and security upon the undertaking, and shall rank next after the second mortgage or security of the fi teenth day of April in the year one thousand eight hundred and seventy-two, and prior to the preference stock and any other stock of the Company; and the Company may sell and dispose of the debenture stock or mortgage bonds (as the case may be) at such price or prices as they from time to time may be enabled to procure for the same.

Mortgage bonds may be issued with coupons.

4. If the Company determine to raise the sum of two hundred thousand pounds sterling by the issue of mortgage bonds, then the Company may from time to time raise all or any part of the amount by the issue of mortgage bonds in the form contained in schedule A to this Act annexed, or to the effect of such form, in such sums as they

may deem most desirable, with coupons attached for interest not exceeding seven per centum per annum, which bonds and coupons may be made payable at such times and at such places and in the currency of Canada, or in sterling money as the Company may think fit, and the same shall without the necessity of any registration bind the undertaking according to the tenor of the same, and of this Act.

A debenture stock may be created.

5. If the Company determine to raise the sum of two hundred thousand pounds sterling by the creation and issue of debenture stock, then the Company may from time to time raise all or any part of the said amount by the creation and issue at such times, in such amounts and manner, on such terms, subject to such conditions, and with such rights and privileges as the Company thinks fit, of stock to be called debenture stock, and may attach to the stock so created such fixed and perpetual preferential interest not exceeding seven per centum per annum payable half yearly or otherwise, commencing at once or at any future time or times when and as the debenture stock is issued or otherwise, as the Company thinks fit.

Stock Register to be kept.

6. The Company shall cause entries of the Debenture Stock from time to time created, to be made in a Register to be kept for that purpose, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to the debenture stock with the respective amounts of the stock to which they are respectively entitled, and the Register shall be accessible for inspection and perusal at all reasonable times to every mortgagee, debenture holder, shareholder and stockholder of the Company without payment of any fee charge.

Certificates to be delivered.

7. The Company shall deliver to every holder of debenture stock a certificate stating the amount of debenture stock held by him, and all regulations or provisions for the time being applicable to certificates of shares in the capital of the Company shall apply *mutatis mutandis*, to certificates of debenture stock.

Rights of holders of debenture stock.

8. Debenture stock shall not entitle the holders thereof to be present or vote at any meeting of the Company or confer any qualification, but shall in all respects not otherwise hereby provided for, be considered as entitling the holders to the rights and powers of mortgagees of the undertaking, other than the right to require repayment of the principal money paid up in respect of the debenture stock.

Transfer of stock.

9. Debenture stock shall be transmissible and transferable in the same manner and according to the same regulations and provisions as other stock or shares of the Company, and shall in all other respects have the incidents of personal estate.

Separate accounts to be kept.

10. Separate and distinct accounts shall be kept by the Company shewing how much money has been received for or on account of debenture stock, and how much owing on

the first and second securities hereinbefore mentioned has been paid off by debenture stock.

Priority of interest.

11. The interest on any debenture stock or mortgage bonds (as the case may be) issued under this Act shall have priority of payment over all dividends or interest on any preferential shares or stock of the Company, whether ordinary or preference, and shall rank next to the interest payable on the certificates or bonds of the first and second securities hereinbefore mentioned ; but the holders of debenture stock or of mortgage bonds (as the case may be) issued under this Act, shall not as among themselves, be entitled to any preference or priority.

Appointment of Receiver in case of non-payment of interest.

12. If within sixty days after the interest on any such debenture stock or the interest coupon of any such mortgage bonds is payable, the same is not paid, any one or more of the holders of the debenture stock, or interest coupons holding individually or collectively the sum of twenty-five thousand pounds sterling of the principal money, may (without prejudice to the right to sue in any Court of competent jurisdiction for the interest in arrear) require the appointment by the Court of Chancery of Ontario of a Receiver.

May be appointed by court of chancery of Ontario.

13. On any such application the Court of Chancery of Ontario may by order, after hearing the parties, appoint some person to receive the whole or a competent part of the tolls or sums liable for the payment of the interest, until all the arrears of interest then due on the debenture stock or mortgage bonds (as the case may be) issued under this Act, with all costs including the charges of receiving the tolls or sums, are paid ; And upon such appointment being made all such tolls or sums shall be paid to and received by the person so appointed ; and all money so received shall be deemed so much money received by or to the use of the several persons interested in the same, according to their several priorities, due regard being had in such respect to the respective priorities of the first and second securities now existing, as hereinbefore mentioned. The Receiver shall distribute rateably and without priority, among all the proprietors of debenture stock or mortgage bonds (as the case may be) to whom interest is in arrear, the money which so comes to his hands, after applying a sufficient part thereof in or towards satisfaction of the interest on the first and second securities, now existing as hereinbefore mentioned. As soon as the full amount of interest and costs has been so received the power of the Receiver shall cease, and he shall be bound to account to the Company for his acts or the sums received by him, and to pay over to the Company any balance that may be in his hands.

Duties and powers of Receiver.

Interest in arrears may be recovered.

14. If the interest on the debenture stock or mortgage bonds (as the case may be) under this Act is not paid for sixty days next after any of the respective days whereon the same is payable, the holder for the time being thereof, may, (without prejudice to his power in the next pre-

ceding section mentioned) recover the arrears with costs by action or suit in any court of competent jurisdiction.

Application of moneys raised.

15. The money, whether raised by debenture stock or mortgage bonds (as the case may be) under this Act, shall to the extent of one hundred thousand pounds, and of such further sum of money as shall be requisite for interest be applied exclusively in paying off in their respective order of priority the money secured by the first and second securities hereinbefore mentioned, and the balance or residue of the sum to be raised under this Act, shall be applied to the payment of outstanding debts and obligations and to the general purposes of the Company, as the Company may see fit.

Redemption of certain loan certificates.

16. The Company may call upon and require the last registered holder of any certificate or bond issued under either the first or second securities hereinbefore mentioned, to receive payment of the par value of such certificate or bond, and of all interest which may have accrued or be accruing up to the date of such payment, and the Company may by such payment redeem any and every such certificate or bond in respect of the amount thereby secured, and of all interest accrued thereon, and notwithstanding that any such certificate or bond has not become due or payable; and every such certificate or bond shall, upon such payment and redemption by the Company, be thereby cancelled and utterly void.

Notice to be given.

17. The notice of any such intended payment and redemption of the certificates or bonds under the first and second securities hereinbefore mentioned, may be given by letter addressed to the last registered holder of each certificate or bond at his last known place of abode or at the Bank through which he shall last have received payment of the coupons for interest.

Interest to cease from date of notice.

18. If the Company shall have given notice of their intention to pay off and redeem the certificates or bonds in the preceding section mentioned, then at the expiration of such notice all further interest shall cease to be payable on such certificates or bonds, unless on demand of payment made pursuant to such notice, or unless at any time thereafter the Company fails to pay the principal and interest due at the expiration of such notice of such certificate or bond.

Upon completion of redemption, stock or bonds to be first charge on railway.

19. When and as soon as the several certificates or bonds issued under the first or second securities hereinbefore mentioned, and the interest thereon accrued due, are paid off, redeemed and cancelled as hereinbefore mentioned, the Deed of Trust and Mortgage respectively hereinbefore mentioned as the first and second mortgages, liens, charges and securities on the said railway shall be absolutely null and void, and the Debenture Stock or Mortgage Bonds (as the case may be) for two hundred thousand pounds sterling authorized by this Act, and all principal money and interest thereby secured, shall be and become and thenceforward continue the first lien, charge and security upon the said

undertaking, and prior to the preferential or any other stock.

Application of earnings of the company.

20. When and so soon as the two several sums of fifty thousand pounds sterling hereinbefore mentioned, shall have been redeemed and paid off as hereinbefore mentioned the future annual earnings of the Company shall be distributed according to the rank and priority following :

1. In the payment of working expenses.

2. In the payment—

(*a.*) If the sum of two hundred thousand pounds sterling be raised by mortgage bonds, then of the sum of money secured thereby, as the annual interest thereof, and in the creation and investment of a sinking fund of one per centum per annum on the said sum of two hundred thousand pounds sterling, to meet the principal of the said mortgage bonds at maturity thereof ; or

(*b.*) If the sum of two hundred thousand pounds sterling be raised by the issue of debenture stock then of the annual nterest thereon, not exceeding seven per centum per annum

3. In payment of a dividend not exceeding eight per centum per annum upon the preference stock and such dividend upon any other stock as the Company may from time to time determine.

4. As the Company may determine.

Sect. 10 of 35 V. c. 66 as to sale of lands amended.

21. In amendment of the tenth section of " The St. Lawrence and Ottawa Railway Company Amendment Act 1872 " it is hereby enacted : That any sale and transfer of any lands therein mentioned shall be good and valid to all intents and purposes, and free and discharged from any mortgage, lien or incumbrance heretofore existing or created by or under authority of the Acts hereinbefore recited or either of them or by or under the authority of this Act, or in respect of any sum of money secured thereby. But any money or moneys received in respect of such sale and transfer shall (*a*) if the sum of two hundred thousand pounds sterling be raised by means of mortgage bonds, be paid to the credit of the sinking fund hereinbefore mentioned, or (*b*) if the said sum be raised by means of debenture stock the same shall form part of the capital stock of the Company.

Consent of holder of bonds to be obtained.

22. The foregoing sections of this Act shall not take effect until the Company shall have obtained and registered in the office of the Registrar General of Canada, the written consent of the holders of certificates or bonds of at least two thirds in value of the amount of each of the two sums of fifty thousand pounds sterling secured by the first and second securities hereinbefore mentioned to the provisions contained in the said sections and to the exercise by the Company of the powers thereby given them.

SCHEDULE A.

FORM OF MORTGAGE BOND

The St. Lawrence and Ottawa Railway Company.

No.

£ sterling (or $ as the case may be)

The St. Lawrence and Ottawa Railway Company acting by virtue of an Act of the Parliament of Canada known as "The St. Lawrence and Ottawa Railway Company Amendment Act 1876," are hereby indebted to the bearer hereof in the sum of £ (being part of a Loan of £200,000 sterling under the said Act) to bear interest from the date hereof at the rate of seven per centum per annum, payable half yearly on the day of and on the day of . The principal sum thereof shall be payable on the day of in the year and the interest thereon as aforesaid shall be payable on delivery of the coupons therefor according to the terms thereof now forming part hereof.

And for the due payment of the said sum of money and interest, the Company under authority of the said Act of Parliament do hereby bind, as a charge and lien and security thereon, the Railway, its lands, rights, privileges, franchises and appurtenances, tolls and revenues, rolling stock, plant and machinery, according to the terms and subject to the provisions of the said Act.

Given under the common seal of the Company at this day of in the year of Our Lord

No. 25.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act further to amend "The St. Lawrence and Ottawa Railway Act."

Received and read the first time, Tuesday, 29th February, 1876.

Second reading, Thursday, 2nd March, 1876.

(PRIVATE BILL.)

Mr. BROUSE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1876.

No. 26.] **BILL.** [1876.

An Act to enable The Welland Vale Manufacturing Company to obtain an extension of Patent known as "Rodden's Improved Capped Ferrule or Socket."

Preamble.

WHEREAS the Welland Vale Manufacturing Company, having their chief place of business at St. Catharines, in the County of Lincoln and Province of Ontario, and being a Company incorporated by Letters Patent under the Great Seal of the Province of Ontario, dated the twenty-third day of October, in the year of Our Lord one thousand eight hundred and seventy-three, have by their petition represented that on and prior to the twenty-second day of September, in the year of Our Lord one thousand eight hundred and seventy-five, they were the holders of Letters Patent under the Great Seal of the Dominion of Canada, dated the twenty-second day of September, one thousand eight hundred and seventy, for improvements in sockets for forks, hoes, chisels, and other articles, known as "Rodden's Improved Capped Ferrule or Socket;" the said Letters Patent having on the day last aforesaid been granted to one William H. Rodden, who on or about the month of March, in the year of Our Lord one thousand eight hundred and seventy three, being insolvent, made an assignment under the Insolvency Laws of Canada of all his estate and effects—amongst which were the Letters Patent referred to—to one William T. Mason, an Official Assignee duly appointed; That on or about the ninth day of September, in the year of Our Lord one thousand eight hundred and seventy-three, the said William T. Mason assigned and transferred the said Letters Patent to one Edward C. Jones, and one William Chaplin, who are now respectively the President and Secretary of the said Company and hold the said Patents in their names; That on or before the expiration of said Letters Patent, which were granted for the term of five years, the Company, or the said Edward C. Jones and William Chaplin were entitled, on application therefor, to a renewal of the same, as provided for in section seventeen of the Statute passed in the thirty-fifth year of Her Majesty's reign and chaptered twenty-six; but inadvertently the Company, or the said Edward C. Jones and William Chaplin omitted to make such application on or before the expiration of the said Patent, but did make such application some five weeks after, at which time the said application could not be entertained, it not being then competent for the Commissioner of Patents to grant a renewal of the same; And whereas the said Company have petitioned for an Act authorizing the Commissioner of Patents to receive such application and grant a renewal of the said Patent, as provided for in the said Patent Act, in as ample a manner as if application had been duly made before the expiration of the

said Patent: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of patent may be granted.

1. Notwithstanding anything to the contrary contained in the Act respecting Patents, being chapter twenty-six of the Statutes of Canada, passed in the thirty-fifth year of Her Majesty's Reign, it shall be lawful for the Commissioner of Patents to receive the application of the said Welland Vale Manufacturing Company for a renewal of the said Patent, and to grant such renewal of the said Patent or such extension of the said Patent to the said Edward C. Jones and William Chaplin, with the consent of the said Company, as provided for in the seventeenth section of the said Patent Act above referred to, in as full and ample a manner as if the application for such renewal had been duly made within the time provided for in that behalf.

Certain rights saved.

2. Any person who by use or otherwise shall, within the period between the twenty-second day of September, in the year of Our Lord one thousand eight hundred and seventy-five, and the extension of the said Patent under this Act, have acquired any right in respect of such improvements or invention, shall continue to enjoy the same to all intents and purposes, as if this Act had not been passed.

No. 26.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL

An Act to enable the Welland Vale Manufacturing Company to obtain an extension of Patent known as "Rodden's Improved Capped Ferrule or Socket."

Received and read first time Tuesday, 29th February, 1876.

Second Reading, Thursday, 2nd March, 1876.

(PRIVATE BILL.)

MR. IRVING.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 27.] **BILL.** [1876.

An Act to incorporate The "Scottish Canadian Loan Company."

Preamble.

WHEREAS John Turner, David Galbraith, Thomas McCracken, James David Edgar and others have by their petition represented that they are desirous of organizing a Company under the name of "The Scottish Canadian Loan Company," with full powers to lend money and to act as an agent for the lending of money in the Dominion of Canada, with the right to raise money by the issue of debentures and otherwise; and have prayed that they may be incorporated for that purpose; and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advise and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation.

1. The several persons hereinbefore named, and such other persons as may hereafter become shareholders in the Company by this Act created, are hereby constituted and declared to be a corporation under the name and style of "The Scottish Canadian Loan Company," and by that name may sue or be sued in all courts.

Provisional Directors.

2. The said above named persons shall be the Provisional Directors of the said Company, with power to add to their number, and shall hold office as such until Directors of the Company are elected as hereinafter provided.

Application of capital and business of the Company.

3. The said Company are hereby empowered to lay out and invest their capital in the first place in paying and discharging all costs, charges and expenses incurred in applying for and obtaining the passing of this Act, and all other preliminary expenses attending the establishment of the said Company, and the remainder of such capital, or so much thereof as may from time to time be deemed necessary in the manner and for the purposes hereinafter mentioned, that is to say: the said Company may, from time to time, lend and advance money at such rate of interest, and in advance or otherwise as may be agreed upon, by way of loan or otherwise, upon the security of real estate in Canada, or Dominion stock or securities; and may purchase mortgages upon real estate and Dominion stock or securities, and may resell any of such securities, and for that purpose may execute all necessary instruments; and for the foregoing purposes the Company may apply moneys hereinafter authorized to be borrowed by them.

Company may act as an agency association.

4. The said Company are hereby empowered to act as an agency association at such rates of commission as may be agreed upon and for the interest and on behalf of other persons or bodies corporate, who shall entrust them with money for that purpose, and either in the name of the said Company, or such other persons or bodies corporate, to lend and advance money to any person or persons upon such securities as are mentioned in the next preceding section, and to purchase and acquire mortgages or Dominion stock or securities, and again to resell the same; and the conditions and terms of such loans and advances and of such purchases and resales may be enforced by the said Company for their benefit, and for the benefit of the persons or bodies corporate for whom such money has been lent and advanced, or such purchase or resale made; and the said Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon them in respect of loans, advances, purchases and sales made for themselves; and they may also guarantee either the repayment of the principal or interest, or both, of any moneys entrusted to them, the said Company, for investment, and for all and every and any of the foregoing purposes may lay out and employ the capital for the time being of the said Company or any part of the moneys hereinafter authorized to be raised by the said Company in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid, and to do, assent to and exercise all acts whatsoever in the opinion of the Directors of the said Company for the time being requisite or expedient to be done in regard thereto.

May receive money on deposit.

5. It shall be lawful for the said Company to receive money on deposit, and also for the Directors, with the consent of the Company in general meeting assembled, from time to time to issue and sell debentures of the said Company for such sums not being less than one hundred dollars, and in such currency as they may deem advisable, and payable in the Dominion of Canada, or elsewhere, not less than one year from the issue thereof; Provided always that the aggregate amount of money deposits in the hands of the said Company, together with the amount of debentures issued and remaining unpaid shall not exceed the amount of the subscribed capital of the said Company for the time being not paid up, and shall not at any time exceed the amount of principal remaining unpaid on the mortgages upon real estate at such time held by the said Company; Provided further that the amount of cash actually in the hands of the said Company, or deposited in any chartered bank, shall be deducted from the sum total of the liabilities which the said Company may be authorized to incur as above stated; and no lender shall be bound to enquire into the occasion for any such issue of debentures or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted; the debentures of the said Company may be in the form of Schedule A to this Act or to the like effect.

Proviso.

Proviso.

Capital stock and shares.

6. The capital stock of the said Company shall be dollars divided into shares of one hun-

dred dollars each; Provided that it shall and may be lawful for the said Company to increase its capital stock to such sum not exceeding.
dollars, as a majority of the shareholders present or represented at a general meeting expressly convened for that purpose, or at a regular annual meeting, shall agree upon; and the said increased stock may be raised either by distribution among the original shareholders, or by the issue of new shares, or partly in one way and partly in the other, but subject in any case to all the incidents of the original stock:

Stock books may be opened.

7. For the purpose of organizing the said Company the Provisional Directors or a majority of them may cause stock books to be opened in which shall be recorded the names and subscriptions of such persons as desire to become shareholders in the said Company, and such stock books shall be opened in such places, and for such length of time as the said Provisional Directors may deem necessary.

First meeting of shareholders.

8. When and so soon as dollars of the said capital stock shall have been subscribed and at least ten per cent of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of the shareholders to be held at such place in Great Britain or Canada as they may determine, giving at least six weeks' notice of the time and place of holding such meeting by publishing the same in some daily newspaper published at the city where such meeting is to be held, and in the *Canada Gazette*, at which meeting the shareholders present or represented by proxy shall elect shareholders holding each not less than shares to be Directors of the said Company, who shall hold office until they are re-elected or their successors are appointed at the times and in the manner and with such qualifications as may be provided by the by-laws of the said Company.

Chief place of business.

9. The chief place of business of the said Company shall be at Toronto unless the Board of Directors first elected shall by resolution decide to fix the chief place or seat of business at some other place in Canada or Great Britain, which they shall have full power to do.

Directors may vote by proxy.

10. It shall be lawful for any Director to give and at his pleasure to revoke a general proxy to any other Director to vote for him at the Board; but no proxy or power of attorney by which the Director holding it might be obliged to vote in a particular sense on any question shall be permitted.

Directors in Great Britain.

11. If the chief place of business be located in Canada the Board may from time to time appoint any Directors in Great Britain as a Committee—of which a majority shall be a quorum—and may delegate to such Committee all such of its powers as the Board shall from time to time determine.

Common seal for their use.

12. The Board may cause a special common seal of the Company to be made for use in Great Britain, and may commit the use of such seal to a committee composed of Directors being from time to time in Great Britain.

Shares, personal estate.

13. All shares in the capital of the said Company shall be personal estate and transmissible as such.

Liability of shareholders limited.

14. No shareholder shall be liable for or charged with the payment of any debt or demand due from the Company beyond the extent of his shares in the capital of the Company not then paid up.

Calls on shares.

15. The Directors may, from time to time, make such calls as they shall think fit upon the shareholders in respect of all moneys unpaid upon their respective shares; Provided that no call shall be made without giving notice to the shareholder by mailing the same to his last known address, at least thirty days before the day on which such call shall be payable; but no call shall exceed the amount of ten dollars per share, and a period of three months at least shall intervene between two successive calls.

Power to hold real estate.

16. The said Company may hold such real estate as may be necessary for the transaction of their business, or as being mortgaged to them, may be acquired by them for the protection of their investments, and may, from time to time, sell, mortgage, lease or otherwise dispose of the same; Provided always, that it shall be incumbent upon the Company to sell any real estate acquired in satisfaction of any debt, or for the protection of any investment, within five years after it shall have come into their possession.

Directors may make by-laws.

17. The Directors shall have full power, from time to time, to make and to alter such by-laws, rules, regulations and ordinances, not contrary to law or the provisions of this Act, as shall appear to them proper and needful for the well ordering of the Company, the management and disposition of its stock, property, estate and effects, the calling of ordinary and extraordinary or other meetings of the said Company, and of the Directors and other officers, and the proceedings at meetings of the Company and of the Directors, the making of calls upon the subscribed capital, the appointment and removal of officers and agents of the Company, the regulation of their powers and duties and the salaries to be paid to them, the compensation of Directors, and for the conduct in all other particulars of the affairs of the Company;

Proviso.

Provided always that all such by-laws, rules, regulations and ordinances made by the Directors as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect as so approved or modified at such meeting.

No. 27.

3rd Session, 3rd Parliament, 39 Vict. 1

BILL.

An Act to incorporate "The Scott Canadian Loan Company."

Received and read First time, Thursday, March, 1876.

Second reading, Friday, 3rd March, 1876.

(PRIVATE BILL.)

Mr. BLAIN

OTTAWA:
Printed by MacLean, Roger & Co.,
1876.

No. 28.] **BILL.** [1876.

An Act respecting "The Mechanics' Bank."

Preamble.

WHEREAS the Mechanics' Bank, by its petition, has represented that it has sustained heavy losses in the course of its business, whereby the value of its paid up capital stock has been reduced; and that in order to enable it advantageously to continue business and to realize the largest possible return for its existing shareholders, it is necessary that it should be re-organized upon a different basis, and be authorized to reduce the nominal value of its present shares, and otherwise to adjust and regulate the same; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Shares of stock to be reduced to 60 per cent.

1. The paid up shares of the said Bank shall be reduced as to their nominal value to sixty per cent of the amount so paid up; and new shares shall be issued to the holders of such paid up shares in the said bank in the proportion of six-tenths of a share to the holder of every paid up share therein; the Board of Directors are hereby authorized to make such arrangements as to the details of the conversion, in conformity hereto, of the present paid up shares into new shares as shall be found most convenient, and in so doing to provide for the conversion or appropriation of balances forming parts of shares in such manner as to do justice to the holders thereof.

Preferential stock may be issued.

2. The said Bank is hereby authorized to issue preferential stock to the extent of three hundred thousand dollars in three thousand shares of one hundred dollars each, which stock shall be entitled to preferential dividends at such rate not exceeding ten per cent per annum, as shall be fixed by the Board, for a period of five years from the issue of such preferential stock; and during such period dividends shall only be declared or paid on the ordinary stock, out of the balance of profits which shall remain after payment of the dividend on the said preferential stock; but at the end of the said period of five years such preference shall cease, and the said preferential stock shall become ordinary stock, subject to all the ordinary responsibilities and liabilities and with all the privileges attaching to ordinary stock, and no more.

Reduction of ordinary

3. In order to reduce the present ordinary stock of the Bank to its proper amount the Board are hereby authorized

stock for issue of new stock.

to cancel all such ordinary stock received by it in payment or settlement of debts due to the Bank by its customers or officers, or any of them, and to issue new ordinary stock in the place thereof; and for the purpose of adjusting the stock of the Bank, it is hereby declared that the new stock into which the existing paid up stock of the Bank shall be converted as hereinbefore provided, shall be held to represent its new nominal amount only, in the capital of the Bank; and the difference between the said amount and the total authorized capital of the Bank shall be regarded as unissued, and shall be capable of being subscribed for upon such terms as the Board shall order, either as preferential stock to the amount, and upon the conditions hereinbefore provided, or as new ordinary stock.

No. 28.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act respecting "The Mechanics' Bank."

Received and read the first time, Thursday, 2nd March, 1876.

Second reading, Friday, 3rd March, 1876.

(PRIVATE BILL.)

Mr. WORKMAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

No. 29.] BILL. [1876.

An Act to make provision for the winding up of Insolvent Incorporated Banks.

Preamble.

WHEREAS it is expedient to make provision for winding up the estates of Insolvent Incorporated Banks, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Insolvent Act to apply, subject to certain modifications.

1. Notwithstanding anything contained in the Insolvent Act of 1875, the provisions of the said Act shall apply to Incorporated Banks, subject to the modifications contained in the one hundred and forty-seventh section of the said Act, and to the following additional modifications which apply to the case of Incorporated Banks only.

When only writ of attachment may issue or assignment may be made.

2. No application for a writ of attachment against, and no assignment of the estate shall be made until after the Bank has, whether before or since the passing of this Act, become insolvent by suspension of payment for ninety days, under the provisions of the fifty-seventh section of "*The Act relating to Banks and Banking*," passed in the thirty-fourth year of Her Majesty's Reign, chaptered five.

Judge may further adjourn proceedings for writ.

3. The Judge may adjourn proceedings upon any application for a writ of attachment, for a time not exceeding six months from the time at which the Bank suspended payment.

Judge may order preliminary inquiry to be made by persons appointed by him: their powers.

4. The Judge may order that the preliminary inquiry authorized by the first sub-section of the said one hundred and forty-seventh section shall be made by a person or persons other than an official assignee, to be by him named on the application of the parties, and the person or persons so named shall have all the rights and discharge all the duties appertaining to the official assignee in connexion with such inquiry; and the Judge may extend the time for report upon such inquiry to a period not exceeding thirty days from the date of the order for inquiry.

He may extend time for report.

Bank not to carry on business when insolvent.

5. Nothing herein, or in the said Insolvent Act, contained shall be held to authorize the carrying on or continuing the business after the Bank has become insolvent as aforesaid.

Incorporated bank may be Receiver.

6. An Incorporated Bank may be appointed a receiver or creditors' assignee, and in case a Bank is so appointed it may

act through one or more of its principal officers to be approved by the Judge.

Additional powers of Receiver.

7. The Receiver shall, in addition to the powers vested in him under the said hundred and forty-seventh section, have the powers vested by the fifty-seventh, fifty-eighth and fifty-ninth sections of the said Act respecting Banks and Banking in the "Assignee, or Assignees, or other legal authorities," in the said fifty-seventh section named.

Additional powers of Assignee after attachment.

8. After the issue of the writ of attachment the Assignee shall, in addition to the powers vested in him under the Insolvent Act, have like powers to those given to the Receiver under the next preceding section of this Act.

What to be sufficient notice to note-holders.

9. Publication in the Canada Gazette, and in one Newspaper issued at or nearest the place where the Head Office is situate, of notice of any proceeding of which, under the Insolvent Act, creditors should be notified, shall be deemed sufficient notice to holders of notes of the Bank intended for circulation.

Reservation of dividends on outstanding notes.

10. It shall be the duty of the Assignee to ascertain as nearly as may be the amount of notes of the Bank intended for circulation and actually outstanding, and to reserve until the expiration of at least after the Bank has become insolvent, or until the last dividend, in case that is not made till after the expiration of the said time, dividends on such part of the said amount in respect of which claims may not be filed; and if claims have not been filed and dividends applied for in respect of any part of the said amount before the period herein limited the dividends so reserved shall form the last or part of the last dividend.

As to action under section 147.

11. Nothing shall be done under the fifteenth sub-section of the hundred and forty-seventh section of the said *Insolvent Act of* 1875, save upon order of the Court or Judge.

Extent of appeal under section 128.

12. The appeal provided for by the hundred and twenty-eighth section of the said Act, shall extend to all orders, judgments or decisions of the Judge.

No. 29.

3rd Session, 3rd Parliament, 39 Victoria, 1

BILL.

An Act to make provision for the w
ing up of Insolvent Incorpor
Banks.

Received and read first time, Thurs
2nd March, 1876.

Second reading Friday, 3rd March, 1876.

MR. CARTWRIGHT.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington St
1876.

No. 30] **BILL.** [1876.

An Act to amend and consolidate the Laws respecting Indians.

WHEREAS it is expedient to amend and consolidate the Laws respecting Indians; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. This Act shall be known and may be cited as "The Indian Act, 1876;" and shall apply to all the Provinces, and to the North West Territories of the Dominion of Canada. Short title and extent of Act.

2. The Minister of the Interior shall be Superintendent General of Indian Affairs, and shall be governed in the supervision of said affairs, and in the control and management of the reserves, lands, moneys and property of Indians in Canada by the provisions of this Act. Superintendent General.

TERMS.

3. The following terms contained in this Act shall be held to have the meaning hereinafter assigned to them, unless such meaning be repugnant to the subject or inconsistent with the context. Meanings assigned to terms in this Act.

1. The term "Band" means any Tribe, Band or body of Indians who own or are interested in a reserve or in Indian lands in common, of which the legal title is vested in the Crown, or who share alike in the distribution of any annuities or interest moneys for which the Government of Canada is responsible; the term "the Band" means the band to which the context relates; and the term "Band," when action is being taken by the band as such, means the band in council. Band.

2. The term "irregular Band" means any Tribe, Band or body of persons of Indian blood who own no interest in any reserve or lands of which the legal title is vested in the Crown, who possess no common fund managed by the Government of Canada, or who have not had any treaty relations with the Crown. Irregular Band.

3, The term "Indian" means : Indians.

First. Any male person of Indian blood reputed to belong to a particular Band;

Secondly. Any child of such person, or of one who was such person while living;

Thirdly. Any woman who is or was lawfully married to such person:

As to illegitimates.

(*a*) Provided that any illegitimate child, unless having shared with the consent of the Band in the distribution moneys of such Band for a period not exceeding five years, may at any time be excluded from the membership thereof by the Band, if such proceeding be sanctioned by the Superintendent General;

Absentees.

(*b*). Provided that any Indian having for five years resided principally in a foreign country, or having for a like period very rarely resided with or visited the Band to which he or she belonged, shall cease to be a member thereof, and shall not be permitted to become again a member thereof, or of any other Band, unless the consent of the Band with the approval of the Superintendent General or his Agent, be first had and obtained; but this provision shall not apply to any missionary, teacher or interpreter, while discharging his or her duty as such:

Woman marrying other than Indians.

(*c*) Provided that any Indian woman marrying any other than an Indian or a non-treaty Indian shall cease to be an Indian in any respect within the meaning of this Act, except that she shall be entitled to share equally with the members of the Band to which she formerly belonged in the annual or semi-annual distribution of their annuities, interest moneys and rents; but this income may be commuted to her at any time at ten years' purchase with the consent of the Band:

Marrying non-treaty Indians.

(*d*) Provided that any Indian woman marrying an Indian of any other Band, or a non-treaty Indian shall cease to be a member of the Band to which she formerly belonged, and become a member of the band or irregular band of which her husband is a member:

As to half-breeds.

(*e*) Provided also that no Half-breed in Manitoba who has shared in the distribution of Half-breed lands shall be accounted an Indian; and that no half-breed head of a family (except the widow of an Indian, or a Half-breed who has already been admitted into a treaty), shall, unless under very special circumstances, to be determined by the Superintendent-General or his Agent, be accounted an Indian, or entitled to be admitted into any Indian treaty.

Non-treaty Indian.

4. The term "non-treaty Indian" means any person of Indian blood who is reputed to belong to an irregular Band, or who follows the Indian mode of life, even though such person be only a temporary resident in Canada.

Enfranchised Indian.

5. The term "enfranchised Indian" means any Indian, his wife or minor unmarried child, who has received Letters Patent granting him in fee simple any portion of the reserve which may have been allotted to him, his wife and minor

children, by the Band to which he belongs, or any unmarried Indian who may have received Letters patent for an allotment of the reserve.

Reserve.

6. The term "Reserve" means any tract or tracts of land set apart by treaty or otherwise for the use or benefit of or deeded to a particular Band of Indians, of which the legal title is in the Crown, but which is unsurrendered, and includes all the trees, wood, timber, soil, stone, minerals, metals, or other valuables thereon or therein.

Special Reserve.

7. The term "Special Reserve" means any tract or tracts of land and everything belonging thereto set apart for the use or benefit of any Band or irregular Band of Indians, of which the title is vested in a society, corporation, or community legally established, and capable of suing and being sued, or in a person or persons of European descent, but which land is held in trust for, or benevolently allowed to be used by, such Band or irregular Band of Indians.

Indian lands.

8. The term "Indian lands" means any reserve or portion of a reserve which has been surrendered to the Crown

Intoxicants.

9. The term "Intoxicants" means and includes all spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink of any kind whatsoever, and intoxicating liquor or fluid, as also opium and any preparation thereof, whether liquid or solid, and any other intoxicating drug or substance, and tobacco or tea mixed or compounded or impregnated with opium or with other intoxicating drug, spirits or substance, and whether the same or any of them be liquid or solid.

Superintendant General.

10. The term "Superintendent-General" means the Superintendent-General of Indian Affairs.

Agent.

11. The term "Agent" means Commissioner, Superintendent, Agent, or other officer acting under the instructions of the Superintendent-General.

Person.

12. The term "Person" means an individual other than an Indian, unless the context clearly requires another construction.

RESERVES.

Reserves subject to this Act.

4. All reserves for Indians or for any Band of Indians, or held in trust for their benefit, shall be deemed to be reserved and held for the same purposes as before the passing of this Act, but subject to its provisions.

Surveys authorized.

5. The Superintendent-General may authorize surveys, plans and reports to be made of any reserve for Indians, shewing and distinguishing the improved lands, the forests and lands fit for settlement, and such other information as may be required; and may authorize that the whole or any portion of a reserve be sub-divided into lots.

What Indians only deemed holders of lots.

6. In a reserve, or portion of a reserve, sub-divided by survey into lots, no Indian shall be deemed to be lawfully in possession of one or more of such lots, or part of a lot, unless he or she has been or shall be located for the same by the Band, with the approval of the Superintendent-General ;

Indemnity to Indian dispossessed.

2. Provided that no Indian shall be dispossessed of any lot or part of a lot, on which he or she has improvements, without receiving compensation therefor, (at a valuation to be approved by the Superintendent-General) from the Indian who obtains the lot or part of a lot, or from the funds of the Band, as may be determined by the Superintendent-General.

Location ticket; in triplicate; how dealt with.

7. On the Superintendent-General approving of any location as aforesaid, he shall issue in triplicate a ticket granting a location title to such Indian, one triplicate of which he shall retain in a book to be kept for the purpose; the other two he shall forward to the local Agent, one to be delivered to the Indian in whose favor it was issued, the other to be filed by the Agent, who shall permit it to be copied into the register of the Band, if such register has been established:

Effect of such ticket limited.

8. The conferring of any such location title as aforesaid shall not have the effect of rendering the land covered thereby subject to seizure under legal process, or transferable except to an Indian of the same Band, and in such case, only with the consent of the council thereof and the approval of the Superintendent-General, when the transfer shall be confirmed by the issue of a ticket in the manner prescribed in the next preceding section.

Property of deceased Indian, how to descend.

9. Upon the death of any Indian holding under location or other duly recognized title any lot or parcel of land, the right and interest therein of such deceased Indian shall, together with his goods and chattels, devolve one-third upon his widow, and the remainder upon his children equally ; and such children shall have a like estate in such land as their father; but should such Indian die without issue but leaving a widow, such lot or parcel of land and his goods and chattels shall be vested in her, and if he leaves no widow, then in the Indian nearest akin to the deceased, but if he have no heir nearer than a cousin, then the same shall be vested in the Crown for the benefit of the Band : But whatever may be the final disposition of the land, the claimant or claimants shall not be held to be legally in possession until they obtain a location ticket from the Superintendent-General in the manner prescribed in the case of new locations.

Proviso.

Indians in Manitoba, British Columbia or N.-W. Territories having made improvements.

10. Any Indian or non-treaty Indian in the Province of British Columbia, the Province of Manitoba, or in the North-West Territories, who has, or shall have, previously to the selection of a reserve, possession of and made permanent improvements on a plot of land which has been or shall be included in or surrounded by a reserve, shall have the same

privileges, neither more nor less, in respect of such plot, as an Indian enjoys who holds under a location title.

PROTECTION OF RESERVES.

Who only may settle in thereon.

11. No person, or Indian other than an Indian of the Band, shall settle, reside upon, occupy or otherwise use any land or road, or allowance for roads running through any reserve belonging to or occupied by such Band; and all mortgages or hypothecs given or consented to by any Indian, and all leases, contracts and agreements made or purporting to be made by any Indian, whereby persons or Indians other than Indians of the Band are permitted to reside upon such reserve, shall be absolutely void.

Conveyances, &c., void.

Power to remove persons unlawfully occupying.

12. If any person or Indian other than an Indian of the Band, without the license of the Superintendent-General (which license, however, he may at any time revoke), settles, resides upon or occupies or otherwise uses any such land, roads or allowances for roads,on such Reserve, or if any Indian is illegally in possession of any lot or part of a lot in a sub-divided reserve, the Superintendent-General or such officer or person as he may thereunto depute and authorize, shall, on complaint made to him, and on proof of the fact to his satisfaction, issue his warrant signed and sealed, directed to the sheriff of the proper county or district, or if the said reserve be not situated within any county or district, then directed to any literate person willing to act in the premises, commanding him forthwith to remove from the said land or roads or allowances for roads, or lots or parts of lots, every such person or Indian and his family so settled, residing upon, occupying, or otherwise using or being illegally in possession of the same, or to notify such person or Indian to cease using as aforesaid the said lands, roads or allowances for roads; and such sheriff or other person shall accordingly remove or notify such person or Indian, and for that purpose shall have the same powers as in the execution of criminal process, and the expenses incurred in any such removal or notification shall be borne by the party removed or notified, and may be recovered from him as the costs in any ordinary suit:

Costs of removal.

Proviso: residence by consent of Superintendent-General.

2. Provided that nothing contained in this Act shall prevent an Indian or non-treaty Indian if five years a resident in Canada, not a member of the Band, with the consent of the Band and the approval of the Superintendent-General, from residing upon the reserve, or receiving a location thereon.

Removal and punishment of persons returning after removal.

13. If any person or Indian, after having been removed or notified as aforesaid, returns to, settles upon, resides upon, occupies, or uses as aforesaid any of the said land, roads, allowances for roads, or lots or parts of lots, the Superintendent-General, or any officer or person deputed and authorized as aforesaid, upon view, or upon proof on oath made before him, or to his satisfaction, that the said person or Indian has returned to, settled or resided upon, occupied or used as

aforesaid any of the said lands, roads or allowances for roads, or lots or parts of lots, shall direct and send his warrant signed and sealed to the sheriff of the proper county or district, or to any literate person therein, and if the said reserve be not situated within any county, then to any literate person, commanding him forthwith to arrest such person or Indian, and commit him to the common gaol of the said county or district, or to the common gaol of the county or district nearest to the said reserve, if the said reserve be not within any county or district, there to remain for the time ordered by such warrant, but which shall not exceed thirty days.

Warrant to arrest.

Arrest and imprisonment

14. Such sheriff or other person shall accordingly arrest the said party, and deliver him to the gaoler or sheriff of the proper county or district, who shall receive such person or Indian and imprison him in the said common gaol for the term aforesaid.

Order to be drawn up and filed.

15. The Superintendent-General, or such officer or person as aforesaid, shall cause the judgment or order against the offender to be drawn up and filed in his office, and such judgment shall not be removed by *certiorari* or otherwise, or be appealed from, but shall be final.

Punishment of others than Indians trespassing on reserves.

16. If any person or Indian other than an Indian of the band to which the reserve belongs, without the license in writing of the Superintendent-General or of some officer or person deputed by him for that purpose, trespasses upon any of the said land, roads or allowances for roads on the said reserve, by cutting, carrying away or removing therefrom any of the trees, saplings, shrubs, underwood, or timber thereon, or by removing any of the stone, soil, minerals, metals or other valuables off the said land, roads or allowances for roads, the person or Indian so trespassing shall for every tree he cuts, carries away or removes, forfeit and pay the sum of *twenty* dollars ; and for cutting, carrying or removing any of the saplings, shrubs, underwood or timber, if under the value of one dollar, the sum of *four* dollars, but if over the value of one dollar, then the sum of *twenty* dollars ; and for removing any of the stone, soil, minerals, metals or other valuables aforesaid, the sum of *twenty* dollars, such fine to be recovered by the Superintendent-General, or any officer or person by him deputed, by distress and sale of the goods and chattels of the party or parties fined ; or the Superintendent-General, or such officer or person, without proceeding by distress and sale as aforesaid, may, upon the non-payment of the said fine, order the party or parties to be imprisoned in the common gaol as aforesaid, for a period not exceeding *thirty* days, when the fine does not exceed *twenty* dollars, or for a period not exceeding *three* months when the fine does exceed *twenty* dollars ; and upon the return of any warrant for distress or sale, if the amount thereof has not been made, or if any part of it remains unpaid, the said Superintendent-General, officer or person, may commit the party in default upon such warrant, to the common gaol as aforesaid for a period not exceeding *thirty* days if the sum claimed by the

Penalties for offences by trespassers.

Levying penalties or imprisonment of offender.

Superintendent-General, upon the said warrant does not exceed *twenty* dollars, or for a time not exceeding *three* months if the sum claimed does exceed *twenty* dollars; all such fines shall be paid to the Receiver-General, to be disposed of for the use and benefit of the Band of Indians for whose benefit the reserve is held, in such manner as the Governor in Council may direct. Application of fines.

17. If any Indian, without the license in writing of the Superintendent-General, or of some officer or person deputed by him for that purpose, trespasses upon the land of an Indian who holds a location title, or who is otherwise recognized by the Department as the occupant of such land, by cutting, carrying away, or removing therefrom, any of the trees, saplings, shrubs, underwood or timber thereon, or by removing any of the stone, soil, minerals, metals or other valuables of the said land; or if any Indian, without license as aforesaid, cuts, carries away or removes from any portion of the reserve of his Band for sale (and not for the immediate use of himself and his family) any trees or timber thereon, or removes any of the stone, soil, minerals, metals, or other valuables therefrom for sale as aforesaid, he shall be liable to all the fines and penalties provided in the next preceding section in respect to Indians of other Bands and other persons. And of Indians so trespassing. Or removing timber, &c.

18. In all orders, writs, warrants, summonses and proceedings whatsoever made, issued or taken by the Superintendent-General, or any officer or person by him deputed as aforesaid, it shall not be necessary for him or such officer or person to insert or express the name of the person or Indian summoned, arrested, distrained upon, imprisoned, or otherwise proceeded against therein, except when the name of such person or Indian is truly given to or known by the Superintendent-General, or such officer or person, and if the name be not truly given to or known by him, he may name or describe the person or Indian by any part of the name of such person or Indian given to or known by him; and if no part of the name be given to or known by him he may describe the person or Indian proceeded against in any manner by which he may be identified; and all such proceedings containing or purporting to give the name or description of any such person or Indian as aforesaid shall *primâ facie* be sufficient. Name of offender need not be mentioned in warrant in certain cases.

19. All sheriffs, gaolers or peace officers to whom any such process is directed by the Superintendent-General, or by any officer or person by him deputed as aforesaid, shall obey the same, and all other officers upon reasonable requisition shall assist in the execution thereof. Sheriffs, &c., to assist Superintendent.

20. If any railway, road or public work passes through or causes injury to any reserve belonging to or in possession of any Band of Indians, or if any act occasioning damage to any reserve be done under the authority of any Act of Parliament or of the Legislature of any Province, compensation shall be made to them therefor in the same manner Superintendent to appoint arbitrator when property is taken from a Band for improvements.

as is provided with respect to the lands or rights of other persons; the Superintendent-General shall in any case in which an arbitration may be had, name the arbitrator on behalf of the Indians and shall act for them in any manner relating to the settlement of such compensation; and the amount awarded in any case shall be paid to the Receiver General for the use of the Band of Indians for whose benefit the reserve is held, and for the benefit of any Indian having improvements thereon.

SPECIAL RESERVES.

Crowns name may be used in writs respecting.

21. In all cases of encroachment upon, or of violation of trust respecting any special reserve, it shall be lawful to proceed by information in the name of Her Majesty, in the Superior Courts of Law or Equity, notwithstanding the legal title may not be vested in the Crown.

As to trusteeship of reserves lapsing.

22. If by the violation of the conditions of any such trust, as aforesaid, or by the breaking up of any society, corporation, or community, or if by the death of any person or persons without a legal succession of trusteeship, in whom the title to a special reserve is held in trust, the said title lapses or become void in law, then the legal title shall become vested in the Crown intrust, and the property shall be managed for the Band or irregular Band previously interested therein, as an ordinary reserve.

REPAIR OF ROADS.

Indians liable to labour on public roads in reserves, and to what extent.

23. Indians residing upon any reserve, and engaged in the pursuit of agriculture as their then principal means of support, shall be liable, if so directed by the Superintendent-General, or any officer or person by him thereunto authorized, to perform labor on the public roads laid out or used in or through or abutting upon such reserve, such labor to be performed under the sole control of the said Superintendent General, officer or person, who may direct when, where and how and in what manner the said labor shall be applied, and to what extent the same shall be imposed upon Indians who may be resident upon any of the said lands; and the said Superintendent-General, officer or person shall have the like power to enforce the performance of all such labor by imprisonment or otherwise, as may be done by any power or authority under any law, rule or regulation in force in the Province or territory in which such reserve lies, for the non-performance of statute labor; But the labor to be so required of any such Indian shall not exceed in amount or extent what may be required of other inhabitants of the same province, territory, county, or other local division, under the laws requiring and regulating such labor and the performance thereof.

Powers of Superintendent.

Proviso: as to amount of labour.

Band to cause roads, &c., to maintained in order.

24. Every Band of Indians shall be bound to cause the roads, bridges, ditches and fences within their reserve to be put and maintained in proper order, in accordance with the instructions received from time to time from the Superin-

tendent-General, or from the Agent of the Superintendent General; and whenever in the opinion of the Superintendent General the same are not so put or maintained in order, he may cause the work to be performed at the cost of such Band, or of the particular Indian in default, as the case may be, either out of their or his annual allowances or otherwise.

SURRENDERS.

Necessary conditions previous to a sale.

25. No reserve or portion of a reserve shall be sold, alienated or leased until it has been released or surrendered to the Crown for the purposes of this Act.

On what conditions release or surrender to be valid.

26. No release or surrender of a reserve, or portion of a reserve, held for the use of the Indians of any Band or of any individual Indian, shall be valid or binding, except on the following conditions:—

Assent of Band.

1. The release or surrender shall be assented to by a majority of the male members of the Band of the full age of twenty-one years, assembled at a meeting or council thereof summoned for that purpose according to their rules, and held in the presence of the Superintendent-General, or of an officer duly authorized to attend such council by the Governor in Council or by the Superintendent-General; Provided that no Indian shall be entitled to vote or be present at such council, unless he habitually resides on or near and is interested in the reserve in question;

Proviso.

Proof of assent.

2. The fact that such release or surrender has been assented to by the Band at such council or meeting, shall be certified on oath before some Judge of a Superior, County or District Court, or Stipendiary Magistrate, by the Superintendent-General or by the officer authorized by him to attend such council or meeting, and by some one of the chiefs or principal men present thereat and entitled to vote, and when so certified as aforesaid shall be submitted to the Governor in Council for acceptance or refusal;

Superintendten-General may grant license to cut trees, &c.

3. But nothing herein contained shall be construed to prevent the Superintendent-General from issuing a license to any person or Indian to cut and remove trees, wood and timber, or to quarry and remove stone and gravel on and from the reserve; Provided he, or his agent acting by his instructions, first obtain the consent of the Band thereto in the ordinary manner as hereinafter provided.

Proviso:

No intoxicant to be permitted at Council of Indians.

27. It shall not be lawful to introduce at any council or meeting of Indians held for the purpose of discussing or of assenting to a release or surrender of a reserve or portion thereof, or of assenting to the issuing of a timber or other license, any intoxicant; and any person introducing at such meeting, and any agent or officer employed by the Superintendent-General, or by the Governor in Council, introducing, allowing or countenancing by his presence the use of such intoxicant among such Indians a week before, at, or a week

after, any such council or meeting, shall forfeit *two hundred* dollars, recoverable by action in any of theSuperior Courts of Law, one half of which penalty shall go to the informer.

Invalid surrenders not confirmed hereby.

28. Nothing in this Act shall confirm any release or surrender which would have been invalid if this Act had not been passed; and no release or surrender of any reserve to any party other than the Crown, shall be valid.

MANAGEMENT AND SALE OF INDIAN LANDS.

How to be managed.

29. All Indian lands, being reserves or portions of reserves surrendered or to be surrendered to the Crown, shall be deemed to be held for the same purposes as before the passing of this Act; and shall be managed, leased and sold as the Governor in Council may direct, subject to the conditions of surrender, and to the provisions of this Act.

Agents not to purchase.

30. No Agent for the sale of Indian lands shall, within his division, directly or indirectly, unless under an order of the Governor in Council, purchase any land which he is appointed to sell, or become proprietor of or interested in any such land, during the time of his agency; and any such purchase or interest shall be void; and if any such Agent offends in the premises, he shall forfeit his office and the sum of *four hundred* dollars for every such offence, which may be recovered in action of debt by any person who may sue for the same.

Punishment for contravention.

Effect of former certificates of sale or receipts unless rescinded.

31. Every certificate of sale or receipt for money received on the sale of Indian lands, heretofore granted or made or to be granted or made by the Superintendent-General or any Agent of his, so long as the sale to which such receipt or certificate relates is in force and not rescinded, shall entitle the party to whom the same was or shall be made or granted, or his assignee, by instrument registered under this or any former Act providing for registration in such cases, to take possession of and occupy the land therein comprised, subject to the conditions of such sale, and thereunder, unless the same shall have been revoked or cancelled, to maintain suits in law or equity against any wrongdoer or trespasser, as effectually as he could do under a Patent from the Crown;—and such receipt or certificate shall be *primâ facie* evidence for the purpose of possession by such person, or the assignee under an instrument registered as aforesaid, in any such suit; but the same shall have no force against a license to cut timber existing at the time of the making or granting thereof.

Evidence of possession. Proviso.

Registers of assignments to be kept.

32. The Superintendent-General shall keep a book for registering (at the option of the parties interested) the particulars of any assignment made as well by the original purchaser or lessee of Indian lands or his heir or legal representative, as by any subsequent assignee of any such lands or the heir or legal representative of such assignee;—and upon any such assignment being produced to the Superintendent-General with an affidavit of due execution

Entries therein on what proof made.

thereof, and of the time and place of such execution, and the names, residences and occupations of the witnesses, or, as regards lands in the Province of Quebec, upon the production of such assignment executed in notarial form, or of a notarial copy thereof, the Superintendent-General shall cause the material parts of every such assignment to be registered in such book of registry, and shall cause to be endorsed on every such assignment a certificate of such registration, to be signed by himself or his Deputy, or any other officer of the Department by him authorized to sign such certificates;—And every such assignment so registered shall be valid against any one previously executed, but subsequently registered, or unregistered; but all the conditions of the sale, grant or location must have been complied with, or dispensed with by the Superintendent-General, before such registration is made.

Their effect.

Proviso.

33. If any subscribing witness to any such assignment is deceased, or has left the Province, the Superintendent-General may register such assignment upon the production of an affidavit proving the death or absence of such witness and his handwriting, or the handwriting of the party making such assignment.

If a subscribing witness be dead, &c.

34. On any application for a patent by the heir, assignee or devisee of the original purchaser from the Crown, the Superintendent-General may receive proof in such manner as he may direct and require in support of any claim for a patent when the original purchaser is dead, and upon being satisfied that the claim has been equitably and justly established, may allow the same and cause a patent to issue accordingly; but nothing in this section shall limit the right of a party claiming a patent to land in the Province of Ontario to make application at an y time to the Commissioner, under the "*Act respecting claims to lands in Upper Canada for which no "patents have issued.*"

Proof on application for patent.

Proviso.

Con. Stat. U. C., c. 80.

35. If the Superintendent-General is satisfied that any purchaser or lessee of any Indian lands or any assignee claiming under or through him, has been guilty of any fraud or imposition, or has violated any of the conditions of sale or lease, or if any such sale or lease has been or is made or issued in error or mistake, he may cancel such sale or lease, and resume the land therein mentioned, and dispose of it as if no sale or lease thereof had ever been made; and all such cancellations heretofore made by the Governor in Council or the Superintendent-General shall continue valid until altered.

Duty of Superintendent in case of fraud.

Cancelling patent.

36. When any purchaser, lessee or other person refuses or neglects to deliver up possession of any land after revocation or cancellation of the sale or lease as aforesaid, or when any person is wrongfully in possession of any Indian lands and refuses to vacate or abandon possession of the same, the Superintendent-General may apply to the County Judge of the County, or to a Judge of the Superior Court in the Circuit, in which the land lies in Ontario or Quebec, or to any Judge of a Superior Court of Law or any County Judge of the

Obtaining possession after such cancellation, in case of resistence.

County in which the land lies in any other Province, or to any Stipendiary Magistrate in any territory in which the land lies, for an order in the nature of a writ of *habere facias possessionem*, or writ of possession, and the said Judge or Magistrate, upon proof to his satisfaction that the right or title of the party to hold such land has been revoked or cancelled as aforesaid, or that such person is wrongfully in possession of Indian lands, shall grant an order upon the purchaser, lessee or person in possession, to deliver up the same to the Superintendent-General, or person by him authorized to receive the same; and such order shall have the same force as a writ of *habere facias possessionem*, or writ of possession; and the sheriff, or any bailiff or person to whom it may been trusted for execution by the Superintendent-General, shall execute the same in like manner as he would execute such Writ in an action of ejectment or possessory action.

Order in the nature of writ of possession.

Execution.

37. Whenever any rent payable to the Crown on any lease of Indian lands is in arrear, the Superintendent-General, or any agent or officer appointed under this Act and authorized by the Superintendent-General to act in such cases, may issue a warrant, directed to any person or persons by him named therein, in the shape of a distress warrant as in ordinary cases of landlord and tenant, or as in the case of distress and warrant of a Justice of the Peace for non-payment of a pecuniary penalty; and the same proceedings may be had thereon for the collection of such arrears as in either of the said last mentioned cases; or an action of debt as in ordinary cases of rent in arrear may be brought therefor in the name of the Superintendent-General; but demand of rent shall not be necessary in any case.

Enforcing payment of rent.

Proceedings for.

38. When by law or by any deed, lease or agreement relating to any of the lands herein referred to, any notice is required to be given, or any act to be done, by or on behalf of the Crown, such notice may be given and act done by or by the authority of the Superintendent-General.

Notice required by law, how to be given.

39. Whenever letters patent have been issued to or in the name of the wrong party, through mistake, or contain any clerical error or misnomer, or wrong description of any material fact therein or of the land thereby intended to be granted, the Superintendent-General (there being no adverse claim,) may direct the defective letters patent to be cancelled and a minute of such cancellation to be entered in the margin of the Registry of the original letters patent and correct letters patent to be issued in their stead, which corrected letters patent shall relate back to the date of those so cancelled, and have the same effect as if issued at the date of such cancelled letters patent.

Cancelling patents issued by mistake.

New Patents.

40. In all cases in which grants or letters patent have issued for the same land inconsistent with each other through error, and in all cases of sales or appropriations of the same land inconsistent with each other, the Superintendent-General may, in cases of sale, cause a repayment of the

Lands patented twice over.

purchase money, with interest, or when the land has passed from the original purchaser or has been improved before a discovery of the error, he may in substitution assign land or grant a certificate entitling the party to purchase Indian lands, of such value and to such extent as to him, the Superintendent General, may seem just and equitable under the circumstances; but no such claim shall be entertained unless it be preferred within five years from the discovery of the error.

Repayment of price in certain cases.

Limitation of time for claim.

41. Whenever by reason of false survey or error in the books or plans in the Indian Branch of the Department of the Interior, any grant, sale or appropriation of land is found to be deficient, or any parcel of land contains less than the quantity of land mentioned in the patent therefor, the Superintendent-General may order the purchase money of so much land as is deficient, with the interest thereon from the time of the application therefor, or if the land has passed from the original purchaser, then the purchase money which the claimant (provided he was ignorant of a deficiency at the time of his purchase) has paid for so much of the land as is deficient, with interest thereon from the time of the application therefor, to be paid to him in land or in money, as he, the Superintendent-General may direct;—But no such claim shall be entertained unless application has been made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole quantity described as being contained in the particular lot or parcel of land granted.

Case of deficiency of land, provided for.

Compensation.

Limitation of time for claim.

42. In all cases wherein patents for Indian lands have issued through fraud or in error or improvidence, the Exchequer Court of Canada, or a Superior Court of Law or Equity in any Province may, upon action, bill or plaint, respecting such lands situate within their jurisdiction, and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said Courts shall respectively order, decree such patents to be void; and upon a registry of such decree in the office of the Registrar General of Canada, such patents shall be void to all intents. The practice in Court, in such cases, shall be regulated by orders to be from time to time made by the said Courts respectively; and any action or proceeding commenced under any former Act may be continued under this section, which, for the purpose of any such action or proceeding shall be construed as merely continuing the provisions of such former Act.

Certain Courts may avoid patents issued in error, &c.

Practice in such cases.

43. If any agent appointed or continued in office under this Act knowingly and falsely informs, or causes to be informed, any person applying to him to purchase any land within his division and agency, that the same has already been purchased, or refuses to permit the person so applying to purchase the same according to existing regulations, such agent shall be liable therefor to the person so applying in the sum of *five* dollars for each acre of land which the person so applying offered to purchase, to be recovered by

Punishment of Agents giving false information as to lands. Penalty.

Recovery.

action of debt in any court, having jurisdiction in civil cases to the amount.

Punishment for preventing sale.

44. If any person, before or at the time of the public sale of any Indian lands, by intimidation, combination, or unfair management, hinders or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any lands so offered for sale, every such offender, his, her, or their aiders and abettors, shall, for every such offence, be guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding *four hundred* dollars, or imprisonment for a term not exceeding *two* years, or both, in the discretion of the Court.

Misdemeanor, fine and imprisonment.

MANAGEMENT AND SALE OF TIMBER.

Licenses to cut timber, how granted.

45. The Superintendent-General, or any officer or agent authorized by him to that effect, may grant licenses to cut timber on reserves and ungranted Indian lands at such rates, and subject to such conditions, regulations and restrictions as may from time to time be established by the Governor in Council, such conditions, regulations and restrictions to be adapted to the locality in which such reserves or lands are situated.

For what time. As to error in description, &c.

46. No license shall be so granted for a longer period than twelve months from the date thereof; and if in consequence of any incorrectness of survey or other error, or cause whatsoever, a license is found to comprise land included in a license of a prior date, the license last granted shall be void in so far as it interferes with the one previously issued, and the holder or proprietor of the license so rendered void shall have no claim upon the Government for indemnity or compensation by reason of such avoidance.

License must describe the lands: its effect.

47. Every license shall describe the lands upon which the timber may be cut, and shall confer for the time being on the nominee, the right to take and keep exclusive possession of the land so described, subject to such regulations and restrictions as may be established;—And every license shall vest in the holder thereof all rights of property whatsoever in all trees, timber and lumber cut within the limits of the license during the term thereof, whether such trees, timber and lumber are cut by authority of the holder of such license or by any other person, with or without his consent;—And every license shall entitle the holder thereof to seize in revendication or otherwise, such trees, timber or lumber where the same are found in the possession of any unauthorized person, and also to institute any action or suit at law or in equity against any wrongful possessor or trespasser, and to prosecute all trespassers and other offenders to punishment, and to recover damages if any:—And all proceedings pending at the expiration of any license may be continued to final termination as if the license had not expired.

Further rights of holders as to trespassers.

Return to be made by licensee.

48. Every person obtaining a license shall, at the expiration thereof, make to the officer or agent granting the same,

or to the Superintendent-General a return of the number and kinds of trees cut, and of the quantity and description of saw logs, or of the number and description of sticks of square timber, manufactured and carried away under such license; and such statement shall be sworn to by the holder of the license, or his agent, or by his foreman; And any person refusing or neglecting to furnish such statement, or evading or attempting to evade any regulation made by Order in Council, shall he held to have cut without authority, and the timber made shall be dealt with accordingly.

Punishment for evasion.

49. All timber cut under license shall be liable for the payment of the dues thereon, so long as and wheresoever the said timber or any part of it may be found, whether in the original logs or manufactured into deals, boards or other stuff,—and all officers or agents entrusted with the collection of such dues may follow all such timber and seize and detain the same wherever it is found until the dues are paid or secured.

Timber to be liable for dues.

50. Bonds or promissory notes taken for the dues, either before or after the cutting of the timber, as collateral security or to facilitate collection, shall not in any way affect the lien of the Crown on the timber, but the lien shall subsist until the said dues are actually discharged.

Notes, etc., taken, not to affect lien.

51. If any timber so seized and detained for non-payment of dues remains more than twelve months in the custody of the agent or person appointed to guard the same, without the dues and expenses being paid,—then the Superintendent-General with the previous sanction of the Governor in Council, may order a sale of the said timber to be made after sufficient notice,—and the balance of the proceeds of such sale, after retaining the amount of dues and costs incurred, shall be handed over to the owner or claimant of such timber.

Sale of timber seized after a certain time.

Balance of proceeds.

52. If any person without authority cuts or employs or induces any other person to cut, or assists in cutting any timber of any kind on any of the reserves or Indian lands, or removes or carries away or employs or induces or assists any other person to remove or carry away any merchantable timber of any kind so cut from any of the reserves or Indian lands aforesaid, he shall not acquire any right to the timber so cut, or any claim to any remuneration for cutting, preparing the same for market, or conveying the same to or towards market,—and when the timber or saw logs made, has or have been removed out of the reach of the officers of the Indian Branch of the Department of the Interior, or it is otherwise found impossible to seize the same, he shall in addition to the loss of his labour and disbursements, forfeit a sum of *three* dollars for each tree (rafting stuff excepted), which he is proved to have cut or caused to be cut or carried away,—and such sum shall be recoverable with costs, at the suit and in the name of the Superintendent-General or resident agent, in any Court having jurisdiction in civil matters to the amount of the penalty;—And in all such

Punishment for unlawfully cutting timber forfeiture.

Penalty if timber is removed.

How recoverable.

Proof.

cases it shall be incumbent on the party charged to prove his authority to cut; and the averment of the party seizing or prosecuting, that he is duly employed under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary.

Seizure of timber cut without authority.

53. Whenever satisfactory information, supported by affidavit made before a Justice of the Peace or before any other competent authority, is received by the Superintendent-General or any other officer or agent acting under him, that any timber or quantity of timber has been cut without authority on reserves or Indian lands, and describing where the said timber can be found, the said Superintendent-General, officer or agent, or any one of them, may seize or cause to be seized, in Her Majesty's name, the timber so reported to have been cut without authority, wherever it is found, and place the same under proper custody, until a decision can be had in the matter from competent authority;

When it has been indistinguishably mixed with other timber.

2. And where the timber so reported to have been cut without authority on reserves or Indian lands, has been made up with other timber into a crib, dam or raft, or in any other manner has been so mixed up at the mills or elsewhere, as to render it impossible or very difficult to distinguish the timber so cut on reserves or Indian lands without license, from other timber with which it is mixed up, the whole of the timber so mixed shall be held to have been cut without authority on reserves or Indian lands, and shall be liable to seizure and forfeiture accordingly until satisfactorily separated by the holder.

All to be deemed Indian.

Officer seizing may command assistance.

54. Any officer or person seizing timber, in the discharge of his duty under this Act, may in the name of the Crown call in any assistance necessary for securing and protecting the timber so seized; and whosoever under any pretence, either by assault, force or violence, or by threat of such assault, force or violence, in any way resists or obstructs any officer or person acting in his aid, in the discharge of his duty under this Act, is guilty of felony, and liable to punishment accordingly.

Punishment for resistance. Felony.

Conveying away without authority to be stealing.

55. Whosoever, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away, or causes to be taken and carried away, without permission of the officer or person who seized the same, or of some competent authority, any timber seized and detained as subject to forfeiture under this Act, before the same has been declared by competent authority to have been seized without due cause, shall be deemed to have stolen such timber being the property of the Crown, and guilty of felony and is liable to punishment accordingly;

Onus of proof that dues have been paid.

2. And whenever any timber is seized for non-payment of Crown dues or for any other cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this Act, and any question arises whether the said dues have

been paid on such timber, or whether the said timber was cut on other than any of the reserves or lands aforesaid the burden of proving payment, or on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same or the party bringing such prosecution.

When to be deemed condemned.

56. All timber seized under this Act shall be deemed to be condemned, unless the person from whom it was seized, or the owner thereof, within one month from the day of the seizure, gives notice to the seizing officer or nearest officer or agent of the Superintendent General, that he claims or intends to claim the same; failing such notice, the officer or agent seizing shall report the circumstances to the Superintendent General, who may order the sale of the said timber by the said officer or agent, after a notice on the spot, of at least thirty days:

Sale.

How seizures may be tried and determined.

2. And any Judge having competent jurisdiction, may, whenever he deems it proper, try and determine such seizures, and may order the delivery of the timber to the alleged owner, on receiving security by bond with two good and sufficient sureties to be first approved by the said agent, to pay double the value in case of condemnation,—and such bond shall be taken in the name of the Superintendent-General, to Her Majesty's use, and shall be delivered up to and kept by the Superintendent General,—and if such seized timber is condemned, the value thereof shall be paid forthwith to the Superintendent General, or agent, and the bond cancelled, otherwise the penalty of such bond shall be enforced and recovered.

Security may be ordered by bond.

If timber be condemned.

Evasion of dues to forfeit timber.

57. Every person availing himself of any false statement or oath to evade the payment of dues under this Act, shall forfeit the timber on which dues are attempted to be evaded.

MONEYS.

To be dealt with as heretofore.

58. All moneys or securities of any kind applicable to the support or benefit of Indians, or any Band of Indians, and all moneys accrued or hereafter to accrue from the sale of any Indian lands or of any timber on any reserves or Indian lands shall, subject to the provisions of this Act, be applicable to the same purposes, and be dealt with in the same manner as they might have been applied to or dealt with before the passing of this Act.

Governor in Council may direct investment of Indian funds.

59. The Governor in Council may, subject to the provisions of this Act, direct how, and in what manner, and by whom the moneys arising from sales of Indian lands, and from the property held or to be held in trust for the Indians, or from any timber on Indian lands or reserves, or from any other source for the benefit of Indians (with the exception of any small sum not exceeding ten per cent. of the proceeds of any lands, timber or property, which may be agreed at the time of the surrender to be paid to the members of the Band interested therein), shall be invested from time to

time, and how the payments or assistance to which the Indians may be entitled shall be made or given, and may provide for the general management of such moneys, and direct what percentage or proportion thereof shall be set apart from time to time, to cover the cost of and attendant upon the management of reserves, lands, property and moneys under the provisions of this Act, and for the construction or repair of roads passing through such reserves or lands, and by way of contribution to schools frequented by such Indians.

And the management thereof; expenses how payable.

60. The proceeds arising from the sale or lease of any Indian lands, or from the timber thereon, or on a reserve, shall be paid to the Receiver General to the credit of Indian Fund.

Proceeds of sales to Receiver General.

COUNCILS AND CHIEFS.

61. At the election of a chief or chiefs, or the granting of any ordinary consent required of a Band of Indians under this Act, those entitled to vote at the council or meeting thereof shall be the male members of the Band of the full age of twenty-one years; and the vote of a majority of such members at a council or meeting of the Band summoned according to their rules, and held in the presence of the Superintendent-General, or an agent acting under his instructions, shall be sufficient to determine such election or grant such consent;

Votes at election of chiefs.

2. Provided that in the case of any band having a council of chiefs or councillors, any ordinary consent required of the band may be granted by a vote of a majority of such chiefs or councillors at a council summoned according to their rules, and held in the presence of the Superintendent-General or his Agent.

In ordinary cases.

62. The Governor in Council may order that the chiefs of any Band of Indians shall be elected, as hereinbefore provided, at such time and place, as the Superintendent-General may direct, and they shall in such case be elected for a period of three years, unless deposed by the Governor for dishonesty, intemperance, immorality or incompetency; and they may be in the proportion of one head chief and two second chiefs for every two hundred Indians; but any such band composed of thirty Indians may have one chief: Provided always that all life chiefs now living shall continue as such until death or resignation, or until their removal by the Governor for dishonesty, intemperance, immorality or incompetency.

Periods of election how fixed: and term of office.

Number of chiefs.

Proviso: as to life chiefs.

63. The chief or chiefs of any Band in council may frame, subject to confirmation by the Governor in Council, rules and regulations for the following subjects, viz.:

Chiefs to make regulations for certain purposes.

1. The care of the public health;

2. The observance of order and decorum at assemblies of the Indians in general council, or on other occasions;

3. The repression of intemperance and profligacy ;

4. The prevention of trespass by cattle ;

5. The maintenance of roads, bridges, ditches and fences ,

6. The construction and repair of school houses, council houses and other Indian public buildings :

7. The establishment of pounds and the appointment of pound-keepers ;

8. The locating of the land in their reserves, and the establishment of a register of such locations.

PRIVILEGES OF INDIANS.

To be taxable in certain cases only.

64. No Indian or non-treaty Indian shall be liable to be taxed for any real or personal property, unless he holds real estate under lease or in fee simple, or personal property, outside of the reserve or special reserve, in which case he shall be liable to be taxed for such real or personal property at the same rate as other persons in the locality in which it is situate.

Lands held in trust for Indians not taxable.

65. All land vested in the Crown, or in any person or body corporate, in trust for or for the use of any Indian or non-treaty Indian, or any Band or irregular Band of Indians or non-treaty Indians shall be exempt from taxation.

No mortgage to be taken from Indians.

66. No person shall take any security or oth erwise obtain any lien or charge, whether by mortgage, judgment or otherwise, upon real or personal property of any Indian or non-treaty Indian within Canada except on real or personal property subject to taxation under section *sixty-four* of this Act.

May sue for wrongs.

67. Indians and non-treaty Indians shall have the right to sue for debts due to them or in respect of any tort or wrong inflicted upon them, or to compel the performance of obligations contracted with them.

Pawns for intoxicants not to be held.

68. No pawn taken of any Indian or non-treaty Indian for any intoxicant shall be retained by the person to whom such pawn is delivered, but the thing so pawned may be sued for and recovered, with costs of suit, by the Indian or non-treaty Indian who has deposited the same, before any Court of competent jurisdiction.

Presents not to be taken for debts.

69. No presents given to Indians or non-treaty Indians, nor any property purchased, or acquired with or by means of any annuities granted to Indians or any part thereof or otherwise howsoever, and in the possession of any Band of such Indians or of any Indian of any Band or irregular Band, shall be liable to be taken, seized or distrained for any debt, matter or cause whatsoever. Nor shall the same be sold, bartered, exchanged or given by

Nor sold.

any Band or irregular Band of Indians or any Indian of any such Band to any person or Indian other than an Indian of such Band, and any such sale, barter, exchange or gift shall be absolutely null and void, unless such sale, barter, exchange or gift be made with the written assent of the Superintendent-General or his agent; and whosoever buys or otherwise acquires any presents or property purchased as aforesaid, without the written consent of the agent as aforesaid is guilty of a misdemeanor, and is punishable by fine not exceeding *two hundred* dollars, or by imprisonment not exceeding six months, in any place of confinement other than a Penitentiary.

Except with assent of Superintendent-General.

Penalty for contravention.

DISABILITIES AND PENALTIES.

Indian may not have homestead in Manitoba and N.W. Territories except as follows:

70. No Indian or non-treaty Indian shall be held capable of having acquired or acquiring a homestead or pre-emption right to a quarter section, or any portion of land in any surveyed or unsurveyed lands in the province of Manitoba or in the North-West Territories, or the right to share in the distribution of any lands allotted to Half-breeds, subject to the following exceptions:

(*a*) He shall not be disturbed in the occupation of any plot on which he has or may have permanent improvements prior to his becoming a party to any treaty with the Crown:

(*b*) Nothing in this Section shall prevent the Government of Canada, if found desirable, from compensating any Indian for his improvements on such a plot of land without obtaining a formal surrender therefor from the Band.

(*c*) Nothing in this section shall apply to any person who withdrew from any Indian treaty prior to the first day of October, in the year one thousand eight hundred and seventy-four.

Indians undergoing punishment by imprisonment, not to receive share of annuity.

71. Any Indian convicted of any crime punishable by imprisonment in any Penitentiary or other place of confinement, shall, during such imprisonment, be excluded from participating in the annuities, interest money or rents payable to the Band of which he or she is a member; and whenever any Indian shall be convicted of any crime punishable by imprisonment in a Penitentiary or other place of confinement, the legal costs incurred in procuring such conviction, and in carrying out the various sentences recorded, may be defrayed by the Superintendent-General, and paid out of any annuity or interest coming to such Indian, or to the Band as the case may be.

Payment of annuity may be refused to Indian deserting his family

And so as to women.

72. The Superintendent-General shall have power to stop the payment of the annuity and interest money of any Indian who may be proved, to the satisfaction of the Superintendent-General, to have been guilty of deserting his or her family, and the said Superintendent may apply the same towards the support of any family, woman or child so deserted; also to stop the payment of the annuity and interest money of

any woman having no children, who deserts her husband and lives immorally with another man.

Provision for sick, &c., not provided for by the band.

73. The Superintendent-General in cases where sick, or disabled, or aged and destitute persons are not provided for by the Band of Indians of which they are members, may furnish sufficient aid from the funds of the Band for the relief of such sick, disabled, aged or destitute persons.

EVIDENCE OF HEATHEN INDIANS.

How Heathen Indians may be sworn.

74. Upon any inquest, or upon any enquiry into any matter involving a criminal charge, or upon the trial of any crime or offence whatsoever or by whomsoever committed, it shall be lawful for any Court, Judge, Stipendiary Magistrate, Coroner or Justice of the Peace to receive the evidence of any Indian or non-treaty Indian, who is destitute of the knowledge of God and of any fixed and clear belief in religion or in a future state of rewards and punishments, without administering the usual form of oath to any such Indian, or non-treaty Indian, as aforesaid, upon his solemn affirmation or declaration to tell the truth, the whole truth and nothing but the truth, or in such form as may be approved by such Court, Judge, Stipendiary Magistrate, Coroner or Justice of the Peace as most binding on the conscience of such Indian or non-treaty Indian.

Substance of evidence to be reduced to writing and attested.

75. Provided that in the case of any inquest, or upon any inquiry into any matter involving a criminal charge. or upon the trial of any crime or offence whatsoever, the substance of the evidence or information of any such Indian, or non-treaty Indian, as aforesaid, shall be reduced to writing, and signed by the person (by mark if necessary) giving the same, and verified by the signature or mark of the person acting as interpreter (if any) and by the signature of the Judge, Stipendiary Magistrate or Coroner, or Justice of the Peace or person before whom such evidence or information has been given.

Indian to be cautioned to tell the truth.

76. The Court, Judge, Stipendiary Magistrate, or Justice of the Peace shall, before taking any such evidence, information or examination, caution every such Indian, or non-treaty Indian, as aforesaid, that he will be liable to incur punishment if he do not so as aforesaid tell the truth..

Written declaration, &c, of Indians may be nsed in like cases as those of other persons.

77. The written declaration or examination, made, taken and verified in manner aforesaid, of any such Indian or non-treaty Indian as aforesaid, may be lawfully read and received as evidence upon the trial of any criminal suit or proceedings, when under the like circumstances the written affidavit, examination, deposition or confession of any other person, might be lawfully read and received as evidence.

False testimony to be perjury.

78. Every solemn affirmation or declaration in whatever form made or taken by any Indian or non-treaty Indian as aforesaid shall be of the same force and effect as if such

Indian or non-treaty Indian had taken an oath in the usual form, and he or she shall in like manner incur the penalty of perjury in case of falsehood.

INTOXICANTS.

Punishment of persons furnishing intoxicants to Indians.

79. Whoever sells, exchanges with, barters, supplies or gives to any Indian, or non-treaty Indian in Canada, any kind of intoxicant, or causes or procures the same to be done, or connives or attempts thereat, or opens or keeps, or causes to be opened or kept, on any reserve, or special reserve, a tavern, house or building where any intoxicant is sold, bartered, exchanged, or given, or is found in possession of any intoxicant in the house, tent, wigwam, or place of abode of any Indian, or non-treaty Indian, shall, on conviction thereof before any Justice of the Peace upon the evidence of one credible witness other than the informer or prosecutor, be liable to imprisonment for a period not less than two months or exceeding two years, with or without hard labour, and be fined not less than *fifty* or more than *five hundred* dollars, with costs of prosecution, one moiety of the fine to go to the informer or prosecutor, and the other moiety to Her Majesty, to form part of the fund for the benefit of that body of Indians, or non-treaty Indians, with respect to one or more members of which the offence was committed; and the commander or person in charge of any steamer or other vessel, or boat, from or on board of which any intoxicant has been sold, bartered, exchanged, supplied or given to any Indian, or non-treaty Indian, shall be liable, on conviction thereof before any Justice of the Peace upon the evidence of one credible witness other than the informer or prosecutor, to be fined not less than *fifty* or exceeding *five hundred* dollars for each such offence, with costs of prosecution, the moieties of the fine to be applicable as hereinbefore mentioned; and in default of immediate payment of such fine and costs any person so fined may be committed to any common gaol, house of correction, lock-up, or other place of confinement by the Justice of the Peace before whom the conviction has taken place, for a period of not less than two or more than twelve months, with or without hard labor, or until such fine and costs are paid; and in all cases arising under this section, Indians, or non-treaty Indians, shall be competent witnesses: but no penalty shall be incurred in case of sickness where the intoxicant is made use of under the sanction of a medical man or under the directions of a minister of religion.

Penalties and application.

Of Commanders of vessels furnishing the same.

Penalties and application.

Imprisonment in default of payment.

Exception.

Keg or cask, etc., in which intoxicants are carried forfeited.

80. The keg, barrel, case, box, package or receptacle whence any intoxicant has been sold, exchanged, bartered, supplied or given, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the balance of the contents thereof, if such barrel, keg, case, box, package, receptacle or vessel aforesaid respectively, can be identified, and any intoxicant imported or manufactured or brought into and upon any reserve or special reserve, or into the house, tent, wigwam or place of

Intoxicants and vessels containing them may be seized.

abode of any Indian or non-treaty, Indian, may be seized by any constable wheresoever found on such land or in such place; and on complaint before any Judge, Stipendiary Magistrate or Justice of the Peace, he may, on the evidence of any credible witness that this Act has been contravened in respect thereof, declare the same forfeited, and cause the same to be forthwith destroyed; and may condemn the Indian or other person in whose possession they were found to pay a penalty not exceeding *one hundred* dollars nor less than *fifty* dollars, and the costs of prosecution; and one-half of such penalty shall belong to the prosecutor and the other half to Her Majesty, for the purposes hereinbefore mentioned; and in default of immediate payment, the offender may be committed to any common gaol, house of correction, lock-up or other place of confinement with or without hard labor, for any time not exceeding six nor less than two months unless such fine and costs are sooner paid.

And destroyed by order of J. P.

Person in whose possession they were found subject to penalty from $50 to $100.

Imprisonment in default of payment.

81. When it is proved before any Judge, Stipendiary Magistrate or Justice of the Peace that any vessel, boat, canoe or conveyance of any description upon the sea or sea coast, or upon any river, lake or stream in Canada, is employed in carrying any intoxicant, to be supplied to any Indian, or non-treaty Indian, such vessel, boat, canoe or conveyance so employed may be seized and declared forfeited, as in the next preceding section and sold, and the proceeds thereof paid to Her Majesty for the purposes hereinbefore mentioned.

Vessels used in conveying intoxicants in contravention of this Act subject to seizure and forfeiture.

82. Every article, chattel, commodity or thing in the purchase, acquisition, exchange, trade or barter, of which in contravention of this Act the consideration, either wholly or in part, may be any intoxicant, shall be forfeited to Her Majesty and shall be seized as in the *eightieth* section in respect to any receptacle of any intoxicant, and may be sold and the proceeds thereof paid to Her Majesty for the purposes hereinbefore mentioned.

Articles exchanged for intoxicants may be seized and forfeited.

83. It shall be lawful for any constable, without process of law, to arrest any Indian or non treaty Indian whom he may find in a state of intoxication, and to convey him to any common gaol, house of correction, lock-up or other place of confinement, there to be kept until he shall have become sober; and such Indian or non-treaty Indian shall, when sober, be brought before any Judge, Stipendiary Magistrate, or Justice of the Peace, and if convicted of being so found in a state of intoxication shall be liable to imprisonment in any common gaol, house of correction, lock-up or other place of confinement, for any period not exceeding one month. And if any Indian or non-treaty Indian having been so convicted as aforesaid, refuses upon examination to state or give information of the person, place, and time from whom, where, and when, he procured such intoxicant, and if from any other Indian or non-treaty Indian, then, if within his knowledge, from whom, where and when such intoxicant was originally procured

Indians intoxicated may be arrested and imprisoned until sober.

And fined.

And further punished if they refuse to say from whom they got the intoxicant.

or received, he shall be liable to imprisonment as aforesaid for a further period not exceeding fourteen days.

To what Judges only an appeal shall be from conviction under five next preceding sections.

84. No appeal shall lie from any conviction under the five next preceding sections of this Act, except to a Judge of any Superior Court of law, County or Circuit, or District Court, or to the Chairman or Judge of the Court of the Sessions of the Peace, having jurisdiction where the conviction was had, and such appeal shall be heard, tried, and adjudicated upon by such judge without the intervention of the jury; and no such appeal shall be brought after the expiration of thirty days from the conviction.

Want of form not to inalidate conviction.

85. No prosecution, conviction or commitment under this Act shall be invalid on account of want of form, so long as the same is according to the true meaning of this Act.

ENFRANCHISEMENT.

Report of Agent when Indianobtains consent of band to be enfranchised.

Inquiry thereupon.

86. Whenever any Indian man, or unmarried woman, of the full age of twenty-one years, obtains the consent of the Band of which he or she is a member to become enfranchised, and whenever such Indian has been assigned by the Band a suitable allotment of land for that purpose, the local Agent shall report such action of the Band, and the name of the applicant to the Superintendent-General; whereupon the said Superintendent, if satisfied that the proposed allotment of land is equitable, shall authorize some competent person to report whether the applicant is an Indian who, from the degree of civilization to which he or she has attained, and the character for integrity, morality and sobriety which he or she bears, appears to be qualified to become a proprietor of land in fee simple; and upon the favorable report of such person, the Superintendent-General may grant such Indian a location ticket as a probationary Indian, for the land allotted to him or her by the Band.

Location ticket on favourable report.

Patent afrer certain period of probation.

87. After the expiration of three years (or such longer period as the Superintendent-General may deem necessary in the event of such Indian's conduct not being satisfactory), the Governor may, on the report of the Superintendent-General, order the issue of letters patent, granting to such Indian in fee simple the land which had, with this object in view, been allotted to him or her by location ticket.

Indian to declare name chosen; and to be known by it.

88. Every such Indian shall, before the issue of the letters patent mentioned in the next preceding section, declare to the Superintendent-General the name and surname by which he or she wishes to be enfranchised and thereafter known, and on his or her receiving such letters patent, in such name and surname, he or she shall be held to be also enfranchised, and he or she shall thereafter be known by such name or surname, and if such Indian be a married man his wife and minor unmarried children also shall be held to be enfranchised; and from the date of such letters patent the provision of this Act and of any Act or law making any distinction between the legal rights, privileges, disabilities and

Wife and minor children enfranchised.

Effect of such enfranchisement.

liabilities of Indians and those of Her Majesty's other subjects shall cease to apply to any Indian, or to the wife or minor unmarried children of any Indian as aforesaid, so declared to be enfranchised, who shall no longer be deemed Indians within the meaning of the laws relating to Indians, except in so far as their right to participate in the annuities and interest moneys, and rents and councils of the Band of Indians to which they belonged is concerned; Provided always, that any children of a probationary Indian, who being minors and unmarried when the probationary ticket was granted to such Indian, arrive at the full age of twenty-one years before the letters patent are issued to such Indian, may, at the discretion of the Governor in Council, receive letters patent in their own names for their respective shares of the land allotted under said ticket, at the same time that letters patent are granted to their parent.

Proviso as to children attaining majority before their father's probation expires.

89. If any probationary Indian should fail in qualifying to become enfranchised, or should die before the expiration of the required probation, his or her claim, or the claim of his or her heirs to the land, for which a probationary ticket was granted, shall in all respects be the same as that conferred by an ordinary location ticket, as provided in the *sixth*, *seventh*, *eighth* and *ninth* sections of this Act.

Case of Indian dying before expiration of probation or failing to qualify.

90. The children of any widow who becomes either a probationary or enfranchised Indian shall be entitled to the same privileges as those of a male head of a family in like circumstances.

As to children of widows probationary or enfranchised.

91. In allotting land to probationary Indians, the quantity to be located to the head of a family shall be in proportion to the number of such family compared with the total quantity of land in the reserve, and the whole number of the Band, allowing for each single Indian a like proportion; but any Band may determine what quantity shall be allotted to each member for enfranchisement purposes, provided each female of any age, and each male member under fourteen years of age receive not less than one-half the quantity allotted to each male member of fourteen years of age and over.

Rules for allotting lands to probationary Indians.

Proviso: as power of band in this behalf.

92. Any Indian, not a member of the Band, or any non-treaty Indian, who, with the consent of the Band and the approval of the Superintendent-General, has been permitted to reside upon the reserve, or obtain a location thereon, may, on being assigned a suitable allotment of land by the Band for enfranchisement, become enfranchised on the same terms and conditions as a member of the Band; and such enfranchisement shall confer upon such Indian the same legal rights and privileges, and make such Indian subject to such disabilities and liabilities as affect Her Majesty's other subjects; but such enfranchisement shall not confer upon such Indian any right to participate in the annuities, interest moneys, rents and Councils of the Band.

As to Indians not members of the band, but permitted to reside on their reserve.

Proviso.

Provision when band decides that all its members become enfranchised.

93. Whenever any Band of Indians at a council summoned for the purpose according to their rules, and held in the presence of the Superintendent-General, or of an agent duly authorized by him to attend such council, decides to allow every member ofthe Band who chooses, and who may be found qualified, to become enfranchised, and to receive his or her share of the principal moneys of the Band, and sets apart for such member a suitable allotment of land for the purpose, any applicant of such Band after such a decision may be dealt with as provided in the six next preceding sections until his or her enfranchisement is attained; and whenever any member of the Band, who for the three years immediately succeeding the date on which he or she was granted letters patent, or for any longer period that the Superintendent-General may deem necessary, by his or her exemplary good conduct and management of property, proves that he or she is qualified to receive his or her share of such moneys, the Governor may, on the report of the Superintendent General to that effect, order that the said Indian be paid his or her share of the capital funds at the credit of the Band, or his or her share of the principal of the annuities of the Band, estimated as yielding five per cent, out of such moneys as may be provided for the purpose by Parliament; and if such Indian be a married man then he shall also be paid his wife and minor unmarried children's share of such funds and other principal moneys, and if such Indian be a widow, she shall also be paid her minor unmarried children's share; and the unmarried children of such married Indians, who become of age during either the probationary period for enfranchisement or for payment of such moneys, if qualified by the character for integrity, morality and sobriety which they bear, shall receive their own share of such moneys when their parents are paid, and if not so qualified, before they can become enfranchised or receive payment of such moneys they must themselves pass through the probationary periods; and all such Indians and their unmarried minor children who are paid their share of the principal moneys of their Band as aforesaid, shall thenceforward cease in every respect to be Indians of any class within the meaning of this Act, or Indians within the meaning of any other Act or law.

Or when Indian becomes qualified by exemplary conduct.

If such Indian be a married man or widow.

And as to unmarried children of such enfranchised married Indians.

MISCELLANEOUS PROVISIONS.

Before whom affidavits to be used under this Act may be made.

94. All affidavits required under this Act, or intended to be used in reference to any claim, business or transaction in the Indian Branch of the Department of the Interior, may be taken before the Judge or Clerk of any County or Circuit Court, or any Justice of the Peace, or any Commissioner for taking affidavits in any of the Courts, or the Superintendent-General, or any Indian Agent, or any Surveyor duly licensed and sworn, appointed by the Superintendent-General to enquire into or take evidence or report in any matter submitted or pending before such Superintendent-General, or if made out of Canada, before the Mayor or Chief Magistrate of, or the British Consul in any city, town or

other municipality; and any wilful false swearing in any such affidavit shall be perjury. Perjury.

95. Copies of any records, documents, books or papers belonging to or deposited in the Department of the Interior, attested under the signature of the Superintendent-General or of his deputy shall be competent evidence in all cases in which the original records, documents, books or papers, could be evidence. Certified copies of official papers to be evidence.

96. The Governor in Council may, by proclamation from time to time, exempt from the operation of this Act, or from the operation of any one or more of the sections of this Act, Indians or non-treaty Indians, or any of them, or any Band or irregular Band of them, or the reserves or special reserves, or Indian lands or any portions of them, in any Province of Canada or in the North-West Territories thereof, or in either of them, and may again, by proclamation from time to time, remove such exemption. Governor in Council may exempt Indians from operation of any sections of this Act:—and again remove such exemption.

97. The Governor may, from time to time, appoint officers and agents to carry out this Act, and any Orders in Council made under it, which officers and agents shall be paid in such manner and at such rates as the Governor in Council may direct out of any fund that may be appropriated by law for that purpose. Governor to appoint officers, &c, to be paid out of monies appropriated by Parliament.

98. Section fifty-six of chapter sixty-one and section fifty of chapter sixty-eight of the Consolidated Statutes of Canada, section twenty-nine of chapter forty-nine of the Consolidated Statutes of Upper Canada, and so much of chapter eighty-one of the said Consolidated Statutes of Upper Canada as relates to Indians or Indian lands, sections five to thirty-three, inclusive, and sections thirty-seven and thirty-eight of the Act passed in the session held in the thirty-first year of Her Majesty's reign, chaptered forty-two, and the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered six, and the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered twenty-one, are hereby repealed, with so much of any Act or law as may be inconsistent with this Act, or as makes any provision in any matter provided for by this Act, except only as to things done, rights acquired, obligations contracted, or penalties incurred before the coming into force of this Act; and this Act shall be construed not as a new law but as a consolidation of those hereby repealed in so far as they make the same provisions that is made by this Act in any matter hereby provided for. Acts and parts of Acts repealed, viz: S. 56 of c. 61, and s. 50 of c. 68, Con. Stat. Can. S. 29 of c. 49 of Con. Stat. U. C., part of c. 81 of Con. Stat. U. C. ss. 5 to 33, and ss. 37, 38 of 31 V. c., 42. Acts 32, 33 V. c. 6. and 37 V. c., 21, &c., repealed. Saving clause as to things done, &c.

99. No Act or enactment repealed by any Act hereby repealed shall revive by reason of such repeal. Repealed Acts not to revive.

No. 30.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend and consolidate the Laws respecting Indians.

Received and read the first time, Thursday, 2nd March, 1876.

Second reading—Friday, March 3rd, 1876.

MR. LAIRD

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1876.

No. 31.] **BILL.** [1876.

An Act to make provision for the crossing of Navigable Waters by Railway or other Road Companies incorporated under Provincial Acts.

Preamble.

WHEREAS it is expedient to make provision for the crossing of navigable waters within any Province by railway or other road companies, incorporated under Acts of the Legislature of such Province: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain provisions of 31 V., c. 68, to apply to companies incorporated by Provincial Acts to construct roads crossing navigable waters.

1. Whenever any railway company or other road company is lawfully incorporated by an Act of a Provincial Legislature, with power to construct a railway or other road on a line intersected by any navigable water, and it is necessary for such construction that such road should be carried across or along such navigable water, the fifty-fourth, fifty-fifth, fifty-sixth and fifty-eighth sections of "*The Railway Act*, 1868," shall, subject to the provisions of this Act, apply to such company in respect of the carrying such road by such company across or along such navigable water.

Notice to be given by such company.

2. Any company proposing to construct any work under this Act shall give public notice for six weeks, in some newspaper published nearest the site of the proposed work, that the plan and proposed site has been submitted to the Railway Committee of the Privy Council under the said fifty-sixth section, and that it is intended to apply to the Governor in Council to authorize the work.

How only the road may be carried across such water.

3. Subject to the provisions of the said fifty-fourth, fifty-fifth, fifty-sixth and fifty-eighth sections, the Governor in Council may, after the expiration of the notice prescribed by the second section of this Act, authorize such company to carry such road across or along such navigable water, pursuant to a plan and on a site to be approved by the Railway Committee under the said fifty-sixth section.

Act 35 V., c. 25, to apply to the work.

4. In case any company constructs any work under the provisions of this Act, such company shall, as to the work so constructed but no further or otherwise, be subject to the provisions of the Act passed in the thirty-fifth year of Her Majesty's Reign, intituled: "*An Act respecting Bridges*," and the whole of such work shall be deemed to be Bridge within the purview of the said Act and subject to all the provisions thereof.

Certain powers reserved to Parliament.

5. Parliament may at any time annul or vary any Order of the Governor in Council, made under the third section of this Act; and no such legislation shall be deemed an infringement of the rights of the company.

No. 31.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to make provision for the crossing of Navigable Waters by Railway or other Road Companies incorporated under Provincial Acts.

Received and read the first time Thursday, 2nd March, 1876.

Second reading Friday, 3rd March, 1876.

MR. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 32] [1876.

BILL.

An Act respecting the Capital of the Great Western Railway Company, and for the capitalization of certain charges and liabilities.

Preamble.

WHEREAS the net revenue of the Great Western Railway Company has for some time past been insufficient to meet the interest on all the bonds and perpetual debenture stock of the Company, and, although their general business and net earnings are now increasing, it may be that the net revenue for the current year ending on the thirty-first day of January, one thousand eight hundred and seventy-seven, will not be sufficient wholly to meet the interest for the same period.

And whereas the arrears for the past have been temporarily met, but the indebtedness still remains a charge against future revenue.

And whereas in the general balance sheet of the Company there appear various items assumed to be assets, but which are without value.

And whereas on the thirty-first day of July, one thousand eight hundred and seventy-five there was a sum of five hundred and twenty-one thousand and forty-six pounds, ten shillings and three pence, sterling, standing to the credit of the capital account of the Company.

And whereas the Company have by their petition represented that their Directors should be authorized (subject to the consent in that behalf hereinafter mentioned) to charge to Capital account the said deficiency in net revenue, as well as the further deficiency (if any) up to and inclusive of the thirty-first day of January, one thousand eight hundred and seventy-seven, and such items standing to the credit of the said general balance sheet as may appear to be without value, so however that the total amount so charged to capital account shall not exceed two hundred and seventy-five thousand pounds sterling.

And whereas the net revenue has also for some time past been insufficent to provide for the dividends upon the preference stock of the Company, and, notwithstanding the improvement in business, may be insufficient to provide for the whole of the preference dividends which will be payable up to and inclusive of the day last aforesaid; and the Company have also represented by their petition that their Directors should be authorized (subject to the consents in that behalf hereinafter mentioned) to capitalize the said arrears up to and inclusive of the said date last aforesaid as hereinafter mentioned, and that they should be otherwise empowered as herein provided.

And it is expedient that the prayer of the said petition should be granted.

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation clause.

1. In this Act the word "Company" shall mean the Great Western Railway Company, and the word "directors" shall mean the directors of the said Company.

Citation of Act.

2. The Act passed in the thirty-eighth year of Her Majesty's reign, chaptered sixty-four, and intituled "An Act to amend the Acts of incorporation of the Great Western Railway Company," may be cited as "The Great Western Railway Act, 1875," and this Act may be cited as "The Great Western Railway Act, 1876."

Directors may debit capital account with deficiency in net revenue and depreciated assets.

3. It shall be lawful for the Directors to debit the capital account of the Company, with the sums by which the net revenue of the Company, up to and inclusive of the thirty-first day of January, one thousand eight hundred and seventy-six, was insufficient to meet the interest upon the terminable bonds and perpetual debenture stock of the Company, and with the further sums (if any) by which the net revenue for the year ending on the thirty-first day of January, one thousand eight hundred and seventy-seven, may be insufficient to meet the interest on the said bonds and debenture stock for the same period, and with such sums at the credit of the general balance sheet of the Company as shall appear to the Directors to be represented by assets without value, or by an over-valuation of assets—provided that the total sum so charged to capital, by virtue of this section, shall not exceed the sum of two hundred and seventy-five thousand pounds sterling.

Not exceeding £275,000.

Directors may capitalize arrears of preference dividends.

4. It shall be lawful for the Directors to capitalize the whole or any portion of the dividends now in arrear to the preference stockholders of the Company, and of such further preference dividends (if any) as the net revenue of the Company may be insufficient to provide for up to and inclusive of the thirty-first day of January, one thousand eight hundred and seventy-seven, by the delivery of certificates for one hundred pounds sterling, or fractional parts of one hundred pounds, as the case may be, of preference stock, to the preference stockholders entitled to such dividends; which additional preference stocks shall bear and be entitled to the same rate of dividend, stand upon the same footing, have the same priority, and entitle the holder thereof to the same rights as, but no other than the preference stocks in respect of which the dividends so capitalized shall have accrued; and in such capitalization the Directors shall have power to create and give at the rate of not less than one hundred pounds, nor more than one hundred and forty pounds, of such additional preference stock, for one hundred pounds of such arrears of preference dividends; and such capitalization shall be in full discharge and satisfaction of the dividends, or portion of dividends, as the case may be, which the Directors shall have elected to capitalize.

Power to borrow £642,213 on terminable bonds or perpetual debenture stock.

5. And whereas of the borrowing powers of the Company prior to the passing of this Act as declared by "the Great Western Railway Act, 1874," there are yet unexercised the power to raise under the fourth section of the said Act by the issue of either terminable bonds or perpetual debenture stock, the sum of thirty-three thousand nine hundred and four pounds sterling, and to raise under the fifth section of the said Act by the creation and issue of perpetual debenture stock the sum of six hundred and eight thousand three hundred and nine pounds sterling, part of the sum therein mentioned; and whereas it is desirable that the Company should have power to raise the whole of the said two sums, being six hundred and forty-two thousand two

hundred and thirteen pounds sterling, by the issue of either class of security, or partly upon one and partly upon the other, therefore it shall be lawful for the Company to borrow the said six hundred and forty-two thousand two hundred and thirteen pounds sterling by the issue and sale of terminable bonds, or by the creation, issue and sale of perpetual debenture stock, or partly upon one class of security, and partly upon the other.

Agreements with W. G. & B. Co. and L. H. & B. Co.

6. And whereas the Company have power to enter into traffic arrangements and agreements with the Wellington, Grey, and Bruce Railway Company, and the London, Huron, and Bruce Railway Company, and to guarantee for the loan of its credit to, and to become guarantors for the Railway Companies with which they may make such arrangements; and whereas pursuant to such powers the Company have entered into arrangements for the working of, and are now working, the Railways of the said Companies; and have entered into obligations to acquire the bonds of the said two Companies, and have already acquired portions thereof, which they now hold; and whereas the said powers were conferred upon the Company in addition to their express borrowing powers; and inasmuch as the Company can obtain money to replace the capital used, and which may be used from time to time in acquiring such bonds, upon more favorable terms by the issue of their own securities than by the sale of the bonds so acquired; and whereas the total bond issue of the Wellington, Grey, and Bruce Railway Company already acquired and to be acquired is five hundred and thirty-one thousand six hundred pounds sterling, and of the London, Huron, and Bruce Railway Company is one hundred and eighty-seven thousand two hundred pounds sterling; therefore it shall be lawful for the Company to raise and borrow money from time to time to replace the money heretofore used, and which may be hereafter used, in acquiring the said bonds of the said two Companies, by the issue and sale of perpetual debenture stock, or of terminable bonds, or of both—to be treated as part of the regular perpetual debenture and terminable bond debts of the Company, in addition to those already authorized by the Acts relating to the Company; so, however, that the loan capital raised or created of one class or the other, or of both classes, under the authority of this section, shall not at any time exceed the amount expended in acquiring such bonds, nor in the aggregate exceed the sum of seven hundred and eighteen thousand eight hundred pounds sterling.

Loan capital of W. G. & B. Co. £531,600.

Of L. H. & B. Co. £187,200.

Company may borrow money to replace capital used in acquiring above bonds.

Not exceeding £718,800.

Power to borrow money to acquire stocks authorized to be held in other Companies.

7. It shall be lawful for the Company to raise and borrow from time to time any money which they may require for the purpose of subscribing for, purchasing, holding, or becoming the owners of any stocks or shares in other Companies, in which, by the acts relating to the Company, they may have power to take, hold, subscribe for, or become the owners of stocks or shares, by the issue and sale of additional terminable bonds, or bythe creation issue and sale of additional perpetual debenture stock, or of both, to be also treated as part of the regular perpetual debenture and terminable bond debts of the Company.

Directors may pay off existing bond debts by issue of new bonds or debenture stock.

8. So that the loan capital raised or created by terminable bonds or perpetual debenture stock shall not in the whole exceed the aggregate amount of the loan capital authorized by acts relating to the Company, the Directors may from time to time pay off or satisfy the terminable bonds of the Company by the issue and sale or exchange of other terminable bonds, or by the creation issue and sale or exchange of perpetual debenture stock.

Manner and terms of issue of bond and debenture stock.

9. The terminable bonds and perpetual debenture stock to be hereafter issued may be issued in such proportions, in such manner, at such rates of interest, (not exceeding, as to the perpetual debenture stock, six per centum per annum) and at such price or prices as to premium or otherwise as may be determined from time to time by the Directors.

Company by ⅔ vote of shareholders may give option of conversion into ordinary stock.

10. The Company may, by the vote of two-thirds of the shareholders, in terms of the sixth section of "The Great Western Railway Act, 1875," at any ordinary or special general meeting of the Company, direct that terminable bonds or perpetual debenture stock shall have an option of conversion into ordinary shares, at such rate and terms of option as the shareholders by such vote may deem advisable when such bonds or debenture stocks are to be issued.

The whole loan capital to have co-ordinate lien.

11. The whole loan capital of the Company, authorized by Acts relating to the Company, and consisting of terminable bonds and perpetual debenture stock, shall have co-ordinate lien, and shall be a first mortgage upon the Railways, tolls, and lands, and all and every property of the Company.

Cmpany in lieu of any portion of borrowing powers may issue ordinary stock to raise an equivalent amount

12. It shall be lawful for the Company from time to time to create and issue in lieu of the whole or any portion of their borrowing powers so many ordinary shares, in addition to their share capital otherwise authorized, as will realize to the Company a sum of money equal to the amount of loan capital in lieu of which such ordinary shares shall be issued; and the borrowing powers of the Company shall be reduced by the amount realized from the ordinary shares so issued; and such ordinary shares may be issued upon such terms as to premium or otherwise as the Company may deem advisable; and either in lieu of unexercised borrowing powers, or for the purpose of paying off or redeeming bonds or debenture stock already issued.

Power to use waters of streams.

13. It shall be lawful for the Company in the working of their railway to take and use for the purposes thereof the waters of any stream passing through, over or under the lands of the Company, doing no unnecessary damage to such stream.

Consent of ordinary shareholders.

14. No powers shall be exercised under the third, fourth, fifth, sixth, seventh or twelfth sections of this act, unless consent shall be given to the exercise of such powers respectively by the vote of two-thirds of the Shareholders in terms of the sixth section of "The Great Western Railway Act, 1875," at any ordinary or special general meeting of the Company.

Consent of preference stockholders.

15. No powers shall be exercised under the fourth section of this act, unless with the consent (in addition to the consent required by the fourteenth section of this act) of two thirds in number and amount of the preference Stockholders of the Company, present and voting in person or by proxy at a meeting of such preference Stockholders to be held on or before the thirty-first day of January, one thousand eight hundred and seventy-seven, in London, England, after such notice in England and Canada as by the acts relating to the Company would be sufficient for the calling of a special general meeting of the Company, the object of such meeting being specially set forth in such notice; and at such meeting preference Stockholders may be represented by proxies being preference Stockholders or ordinary shareholders, appointed in the form and according to the

practice now in use respecting ordinary shareholders; and the President of the Company, or in his absence the Vice-President, shall preside as chairman at such meeting; and the certificate in writing of the Chairman of the giving of such consent as aforesaid thereat shall be taken as *prima facie* proof of such consent having been duly given; such certificate to be filed in the office of the Secretary of State of Canada, and certified copies by the said Secretary shall be taken and considered for all purposes as sufficient *prima facie* evidence of the contents thereof.

No. 32.

3rd Session 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act respecting the Capital of the Great Western Railway Company, and for the capitalization of certain charges and liabilities.

Received and read, first time, Friday, 3rd March, 1876.

Second Reading, Monday, 6th March, 1876.

MR. IRVING.

OTTAWA:
Printed by A. S. WOODBURN, Elgin Street.
1876.

No. 33.] **BILL.** [1876.

An Act to extend the time for the commencement and completion of the Great Western and Lake Ontario Shore Junction Railway; and for other purposes.

Preamble.

WHEREAS the Great Western and Lake Ontario Shore Junction Railway Company have by their petition prayed for an extension of the time for the commencement and completion of their Railway, and that their Act of incorporation may be otherwise amended, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sect. 19 of 36 V., c 88, amended.

1. The nineteenth section of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter eighty-eight, is hereby repealed and the Railway shall be commenced within four years and be completed within six years from the passing of this Act.

Sections 1 and 5, amended.

2. The first and fifth sections of the said Act are hereby amended by striking the words "Joseph Price, of the City of Hamilton, Esquire," and "William Kerr Muir, of the same place, Esquire," out of the said first section, and by striking the names of "Joseph Price" and "William Kerr Muir" out of the said fifth section, and by inserting in each of the said first and fifth sections immediately after the name "Samuel Barker" therein, the names "Frederick Broughton, Charles Percy, Joseph Hobson and Charles Stiff," and the said sections as so amended shall henceforth be respectively read as the first and fifth sections of the said Act.

Section 7, amended.

3. The seventh section of the said Act is hereby amended by striking out the word "nine" from the ninth line thereof and by inserting the word "seven" in lieu thereof.

Number and quorum of Directors may be varied.

4. It shall be lawful for the shareholders of the Company at any annual or special general meeting from time to time to reduce or to increase the number of the Directors of the Company, so, however, that such number be not less than five and to determine what number not less than three shall be a quorum at the meetings of such Directors.

Provision in case of failure of election of Directors.

5. If for any reason, in any year, no election of Directors shall take place at the annual general meeting, the existing Directors shall continue to act and retain their powers until new Directors are elected at any subsequent annual general meeting or special general meeting called for the purpose.

G. W. R. Co. may hold stock.

6. The Great Western Railway Company, if so lawfully empowered, may hold shares in the capital stock of the said The Great Western and Lake Ontario Shore Junction Railway Company, either in their own name or in the names of Trustees, and such Trustees shall have all the rights, powers and privileges of ordinary shareholders.

No. 33.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to extend the time for the commencement and completion of The Great Western and Lake Ontario Shore Junction Railway, and for other purposes.

Received and read First time, Friday, 3rd March, 1876.

Second reading Monday, 6th March, 1876.

(PRIVATE BILL.)

Mr. Wood.

OTTAWA:

Printed by MacLean, Roger & Co.,

1876.

No. 34.] **BILL.** [1876.

An Act to incorporate the Mutual Insurance Company of Canada.

WHEREAS D B. Chisholm, John T. Grange, M.P.P., T. McIlwraith, Robert Duncan, T. C. Livingston, J. T. Middleton, A. Beamer, Geo. A. Clement, Thomas Sutton, S. Frank Wilson, John Stirton, H. Theo. Crawford, George Ennis, A Neville and others have, by their petition, represented that the establishment of an association for the insurance of Fire and Marine risks would be greatly beneficial, and have prayed for an Act of Incorporation for the purpose of carrying on a business of that nature under the name of "The Mutual Insurance Company of Canada," and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. All such persons as shall become members of the said Company shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in law, in fact, and in name, by the style and title of "The Mutual Insurance Company of Canada," for the purpose of carrying on the business of Fire and Marine Insurance, and doing all things appertaining thereto, or connected therewith, in the Dominion of Canada and elsewhere, and shall and may have perpetual succession, and shall be capable in law of contracting, and being contracted with, and suing and being sued, pleading and being impleaded in any court of law or equity within the Dominion of Canada or elsewhere in their corporate name aforesaid; and they and their successors shall and may have a common seal, and may change the same at their will and pleasure. Certain persons incorporated.

2. The said Company being incorporated for the mutual benefit of all such persons as shall become members thereof, and its business being conducted on the premium note system or mutual principle, shall not be required to make a deposit with the Minister of Finance before receiving a license to transact the business of Fire and Marine Insurance throughout Canada. The operations of the Company shall, however, be subject to and placed under the supervision of the Minister of Finance, and the inspection of the Superintendent of Insurance for Canada. Company not required to make deposit with Minister of Finance.

3. For the purpose of organizing the said Company, D. B. Chisholm, Thos. McIlwraith, Robt. Duncan, Alpheus Beamer, J. T. Middleton, all of the City of Hamilton, Esquires, shall Provisional Directors.

be Provisional Directors thereof, and they or a majority of them may receive applications for insurance in the said Company from persons desirous of becoming members thereof, and so soon as applications for insurances amounting in the aggregate to one hundred thousand dollars, on one hundred distinct risks, have been applied for and approved by the Provisional Directors, they may call a meeting of the applicants for insurance as aforesaid, at some place to be named in the city of Hamilton, giving at least ten days' notice thereof in the *Canada Gazette* and also in some daily newspaper in the said city, at which meeting the said applicants in person shall elect not less than five nor more than twenty-five Directors in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors and hold office for one year after their election. Aliens as well as British subjects, and whether resident in Canada or elsewhere, may be members of the said Company, and all such members shall be entitled to vote at all meetings of members equally with British subjects, and shall be also eligible to hold office as Directors or otherwise in the said Company.

First meeting of Company.

First election of Directors.

When business may be commenced.

4. Until applications for insurances amounting in the aggregate to five hundred thousand dollars, on three hundred separate and distinct risks, shall have been applied for and approved of by the Directors, it shall not be lawful for the Company to issue any policy, or assume any risk, or receive any premium, or transact any business of insurance.

Board of Directors.

5. The guarantee stock, property, affairs and concerns of the said Company shall be managed and conducted by the Board of Directors, who shall hold office for one year and be elected (after the expiry of the year for which the board to be elected under the provisions of the third section shall hold office) at the annual general meeting of members, to be holden at Hamilton or elsewhere, as the Directors may determine, on the anniversary of the first election of directors, or on such other day in each year as may be appointed by by-law, not less than ten days' notice of such meeting being given, as provided in section three. The said election shall be held and made by such of the members present in person or represented by proxy as shall have paid all calls or assessments made by the Directors and then due, and all such elections shall be by ballot, and the required number of persons, as determined under section six, who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed. If two or more persons have an equal number of votes in such a manner that a greater than the required number of persons, determined as aforesaid, shall appear to be chosen as Directors, then the Directors who shall have the greater number of votes or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number required as aforesaid. And the said Directors (as soon as may be after the said election) shall proceed in like manner to elect by ballot

Election.

Decision in case of equality of votes.

Election of President and

one of their number to be President and one to be Vice-President; and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal during the current year of office, such vacancy may be filled for the remainder of the year by the remaining Directors, or a majority of those of them present at any meeting, electing in such place or places a member or members eligible for such an office: Provided always, that no person, except as hereinafter provided in section twelve, shall be eligible to be or continue as a Director, unless he shall hold in his own name and for his own use one or more policies of insurance in the Company amounting in the aggregate to one thousand dollars, and shall have paid all premiums, calls or assessments due thereon. The Directors may hold their meetings when and where they may determine.

Vice-President.

Proviso; qualification of Director.

6. The Board of Directors may by by-law to be passed at least one month before the annual election determine where and when such election shall be held and the number of directors, not being less than five, to be elected for the ensuing year, and in default of such by-law the number of Directors shall remain the same as in the preceding year, and the election shall be held on the anniversary of the last election and at the same place.

Certain subjects may be ordered by by-law.

7. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when pursuant to this Act it should have been made, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election in such a manner as may be regulated, directed and appointed by the Directors for the time being, and the Directors in office shall so continue until a new election is made. The Directors elected at such subsequent day shall have the same powers as if elected on the annual day of election, and shall hold office for the remainder of the current year of their election.

Failure of election not to dissolve Corporation.

8. At all meetings of the Company each member shall be entitled to the number of votes proportioned to the amount by him insured, according to the following rates, that is to say: For any sum under one thousand dollars one vote; for two thousand dollars two votes; and one additional vote for every additional thousand dollars over two thousand dollars; but no member shall be entitled to vote while in arrear for any premium, call, or assessment due by him to the company; such votes may be given either in person or by proxy, the holder of any such proxy being himself a member; and all questions proposed for the consideration of the members shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes.

Scale of votes.

Proxy.

Casting vote.

9. At the annual meeting of the members the election of directors shall be held and all business transacted without the necessity for specifying such business in the notice of such meeting; and at such meeting a general balance sheet

Business at annual meetings.

and statement of the affairs of the company, and all such further information as may be required by the by-laws, shall be laid before the members; special general meetings of members may be called in such manner as may be provided for by the by-laws; and at all meetings of the members the President, or, in his absence, one of the Vice-Presidents, or in the absence of both of them, a Director or member chosen by the members shall preside, who, in case of an equality of votes, shall give the casting vote in addition to his vote as a member.

Special general meetings.

10. Notice of any annual or special meeting of the members of the said Company shall be published in one or more newspapers for at least two weeks previous to the day of such meeting; and the Board of Directors may convene at any time a general meeting of the Company upon any urgent occasion, giving notice thereof as herein provided.

Notice of meetings.

11. All members entitled to vote at any meeting may, by writing under their hand (or if such members be a corporation, then under their common seal) constitute any other member their proxy to vote at any such meeting; no person shall, however, be entitled to vote as a proxy unless such appointment shall have been produced to the Secretary and entered in a book to be kept by him for such purpose.

Votes by proxy.

12. The Directors shall have full power and authority to make, and, from time to time, to alter by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well-ordering of the Company, the management and disposition of the guarantee capital, stock, property, estate and effects, the calling of special and general meetings, the regulation of the meetings of the Board of Directors, the increasing and decreasing of the number of Directors, the appointment of a Second Vice-President, a Managing Director and a Secretary, and of local Boards to facilitate the details of business, and the definition of the duties and powers of such local Boards, the making of calls or assessments upon the premium note capital and the subscribed guarantee stock, issue and allotment of shares in the latter, the appointment and removal of Officers and Agents of the Company, the regulation of their power and duties, and the remuneration to be paid to them, the regulation of the transfer of the guarantee capital stock and the form thereof, the compensation of Directors, the establishment and regulation of agencies, the adjusting and paying of all claims against the Company and the determining of rates, rules and conditions under which its policies shall be issued, transferred or re-purchased. The second Vice-President and Managing Director of the Company shall be appointed by the Directors, and shall be *ex-officio* Directors of the Company, and whether members of the Company or not, shall be eligible to hold their offices and entitled to vote at all meetings of the Board of Directors.

Directors may make by-laws for certain purposes.

Certain officers to be *ex-officio* Directors.

13. At all meetings of Directors three shall be a quorum for the transaction of business; and all questions before

Quorum and proceedings

them shall be decided by a majority of votes, and in case of an equality of votes the President, Vice-President, second Vice-President or presiding Director shall give the casting vote in addition to his vote as a Director; at all such meetings the President, or in his absence the Vice-President, and in the absence of both of them the second Vice-President, and in the absence of all of them a Director chosen by a majority of the Directors present, shall preside. at meetings of Directors.

14. The Managing Director or Secretary shall have power to cancel any particular policy, and by giving to the insured notice, in writing, signed by either of them, that such policy has been cancelled, it shall thereupon be null and void, and the Company's liability under such policy, or in respect thereof, shall at once cease and determine. Such notice may be given to the insured personally, or sent by mail in a registered letter, postage paid, to the post office address of the insured, as stated in the application for such policy, or in any subsequent notice received by the Company. Cancelling of policies

15. The Board of Directors of the said Company may issue debentures or promissory notes, in favor of any person, firm, Building Society, Banking or other Company, for the loan of money, and may borrow money therefrom on such debentures or promissory notes, for any term not exceeding twelve months, and on such conditions as they may think proper, and may renew the same from time to time for any such term, the whole of the assets, including premium notes of the company, being held liable to pay the same at maturity, but no such debentures or promissory notes shall be for a less sum than one hundred dollars. Power to issue debentures.

16. The said company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire, explosion, lightning, or from any other cause, on any house, store or other building whatsoever, and in like manner on any goods, chattels or personal estate whatsoever, for such time or times and for such premiums or considerations and under such modifications and restrictions, and upon such conditions as may be bargained and agreed upon or set forth by and between the Company and the person or persons agreeing with them for such insurance; and the said Company in like manner shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire, storm or tempest, or from any other cause, of or to ships, boats, vessels, steamboats or other craft navigating the oceans, lakes, rivers, or high seas, or other navigable waters whatsoever, from any port or ports in Canada, to any other port or ports in Canada or to any Foreign port or ports upon the oceans, lakes, rivers or other navigable waters aforesaid, or from one Foreign port to another Foreign port, or from any Foreign port or ports to any port or ports in Canada or elsewhere, upon all or any of the oceans, lakes, rivers and navigable waters aforesaid, and against any loss or damage of or to the cargoes or property conveyed in or upon such ships, ves- Business of the Company.

sels, boats or other craft, and the freight due or to grow due in respect thereof, or of or to timber or other property of any description conveyed in any manner upon any of the oceans, seas, lakes, rivers, or navigable waters aforesaid, or on any railway, or stored in any warehouse or railway station, and generally to do all matters and things relating to or connected with fire and marine insurance as aforesaid, and to make and to grant all policies therein and thereupon ; and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business ; and generally to do and perform all other necessary matters and things connected with and proper to promote those objects ; and all policies or contracts of insurance issued or entered into by the said Company shall be signed by the President or one of the Vice-Presidents, and countersigned by the Managing Director or Secretary or otherwise, as may be directed by the by-laws, rules and regulations of the Company, and being so signed and countersigned, shall be deemed valid and binding upon the Company, according to the tenor and meaning thereof.

Re-insurance.

Policies, by whom signed.

Power to hold real estate.

17. The Company shall have power to acquire and hold real estate for the purpose of its business, and to sell or dispose of the same and acquire other property in its place, as may be deemed expedient ; and to take, hold and acquire all such lands and tenements, real or immovable estate, as shall have been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof or of the owners thereof; and to retain the same for a period not exceeding ten years ; and the Company may invest its funds, or any part thereof, in the public securities of the Dominion of Canada, or of any of the Provinces thereof, or of any foreign state or states, when required for the carrying on of business in such foreign state, or in the stocks of any chartered banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate, or in such other securities and in such manner as the Directors may elect ; and may from time to time vary or sell the said securities, or mortgage or pledge the same from time to time as occasion may require.

Investment of funds.

Owners of property may become members.

18. The Company may admit, as a member thereof, the owner of any property, movable or immovable, and may insure the same whether the owner thereof be or be not a freeholder ; and every person admitted a member of the said Company by such insurance shall be entitled to the like rights, and be subjected to the like liabilities as other members of the said Company. The Company may collect premiums in cash for insurance for terms not longer than one year, and such portions of the premium notes as the Directors may consider equitable and necessary on all insurances for terms longer than one year.

Premiums.

19. All premium notes or undertakings belonging to the Company shall be assessed under the direction of the Board of Directors, at such intervals from their respective dates, for such sums as the Directors shall determine, and for such further sums as they may think necessary to meet the losses and other expenditures of the said Company during the currency of the policies for which the said notes and undertakings were given, and in respect to which they are liable to assessment; and every member of the Company or person who has given a premium note or undertaking, shall pay the sums from time to time payable by him to the Company during the continuance of his policy, in accordance with such assessment; and any such assessment shall become payable in thirty days after notice of such assessment shall be mailed to such member, or person who has given the premium note or undertaking, directed to his Post Office address, as given in his original application, or in writing to the Secretary of the Company. Assessment of premium notes. When payable

20. A notice of assessment upon any premium note or undertaking mailed as aforesaid shall be deemed sufficient if it embody the number of the policy, the period over which the assessment extends, the amount of the assessment, the time when and the place where payable. Notice to be sent.

21. The assessment upon premium notes or undertakings shall always be in proportion to the amount of the said notes or undertakings, having regard to the branch or department to which their policies respectively appertain. Assessment to be proportionate.

22. If the assessment on the premium note or undertaking upon any policy be not paid within thirty days after the day on which the said assessment shall have become due, the policy of insurance for which such assessment shall have been made, shall be null and void as respects all claims for losses occurring during the time of such non-payment; provided always, that the said policy shall be revived when such assessment shall have been paid unless the Secretary give notice to the contrary to the assessed party in the manner in this Act provided; but nothing shall relieve the assured party from his liability to pay such assessment or any subsequent assessments; nor shall such assured party be entitled to recover the amount of any loss or damage which may happen to property insured under such policy while such assessment shall remain due and unpaid, unless the Board of Directors in their discretion shall decide otherwise. Failure to pay to annul policy. But assessment may be collected.

23. If any member or other person, who has given a premium note or undertaking, shall, for thirty days after notice of assessment shall have been mailed to him in manner aforesaid, neglect or refuse to pay the said assessment, the Company may sue for and recover the same with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment. Proceedings for recovery.

24. Whenever any assessment is made or any premium note or undertaking given to the Company for any risk Certificate of Secretary to be evidence.

taken by the Company, or as a consideration for any policy of insurance issued, or to be issued by the Company, and an action is brought to recover such assessment, the certificate of the Secretary of the Company, specifying such assessment and the amount due to the Company on such note or undertaking by means thereof, shall be taken and received as *prima facie* evidence thereof in any court whatsoever.

Reserve fund may be created.

25. The Company may form a reserve fund, to consist of all moneys which shall remain on hand at the end of each year, after payment of the ordinary expenses and losses of the said Company; and for that purpose the Board of Directors may levy an annual assessment not exceeding ten per centum on the premium notes or undertakings held by the said Company; and such reserve fund may from time to time be applied by the Directors to pay off such liabilities of the Company as may not be provided for out of the ordinary receipts for the same or any succeeding year; Provided that such reserve fund shall be invested either in debentures or other securities of the Dominion of Canada or of a Province thereof, or in municipal debentures, or may remain in a chartered bank on deposit at interest.

Proviso.

Guarantee capital may raised.

26. The Company may raise by subscription of its members or some of them, or by the admission of new members not being persons assured with the Company, or by loan, or otherwise, a guarantee capital of any sum not exceeding five hundred thousand dollars, which guarantee capital shall belong to the Company, and be liable for all the losses, debts and expenses of the Company; and subscribers of such capital stock shall in respect thereof have such rights as the Directors of the Company declare and fix by a by-law to be passed before such capital is raised; and unless *such capital be paid off in the manner hereinafter provided*, such by-law shall not be repealed or altered without the consent of the majority of votes of the shareholders of such capital, either personally or by proxy, at a meeting held for that purpose of the holders of such capital, each holder being entitled to a vote for every share of fifty dollars held by him. 22 V. c. 46, s. 1.

Surrender of premium note

27. Forty days after the expiration of the term of insurance, the premium note and undertaking given for such insurance shall, on application therefor, be given up to the signer thereof, provided all losses and expenses with which the said note or undertaking may be chargeable shall have been paid.

Alienation of property to void policy.

28. In case any property, real or personal, insured in the Company, be alienated by sale, insolvency or otherwise, the policy shall be void, and shall be surrendered to the Directors of the Company to be cancelled; and thereupon the assured shall be entitled to receive his deposit note or notes, upon payment of his proportion of all losses and expenses which had accrued prior to such surrender; but the assignee may have the policy transferred to him, and upon application to the Directors, such assignee on giving proper security to

Transfer to assignee.

their satisfaction for such portion of the deposit or premium note or undertaking as remains unpaid, and with their consent within thirty days next after such alienation, may have the policy ratified and confirmed to him, and by such ratification and confirmation the said assignee shall be entitled to all the rights and privileges, and be subject to all the liabilities and conditions to which the original party insured was entitled and subject; Provided, however, that in cases where the assignee is a mortgagee, the Directors may permit the policy to remain in force, and to be transferred to him by way of additional security, without requiring any premium note or undertaking from such assignee, or his becoming in any manner personally liable for premiums or otherwise; but in such cases the premium note or undertaking and liability of the mortgagor in respect thereof shall continue in nowise affected. Proviso.

29. If any alteration be made in any house or building insured by the proprietors thereof, or if the risk on any house or building or other property insured be increased by any means whatever after the insurance has been made thereon with the Company, whereby it is exposed to greater risk or hazard from fire, than it was when insurance was effected, the insurance thereon shall be void, unless previous notice thereof be given in writing and the requisite additional premium note or deposit after such alteration be given or paid to the directors; but no alterations or repairs in buildings not increasing such risk or hazard shall affect the insurance previously made thereon. Policies voided by alteration.

30. If an insurance subsists by the act or with or without the knowledge of the insured in the Company and in any other office at the same time, the insurance in the Company shall be void, unless the double insurance subsists with the consent of the Directors, signified by endorsement on the policy, signed by the secretary or other officer authorized to do so, or otherwise acknowledged in writing. Double insurance.

31. In case of any loss or damage by fire happening to any member upon property insured with the Company, such member shall give notice thereof to the secretary of the Company forthwith, and the proofs, declarations, evidences and examinations, called for by or under the policy, must be furnished to the Company within thirty days after the said loss, and upon receipt of notice and proofs of claim as aforesaid, the Board of Directors shall ascertain and determine the amount of such loss or damage, and such amount shall be payable in three months after the receipt by the Company of such proofs. Proceedings in case of loss or damage.

32. Proofs or claims against the Company under or in respect of any contracts made or policies issued by it shall be such in substance and in form as the Company may require, and shall be verified by the affidavits, affirmations or declarations of the several persons subscribing thereto. All such affidavits, affirmations or declarations shall be made before the Judge of any Court of Record, or before the Mayor Proofs of claims.

of any city or town, or before any Notary Public, and all such officers are hereby authorized and required to take the same; and any person who knowingly, wilfully and corruptly makes in any such affidavits, affirmations or declarations any false statement of fact, matter or thing, in regard to such claims, shall be guilty of wilful and corrupt perjury.

False statements to annul policy.

33. If any persons making any claims against the Company under or in respect of any contracts made or policies issued by it shall knowingly and wilfully furnish the Company with any false statement in support of such claims, such claims, contracts and policies shall thereby and thereupon be discharged, and the Company at once and for ever released from all liabilities in respect thereof.

Receipt for claim to be filed.

34. And under no cirumstances whatever shall any claim against the Company under or in respect of any policies issued by it be payable until a valid, legal discharge of such claim, together with such policies duly receipted and cancelled, as the Directors may require, shall have been filed with the Company at its chief place of business or elsewhere as they may direct.

Arbitration in case of dispute.

35. If the party be not satisfied with the determination of the Board of Directors, all questions as to the value of property damaged or destroyed may be submitted to three disinterested persons as referees, one of whom shall be named by the Board and one by the suffering party, and the third by the two referees, or on their failing to agree in their choice, by the County Judge in the county in which the loss may have taken place, and the decision or award of a majority of them shall be binding.

Costs of arbitration.

36. If no more be recovered than the amount so previously determined upon by the directors, the plaintiff in the suit shall have judgment for such amount only, and he shall not be entitled to costs against the defendants, and the defendants shall be entitled to costs against the plaintiff, as in the case of a verdict for the defendant.

Suits to be brought within one year.

37. No action or suit either at law or in equity shall be brought against the company upon any policy or contract of insurance granted or entered into by it, after the lapse of one year next after the happening of the loss or damage in respect of which such action or suit is brought, saving in all cases the right of parties under legal disability; and all policies to be issued by the company shall have a condition to this effect endorsed thereon.

Issue of execution.

38. No execution shall issue against the Company upon any judgment until after the expiration of three months from the recovery thereof.

Amount of note may be returned.

39. If there be any loss on property insured by the company the Board of Directors may retain the amount of the premium note or undertaking given for insurance thereof, until the time has expired for which insurance has been

made, and at the expiration of the said time the insured shall have the right to demand and receive such part of the retained sum as has not been assessed for.

Division of the business into branches.

10. The Company may separate its business into branches or departments, with reference to the nature or classification of the risks, and of the localities in which insurance may be effected. And the Directors of the Company shall make a scale of risks and tariff of rates for each branch, and direct that the accounts of each shall be kept separate and distinct the one from the other. Members of the Company insuring in one branch shall not be liable for claims on any other branch.

Distribution of expenses.

11. All necessary expenses incurred in the conducting and management of the Company shall be assessed upon and divided between the several branches in such proportion as the Directors may determine.

Security by the Treasurer.

12. The treasurer or other officer having charge of the money of the Company, shall give security to the satisfaction of the Board of Directors in a sum of not less than two thousand dollars, for the faithful discharge of his duties.

When suits may be brought.

13. Any suit cognizable in a Division Court upon or for any premium note or undertaking, or any sum assessed or to be assessed thereon, may be entered or tried and determined in the court for the division wherein the Head Office or any agency of such Company is situate.

Interpretation.

14. In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say, words importing the plural number include the singular number, words importing the masculine gender include females. The expressions "the Directors," "the Board of Directors," mean the Directors for the time being, and "the Company" means "The Mutual Insurance Company of Canada."

No. 34.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to incorporate the Mutual Insurance Company of Canada.

Received and read the first time, Friday 3rd March, 1876.

Second reading, Monday, 6th March, 1876.

(PRIVATE BILL.)

Mr. CAMERON,
(N. Victoria.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1876.

No. 35.] **BILL.** [1876.

An Act to extend the time for the commencement and completion of the Canada and Detroit River Bridge; and for other purposes.

WHEREAS the Canada and Detroit River Bridge Company have by their petition prayed for an extension of the time for the commencement and completion of their Railway Bridge, and that their Act of incorporation may be otherwise amended, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

Sect. 32 of 36 V., c. 90, amended.

1. The thirty-second section of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter ninety, is hereby repealed and the works of construction upon the Railway Bridge by the said Act authorized to be constructed, shall be commenced within four years and be completed within six years from the coming into force of this Act.

Quorum and number of Directors may be varied.

2. It shall be lawful for the shareholders of the Company from time to time at any annual or special general meeting of the Company to reduce or to increase the number of Directors of the Company, so, however, that such number be not less than five and to determine what number not less than three shall be a quorum at the meetings of such Directors.

Provision in case of failure of election of Directors.

3. If for any reason in any year no election of Directors shall take place at the annual general meeting, the existing Directors shall continue to act and retain their powers until new Directors are elected at any subsequent annual general meeting or special general meeting called for the purpose; and the Directors theretofore elected by the shareholders shall retain their powers until their successors are elected in manner aforesaid.

G. W. R. Co. may hold stock.

4. The Great Western Railway Company, if so lawfully empowered, may hold shares in the capital stock of the said The Canada and Detroit River Bridge Company either in their own name or the names of Trustees, and such Trustees shall have all the rights, powers and privileges of ordinary shareholders.

Sect. 23 amended

5. The twenty-third section of the said Act is hereby amended by inserting immediately after the word "America" in the fifth line of the said section, and immediately after the word "Michigan" in the ninth line of the said section, the words "or by the laws of the United States of America."

No. 35.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to extend the time for the commencement and completion of the Canada and Detroit River Bridge; and for other purposes.

Received and read First time, Friday, 3rd March, 1876.

Second reading Monday, 6th March, 1876.

(PRIVATE BILL.)

MR. WOOD.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street.

1876.

No. 36.] [3 E C. H. [1876.

An Act to authorize the Shareholders of The Provincial Permanent Building and Savings Society to change the name of the said Society to that of "The Provincial Loan and Savings Company."

Preamble.

WHEREAS the Provincial Permanent Building and Savings Society by their petition have represented that they were incorporated under the authority of the Act passed by the Legislature of the late Province of Canada, in the ninth year of Her Majesty's reign, intituled "*An Act to encourage the establishment of certain Societies commonly called Building Societies in that part of the Province of Canada, formerly constituting Upper Canada,*" and of the Act amending the same, and that by reason of the extension of their business, the increase in the number of their shareholders and the character of their financial transactions, it would be for the public advantage as well as for the convenience of the corporation, that the name of the said corporation should be changed; and, whereas, it would be for such advantage and convenience that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to change the name of Society.

1. It shall be lawful for the said Society by by-law, to change the name of the "Provincial Permanent Building and Savings Society," to that of the "Provincial Loan and Savings Company," which change shall take effect, and shall be held to be effectual to all intents and purposes from and after a day to be specified in such by-law: Provided, that the Directors of the Society shall advertise the change of name once a week for one month previous to the change taking effect, in the *Canada Gazette*, and in a newspaper published in the city of Toronto.

Proviso.

Directors to advertise the change of name

Society to be a corporation and have certain powers under its new name.

2. Upon the said change taking effect the said Society and all its then members, their successors and assigns for ever, shall therefrom be and be thereby held to be constituted, and shall continue to be a body politic and corporate under the name last aforesaid, having its principal place of business in the City of Toronto; and under that name shall be capable of suing and being sued, pleading and being impleaded in all courts and places whatsoever.

Society not to be a new corporation, but

3. The said Society under its new name shall not be deemed to be a new corporation; but it shall have, hold

to continue to have all its original rights and powers.

and continue to exercise all the rights, powers and privileges that shall previously to such change have been held, exercised and enjoyed by the said Provincial Permanent Building and Savings Society in as full and ample a manner as if the said Society had continued to exist under its original name, and all statutory provisions applicable to the said Society shall continue applicable to the said Provincial Loan and Savings Company.

Property, shareholders and legal proceedings not to be affected by change of name.

4. All real and movable property, shares or stock obligations, debts, rights, claims and privileges of the said Provincial Permanent Building and Savings Society shall from the time such change shall take effect be held by and vested in the said Society under its new name, and all the shareholders in the said Society shall from such time continue shareholders in all respects as before such change of name; but all legal proceedings heretofore regularly begun by or against the Provincial Permanent Building and Savings Society may be continued and terminated under the name or style of cause in which they have been instituted.

Officers to continue in office.

5. The then existing President, Vice-President, Directors and officers of the said Provincial Permanent Building and Savings Society shall continue in office as such in the said Society, under its new name, until replaced in conformity with the by-laws of the corporation.

By-laws to continue in force.

6. All the then existing by-laws and rules of the said Provincial Permanent Building and Savings Society shall continue in full force and effect, and shall be binding in law as regards the said Society under its new name, its Directors, officers, shareholders and borrowers, until modified, amended or repealed in conformity with the provisions of this Act.

No. 36.

3rd Session, 3rd Parliament, 39 Vic., 1874.

BILL.

An Act to authorize the Shareholders of the Provincial Permanent Building and Savings Society, to change the name of the said Society.

Received and read first time, Friday, 3rd March, 1876.
Second reading—Monday, 6th March, 1876.

(PRIVATE BILL.)

Mr. Macdonald,
(Toronto, Centre.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street,
1876.

No. 37.] **BILL.** [1876.

An Act to amend the Act incorporating the Company called "Le Crédit Foncier du Bas-Canada" and the Act amending the same, and to change the name of the said Company to that of "Crédit Foncier de Montréal."

Preamble. 36 V., c. 102.

WHEREAS "Le Crédit Foncier du Bas-Canada" has by its petition prayed for certain amendments to its Act of incorporation and that its name be changed, and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Name of Company changed.

1. The name of the said Company is changed from "Le Crédit Foncier du Bas-Canada" to "Crédit Foncier de Montréal." The said Company shall have, hold and continue to exercise all the rights, powers and privileges under its new name which it held, exercised and enjoyed under its former name; all movable and immovable property, obligations, debts, rights, claims and privileges of the said Company shall be held by and vested in the said Company under its new name; the President, Directors and officers shall continue in office as such until replaced in conformity to law, and all existing by-laws and rules shall continue in full force and effect, and be binding in law as regards the Company under its new name, its Directors, officers, shareholders, depositors and borrowers until modified, amended or repealed in conformity with law. All suits and judicial proceedings heretofore begun in the name of "Le Crédit Foncier du Bas-Canada" may, however, be continued and terminated under the said name, and execution may also be had thereunder.

Number of Directors may be reduced.

2. Notwithstanding section six of the Act thirty-sixth Victoria, chapter one hundred and two, it shall be lawful for the Company, from time to time, by a by-law adopted at any general meeting of the shareholders, to reduce the number of Directors to not less than five, and to alter and fix the quorum of the Board; and such by-laws shall come into force, either immediately or at such time as may be specified thereby.

Vacancies, how filled.

3. Sub-section four of section six of the Act above cited is repealed, and the following substituted therefor:—

"4. Vacancies occurring in the Board of Directors shall

No. 37.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL

An Act to amend the Act incorporating Le Crédit Foncier du Bas Canada.

Received and read the first time, Friday, 3rd March, 1876

Second Reading, Monday, 6th March, 1876.

(PRIVATE BILL.)

MR. WORKMAN.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 38.] **BILL.** [1876.

An Act to amend the Act to incorporate The Canada Shipping Company.

Preamble.

WHEREAS The Canada Shipping Company have petitioned for amendments to their Act of Incorporation, and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Capital stock may be increased.

1. The said Company are authorized, from time to time, as occasion may require, and by such amounts as may from time to time be deemed advisable, to increase their capital stock to an extent not exceeding in all five millions of dollars, currency, either by the allotment of new shares to the persons who may be holders of the stock of the Company at the time of the increase, or by the admission of new subscribers, or by any other equitable means the said Company, acting by its Shareholders or Directors, may decide upon.

Act of incorporation to apply.

2. All the provisions of the Statute of Canada, thirty-first Victoria, chapter eighty-eight, in regard to the making and the recovery of calls, as well as in regard to by-laws, and generally all the powers granted by the said cited Statute in so far as they are applicable, shall apply to the increase of stock authorized by the present Act, save and except as hereinafter provided.

Shares to be $100 each.

3. The capital stock of the said Company, old and new, shall be divided into shares of one hundred dollars, currency, each, and the present shares being each for one thousand dollars, shall be divided each into ten shares of one hundred dollars; and the Directors may, by resolutions, rules, orders or by-laws, require the surrender of such scrip certificates or vouchers for shares as may exist or may have been granted in respect of the present existing shares, and grant such new certificates in accordance with the amendments herein contained as they may judge advisable.

Company may purchase cargo.

4. The Company are empowered, by themselves or their agents, when they find it necessary or advisable to do so, on account of the scarcity or unsuitableness of the freights offering, or when they find it necessary to ballast the ship, or other cause, to purchase and carry cargo in whole or in part owned by the said Company.

Purchasing powers of the Company.

5. The Company are empowered to purchase and acquire all kinds of ships, steamers, steamships, boats, vessels and craft generally, as well as appurtenances, ship's stores and furnishings, either from individuals or companies, and may pay for the same in money or other value, or in shares in the capital stock of the said Canada Shipping Company, provided the number of shares issued for all purposes shall not exceed the number authorized by the present Act.

No. 38.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Act incorporating "The Canada Shipping Company."

Received and read the first time Friday, 3rd March, 1876.

Second reading Monday, 6th March, 1876.

(PRIVATE BILL.)

MR. WORKMAN.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 39.] **BILL.** [1876.

An Act to incorporate the Trust Company of Canada.

Preamble.

WHEREAS the persons hereinafter named have petitioned for an Act of incorporation for the purposes hereinafter mentioned; and it is expedient to grant their said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Certain persons incorporated.

1. Robert James Reekie, Alexander Cross, Alexander Murray, Charles P. Davidson, Romeo H. Stephens, Robert Anderson, Matthew H. Gault, Alexander W. Ogilvie, and all other persons and bodies corporate who shall from time to time be possessed of any share or shares in the company, shall form an incorporated company by the name of "The Trust Company of Canada."

Capital stock and shares.

2. The capital stock of the Company shall be *one million* dollars, divided into ten thousand shares of *one hundred* dollars each, provided always that so soon as the whole of such capital has been subscribed for, and fully paid up, the Directors may, in conformity to any decision of the shareholders adopted at an annual meeting, or any general meeting called for the purpose, increase the capital stock by the issue of a new series of shares not at any one time to exceed one million of dollars, and further and other series may in like manner be from time to time issued, provided that the previous series shall have been all subscribed for and fully paid up; and such capital stock may, from time to time, be allotted, when and as the Directors by by-law or otherwise may ordain, and the Company may commence business so soon as fifty thousand dollars shall have been paid in on the subscribed capital.

Increase.

Stock to be personal estate.

3. The stock of the Company shall be deemed personal estate, and shall be transferable at such places, in such manner, and subject to such regulations, conditions and restrictions as shall be prescribed by the by-laws of the Company.

Board of Directors.

4. The affairs of the said Company shall be managed by a Board of not less than five nor more than nine Directors, and the persons named in section one of this Act shall be Directors of the Company until replaced by others duly elected in their stead.

Qualification of Director.

5. No person shall hereafter be named a Director unless he be a shareholder owning at least ten shares of stock in his own right, and is not in arrear in respect of any call thereon.

Election of Directors.

6. The election of Directors shall be by ballot or by acclamation, and until otherwise regulated by by-law, shall be made annually, either at an annual meeting or at any general meeting called for the purpose, but the failure to elect Directors shall not in any case operate a dissolution of the Company; the retiring Directors shall continue in office until their successors are elected. Vacancies occurring before the time for election may be filled for the unexpired term by the Board, from among the qualified shareholders.

Officers

7. The Directors shall from time to time elect from among themselves a President and Vice-President of the Company, and shall also appoint and remove at pleasure all other officers of the Company.

Notice of general meeting.

8. Notice of the time and place for holding general meetings of the Company shall be given at least twenty days previously thereto in some newspaper published at, or as near as may be, to the office or chief place of business of the Company.

Liability of shareholders limited.

9. The shareholders of the Company shall not as such be held responsible for any act, default, debt or liability whatsoever, of the Company, or for any engagement, claim, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof.

Votes on shares.

10. Every shareholder shall be entitled to as many votes as he owns shares in the Company, and may vote in person or by proxy, but no shareholder being in arrear in respect of any call, shall be entitled to vote at any meeting of the Company.

Purchasing powers of the Company.

11. The Company may acquire, hold and dispose of public securities, stocks, bonds or other evidences of indebtedness of the Dominion, or any of the Provincial Governments, or of municipal or other corporate bodies, also annual or other rents and the securities for the same, howsoever or by whomsoever constituted; also hypothecs, pledges, mortgages and privileges, with the titles and evidences thereof, and all moneys and rights thereby secured, and shall by such acquisition be subrogated in and have all the rights of the parties from whom the same or any of them shall be acquired.

May act as an agency company.

12. The Company is empowered to act as an agency and trust company, and may hold, invest and deal in its own name, or otherwise, with such moneys, mortgages, hypothecs and securities or evidences of debt, as shall from time to time be transferred or delivered to the Company upon trust, or as agents, and may exercise all the rights which the parties so transferring or delivering the same might or could exercise; and the Company may give such guarantee as may be agreed on for repayment of principal or interest, or both, of any such moneys, mortgages, hypothecs, securities or evidences of debt.

May lend money, &c.

13. The said Company are empowered to make loans of money, securities or values to whomsoever may be competent to borrow, whether they be individuals, corporations, bodies politic or otherwise; and may stipulate for, take, receive, reserve and exact any rate of interest or discount that shall be lawful or may be lawfully taken, received, reserved or exacted, either by individuals or corporate bodies, in the place where the contract for the same shall be made, or be executory, and shall not in respect thereof be liable for any loss, penalty or forfeiture on any account whatever; and the said Company may accept by way of security or guarantee for the repayment of such loans, and on such conditions, including, if necessary, insurance thereon, as may be agreed upon, all kinds of securities or pledges, whether of real or personal property, either of individuals or corporate bodies, which securities may be renewed, added to or replaced by others, as may be agreed upon; and the said Company may allow and pay on sums which they may borrow, or other liabilities they may contract, such rate of interest as may be agreed upon and may be lawful at the place where the liability is contracted.

Security therefor.

Loans on real estate.

14. The Company is authorized to loan and advance moneys for such long or other term as they see fit, on the security of real or immovable property, repayable by annuities, with or without a sinking fund; the annuity to include: 1. Interest on capital; 2. Costs of management; 3. The amount for the sinking fund when such is a condition of the loan, the annuity to be declared in the deed to be executed between the debtor and the company.

Rate for sinking fund.

15. The rate of payment of the sinking fund shall be calculated so as not to last more than fifty years, with power to the borrower to discharge the whole upon giving three months' notice of his intention, and paying, pursuant to such notice; Provided always that the Company shall allow on the sinking fund until final payment of the whole debt, compound interest at the rate of not more than one per cent. below the rate charged to the debtor.

Payment of interest.

16. The Company is authorized to receive semi-annually or quarterly, and in advance, all interest, cost of management and annuities arising from its loans and disbursements.

Anticipatory payments.

17. In case of anticipatory payment the Company may require an indemnity calculated on the difference between the rate of interest stipulated in the deed or obligation given for such loan, and any bond or debenture in circulation at the date of the anticipatory payment, purporting to be in whole or in part secured thereby, and on the lengths of time the obligation has still to run; but such indemnity shall not exceed one per cent. per annum on the amount of the anticipatory payment, for such time as the obligation may have to run.

Power to hold real estate.

18. The Company may acquire, hold, alienate and convey any real estate necessary or desirable for the carrying on of

the undertaking or business of the Company, and may further acquire and hold all such real or immovable property as, having become hypothecated or pledged to them, they may consider necessary or desirable to acquire for the protection of their investment thereon, and may from time to time sell, hypothecate, lease, or otherwise dispose of the same ; Provided always that the Company shall, within five years after the acquisition thereof, sell all such real estate as may not be necessary or desirable for their occupation or the convenient carrying on of their business.

Borrowing powers of the Company.

19. The Company is authorized to borrow money, and to issue in and out of Canada negotiable mortgage bonds or debentures bearing interest payable either to order or to bearer, either in sterling or currency, and with or without interest coupons thereto attached.

Bonds limited

20. The Company shall not issue bonds to a larger amount than the hypothecary claims held by the Company, of which they shall be deemed to represent the value.

Trustees may be appointed in respect of bonds.

21. For each series or class of mortgage bonds to be issued by the Company the Directors may appoint one or more trustees in Canada or in Great Britain, to be replaced as often as a vacancy occurs by death or otherwise, whose duty it shall be to hold mortgage securities or hypothecary claims taken by the Company, and by them set aside to guarantee such series of bonds ; and in the event of a failure to pay any of the said bonds in capital or interest, the said trustee or trustees may recover the amount of the said hypothecary claims and apply the proceeds towards the liquidation of the series of bonds against which the securities are held, and such trustee or trustees, in the event of such failure to pay, shall be directed by, and responsible as administrators of the funds coming into their possession from such hypothecary claims to, the bondholders of the said series, who, acting collectively or by a majority, may, in their discretion, remove him or them, and appoint another or others to act in his or their places ; and, should a surplus be realized out of such hypothecary claims after payment of the bonds in capital and interest, and all expenses, such surplus shall be restored to the Company ; and nothing herein contained shall prevent the said Company from taking and holding property, hypothecs or securities themselves, not transferred to or invested in a trustee or trustees.

Powers of Trustees.

22. The same trustee or trustees may be appointed and act for any number of series of the said bonds, and may, in his or their own name or names, institute and prosecute any and all suits for the recovery of the hypothecary claims so set aside by the Company, and the debtors of such hypothecary claims shall be considered sufficiently signified of the right of the trustee or trustees to recover the amount thereof, either by the trustee or trustees being designated in the instrument evidencing the debt, or by a notice of signification at the instance either of the Company or of the trustee or trustees, mailed to the address of the debtor with the

postage prepaid, or by any other mode of signification which would be valid without this provision.

Priority of claims of bondholders.

23. Any and all mortgage securities or hypothecary claims so taken by the Company, and by them set aside to guarantee any particular series of mortgage bonds or debentures, designated by date and number, and the proceeds thereof shall be liable by privilege and preference for the payment of such series of mortgages bonds or debentures, the holders of which shall have a lien and priority of claim over all others upon such mortgage securities or hypothecary claims and the proceeds thereof.

Chief place of business and agencies.

24. The chief office and place of business of the said Company shall be in the City of Montreal, but they shall have authority at all times to establish such and so many agencies in any part of the Dominion, or in Great Britain or elsewhere, and under such regulations for the management thereof as they see proper to make, and to withdraw or establish such agencies from time to time as the Directors may deem expedient.

Power to receive deposits

25. The Company shall have the right of receiving deposits, subject to the payment of interest, or without interest, and shall have the right of retaining out of such deposits the amounts that may be due by the depositors respectively.

Dividends.

26. Dividends may be declared payable in whole or in part in the United Kingdom or elsewhere.

Transfer of shares.

27. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment thereof.

Register to be kept.

28. The Company shall cause a book or books to be kept by the Secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded:—

1. The names, alphabetically arranged, of all persons who are or have been shareholders;

2. The address and calling of every such person, while such shareholder;

3. The number of shares of stock held by each shareholder;

4. The amounts paid in and remaining unpaid, respectively, on the stock of each shareholder:

5. All transfers of stock in their order, as presented to the Company for entry, with the date and other particulars of each transfer, and the date of entry thereof; and

6. The names, addresses and callings of all persons who are and have been Directors of the Company; with the several dates at which each became or ceased to be such Director.

To be open for inspection

29. Such books shall, during seasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company, and every such shareholder, creditor or representative may make extracts therefrom.

To be evidences.

30. Such books shall be *primâ facie* evidence of all facts purporting to be thereby stated in any suit or proceeding against the Company, or against any shareholder.

Company not bound to see to trusts.

31. The Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, in respect of any shares; and the receipt of the shareholder in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Provision as to promissory notes, &c.

32. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the Company, be thereby subjected, individually, to any liability whatsoever to any third party therefor: Provided always that nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank.

Transmission of share otherwise than by transfer.

33. The transmission of the interest in any share of the capital stock, in consequence of the marriage, death, bankruptcy or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities, and generally in such other manner as the Directors shall from time to time require, or by any by-law may direct; and in case the transmission of any share in the capital stock of the Company shall be by virtue of the marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share so transmitted is the sole property, and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself without requiring the

consent or authority of her husband; and such declaration shall be binding upon the Company and the parties making the same, until the said parties shall see fit to resolve it by a written notice to that effect to the Company; and the omission of a statement in any such declaration that the wife making the same is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal, any law or usage to the contrary notwithstanding.

Proceedings in cases of doubtful ownership.

34. If the Directors of the Company shall entertain doubts as to the legality of any claim to and upon any such share or shares of stock, it shall be lawful for the Company to make and file in the Superior Court in the Province of Quebec, a declaration and petition in writing, addressed to the Justices of the said Court, setting forth the facts, and praying for an order or judgment adjudicating or awarding the said share or shares to the party or parties legally entitled to the same, and by which order or judgment the Company shall be guided and held fully harmless and indemnified and released from all and every other claim for the said share or shares, or arising therefrom; Provided always that notice of such petition shall be given to the party claiming such share or shares, who shall upon the filing of such petition establish his right to the several share or shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court; Provided also that unless the said Superior Court otherwise order, the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said share or shares shall be declared lawfully to belong; and such share or shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right, and should justice in any case seem to require it, the Court may, in its discretion, direct the publication of a notice calling on parties who may be interested in such share or shares to make their claims in the premises.

Proviso.

Proviso: as to costs.

Transmission by death.

35. If the transmission of any share or shares of the capital stock of the said Company be by the decease of any shareholder, the production to the Directors and deposit with them of any probate of the will of the deceased shareholder, or of letters of administration of his estate granted by any court of justice in the Dominion having power to grant such probate or letters of administration, or by any prerogative, diocesan or peculiar court of authority in England, Wales, Ireland, India or any other British Colony, or of any testament testamentary or testamentdative expede in Scotland, or if the deceased shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the Directors of any probate or letters of administration of his property, or other document of like import granted by any court of authority having the requisite power in such matters, shall be sufficient justification and

authority to the Directors for paying any dividend or transferring or authorizing the transfer of any share in pursuance of and in conformity to such probate, letters of administration or other document as aforesaid.

Calls on shares.

36. The Directors of the Company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments as they may deem advisable; and interest shall accrue and fall due upon the amount of any unpaid call from the day appointed for payment of such call.

Enforcement of calls.

37. The Company may enforce payment of all calls and interest thereon, by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrears amount, in respect of one call or more, upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the Company to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

Stock held in trust.

38. No person holding stock in the Company as an executor, administrator, curator, guardian or trustee shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner, and to the same extent as the testator or intestate, or minor, ward or interdicted person, or the person interested in such trust fund would be if living and competent to act, and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly.

How represented.

39. Every such executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his hands at all meetings of the Company, and may vote accordingly as a shareholder.

Service upon the Company

40. Service of all manner of summons or writs whatever upon the Company may be made by leaving a copy thereof at the office or chief place of business of the Company with any grown person in charge thereof, or elsewhere with the President or Secretary thereof; or if the Company have no known office or chief place of business, and have no known President or Secretary, then upon return to that effect duly made, the court shall order such publication as it may deem requisite to be made in the premises for at least one month, in at least one newspaper; and such publication shall be held to be due service upon the Company.

41. Any description of action may be prosecuted and maintained between the Company and any shareholder thereof; and no shareholder not being himself a party to such suit shall be incompetent as a witness therein. Suits with the Company

42. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and may make or cause to be made for the Company any description of contract which the Company may by law enter into; and may from time to time make by-laws not contrary to law nor to this Act, to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the making of transfers of stock subject to such conditions in regard to prepayment of the whole or any part of the balance not paid thereon, or of any liability of the holder to the Company, the declaration and payment of dividends, the number of Directors, their term of service and the quorum necessary for the transaction of business, the amount of their stock qualification, the appointment, functions, duties, and the removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration, and that (if any) of the Directors, the time at which and place where the annual meetings of the Company shall be held, the calling of meetings, regular and special, of the Board of Directors and of the Company, the requirements as to proxies and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures, admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the Company; and may from time to time repeal, amend or re-enact the same; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company duly called for that purpose, shall only have force until the next annual meeting of the Company, and in default of confirmation thereat shall at and from that time only cease to have force; Provided always that one-fourth part in value of the shareholders of the Company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they may issue to that effect. Powers of the Directors. By-laws. Confirmation thereof. Proviso.

43. A copy of any by-law, resolution or minute of any proceeding of the Directors of the Company or of the shareholders in general meeting assembled, under the seal of the Company, and purporting to be signed by any officer of the Company, shall be received as *primâ facie* evidence of such by-law, in all courts of law or equity in Canada. Certain matters to be evidence.

44. The following words and expressions in this Act have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say:— Interpretation.

1. The expression "the Company" means the Company incorporated by this Act;

2. The expression "the undertaking" means the whole of the works and business of whatever kind which the Company is authorized to undertake and carry on;

3. The expression "real estate" or "land" includes all real estate, messuages, lands, tenements and hereditaments of any tenure;

4. The word "shareholder" means every subscriber to or holder of stock in the Company, and extends to and includes the personal representatives of the shareholders.

No. 39.

3rd Session, 3rd Parliament, 39 Vict., 1876.

BILL.

An Act to incorporate the Trust Company of Canada.

Received and read First time, Friday, 3rd March, 1876.

Second reading, Monday, 6th March, 1876.

(PRIVATE BILL.)

Mr. WORKMAN.

OTTAWA:
Printed by MacLean, Roger & Co.,
1876.

No. 40.] **BILL.** [1876.

An Act to amend the Act intituled "An Act to incorporate the Clifton Suspension Bridge Company."

Preamble, 31 V., c. 82.

WHEREAS the Clifton Suspension Bridge Company, incorporated by the Act passed in the thirty-first year of Her Majesty's Reign and intituled "*An Act to incorporate the Clifton Suspension Bridge Company*" have by their petition represented that they are desirous that their said Act of incorporation should be amended as hereinafter set forth, and have prayed for the passing of an Act for that purpose, and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sect. 4, amended.

1. The fourth section of the Act hereinbefore cited is hereby amended by striking out the words "first Monday of July" in the third line of the said section, and inserting the words "second Tuesday of July" in lieu thereof.

To be one with amended Act.

2. This Act and the Act hereby amended shall be read and construed as one and the same Act.

No. 40.

3rd Session, 3rd Parliament, 39 Vic., 1874.

BILL.

An Act to amend the Act intituled, "An Act to incorporate the Clifton Suspension Bridge Company."

Received and read first time, Friday, 3rd March, 1876.

Second reading---Monday, 6th March, 1876.

(PRIVATE BILL.)

MR. THOMSON,
(Welland.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street,
1876.

No. 41.] **BILL.** [1876.

An Act to grant to The Canada Landed Credit Company enlarged powers of borrowing and lending, and for other purposes therein mentioned.

Preamble.

WHEREAS The Canada Landed Credit Company, created and constituted by the Act of the late Province of Canada, passed in the twenty-second year of Her Majesty's reign, chaptered one hundred and thirty-three, hath prayed for authority to increase its powers of receiving money on deposit, and for enlarged powers of borrowing and lending; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Inconsistent enactments repealed.

1. So much of the Act hereinbefore cited and of the Act of the late Province of Canada, passed in the twenty-second year of Her Majesty's reign, chaptered one hundred and five and intituled "*An Act to authorize an addition to the capital of The Canada Landed Credit Company, and for other purposes therein mentioned*" and of the Act passed in the Session of the Legislature of the late Province of Canada held in the twenty-ninth and thirtieth years of the reign of Her Majesty, chaptered one hundred and twenty-five and intituled "*An Act to amend the Acts relating to The Canada Landed Credit Company*" as may be inconsistent with or repugnant to the provisions of this Act or as makes any provision in any matter provided for by this Act other than such as is hereby made shall be and is hereby repealed.

Money may be lent upon mortgage.

2. It shall be lawful for the said Company to lend money on mortgages or assignments of mortgages on real estate, and to charge such rate of interest thereon as may be agreed upon whether the same be eight per centum per annum or more.

Money may be received on deposit.—Proviso.

3. It shall be lawful for the said Company to receive money on deposit for such periods and at such rates of interest as may be agreed on: Provided always that the aggregate amount of such deposits together with the amount of debentures issued and remaining unpaid shall not at any time exceed the amount of mortgages at such time held by the said Company nor be more than two millions of dollars.

No. 41.

3rd Session, 3rd Parliament, 39 Vic., 1876.

BILL.

An Act to grant to The Canada Landed Credit Company enlarged powers of borrowing and lending, and for other purposes therein mentioned.

Received and read the first time, Friday, 3rd March, 1876.

Second reading Monday, 6th March, 1876.

(PRIVATE BILL.)

MR. YOUNG.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No 42.] **BILL.** [1876.

An Act to incorporate "The Royal Albert Bridge Company."

Preamble.

WHEREAS it has been represented that a bridge over the River St. Lawrence, from the City of Montreal to St. Helen's Island, and thence across the south channel to the south shore of the river, has become an absolute necessity, both to establish a connection between the railway system on the north of the said River St. Lawrence, and the railway system on the south of the said river, as also to provide for horse or street railways, carriages, vehicles of all kinds, and pedestrians, a constant and easier mode of crossing the said River St. Lawrence at all seasons of the year; and whereas certain persons hereinafter named have petitioned for an Act of incorporation for facilitating that object; and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Robert James Reekie, Hon. John Young, John Rankin, Walter Shanly, Samuel J. Anderson, Waldo Brigham, D. B. Mead, A. B. Jewett, Adolphe Roy, Samuel Waddell, David Starke, Louis Beaubien, John Foster, Charles Legge, William B. Lambe, Hon. Horace Fairbanks, John Cassie Hatton, James Worthington, Norman A. Smith, John Pratt, Duncan MacDonald, G. L. Marler, Godfroi Laviolette and John Glass, together with such persons and corporations as shall, under this Act, become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the "Royal Albert Bridge Company," and shall, as such, be invested with all the powers, privileges and immunities necessary to carry into effect the intention and objects of this Act, and of "*The Railway Act*, 1868," in so far as the last mentioned Act is applicable, and which are incident to such corporation.

Corporate name and powers.

Declaratory.

2. The "Royal Albert Bridge Company" is hereby declared to be a work for the general advantage of Canada.

Railway Act to apply.

3. "*The Railway Act*, 1868," is hereby incorporated, except as hereinafter mentioned, with this Act, and shall form part hereof; and the several provisions of "*The Railway Act*, 1868," applicable to a railway company and to a railway, shall, except as varied by this Act, apply to the Company hereby incorporated, and to the bridge hereby authorized to

be constructed. But the sections of "*The Railway Act*, 1868," headed "Highways and Bridges," "Fences," "Working of the Railway," "The Railway Committee," "General Provisions," "Application of Penalties," "Railway Fund," shall not apply hereto, or be incorporated with this Act.

Companymay build a bridge over River St. Lawrence.

4. The Company shall have full power and authority to build, construct, maintain, work and manage a bridge across the River St. Lawrence, starting from a point on the upper plateau, north of Sherbrooke Street, in the City of Montreal, and forming a viaduct over that portion of the City extending to St. Mary's Current, thence crossing to St. Helen's Island and over the south shore channel to the mainland, and thence by a viaduct and embankment to a connection with the Grand Trunk Railway of Canada and the Montreal, Portland and Boston Railway, and may purchase, acquire and hold real and personal property for the purposes thereof, and may sell and dispose of the same and acquire other in lieu thereof, as may be requisite for the object aforesaid, according to the provisions of "*The Railway Act*, 1868."

Capital stock and shares.

5. The capital of the Company shall be *six million* dollars, divided into *sixty thousand* shares of *one hundred* dollars each.

Provisional Directors.

6. Robert James Reekie, Hon. John Young, John Pratt, Adolphe Roy, Walter Shanly, Charles Legge, Louis Beaubien, E. Hudon, Waldo Brigham, Samuel J. Anderson, John Rankin and Hon. Horace Fairbanks, are hereby constituted the Board of Provisional Directors of the Company.

Term of office and powers of Provisional Directors.

7. The Board of Provisional Directors of the Company shall hold office as such until the first election of Directors under this Act, and shall have power and authority to open stock-books and procure subscriptions of stock for the undertaking, giving at least two weeks' previous notice in two daily newspapers published in the City of Montreal, one in the English and one in the French language, of the time and places to receive subscriptions of stock; and the said Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors, and at all meetings of the Provisional Directors the said Provisional Directors may vote by proxy

All shareholders to have equal rights.

8. All shareholders in the Company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the Company, and to vote on the same, and to be eligible to office in the Company.

First meeting of shareholders.

9. So soon as hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, the said Provisional Directors, or a majority of them, shall call a meeting of the shareholders of the Company at such time and place as they may think proper, giving at least two weeks' notice in the manner provided in section *seven*, at

which meeting the shareholders present or represented by proxy, shall elect nine Directors from the shareholders, possessing the qualifications hereinafter mentioned, of whom shall be a quorum; which Directors shall hold office until the next annual meeting of the shareholders, as hereinafter provided; or until their successors are elected at any general meeting specially called for that purpose: Provided, that the said shareholders shall have power at the first or any general meeting to increase the number of Directors to any number not exceeding fifteen, and to reduce them to any number not less than seven.

Railway companies may loan credit and take stock.

10. Any railway company which now has or shall hereafter have a terminus or station at, or shall run its trains to or from any point at or near the said City of Montreal, or shall run its trains in connection with any railway having such terminus, or upon which trains are or shall be run to or from the localities aforesaid may, with the consent of the majority of the shareholders thereof, by resolution passed at any general meeting expressly called for that purpose, loan its credit to the corporation hereby created, or may subscribe to, or become the owner of the stock thereof, in like manner and with like rights as individuals; and any municipal corporation, either city, county, town, township or village, beneficially affected by or interested in the said bridge, may also subscribe to and become the owner of such stock, in the manner and with the rights aforesaid; or may give any land or lands, or bonus, or sum or sums of money towards the undertaking, subject to the provisions of the municipal laws in force in the Province of Quebec.

Annual meeting of shareholders.

11. The annual general meeting of the shareholders for the election of Directors and other purposes shall be held on the third Wednesday of January in each year, or upon such day as may be provided by by-law, at the City of Montreal; and one months' previous notice thereof shall be given by publication as provided in section *seven*.

Qualification of Directors.

12. No person shall be elected a Director of the Company unless he shall be the holder and owner of at least twenty-five shares in the stock of the Company, and shall have paid up all calls thereon.

Calls on shares.

13. No call shall exceed ten per centum on the subscribed capital; and a period of months shall elapse between each call, and no shareholder shall be liable for the debts or obligations of the Company beyond the amount unpaid on any shares held by him.

Borrowing powers of the Company.

14. The power to borrow money conferred by the twelfth section of "*The Railway Act* 1868," may be exercised by the Company in the issue of bonds under the seal of the Company made and signed by the President or Vice-President of the Company, and countersigned by the Secretary, and with or without coupons; and such bonds shall, without filing or registration, or formal conveyance or instrument of hypothec, mortgage and pledge, be and be taken as a hypothec,

mortgage and pledge according to the rank and priority which may be therein mentioned, upon the bridge and undertaking, and the real and personal property, franchises, tolls and revenues of the Company then existing and thereafter acquired; and each holder of the said bonds, shall be deemed to be a mortgagee and encumbrancer, *pro rata*, with all the other holders of bonds of the same issue, rank and priority, upon the said bridge and undertaking, and all and every the property of the Company hereinbefore mentioned; and such bonds may be sold and disposed of by the Company at their marketable value; Provided, that the sanction of the shareholders, or a majority thereof present be first obtained at a special general meeting called for carrying into effect the powers in this section contained.

Proviso.

Company may become parties to promissory notes.

15. The Company shall have the power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note; nor shall the President, Vice-President, or Secretary and Treasurer of the Company, so making, drawing, accepting, or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any promissory note intended to be circulated as money or as the note of a bank.

Proviso.

Plans to be approved by Governor in Council.

16. The Company shall not commence the said bridge, or any work thereunto appertaining, until such plans and the site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said bridge and works shall have been complied with; nor shall any such plan be altered, nor any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he shall impose.

Notice to be published before bridge is commenced.

17. The Company shall, two months before any steps are taken in erecting the piers of the said bridge, cause to be published in two of the public newspapers in the City of Montreal, a notice in which shall be stated the particular location of the said bridge, with reference to known landmarks, the number of its piers, the length of its piers, and the distances between them, the width in the clear, and the entire length of the bridge from land to land, and its height above the ordinary stages; and a copy of such notice, the facts set forth in which shall be verified by the oath of the engineer, signed by the President and Secretary of the Company, and acknowledged by them before a magistrate or

notary public, shall be filed in the Department of Public Works at Ottawa, the office of the Harbour Commissioners at Montreal, and in the office of the Clerk of the Peace of the District of Montreal.

Certain lands may be entered upon.

18. The Company shall have power to use any of the public highways for the construction and maintenance of the bridge or works authorized by this Act, with the consent of the Municipal Council having jurisdiction over such highway; and the Company may enter and take beaches of the River St. Lawrence, and land either permanently or periodically covered with water, the property of the Crown, and erect coffer dams and such other works in the said river as may be necessary for the construction of such bridge; and reclaim and utilize these lands, provided the navigation of such river shall not be unnecessarily obstructed by such works. And it shall be the duty of the said Company during the construction of the said bridge as well as when the said bridge is completed and open, and during all time to come, to put up and maintain in the night time, during the season of navigation, a good and sufficient light at each end of any coffer dam or pier, which may be erected by the said Company, the said lights to be placed at least five feet above the said dam or pier, and also, such buoys during both day and night as may be necessary for the guidance of persons navigating the said river; Provided always, that before commencing the works of the said bridge, or taking possession of any part of the beach or land either permanently or periodically covered with water, or other property of the Crown, the Company shall obtain the consent of the Governor in Council, who may impose such conditions as he shall think proper, before granting permission to commence the works, or take possession of any property of the Crown as aforesaid.

Lights to be maintained.

Proviso.

Purchase of land for general purposes.

19. Whenever it shall become necessary or expedient to acquire lands for any purpose connected with the constructing, maintaining and using the said bridge, the Company may purchase, hold, use or enjoy such lands, and also, the right of way thereto, if the same be separated from their bridge, in such a manner and for such purposes connected with the constructing, maintenance or use of the said bridge as they may deem expedient, and may sell and convey the same, or parts thereof, not permanently required for use of the said bridge.

Arrangements with railway companies.

20. It shall be lawful for the Company to enter into any agreement with any railway or other company or companies in Canada, or in the United States of America, for leasing the said bridge or the use thereof, or the use of any portion thereof, at any time or times, or for any period, to such railway or other company or companies; and for leasing or hiring from such company or companies any railway, or part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders, steam vessels or movable property, and generally to make any agreement or agreements with any such company or companies, touching the use by one or the

other or others of the bridge or railway or railways, or movable property of either, or any of them or any part thereof, or touching any service to be rendered by the one company to the other or others, and the compensation therefor; and any such railway or other company or companies, may agree for the loan of its credit by direct guarantee or traffic contract or otherwise to, or may subscribe to and become the owner of the stock of the Company hereby created, in like manner and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by Courts of Law, according to the terms and tenor thereof; and any company accepting and executing such lease, shall be and is empowered to exercise all the rights and privileges hereby conferred; and it shall be lawful for the said Company, at any time, to sell or lease to the said City of Montreal, for a time or in perpetuity, free right of way over the said bridge for all city street cars, wagons, carts and carriages and pedestrian traffic, and to enter into any agreement or arrangement for lighting, guarding and protecting the said bridge, upon such terms and for such consideration and subject to such conditions as may be agreed upon between the said Company and the said City of Montreal.

Free right of way may be sold to city of Montreal.

Corresponding rates of toll to be charged.

21. When the said railway bridge is completed and ready for traffic, all trains of all railways or railroads terminating at or near the City of Montreal aforesaid, now constructed or hereafter to be constructed, shall have the right to pass over the said bridge, including the cars of any other railway company which may be brought over such railways—at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff rates, for such transportation, shall be made in favour of or against any railway whose trains or business pass over the said bridge.

Arbitration in case of disagreement.

22. In case of any disagreement, and as often as the same may arise, as to the rights of any railway whose trains or business shall pass over the said work hereby authorized to be constructed, the same shall be determined by arbitrators, one to be appointed by the Company and another by the company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by one of the Superior Courts of the Province of Quebec, upon application to such Court, due notice thereof having been given to the parties interested; and the award of the said arbitrators, or of the majority of them, shall be final: Provided, that the terms of the said award shall not be binding for a longer period than two years.

Gates may be erected.

23. Whenever the said bridge is so completed as to admit of the passage of railway trains, the Company may erect such gates and fixtures to guard the entrance of such trains upon the bridge, as the said Directors may deem proper; and make such by-laws, rules and regulations, not inconsistent with the provisions of this Act, in relation to the use of the said bridge, its machinery, appurtenances, and approaches, by railway companies, their trains and carriages, as well as

by city street cars, passengers on foot or on horseback, or in vehicles, and by vehicles of all kinds, and the tolls and charges therefor, and for the general management and governing of the property, affairs and officers of the said Company as the said Directors may think proper.

Injury to bridge and dependencies.

24. If any person or persons shall force, or attempt to force, any gate or guard of the said bridge, or the approaches thereto; or if any person shall wilfully do, or cause to be done, any act or acts whatsoever, whereby the said bridge, its lights, toll-houses, works, machinery, fixtures or other appurtenances thereof, shall be obstructed, impaired, weakened, destroyed or injured, the person so offending shall forfeit to the Company treble the damages sustained by means of such offence or injury, to be recovered in the name of the Company, with costs of suit, by action to that effect in any Court of competent jurisdiction, and such offender shall moreover be guilty of a misdemeanor, and may be punished by fine or imprisonment, or both, by any Court of Justice having cognizance of the offence.

Votes on shares.

25. At all the meetings of the shareholders of the Company hereby incorporated, each shareholder shall be entitled to one vote for each share of stock held by him, and may vote either in person or by proxy.

Time for construction limited.

26. The work shall be commenced within four years, and completed within ten years from the passing of this Act.

No. 42.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to incorporate the "Royal Albert Bridge Company."

Received and read the first time Friday, 3rd March, 1876.

Second reading Monday, 6th March 1876.

(PRIVATE BILL.)

MR. JETTÉ.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 43] **BILL.** [1876.

An Act to amend the Act thirty-eighth Victoria, chapter ninety-three, intituled, "An Act to incorporate the Canadian Gas Lighting Company."

WHEREAS the "Canadian Gas Lighting Company" has petitioned for certain amendments to its Act of Incorporation, and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 38 V., c. 93.

1. Section one of the said Act of Incorporation is amended to read as follows: Sect. 1 amended.

"1. The said petitioners and all such other persons as shall be shareholders in the corporation hereby created, shall be, and they are hereby made, a body corporate and politic, by the name of the "Canadian Gas Lighting Company," and shall have the power to work the said inventions and processes, and such other inventions, processes, and apparatus as the Company may acquire, for the manufacture and sale of illuminating gas, made in whole or in part from petroleum or its products, and the apparatus to produce the same, in any part of the Dominion of Canada; and may hold, use, or dispose of the same for the benefit of the business of the said Company. Moreover, the said Company may acquire and hold by purchase or otherwise immovable property, for the efficient and convenient carrying on and development of the business of the said Company, and may sell or otherwise dispose of the same, and in place thereof acquire other immovable property for the same purpose." Certain persons incorporated. Corporate name and powers.

No. 43.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Act thirty-eighth Victoria, chapter ninety-three, intituled, "An Act to incorporate the Canadian Gas Lighting Company."

Received and read the first time, Friday, 3rd March, 1876.

Second reading—Monday, 6th March, 1876.

MR. JETTÉ.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

No. 44. **BILL.** [1876.

An Act to regulate and determine the size of a barrel of apples, or other fruit.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. A barrel of apples or other fruit shall, from and after the first day of July, one thousand eight hundred and seventy-six, be held to mean a barrel of the following inside dimensions, that is to say:—Diameter at each head, seventeen inches; diameter at mid-length of the stave, twenty inches; length between the heads, twenty-six inches; or of such other dimensions as will give a capacity of not less than twenty-five gallons. Dimensions of barrel.

2. Every bargain for the sale and purchase of apples or other fruit by the barrel shall be understood to be for barrels of the above dimensions. Such barrels to be understood in bargains.

3. Any person who uses for packing apples or other fruit, for sale, barrels of less dimensions or capacity than are herein stated, shall be guilty of an offence against this Act, and shall for the first offence incur a penalty of *five dollars* for every barrel so used, and a penalty of double the amount for every subsequent offence. Penalty for using any other. Subsequent offences.

4. This Act shall be read and construed as one Act with the Act passed in the thirty-sixth year of Her Majesty's reign, and known as "*The Weights and Measures Act*, 1873"; and all forfeitures and penalties imposed by this Act shall be recoverable and appropriated, in the same manner as forfeitures and penalties are recoverable and appropriated under the said Act. Act 36 V., c. 47 to apply.

No. 44.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend The Weights and Measures Act, 1873.

Received and read the first time, Monday, 8th March, 1876.

Second reading—Tuesday, 9th March, 1876.

MR. OLIVER.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1876.

No. 45.] **BILL.** [1876.

An Act to incorporate "The Chartered Bank of London and North America."

WHEREAS the persons hereinafter named and others, by their petition, have prayed that they may be incorporated for the purpose of establishing a bank in the City of Montreal, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. James Domville, M.P., of Kingshurst, Province of New Brunswick, President of the Maritime Bank of the Dominion of Canada; Honourable Eugene Chinic, Senator, President of "La Banque Nationale," Quebec; Honorable John Henry Pope, M.P., Director of "Eastern Townships Bank;" Adolphe P. Caron, M.P., Director of "Stadacona Bank;" Honorable John Christian Schultz, M.P., of Winnipeg, Province of Manitoba; Honorable Henry Adolphus Newman Kaulback, Q.C., Senator, of Lunenburg, Nova Scotia; Honorable Clement Francis Cornwall, Senator, of Ashcroft, British Columbia; Honorable Thomas Heath Haviland, Senator, Director of Bank of Prince Edward Island; Angus Morrison, Esq., Mayor of Toronto, Ontario, and such others as may become shareholders in the corporation to be by this Act created, and their assigns, shall be, and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "*The Chartered Bank of London and North America.*" Certain persons incorporated.

2. The capital stock of the said Bank shall be five millions of dollars, divided into twenty thousand shares of two hundred and fifty dollars each, which said shares shall be, and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns. Capital stock and shares.

3. For the purpose of organizing the said bank, and of raising the amount of the said capital stock, the persons hereinbefore mentioned by name shall be Provisional Directors thereof, and they, or a majority of them, may cause stock books to be opened after giving due notice thereof in the *Canada Gazette*; upon which stock books shall and may be received the signatures and subscriptions of such parties or persons as desire to become shareholders in the said Bank; and such books shall be opened at Montreal and elsewhere at the discretion of the Provisional Directors, and Provisional Directors and their powers. Stock books.

shall be kept open as long as they shall deem necessary ; and as soon as two million five hundred thousand dollars of the said capital stock shall have been subscribed upon the stock books, and two hundred and fifty thousand dollars thereof actually paid into some one of the present chartered banks in Canada, and a certificate shall have been obtained from the Treasury Board, that it has been proved to their satisfaction that such amounts of the capital have been *bonâ fide* subscribed for and paid respectively, a public meeting shall be called of the subscribers thereof by notice, published for at least two weeks in two newspapers of the said City of Montreal; such meeting to be held in Montreal aforesaid, at such time and place therein as such notice shall indicate ; and at such meeting the subscribers shall proceed to elect nine Directors having the requisite stock qualification, who shall from thenceforward manage the affairs of the said corporation, shall take charge of the stock-books hereinbefore referred to, and shall continue in office until the first Wednesday in July, which shall be in the year next after the year in which they are so elected, and until their successors in office shall be duly elected ; and immediately upon such election being had, the functions of the said Provisional Directors shall cease.

First meeting of shareholders.

Election of Directors.

Number of Directors may be increased or diminished.

4. The number of Directors of the said bank shall be nine, subject to be diminished or increased from time to time by by-law, to be passed as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, intituled: "*An Act relating to Banks and Banking.*"

Chief place of business.

5. The chief place of business or head office of the said corporation shall be in the City of , in Canada, unless the Board of Directors first elected shall decide by resolution to fix such chief place of business or head office in the City of London, England, and the place so decided on shall be, and remain thereafter, such chief place of business or head office, until changed as hereinafter provided; and the shareholders of the said corporation may thereafter, from time to time, by resolution passed at any annual general meeting, or any special general meeting, called for the purpose change such chief place of business or head office to any other place in Canada or England: Provided always, that the said corporation shall always have its chief place of business or head office, or an agency, where stock of the corporation may be transferred, at the City of , in Canada.

Act 34 V., c. 5, to apply.

6. The Act passed in the thirty-fourth year of Her Majesty's reign, chaptered five, and intituled: "*An Act relating to Banks and Banking*," and all the provisions thereof, shall apply to the bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, except so far as such provisions relate only to banks already in existence, or to banks *en commandite*, or are not consistent with the provisions of this Act.

Treasury Board certi-

7. The said bank shall obtain from the Treasury Board

within two years from and after the passing of this Act, the certificate mentioned and required by section seven of the said "*Act relating to Banks and Banking*," passed in the thirty-fourth year of Her Majesty's reign, chaptered five ; in default of which this Act shall become and be null and void, and of no effect, and the charter hereby granted, and all and every the rights and privileges hereby conferred, shall be forfeited. ficate to be obtained.

8. The said bank may at any time enter into an agreement with any other bank for the amalgamation of the two banks, and such agreement shall, after it shall have been confirmed by a majority of the shareholders of each bank at special general meetings called for the purpose, be valid and binding according to the terms and tenor thereof; and upon such agreement taking effect, the bank hereby incorporated shall be substituted for such other bank as respects all the assets and liabilities thereof, and all estate, real and personal, rights, credits, choses in action, claims and demands, whatsoever and wheresoever, of such other bank shall be vested in the bank hereby incorporated, which may in its own name sue for, collect and get in all and every part of the same; and the bank hereby incorporated shall be subject and liable to pay and discharge all the debts, liabilities, bills, promissory notes, and other liabilities of such other bank. Bank may, by agreement, amalgamate with any other bank.

9. The shareholders of the bank shall not as such be held responsible for any act, default or liability whatsoever of the bank, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the bank, beyond the amount of their respective shares in the capital stock thereof. Liabilities of shareholders limited.

10. This Act shall remain in force until the first day of July, in the year of Our Lord one thousand eight hundred and eighty-one. Duration of Act.

No. 45.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to incorporate "The Chartered Bank of London and North America."

Received and read the first time, Friday 10th March, 1876.

Second reading, Monday, 13th March, 1876.

(PRIVATE BILL.)

Mr. DOMVILLE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1876.

No. 46.] **BILL.** [1876.

An Act to incorporate the British Canadian Investment Company, (Limited.)

Preamble.

WHEREAS the Honourable Frank Smith, of the City of Toronto, Senator; William Buchanan Hamilton, of the same place, Merchant; David Fisher, of the same place, Banker; James Gooderham Worts, of the same place, Esquire; George Gooderham, of the same place, Distiller; William Henry Beatty, of the same place, Esquire; John Gillespie, of the same place, Merchant; William Ramsay, of the same place, Merchant; Alexander Fisher, of the same place, Banker; Robert Carrie, of the same place, Merchant; Harvey Prentice Dwight, of the same place, Telegraph Superintendent; John Craven Chadwick, of the Town of Guelph, in the County of Wellington, Esquire, and Arthur Brindley Lee, of the said City of Toronto, Merchant, have petitioned for an Act to incorporate a Company for carrying on the business of investing moneys on mortgages of real estate and leaseholds, or in Dominion or Provincial securities, municipal debentures or other securities, with power to borrow moneys and invest the same, and also with power to act as agents for the other corporations and persons for the investment of moneys and management of estates; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The said several persons, and such other persons and corporations as may become shareholders in the Company hereby created, are hereby constituted and declared to be a corporation and body politic and corporate by the name of "The British Canadian Investment Company, (Limited,") and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name may sue and be sued, plead and be impleaded, in all courts whether of law or equity whatsoever, and may acquire, hold and sell such real estate as may be requisite, from time to time, for the purposes of the Company.

Corporate name and powers.

Chief place of business.

2. The Company shall at all times have an office in Toronto, which shall be their head office, and they may establish such other offices and agencies elsewhere as they may deem expedient.

Capital stock and shares.

3. The capital of the Company shall be *five hundred thousand* pounds sterling, in shares of *twenty* pounds sterling

each, of which *fifty thousand* pounds shall be subscribed, and ten per cent. paid in before the actual transaction of business is proceeded with ; but the said Company may, by a resolution passed at any general meeting of the shareholders, called for such purpose, increase the capital stock, from time to time, as may be deemed expedient, to any sum not exceeding the sum of *two million* pounds sterling, and may raise the amount of the said new stock either by distribution amongst the original shareholders, or by the issue of new shares, or partly in one way and partly in the other ; and the said new stock shall be subject to all such incidents both with reference to the payment of calls and forfeiture, and to the powers of lending and borrowing, or otherwise, as the original stock.

Increase.

Employment of capital.

4. The Company are hereby empowered to lay out and invest their capital, in the first place, in paying and discharging all costs, charges and expenses incurred in applying for and obtaining the passing of this Act, and all other expenses preparatory or relating thereto, and of the organization of the Company, and prior to the commencement of their business, and the remainder of such capital, or so much thereof as may, from time to time, be deemed necessary in the manner and for the purposes hereinafter mentioned, that is to say:—The Company may, from time to time, lend and advance money by way of loan, or otherwise, on the security of mortgages on real estate, or freehold or leasehold, or on the security of the public securities of the Dominion of Canada, or of the Provinces thereof, or of the debentures of any municipal corporation in Canada, or of the stock or shares of any incorporated company or bank in Canada, and may purchase mortgages on real estate and such public securities, debentures, or such other securities as they may, from time to time, deem expedient, making such loans and purchases upon such terms and conditions as to the Company may seem satisfactory or expedient, with power to do all acts that may be necessary for the advancing or laying out such sums of money, and for receiving and obtaining repayment thereof, or selling or getting in invested moneys, and for compelling the payment of all interest, dividends and income accruing from such sums so advanced or invested, and for the observance and fulfilment of any conditions attached to such advances or investments, and to give receipts and acquittances and discharges for the same either absolutely and wholly, or partially, and for all and every and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the Company may lay out and apply the capital and property for the time being of the Company, or any part thereof, or any of the moneys authorized to be hereafter raised by the Company in addition to their capital for the time being, with power to authorize and exercise all acts and powers whatsoever in the opinion of the Directors of the Company requisite or expedient to be done or exercised in relation thereto.

Business of the Company.

General powers.

Company may receive

5. The Directors may, from time to time, receive moneys on deposit, and may also borrow money on behalf of the

Company at such rates of interest and upon such terms as they may, from time to time, think proper; and the Directors may, for that purpose, make and execute any mortgages, debentures, bonds or other instruments under the common seal of the Company for sums of not less than *twenty pounds* sterling each, or assign, transfer, or deposit by way of equitable mortgage or otherwise, any of the documents of title deeds, muniments, securities or property of the Company, and either with or without power of sale or other special provisions as the Directors shall deem expedient: Provided, that the aggregate of the sum or sums so received on deposit and borrowed shall not at any time exceed the amount of the subscribed capital of the Company; and no lender shall be bound to enquire into the occasion for any such loan or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted.

deposits and borrow money.

Proviso.

6. The Company are hereby empowered to act as agents for and on behalf of others in investing moneys in loans or purchase of such securities as are hereinbefore mentioned, or otherwise, as may be agreed upon with such others, and also in the custody, care and management of investments already made, and shall have all the same powers in respect of such agency business as are conferred upon them in respect of business carried on with their own capital, and as any person acting as agent for the purposes aforesaid, or any of them, might or would have; and the said Company may also guarantee either the repayment of the principal or interest, or both, of any moneys entrusted to the Company for investment; and for all, and every and any of the foregoing purposes, may lay out and employ the capital and property, for the time being, of the Company, or any of the moneys authorized to be hereafter raised by the Company in adddition to their capital for the time being, or any of the moneys so entrusted to them as aforesaid, and to do and exercise all acts whatsoever in the opinion of the Directors of the Company for the time being requisite or expedient to be done in regard thereto.

Company may act as agents; business and powers as such.

7. It shall be lawful for the Company to acquire by purchase, or otherwise, mortgages upon real estate, and debentures of municipal or other corporations issued under any statutory authority, and to re-sell the same at such time and in such manner as to them may seem expedient.

May purchase mortgages, &c.

8. The said Company may, in exercising the powers conferred by this Act as agents on behalf of others, lend money on any security real or personal, or both, and purchase mortgages, debentures of municipal or other corporations, the stock of incorporated banks and other securities or evidences of debt, and the same may re-sell, as they may deem advisable, and for that purpose may execute such assignments or other instruments as may be necessary for carrying the same into effect: Provided, that no commission as agents shall exceed one-half of one per cent. upon the amount of the loan.

May advance moneys as agents.

Proviso.

Period of loan.

9. In the exercise of any of the powers conferred by this Act, the Company may advance all moneys authorized to be loaned by them for such periods as they may deem expedient, being not less than six months.

Payment of interest and sinking fund.

10. The Company may stipulate for, and may demand and receive in advance half-yearly, the interest from time to time accruing on any loans granted by the Company, or effected through them as agents, and may also receive an annual payment on any loan by way of a sinking fund for the gradual extinction of such loan, and may also impose fines for default in payment of principal or interest, upon such terms and in such manner as may be regulated by the by-laws of the Company and agreed to by the party or parties to be so charged.

Power to hold real estate.

11. The Company may hold such real estate as may be necessary for the transaction of their business, not exceeding in yearly value the sum of *ten thousand* dollars in all, and also may hold such real estate as shall be mortgaged or hypothecated to them, or as may be acquired by them for the protection of, or for realizing any investment, and may, from time to time, sell, mortgage, lease or otherwise dispose of the same.

Board of Directors; qualification and powers.

12. The business of the Company in Canada shall be managed by nine Directors, each of whom shall be the holder of at least one hundred shares of the stock of the Company absolutely in his own right, who in addition to the powers and authorities given by this Act, or by any other Act or law in force in Canada expressly conferred upon them, may exercise all such powers, give all such consents, make all such arrangements and agreements, and generally do all such acts and things as are or shall be by any rule or by-law of the Company directed to be authorized, given, made or done by the Company, and are not thereby expressly directed to be exercised, given, made or done by the Company in general meeting assembled, but subject nevertheless to the provisions of such Act, law, rule or by-law as the case may be.

Provisional Directors.

13. The said, The Honorable Frank Smith, William Buchanan Hamilton, David Fisher, James Gooderham Worts, William Henry Beatty, John Gillespie, William Ramsay, Alexander Fisher and Arthur Brindley Lee, together with such other persons as they may choose to fill vacancies in their number (if any) occurring from time to time, shall be the provisional Directors of the Company and shall hold office as such until other Directors of the Company are elected as hereinafter provided, and shall have power to fill vacancies in their number as aforesaid, and to open stock-books, and to make a call upon subscribers for stock, and generally to do what may be necessary to organize the said Company and provide for commencing the business thereof.

Certain matters to be regulated by by-law.

14. The appointment or election of Directors and officers and the time, place and mode of calling and holding ordinary and special or other meetings of the Company and of the Directors and other officers, and the proceedings at meetings of the Company and of the Directors, shall be subject to and regulated by such rules, regulations and provisions, and meetings of the Company and of the Directors shall have such powers, privileges and authorities, as may be set forth and directed in and by by-laws of the Company passed from time to time at any general meeting of the Company.

Branch offices and Directors in the United Kingdom.

15. The said Company may have an office or offices in any city or town, cities or towns in England, Scotland or Ireland, and may appoint a Board of Directors in any such city or town, the number of Directors constituting any such Board, their mode of appointment and powers to be fixed by the by-laws of the Company (excepting in the case of incorporation of the Company as mentioned in the next following section hereof) and any by-law passed for such purpose shall not be altered or repealed excepting by a vote of two-thirds of the votes of the members present, or represented by proxy, at any special meeting to be called for such purpose, nor unless the notice calling such meeting be published the requisite number of times, namely: once a week for four weeks in a daily newspaper published in each city or town in England, Scotland and Ireland, where the Company shall have an office.

Provision in case of incorporation in the United Kingdom.

16. Provided that if the Company is incorporated in England, Scotland or Ireland under the provisions of any law in force in either, then the appointment or election of future Directors and other officers, and the time, place and mode of calling and holding ordinary and extraordinary or other meetings of the Company and of the Directors, and all other meetings relative to the Company and its business, not expressly in this Act provided for, shall be subject to and regulated by such rules, regulations and provisions, and meetings of the Company and of the Directors shall have such powers, privileges and authorities as shall be set forth and directed in and by the Charter, Act of Parliament or Articles of Association relating to the Company, or the by-laws of the Company, in so far as the same do not conflict with the provisions of this Act or with the laws of Canada.

What the charter may provide in such case.

17. Any such Charter, Act of Parliament, or Articles of Association or by-law, may provide that the whole or any number of the Directors may be resident in Great Britain or in Canada, as may be most desirable, and may make provision, not inconsistent with this Act, respecting the appointment, tenure of office, duties and powers of Directors and local Directors, and nothing herein contained shall be construed to render it imperative for the Directors to be resident or to hold their meetings in Canada, or to render shareholders resident in Great Britain ineligible as Directors.

Scrip certificates and transfer.

18. The Directors may regulate by rules and by-laws the issuing of scrip or stock certificates and the transfer of shares.

Votes on shares.

19. At all meetings of the Company every member shall be entitled to one vote, either in person or by proxy, for each share held by him, and no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls upon all the shares then held by him.

Shares held by more than one person, how represented and administered.

20. No share shall be sub-divided, and if any share stands in the name of two or more persons, the first named in the register of members shall, as regards voting at meetings, payment of dividends, service of notices, and all other matters connected with the Company (except transfer) be deemed the sole holder thereof, excepting there be any memorandum or agreement in writing signed by all the joint holders of any share, and accepted and agreed to by the Company, naming one of such persons to be deemed sole holder; and in such case such person shall be deemed such sole holder so long as he be living; and also that excepting as regards voting at meetings, if the person deemed to be sole holder of any such share be absent, the person named next or first (as the case may be) in the register of members shall be permitted to vote.

Capital to be personal estate.

21. All shares in the capital of the Company shall be personal estate and transferable as such.

Payment of shares in advance.

22. The Directors may, if they think fit, receive from any member willing to advance the same, all or any part of the amounts due on the shares held by such member beyond the sums then actually called for, and upon the moneys so paid in in advance, or so much thereof as shall, from time to time, exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate, not exceeding six per cent., as the member paying such sum in advance and the Directors shall agree upon.

Shares may be reserved.

23. The Directors may reserve the issue of any portion of the shares constituting the present capital of the Company until such future time as they shall think expedient, and may issue any portion of them, from time to time, as and when they shall think proper.

Issue of such reserved shares.

24. The shares which may be so reserved by the Directors shall (subject to the exception mentioned below) be offered to the members in as fair a proportion as may be practicable to the existing shares held by them, and such offer shall be made by the notice specifying the number of shares to which the member is entitled, and limiting a time within which such offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given, that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they may think most beneficial to the Company; excepting and provided, that no person shall hold more than one thousand shares of the capital stock of the Company.

Exception.

Register to be kept.

25. The Company shall keep, in a book or books, a register of shares and of the members of the Company, in which shall be entered, from time to time, the names and addresses, and the occupations (so far as known) of the shareholders of the Company, and the number of shares held by each and the amount thereof paid up.

To be evidence.

26. The register of the members shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Liabilities of shareholders to be limited.

27. No member 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 shares in the capital of the Company not then paid up.

Applicant for shares when accepted to be a shareholder.

28. When any person makes application in writing, signed by him, for an allotment of shares, and any shares or share are or is allotted to him in pursuance of such application, he shall be deemed conclusively to have become a member of the Company in respect of the shares so allotted, and he shall be entered on the register of members in respect thereof, accordingly.

Representatives of shareholders.

29. The executors or administrators of any deceased member shall be the only person recognized by the Company as having any title to his share.

Transmission of share otherwise than by transfer.

30. Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or otherwise than by ordinary transfer, may be registered as a member upon such evidence being produced as shall, from time to time, be required by the Directors, and on production of a request in writing in that behalf, signed by him (his signature being attested by at least one witness), which shall be conclusive evidence of his having become a member.

Notice before transfer to avail.

31. Every person who by operation of law, transfer or other means whatsoever, shall become entitled to any share, shall be bound by any and every notice which, previously to his name and address being upon the register of members in respect of such share, shall have been given to the person from whom he shall derive this title.

Payment of debts before transfer.

32. The Directors may decline to register any transfer of shares belonging to any member who is indebted to the Company.

Consent to transfer.

33. No transfer of share shall be made without the consent and approval of the Directors.

Execution of transfer.

34. Every instrument of transfer of any share in the Company shall be executed by the transferrer and transferee, and the transferrer shall be deemed to remain the holder of such share, and a member of the Company in respect thereof, until the name of the transferee shall be entered in register of members in respect thereof.

Company not liable for trusts.

35. The Company shall not be bound by or responsible for any trust expressed, implied or constructive, for or upon which shares shall be held.

Calls on stock.

36. The Directors may, from time to time, make such calls upon the members in respect of all moneys unpaid upon their respective shares as they shall think fit; but no call shall exceed the amount of ten per cent. per share, and no calls shall be payable less than two months after the date of the resolution of the Directors making the same, and a period of three months at the least, shall intervene between the dates fixed for payment of two successive calls.

Payment of calls.

37. Each member shall be liable to pay the amount of any calls so made upon him, to such person and at such time and place as the Directors shall appoint.

Notice of calls and interest on arrears.

38. Upon a call being made, at least four weeks' notice thereof shall be given in the *Canada Gazette*, and once a week in a daily paper published in the City of Toronto, and once a week in a daily paper published in any city or town in England, Scotland or Ireland, where the Company shall have an office, and if a shareholder shall fail to pay any call due from him, before or on the day appointed for payment thereof, he shall be liable to pay interest for the same at the rate of ten per cent. per annum, or at such other less rate as the Directors shall determine, from the day appointed for payment to the time of actual payment thereof.

Proof in action for recovery.

39. On the trial of any action for the recovery of money due for a call, it shall be sufficient to prove that the defendant at the time of making such call, was a member of the Company, and that such call was in fact made, and such notice thereof given as is directed by this Act, and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatever, and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon at the rate aforesaid.

Proceedings in case of non-payment.

40. If any member fail to pay any call upon the day appointed for the payment thereof, the Directors may at any time thereafter, during such time as the call may remain unpaid, serve a notice on him requiring him to pay such call, together with any interest that may have accrued due thereon by reason of such non-payment, and such notice shall name a day, (not less than sixty days from the date of posting such notice), and a place on, and at which such call and interest, and the expenses of such notice and any other expenses that may have been incurred by reason of such non-payment, are to be paid, and such notice shall also state that in the event of non-payment at or before the time and at the place so appointed as aforesaid, the shares in respect of which such call was made will be liable to be declared forfeited.

41. If the requisitions of any such notice are not complied with, any share in respect of which such notice has been given, may,at any time thereafter, before payment of all calls, interest and expenses due in respect thereof, be declared forfeited by a resolution of the Directors to that effect. Forfeiture of shares.

42 Any member whose share shall have been declared forfeited, shall, notwithstanding such forfeiture, be liable to pay to the Company all calls, interest and expenses owing upon such shares at the time of the forfeiture. Defaulter liable notwithstanding forfeiture.

43. Every share which shall be so forfeited shall be deemed to be the property of the Company, and may be sold, re-allotted, or otherwise disposed of upon such terms, in such manner, and to such person or persons as the Company shall think fit. Disposal of forfeited shares.

44. A declaration in writing by a Director or the Secretary of the Company, that a call was made and notice thereof duly served, and that default in payment of the call was made in respect of any share, and that the forfeiture of such share was made by a resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share, and such declaration and the receipt of the Company, for such price of such share, shall constitute a good title to such share, and the purchaser shall thereupon be deemed the holder of such share, discharged from all calls due prior to such purchase, and shall be entered upon the register of members in respect thereof; and he shall not be bound to enquire or see to the application of the purchase money, nor shall his title to such share be impeached or affected by any irregularity in the proceedings of such sale. Title of purchaser of forfeited shares.

45. The Company shall not make any dividend whereby their capital stock shall be in any degree reduced. Dividend not to reduce capital.

46. Notice of any dividend that may have been declared, shall be given in such manner as the rules or by-laws of the Company may direct, and shall be payable at such place as the Directors shall name, and no dividend shall bear interest against the Company. Notice of dividend.

47. The Directors may deduct from the dividends payable to any member, or retain any such dividends in, or towards payment of all such sums of money as may be due from such member to the Company on account of calls or otherwise howsoever. Dividends liable for debts.

48. Every Director of the Company, and his heirs, executors and administrators, and estate and effects respectively, shall, from time to time, and at all times, be indemnified and saved harmless out of the funds of the Company from and against all costs, damages, charges and expenses whatsoever, which he shall or may sustain or incur in or about any action, suit or proceeding which shall be brought, commenced or prosecuted against him for, or in respect of Directors indemnified.

any act, deed, matter or thing whatsoever made, done, or permitted by him in or about the execution of the duties of his office, and also from and against all other costs, charges and expenses which he shall sustain or incur in or about, or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default.

Responsibility of Directors limited.

49. Every Director of the Company, and his heirs, executors and administrators, and estate and effects respectively, shall be charged and chargeable with so much money only as he shall actually receive, and shall not be answerable or accountable for his co-Directors, or for any or either of them, but each of them for his own acts, deeds and defaults only ; nor shall the Directors, or any of them, be answerable or accountable for any person or persons who may be appointed under or by virtue of any such Act, law, rule or by-law as aforesaid, or otherwise, to collect or receive any moneys payable to the Company, or in whose hands any of the moneys or properties of the Company shall or may be deposited or lodged for safe custody, nor for the insufficiency or deficiency of any title to any property which may, from time to time, be purchased, taken or leased, or otherwise acquired by order of the Directors, or otherwise, for or on behalf of the Company, nor for the insufficiency or deficiency of any security in or upon which any of the moneys of the Company shall be invested, nor for any loss, damage or misfortune whatsoever, which shall happen in the execution of the duties of the office of such Director, or in relation thereto, unless the same shall happen through his own wilful neglect or default.

Defect in election not to invalidate.

50. The acts of the Directors shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of such Directors, or any of them, or that they or any of them were or was disqualified, be as valid as if they or he had been qualified and duly appointed.

Notices, how served.

51. Notices requiring to be served by the Company upon the members may be served in such manner as shall be, from time to time, provided by the by-laws of the Company.

Statement to Minister of Finance.

52. The Company shall, if required, transmit annually to the Minister of Finance a statement in duplicate, verified by the oath of the President, Manager or Secretary, setting out the capital stock of the Company and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company, both on their own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities and the extent and value of the lands held by them, or for which they are acting as agents: Provided always, that in no case shall the Company be bound to disclose the names or private affairs of any persons who may have dealings with them.

53. Notwithstanding any law to the contrary, every deed which any person, lawfully empowered in that behalf by the Company as their attorney, signs on behalf of the Company and seals with his seal, shall be binding on the Company, and have the same effect as if it were under the common seal of the Company.

Acts of agents to be valid.

No. 46.

3rd Session, 3rd Parliament, 39 Vic., 1876.

BILL.

An Act to incorporate "The British Canadian Investment Company."

Received and read the first time, Tuesday, 7th March, 1876.

Second reading, Wednesday, 8th March, 1876.

(PRIVATE BILL.)

MR. MACDONALD,
(Toronto Centre.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street,
1876.

No. 47.] **BILL.** [1876.

An Act to amend the Insolvent Act of 1875.

Preamble.

WHEREAS it is expedient to amend the Insolvent Act of 1875: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Interpretation.

1. In this Act the expression "non-trader" means any farmer, grazier, common labourer, workman for hire, or other person who cannot be declared an Insolvent under the Act hereinbefore cited.

Discrimination between traders and non-traders in statement.

2. In the statement of liabilities and assets which the Insolvent is required, under the seventeenth section of the Act hereinbefore cited, to furnish to the Assignee, the Insolvent shall discriminate between his liabilities to traders and to non-traders.

After notification non-traders not bound to accept composition.

At any time after the making of the assignment, or the issue of the writ of attachment and previous to the first meeting of creditors, any creditor who is a non-trader may notify the Assignee in writing that such is the case, and that he purposes to avail himself of the provisions of this Act; and no non-trader who shall have so notified the Assignee shall be bound to accept the composition, or sign the discharge of the Insolvent, but the claim of such non-trader shall nevertheless be ranked by the Assignee upon the dividend sheet for a dividend or dividends in like manner as the claims of other creditors; and the receipt signed by the non-trader for such dividend shall be a receipt *pro tanto* in respect of such claim as aforesaid.

Votes of non-traders in matters of insolvency.

3. A non-trader who has availed himself of the provisions of this Act may attend at meetings of the creditors of the Insolvent and may vote thereat in the same manner as other creditors, except that such non-trader shall not vote upon any question touching the acceptance of any offer of composition, or the granting of the discharge of the Insolvent; and in calculating the number of creditors and the amount of the claims against the Insolvent upon which the acceptance of a deed of composition and discharge, or the consent to the discharge of the Insolvent is based, non-traders who have availed themselves of the provisions of this Act and the amount of their claims shall not be computed; and no deed of composition and discharge, nor any discharge from the Court or Judge shall in any way impair the right of a non-trader who has availed himself of the provisions of this Act, to recover from the Insolvent any balance that may remain unpaid upon the claim of such non-trader, but the said balance may be recovered in like manner as if no proceedings in Insolvency had been entered into, notwithstanding the acceptance by the non-trader of any dividend from the Assignee as hereinbefore provided.

Rights of non-traders saved.

No. 47.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Insolvent Act of 1875.

Received and read, first time, Tuesday, 7th March, 1876.

Second Reading, Wednesday, 8th March, 1876.

MR. BOURASSA.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1876.

No. 48.] BILL. [1876.

An Act to incorporate the National Loan and Life Assurance Company of Canada.

Preamble.

WHEREAS H. S. Howland, John Turner, the Hon. T. B. Pardee, M. P. P., H. S. Strathy, W. H. Howland, J. Saurin McMurray, T. Richard Fuller, Thomas Hodgins, M.P.P., John Macnab, J. Maughan, Jr., J. D. Edgar, Thomas McGrosson, George Laidlaw, A. J. Cattenach, R. W. Elliott, W. A. Foster, Robert Bell, M.P.P., and others of the City of Toronto; R. M. Wanzer, Lyman Moore, the Hon. Archibald McKellar, William Hendrie, John I. Mackenzie, D. B. Chisholm, T. C. Livingston, H. Theo. Crawford and others of the City of Hamilton; J. H. Fraser, M. P., D. Macmillan, M P., of the City of London; George H. Dartnell, Whitby; John T. Grange, M.P.P., Napanee; C. F. Ferguson, M. P., Kemptville; the Hon. R. W. W. Carroll, Senator, Victoria, B. C., and others have, by their petition represented that the establishment of an association for the insurance of lives would be greatly beneficial, and have prayed for an Act of incorporation for the purpose of carrying on a business of that nature under the name of the "National Loan and Life Assurance Company of Canada;" and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. All such persons as shall become shareholders in the said Company shall be and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact, and in name, by the style and title of the "National Loan and Life Assurance Company of Canada," for the purpose of carrying on the business of Life Insurance and doing all things appertaining thereto, or connected therewith, in the Dominion of Canada and elsewhere, and shall and may have perpetual succession, and shall be capable in law of contracting, and being contracted with, and suing and being sued, pleading and being impleaded in any court of law or equity within the Dominion of Canada or elsewhere, and they and their successors shall and may have a common seal, and may change the same at their will and pleasure.

Capital stock and shares.

2. The capital stock of the said Company shall be *one million dollars*, divided into ten thousand shares of *one hundred dollars* each; with the privilege to increase the same from time to time, by a vote of the shareholders at any meeting; which said shares shall be and are hereby vested

in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act.

Provisional Directors.

3. For the purpose of organizing the said Company, the Hon. Archibald McKellar and H. S. Strathy, Lyman Moore, J. D. Edgar, D. B. Chisholm, T. C. Livingston, and H. Theo. Crawford, Esquires, shall be provisional Directors thereof; and they or a majority of them may cause stock-books to be opened, after giving due public notice thereof by advertisement for two weeks in one or more of the daily papers published in the City of Hamilton, Ontario, upon which stock-books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said Company; and such books shall be opened in the said City of Hamilton and elsewhere, at the discretion of the said provisional Directors, and shall remain open as long as they deem it necessary; and the provisional Directors are hereby authorized to receive from the shareholders a deposit of five per cent. on the amount of their stock subscribed by them respectively, and to pay all costs and expenses incurred in the application for and obtaining the passing of this Act.

Stock books may be opened.

First meeting of shareholders.

4. When fifty thousand dollars of the said capital stock shall have been subscribed as aforesaid, and at least ten per centum of the amount so subscribed paid into one or more chartered banks, to be designated by the provisional Directors, and not to be withdrawn therefrom except for the purposes of the Company, the said provisional Directors may call a general meeting of shareholders at some place to be named in the said City of Hamilton, giving at least ten days' notice thereof in the *Canada Gazette*, and also in some daily newspaper published in the said city, at which meeting the shareholders present, in person or represented by proxy, shall elect a Board of Directors, composed of not less than five persons, in the manner and qualified as hereinafter provided, who shall hold office for one year after their election.

Business not to be commenced until license is obtained.

5. It shall not be lawful for the said Company to issue any policy of insurance, or take any risk, or receive any premium, or transact any business of insurance in Canada without first obtaining a license from the Minister of Finance of the Dominion, under the Act of the Parliament of Canada passed in the thirty-first year of the reign of Her Majesty, and intituled "*An Act respecting Insurance Companies.*"

Board of Directors.

6. The stock, property, affairs and concerns of the said Company shall be managed and conducted by the Board of Directors, who shall hold office until the next annual general meeting of shareholders and election of Directors, to be holden at Hamilton, Ontario, or elsewhere, as the Directors may determine, on the anniversary of the first election of Directors or on such other day in each year as may be appointed by by-law, not less than ten days' notice of such meeting being given, as provided in section *four*; the said election shall be held and made by such of the shareholders present, in person or represented by proxy, as shall have paid all calls made by

Election.

the Directors and then due; and all such elections shall be by ballot; and the requisite number of persons, as determined under the provisions of section *seven*, who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter provided; and if two or more persons have an equal number of votes in such a manner that a greater number of persons than the number required (such number to be determined as aforesaid) shall appear to be chosen as Directors, then the Directors who shall have the greater number of votes, or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number required as aforesaid; and the said Directors (as soon as may be after the said election) shall proceed in like manner to elect by ballot one of their number to be President and one to be Vice-President; and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors, or a majority of those of them present at any meeting, electing in such place or places a shareholder or shareholders eligible for such office: Provided always, that no person, except as hereinafter provided, shall be eligible to be or continue as a Director unless he shall hold in his own name and for his own use, stock in the said Company to the amount of ten shares, whereof at least ten per centum shall have been paid in, and shall have paid all calls made and due upon his said stock.

Decision in case of equality of votes.

Officers.

Vacancies.

Proviso: Qualification of Director.

7. The Board of Directors may, by by-law to be passed at least one month before the annual election determine where and when such election shall be held, and the number of Directors, not being less than five, to be elected for the ensuing year, and in default of such by-law the number of Directors shall remain the same as in the preceding year, and the election shall be held on the anniversary of the last election and at the same place.

Time for election of Directors.

8. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when pursuant to this Act it should have been made, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election in such a manner as may be regulated, directed and appointed by the Directors for the time being; and the Directors in office shall so continue until a new election is made.

Failure of election not to dissolve Company.

9. At all meetings of Directors three shall be a quorum for the transaction of business; and all questions of business shall be decided by a majority of votes, and in case of an equality of votes, the President, Vice-President, second Vice-President, or presiding Director shall give the casting vote in addition to his vote as a Director. At all such meetings the President or in his absence the Vice-President or in the absence of both the second Vice-President, or

Quorum and votes at meeting of Directors.

in the absence of all of them a Director, chosen by a majority of the Directors present, shall preside.

Directors may make by-laws for certain purposes.

10. The Directors shall have full power and authority to make, and, from time to time, to alter such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the Company, the management and disposition of its stock, property, estates and effects, the calling of special general meetings, the regulation of the meetings of the Board of Directors, the increasing or the decreasing of the number of Directors, the increasing of the capital stock, the appointment of a second Vice-President, a General Manager and a Secretary, and of local boards to facilitate the details of business, and the definition of the duties and powers of such local boards, the making of calls upon the subscribed capital, the issue and allotment of shares, the appointment and removal of officers and agents of the Company, the regulation of their powers and duties, and the remuneration to be paid to them, the regulation of the transfer of stock and the form thereof, the compensation of Directors, and the establishment and regulation of agencies, the adjusting and paying of all claims against the Company, the determining of rates, rules and conditions, under which the Company's policies shall be issued, transferred or repurchased, and generally to do all other necessary matters and things they may deem expedient in conducting and managing the interests, business and affairs of the Company. The second Vice-President of the Company shall be appointed by the Directors and shall be *ex-officio* a Director of the Company, and whether a shareholder of the same or not, shall be eligible to hold his office and vote at all meetings of the Board of Directors.

Second Vice-President.

Dividends.

11. The Directors of the Company, at a meeting held for such specified purpose, may declare such annual or semi-annual or quarterly dividends upon the capital stock as they shall deem justified by its business: Provided always, that no part of the capital be appropriated to such dividend, and also, that a reserve or re-insurance fund sufficient to re-insure the Company's outstanding risks, valued by the standard hereinafter mentioned, shall be maintained. The Directors may also, by resolution, order that the holders of policies or other instruments shall be paid such proportion of the actual realized profits, in such portions, at such times and in such manner as the said Directors may think proper, and may enter into obligations so to do, either by endorsement on the policies or otherwise: Provided always, that the holders of the policies or other instruments so participating in the profits, shall not be in anywise answerable or responsible for the debts of the said Company. All acts done by any meeting of the Directors, or by any person acting as a Director shall, notwithstanding it may afterwards be discovered that there was some defect or error in the appointment of any person attending such meeting as a Director, or acting as aforesaid, or that such person was dis-

Participation by policy-holders.

Proviso.

Acts to be valid notwithstanding defects.

qualified, be as valid as if any such person had been duly appointed and was qualified to be a Director.

Calls on shares.

12. The shares of capital stock subscribed for shall be paid in and by such instalments and at such times and places as the Directors shall appoint; no such instalment shall exceed ten per cent., of which call thirty days' notice shall be given; and executors, administrators and curators paying instalments upon the shares of deceased shareholders shall be and they are respectively indemnified for paying the same.

Forfeiture and sale of shares for non-payment.

13. If any instalment upon any share be not paid when due the Directors may declare such share or shares forfeited, together with the amount previously paid thereon, in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold at a public sale by the Directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always, that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner; and no more shares shall be sold than are deemed necessary to pay such arrears, interest and expenses.

Proviso.

Share to revert to owner on payment before sale.

14. If payment of such arrears of calls, interest and expenses be made before any share so declared forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls it shall be sufficient for the Company to allege that the defendant, being the owner of such shares, is indebted to the said Company in such sum of money as the calls in arrear amount to for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall be only necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such calls, or any matter whatsoever other than what is before mentioned; a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy under the hand of the President or one of the Vice-Presidents, or the General Manager or Secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *primâ facie* evidence of such by-law, rule, regulation, minute or entry without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Procedure.

Transfer to be registered.

15. No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company, according to such form as may, from time to time, be fixed by the by-laws, and until the whole of the

capital stock of the said Company is paid up it shall be necessary to obtain the consent of the Directors to an absolute transfer being made: Provided always, that no shareholder indebted to the Company shall be permitted to make an absolute transfer of any share or receive a dividend until such debt is paid or secured to the satisfaction of the Directors; and no such transfer of stock shall at any time be made until all calls thereon have been paid in; but any share may at any time be transferred conditionally as collateral security or otherwise to any bank, saving society or other body corporate or politic, or to any person or persons without the consent of the Directors, and the transferrer shall still be alone liable to the creditors of the Company to the amount unpaid on such share and entitled to represent the same and vote thereon at all meetings of shareholders, but all dividends or money payable in respect of such share shall be payable to the transferee, whose receipt thereof shall be valid and sufficient discharge to the Company for the same.

Proviso: debts to be paid before transfer.

Transfer as security.

16. The transmission of any shares of the stock of the Company, in consequence of the marriage, death or insolvency of a shareholder, or by any other means than an ordinary transfer, shall be made, proved and authenticated in such form, by such proof and generally in such manner as the Directors shall, from time to time, require, or by by-law direct, before any persons claiming such shares shall be entitled to vote thereon or to receive any dividends or money payable in respect thereof.

Transmission otherwise than by transfer.

17. Aliens, as well as British subjects, and whether resident in Canada or elsewhere, may be shareholders in the said Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold office as Directors or otherwise in the said Company. Any bank, savings society, or other body corporate or politic, is hereby empowered to subscribe for, acquire and hold shares in the said Company, and to vote thereon by proxy at all meetings of shareholders.

All shareholders to have equal rights.

18. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities thereof, but no further; and the shares shall be deemed personal estate.

Liability of shareholders limited.

19. Every executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands at all meetings of the Company, and may vote accordingly as a shareholder.

Representation of shares in trust.

20. At the annual meeting of the shareholders, the election of Directors shall be held and all business transacted without the necessity for specifying such business in the notice of such meeting; and at such meeting a general balance-sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such

Business at annual meetings.

further information as may be required by the by-laws, shall be laid before the shareholders. Special general meetings of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders the President, or in his absence, the Vice-President, or in the absence of both of them, a Director or shareholder chosen by the shareholders shall preside, who, in case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder. Special general meetings.

21. At all general meetings of the said Company each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid up; such votes may be given either in person of by proxy, and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes. All persons entitled to vote at any meeting of shareholders may, by writing under their hands (or if such persons be a corporation then under their common seal) constitute any person their proxy to vote at any such meeting. No person shall be entitled to vote as a proxy unless such appointment shall have been produced to the Secretary and entered in a book to be kept by him for such purpose. Votes on shares. Proxies.

22. The said Company shall have power and authority to carry on the business of insurance on lives, to grant, make and effect contracts of insurance with any person or persons, body politic or corporate upon life or lives, either for a period of life or lives, or other periods in anyway dependent upon life or lives, and to buy, sell, grant, acquire and otherwise dispose of the same, or sell annuities either for a life or lives, or otherwise, and on survivorship, and to buy, sell, grant and otherwise acquire, and otherwise dispose of annuities and endowments of every description on the lives of both adults and children, and to purchase contingent rights, whether of reversion, remainder, annuities, life policies or otherwise, and to enter into any transaction depending upon the contingency of life and all other transactions usually entered into by life insurance companies or associations, including re-insurance. The Company shall also have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against all accidents or casualties of whatsoever nature or from whatsoever cause arising to either person or property (not including fire or marine insurance) whereby the insured may suffer loss or injury, or be disabled; or in case of death from any accident, to secure to the representative of the person assured the payment of a certain sum of money upon such terms and conditions as may be agreed upon, and generally to do and perform all other necessary matters and things connected with and proper to promote those objects in the Dominion of Canada and elsewhere; and all contracts or policies of insurance issued or entered into by the said Company shall be signed by the President or one of the Vice- Business of the Company. Policies, how signed.

Presidents, and countersigned by the General Manager or Secretary, or otherwise, as may be directed by the by-laws, rules and regulations of the Company, and being so signed and countersigned, shall be deemed valid and binding upon the Company, according to the tenor and meaning thereof.

Company may hold real estate.

23. The Company shall have power to acquire and hold real estate for the purposes of its business, and to sell or dispose of the same and acquire other property in its place, as may be deemed expedient ; and to take, hold and acquire all such lands and tenements, real or immovable estate, as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof or of the owners thereof; and to retain the same for a period not exceeding ten years ; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada, or of any of the Provinces thereof, or of any foreign State or States, or in the stocks of any chartered bank or building society, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate, or in such other securities and in such manner as the Directors may elect ; and may from time to time vary or sell the said securities, or mortgage or pledge the same as occasion may require.

Investment of funds.

Company may receive deposits and borrow money.

24. The Company may receive deposits of money for investment or accumulation, and invest the same as provided in section *twenty-one*, and may grant therefor deposit receipts bearing interest at such rates and upon such terms as the Directors may think proper. The Company shall also have power to borrow money on the security of its debentures, or promissory notes to an amount not exceeding the amount of its paid up capital stock and ten per centum of the amount of the reserve or sum requisite for the re-insurance of the Company's outstanding risks ; and the legal standard for computing such reserve or re-insurance fund shall be the same mortality tables used, and the same rates of interest assumed in the computation of the Company's rates of premiums for insurance.

Reserve fund.

Company not bound to see to trusts.

25. The Company shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, in respect of any share ; and the receipt of any stockholder, his attorney or agent in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividends or money payable in respect of such share, and whether or not notice of such trust has been given to the Company, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Conveyance of title to policy.

26. Any certificate or obligation issued by the Company, agreeing to purchase one of its policies for a fixed sum

during a stated period when accompanied by the policy duly assigned or transferred, shall be negotiable, and shall convey title to the policy to the party to whom it may be so assigned or transferred, and any policy taken out in favour of a wife, child, relative or other person having a beneficial interest in the life of the insured, shall not be liable to seizure by the creditors of the person so insured.

Failure to pay premium to void policy.

27. If any promissory note, cheque, draft or bill of exchange, received by the Company, or any officer or agent thereof, in payment either in whole or in part of any premium or premiums on any policy or policies made or issued by the Company be dishonoured, or if the premiums on any policy be not paid when due to the Company, or to one of its duly authorized agents, such policy or policies shall lapse and be null and void, and the Company shall be discharged from all liabilities under or in respect thereof; Provided, always, that the Board of Directors in their discretion may subsequently receive such premiums and revive the policies on such terms as they may deem proper.

Proviso.

Proof of claims.

28. Proofs of claims against the Company, under or in respect of any contracts made or policies issued by it, shall be such in substance and in form as the Company may require, and shall be verified by the affidavits, affirmations or declarations of the several persons subscribing thereto. All such affidavits, affirmations or declarations shall be made before the Judge of any Court of Record, or before the Mayor of any city or town, or before any Notary Public, and all such officers are hereby authorized and required to take the same; and any person who knowingly, wilfully and corruptly makes in any such affidavits, affirmations or declarations, any false statement of fact, matter, or thing in regard to such claims, shall be guilty of wilful and corrupt perjury.

Untrue statement to release Company.

29. If any persons making any claims against the Company under or in respect of any contracts made or policies issued by it, shall knowingly and wilfully furnish the Company with any untrue statement in support of such claims, such claims, contracts and policies shall thereby and thereupon be discharged, and the Company at once and forever released from all liabilities in respect thereof.

Time for bringing action limited.

2. No action shall be brought or suit commenced against the Company under or in respect of any contract or policy made or issued by it after one year from the time when the right of action accrued, and if brought or commenced after that time, the lapse of time shall be a conclusive bar thereto.

Discharge and other documents to be filled before payment.

3. And under no circumstances whatever shall any claim against the Company under or in respect of any policies issued by it be payable until a valid legal discharge of such claim, together with such policies duly receipted and cancelled, as the Directors may require, shall have been fyled with the Company at its chief place of business or elsewhere as they may direct.

Chief place of business and branches.

30. The chief place of business of the Company shall be in the City of Hamilton, Ontario, or elsewhere, as the Directors may from time to time determine. The said Company shall have full power and authority to comply with the laws of any Province, State or country wherein it proposes to carry on business, and establish therein branch offices and agencies, and appoint under the seal of the Company, local boards, managers, medical advisers and other officers.

Interpretation.

31. In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say words importing the plural number include the singular number: words importing the masculine gender include females. "Policies" mean insurance contracts, or policies of insurance issued by the Company. The expressions "The Directors," "The Board of Directors," mean the Directors for the time being; "The Company" means "The National Loan and Life Assurance Company of Canada.

No. 48.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to Incorporate the National Loan and Life Assurance Company of Canada.

Received and read the first time, Tuesday, 7th March, 1876.

Second reading, Wednesday, 8th March, 1876.

(PRIVATE BILL.)

MR. CAMERON,
(Victoria, N.R.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 49.] BILL. [1876.

An Act to amend the Act to incorporate "The Commercial Travellers' Association of Canada."

Preamble.

WHEREAS by the Act to incorporate "The Commercial Travellers' Association of Canada" it was declared that the said Association had for its objects the moral, intellectual and financial improvement, advancement and welfare of its members; and whereas one purpose of the said Association was to insure its members against accidents, and doubts have been expressed whether such purpose falls by legal construction within the objects so defined; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Association may make contracts for Accident Insurance.

1. The said Association shall have and has power and authority, with and out of the funds thereof, to make contracts of insurance with any Accident Insurance Company against accidents or casualties arising to the members of the said Association whereby they may suffer loss or injury, or be disabled or die, and also to apply its funds from time to time in benefits or bonuses to members thereof during sickness or disability from accident, casualty, or otherwise, or at death to the families or personal representatives of such members, and to make and from time to time to alter such by-laws, rules and regulations as may be necessary for any such purpose.

And may grant relief to certain of its members.

2. And it is hereby declared that the Association has power and authority to grant any sum of money to the family or representatives of any of the members of the Association, who have died by reason of any accident since the incorporation of the said Association, or to grant any sum of money to any of the members of the said Association who are living, but have suffered loss or injury or have been disabled since the incorporation of the said Association.

Votes by proxy.

3. At any annual meeting of the Association members may vote by proxy in the election of officers in such manner as shall be provided by by-law.

No. 49.

3rd Session, 3rd Parliament, 39 Vic., 1876.

BILL.

An Act to amend the Act to incorporate "The Commercial Travellers' Association of Canada."

Received and read the first time, Tuesday, 7th March, 1876.

Second reading Wednesday, 8th March, 1876.

(PRIVATE BILL.)

MR. MACDOUGALL,
(Elgin, E. R.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 50.] **BILL.** [1876.

An Act to extend the provisions of "An Act relating to the Upper Ottawa Improvement Company."

Preamble.

WHEREAS the Upper Ottawa Improvement Company have petitioned to have their charter extended and certain additional powers conferred on them, and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain works authorized.

1. Those works which have been recently constructed on the Upper Ottawa, known as "Melons Chenail Boom" and "Allumette Boom," are hereby authorized and confirmed, subject always to compulsory removal after notice as is provided in section two of the Act passed in the thirty-eighth year of Her Majesty's reign, intituled, "*An Act relating to the Upper Ottawa Improvement Company.*"

Land selection privilege extended.

2. The privilege of selecting and acquiring ten separate and distinct parcels of land as provided in the said second section is hereby extended for five years from the passing of this Act, and the same shall not be taken to have been reduced or impaired by the construction of the said works in the first section of this Act mentioned.

Dues for boom working expenses.

3. The said Company shall have a further power to levy and collect tolls, dues and charges for boom working expenses, the same having been first approved by the Governor in Council and published in the *Canada Gazette* pursuant to the provisions of section nine of the said cited Act, which shall apply thereto, and shall be deemed the only authority required for the tolls, dues and charges, and also for the works of the Company.

Sale of timber for dues.

4. The Company, in addition to their right of lien for all tolls, dues and charges, shall, in cases of default of payment, also have the power to sell any saw logs, timber and lumber coming lawfully into their possession, for the satisfying of such tolls, dues and charges, after giving to the owner or owners, his or their agent or agents, one month's notice in writing of their intention so to do.

Company may make promissory notes, &c.

5. The Company may become parties to bills of exchange and promissory notes either as makers, endorsers, drawers, acceptors or holders, and may sue and be sued thereon, provided the same are made, drawn, endorsed, accepted or taken

in accordance with a by-law or by-laws to be passed by the shareholders.

No publication of by-laws.

Proviso.

6. The by-laws of the Company shall not require publication of any kind, but the same shall be open to inspection at all reasonable hours; provided always, that copies of all such by-laws shall be appended to the Company's annual report made to the Minister of Public Works.

No. 50.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to extend the Act of last session, intituled: "An Act relating to the Upper Ottawa Improvement Company."

Received and read the first time, Tuesday, 7th March, 1876.

Second reading, Wednesday, 8th March, 1876.

(PRIVATE BILL.)

Mr. WHITE (Renfrew, N. R.)

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street.

1876.

No. 51 **BILL.** [1876.

An Act to amend the Criminal Law relating to Offences against the Person.

WHEREAS it is expedient to amend the criminal law relating to offences against the person: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chapter twenty, intituled, "*An Act respecting Offences against the Person*" is hereby amended as follows:— 32-33 V., c. 20, cited.

All the words after the word "felony," in the tenth section of the said Act are hereby repealed, and the following substituted: "And being convicted thereof shall be liable, at the "discretion of the Court, to be imprisoned in the Peniten- "tiary for life, or any term not less than two years." Section 10 amended.

No. 51.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Criminal Law relating to offences against the Person.

Received and read the first time, Wednesday, 8th March, 1876.

Second reading, Thursday, 9th March, 1876.

MR. BABY.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 52.] **BILL.** [1876.

An Act to empower the Canada Southern Railway Company to issue Preference Stock.

Preamble.

WHEREAS "The Canada Southern Railway Company" (hereinafter called "the Company") have issued first mortgage bonds to the amount of eight millions seven hundred and sixty thousand dollars, bearing interest at seven per cent. per annum, payable half-yearly, and secured by a conveyance to trustees of all the Company's real and personal property, present and future; and have also issued second mortgage bonds to the amount of two millions five hundred thousand dollars, bearing the like interest and secured by a like conveyance to trustees, subject to the prior charge of the said first mortgage bonds and interest: and, whereas the interest on the said first mortgage bonds is in arrear and unpaid since the first day of January, one thousand eight hundred and seventy-four, and the Company is unable from its traffic to pay any sum for such interest, but expects, in future years, to do so, and is desirous of obtaining authority for the issue of preferential stock, to be applied in redemption or payment of all interest to accrue due, up to and including the first day of January, one thousand eight hundred and seventy-seven, and in discharging first and second mortgage bonds of the Company, as hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Agreement may be entered into with first mortgage bondholders.

1. It shall be lawful for the Company, at any time hereafter, to agree with the holder or holders of any of the first mortgage bonds to such amount in all as the Company may determine upon, or of bonds for coupons, or coupons for interest thereon, respectively, up to and including the first day of January, one thousand eight hundred and seventy-seven, for the purchase, payment or redemption of the same upon such terms and conditions, and at such price as may be agreed upon, or for the exchange of the same into the debenture stock hereinafter authorized to be created.

Company may create first preference stock to rank after first mortgage bonds.

2. (1.) The Company may, for the purposes in the next preceding section mentioned, create and issue debenture stock, not to exceed the nominal amount of five millions of dollars, and may attach to such debenture stock, as and when created, fixed and perpetual interest not exceeding seven per centum per annum, payable only and to such extent in each year as the net earnings of the Company in such year shall suffice therefor, and half-yearly or otherwise, and commencing at once, or at at any future time or times at which the deben-

ture stock is issued, or otherwise, as the Company think fit. Such debenture stock shall be known as "First Preference Stock," and as and when created shall, subject to the priority of the holders of any of the first mortgage bonds of the Company, be and become the first charge upon and over all the Company's railways, works, rolling stock, plant, property and effects whatever, then or at any time thereafter existing, including therein the interest of the Company in lines, tunnels, or bridges, leased, worked or otherwise held by the Company, and for that purpose shall rank immediately after the prior charge of the holders of such of the first mortgage bonds of the Company as shall not be paid, redeemed or exchanged.

A first mortgage bond may be vested in trustees for conversion into first preference stock.

(2.) Or the Company may, at its option, agree with the holders of such amount of the said first mortgage bonds as the Company may resolve upon, and coupon bonds and coupons for interest, which may be exchanged for first preference stock, that such bonds and interest coupons shall be transferred to and held by trustees so as to continue to be charges on the said railway and undertaking of the Company, and, from time to time, as and when any of the said first mortgage bonds, coupon bonds and interest coupons are paid or redeemed, the interest or annual income which would otherwise have been or become payable in respect of such first mortgage and coupon bonds, and interest coupons shall thereafter be applied in aid of the interest or dividends payable on the first preference stock hereby authorized to be created, and the security which would otherwise remain for such first mortgage bonds, coupon bonds and interest coupons, shall continue as security, *pro tanto*, for the benefit of the said first preference stock, as if such bonds and interest coupons were still existing, and such interest shall continue payable, and such security shall continue to subsist in favor of such first preference stock until the whole of the said bonds and interest coupons which the company may resolve upon redeeming by agreement with the holders thereof shall have been extinguished—when the said first preference stock shall, subject to the priorities of the holders of the outstanding first mortgage bonds of the Company, be and become the first charge upon the railway and its undertaking, as hereinbefore mentioned.

Company may create second preference stock.

3. The Company may for the purpose of paying or redeeming the said mortgage bonds of the Company create and issue second preference stock to a nominal amount, not exceeding two million five hundred thousand dollars, and may attach to such second preference stock as and when created, such fixed and perpetual interest not exceeding seven per centum per annum, payable only and to such extent in each year as the net earnings of the Company in such year shall suffice therefor, and half yearly or otherwise, and commencing at once or at any future time or times at which the second preference stock is issued, or otherwise as the Company think fit.

Interest on second mortgage bonds

4. From time to time as and when any of the second mortgage bonds of the Company shall be paid or redeemed,

the interest or annual income which would otherwise have been or become payable in respect of such second mortgage bonds, shall thenceforth be applied in aid of interest or dividends payable on the second preference stock hereby authorized to be created, and the security which would otherwise remain for such second mortgage bonds, shall continue as security *pro tanto* for the benefit of the said second preference stock as if the said second mortgage bonds were still existing. and such interest shall continue payable, and such security shall continue to subsist in favor of such second preference stock until the whole of the second mortgage bonds shall have been extinguished, when the said second preference stock shall, subject to the priorities of the holders of the first mortgage bonds and of the first preference stock by this Act authorized to be created, be and become the next charge upon and over all the Company's railways, works, rolling stock, plant, properties and effects whatsoever then or at any future time existing.

when redeemed to go to second preference stock.

5. The holders of the said first and second preference stock shall have the same right of voting according to the amount held by them respectively, as the holders of the ordinary stock of the Company, and the said first and second preference stock, and any interest therein shall be transmissible and transferable in the same manner and according to the same regulations and provisions as the ordinary stock of the Company, and in all other respects have the incidents of personal estate.

Right of holders of such stock to vote.

6. The Company shall apply the whole of the first and second preference stock hereby authorized to be created, or the proceeds thereof respectively in the payment, redemption, exchange or acquisition of the first mortgage bonds or coupon bonds or coupons for interest thereon, and of the second mortgage bonds respectively in the manner hereinbefore mentioned, and for no other purpose.

Application of proceeds.

7. The foregoing provision of this Act shall not take effect unless and until submitted to a special general meeting of the Company and accepted by a majority consisting of two-thirds of the votes of the persons present or represented by proxy entitled to vote; and upon the certificate in writing of the Chairman of such meeting to that effect being transmitted to the Secretary of State of the Dominion of Canada, the Governor General may by his proclamation, to be published in the *Canada Gazette* declare this Act to be in force, when it shall then be in force accordingly.

When foregoing provisions shall come into force.

8. This Act may be known as "*The Canoda Southern Railway Company Act of* 1876."

Short title.

No. 52.

3rd Session, 3rd Parliament, 39 Vict. 1876.

BILL.

An Act to empower the Canada Southern Railway Company to issue Preference Stock.

Received and read the First time, Wednesday, 8th March, 1876.

Second reading, Thursday, 9th March, 1876.

(PRIVATE BILL.)

Mr. OLIVER.

OTTAWA:
Printed by MacLean, Roger & Co.,
1876.

No. 53.] **BILL.** [1876.

An Act to amend "*The Dominion Elections Act*, 1874," and to declare ineligible for election to the House of Commons all persons disqualified for election to the Local Legislatures.

WHEREAS it is expedient to amend "*The Dominion Elections Act*, 1874," so as to incapacitate from being elected to, and from sitting in the House of Commons, all persons who have become incapacitated from being elected to and from sitting in any of the Local Legislatures of any of the Provinces of Canada, on account of any corrupt practice: Therefore Her Majesty, with and by the advice and consent of the Senate and of the House of Commons of Canada, enacts as follows:— Preamble, 37 V., c. 9.

1. Section 102 of "*The Dominion Elections Act*, 1874," is amended by adding thereto the following sub-section, as forming part thereof, viz.: Sect. 102 amended.

"2. No person who has, under the laws of any of the "Local Legislatures of the different Provinces of Canada, "become incapacitated from being elected to and from sitting "in any of the said Legislatures, on account of any corrupt "practice, shall, during the whole period of such incapacity, "be elected a member of or sit in the House of Commons, or "vote at any election of a member thereof, or hold any office "in the nomination of the Crown or of the Governor in Disqualification of persons mentioned in the Preamble.

No.. 53

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend "*The Dominion Elections Act*, 1874," and to declare ineligible for election to the House of Commons all persons disqualified for election to the Local Legislatures.

Received and read the first time, Wednesday, 8th March, 1876.

Second Reading, Thursday, 9th March, 1876.

MR. TASCHEREAU.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

No. 54.] **BILL.** [1876.

An Act to incorporate the Atlantic and Pacific Mutual Fire and Marine Insurance Company.

Preamble.

WHEREAS the Honorable John J. C. Abbott, Harrison Stephens, Adolph Masson, James Crathern, Robert Dalglish, H. A. Nelson and others, have by their petition represented that the establishment of an association for the insurance of fire and marine risks would be greatly beneficial, and have prayed for an Act of Incorporation for the purpose of carrying on a business of that nature under the name of the Atlantic and Pacific Mutual Fire and Marine Insurance Company; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The persons hereinbefore mentioned, and all such persons as now are or hereafter shall become shareholders of the said Company, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact and in name, by the style and title of the Atlantic and Pacific Mutual Fire and Marine Insurance Company, for effecting insurance against fire and marine risks.

Capital stock and shares.

2. The capital stock of the said Company shall be *two million* dollars, divided into twenty thousand shares, of *one hundred* dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act.

Provisional Directors.

3. For the purpose of organizing the said Company, the said Honorable John J. C. Abbott, Harrison Stephens, Adolph Masson, James Crathern, Robert Dalglish, and H. A. Nelson shall be Provisional Directors thereof; and they, or a majority of them, may cause stock books to be opened, after giving due public notice thereof, by advertisement, for two weeks, in one or more daily papers published in the City of Montreal, upon which stock books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said Company; and such books shall be opened in the City of Montreal and elsewhere, at the discretion of the said Provisional Directors, and shall remain open as long as they deem necessary; and the Provisional Directors are hereby authorized to receive from the shareholders a deposit of five per cent. on the amount of the stock subscribed by them respectively.

Stock books may be opened.

First meeting of shareholders.

4. When and so soon as five hundred thousand dollars of the said capital stock shall have been subscribed as afore-

said, and five per cent. of the amount so subscribed paid in, the said Provisional Directors shall call a general meeting of shareholders at some place to be named, in the City of Montreal, giving at least ten days' notice thereof in two daily newspapers published in the said City, at which meeting the shareholders present in person or represented by proxy shall elect seven Directors in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors, and hold office till the next annual meeting of the Company, which shall be held after six months thereafter.

Calls on stock

5. The shares of capital stock subscribed for shall be paid in by such instalments, and at such times and places, as the Directors shall appoint; no such instalment shall exceed ten per cent., and thirty days' notice of each call shall be given; and executors, administrators and curators paying instalments upon the shares of deceased shareholders shall be, and they are, respectively indemnified for paying the same:

Proviso: commencement of business.

Provided always that it shall not be lawful for the said Company to commence their business either of fire or marine insurance until a sum of not less than fifty thousand dollars shall have been actually paid in on account of the subscribed stock; nor both until at least one hundred thousand dollars have been so paid in.

Board of Directors.

6. The stock, property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, (one of whom shall be chosen President, and one Vice-President), who shall hold office until the next following general election of Directors; and such Directors shall be shareholders residing in Canada, and be elected at the annual general meeting of shareholders to be holden at Montreal on the second Wednesday of January in each year, not less than ten days' notice of such meeting being given, as hereinbefore provided. Such election shall be held and made by such of the shareholders present in person, or represented by proxy, as shall have paid all calls made and then due; and all such elections shall be by ballot; and the seven persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if two or more persons have an equal number of votes in such a manner that a greater number of persons than seven shall appear to be chosen as Directors, then the Directors who shall have the greater number of votes, or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of seven; and the said Directors (as soon as may be after the said election) shall proceed in like manner to elect by ballot one of their number to be the President, and one to be the Vice-President; but shareholders not residing within the Dominion of Canada shall be ineligible, and if any Director shall move his domicile out of Canada, his office shall be considered as vacant; and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal dur-

Election.

Vacancies.

ing the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors, or the majority of them electing in such place or places a shareholder or shareholders eligible for such office: Provided always, that no person shall be eligible to be or continue as Director, unless he shall hold in his name, and for his own use, stock in the said Company to the amount of forty shares, whereof, after the first election of Directors, at least ten per cent. shall have been paid in, and shall have paid all calls made upon his stock, and all liabilities actually matured and incurred by him with the Company.

Proviso: qualification of Director.

7. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when, pursuant to this Act, it should have been made, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election in such manner as may be regulated, directed and appointed by the Directors for the time being; and the Directors in office shall so continue until a new election is made.

Failure of election not to dissolve Company.

8. At all general meetings of the said Company each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid up. Such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the Chairman presiding at such meeting having the casting vote in case of an equality of votes: Provided that no clerk or other employee of the said Company shall vote either in person or by proxy at the election of Directors.

Votes on shares.

Proxies.

Proviso.

9. The said Company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire, on any houses, stores or other buildings whatsoever; and, in like manner, on any goods, chattels or personal estate whatsoever, for such time or times, and for such premiums or considerations, and under such modifications and restrictions, and upon such conditions as may be bargained and agreed upon, or set forth by and between the Company and the person or persons agreeing with them for such insurance; and also to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage of or to ships, boats, vessels, steamboats or other craft, navigating the seas or inland navigable waters, or both the one and the other; and against any loss or damage of or to the cargoes or property conveyed in or upon such ships, vessels, boats or other craft, and the freight due or to grow due in respect thereof; or of or to timber or other property of any description conveyed in any manner upon all or any seas or inland navigable waters, or on any railway, or stored in any warehouse or railway station; and, generally, to do all matters and things relating to or connected with marine

Business and powers of the Company.

insurances, and to make and grant policies therein and thereupon; and to cause themselves to be insured against any loss or risks they may have incurred in the course of their business; and, generally, to do and perform all other necessary matters and things connected with and proper to promote those objects; and all policies or contracts of insurance issued or entered into by the said Company shall be under the seal of the said Company, and shall be signed by the President or Vice-President, and countersigned by the Managing Director or Secretary (or otherwise, as may be directed by the by-laws, rules and regulations of the said Company, in case of the absence of any of the said parties), and, being so sealed, signed and countersigned, shall be deemed valid and binding upon them, according to the tenor and meaning thereof; and the chief place of business of the Company shall be in the City of Montreal.

Re-insurance.

Chief place of business.

10. It shall be lawful for the Atlantic and Pacific Mutual Fire and Marine Insurance Company to appoint, under the corporate seal of the Company, resident agents at any port or place within the Dominion of Canada, or elsewhere, for the purpose of effecting at such ports or places marine insurance upon ships, freights and cargoes, and insurance against losses by fire on buildings and other property, real and personal, subject to such conditions, restrictions and provisoes as the said Company shall from time to time establish and impose. And wherever it shall be found desirable, also to appoint and establish local agencies and local boards of direction or of supervision upon such conditions, with such qualifications and powers, and for such purposes as the Board of Directors shall fix, or as shall be directed by the by-laws of the Company.

Agents and sub-boards may be appointed.

11. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may declare such share or shares forfeited, together with the amount previously paid thereon, in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold at a public sale by the Directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always, that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner; and no more shares shall be sold than what shall be deemed necessary to pay such arrears, interest and expenses.

Forfeiture of shares.

Proviso.

12. If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the Company to allege that the defendant, being the owner of such shares, is indebted to the said Company in such sums of money as the calls in arrear amount to, for such and so many shares, whereby an action hath

Payment of arrears to annul forfeiture.

Allegations and evidence in suit.

accrued to the Company by virtue of this Act, and on the trial it shall only be necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made, and that notice was given as directed by this Act, and it shall not be necessary to prove the appointment of the Directors who made such calls, or any other matter whatsoever, other than what is before mentioned; a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the President or Vice-President, or the Manager or Secretary of the Company, and sealed with the corporate seal, shall be received in all Courts and proceedings as *primâ facie* evidence of such by-law, rule, regulation, minute or entry without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Quorum and votes at meetings of Directors.

13. At all meetings of Directors three shall be a quorum for the transaction of business; and all questions before them shall be decided by a majority of votes, and in case of an equality of votes, the President, Vice-President or presiding Director shall give the casting vote in addition to his vote as a Director.

Business at annual meetings.

14. At the annual meeting of the shareholders the election of Directors shall be held, and all business transacted without the necessity for specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such further information as may be required by the by-laws, shall be laid before the shareholders. Special general meetings of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders the President, or, in his absence, the Vice-President, or, in the absence of both of them, a Director chosen by the shareholders shall preside, who, in case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder.

Special meetings.

Directors may make by-laws for certain purposes.

15. The Directors shall have full power and authority to make, and, from time to time, to alter such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well-ordering of the Company, the management and disposition of its stock, property, estate and effects, the calling of special general meetings, the regulation of the meetings of the Board of Directors, the increasing the number of Directors, the appointment of a Managing Director and of sub-boards to facilitate the details of business, and the definition of duties and powers of such sub-boards, the making of calls upon subscribed capital, the issue and allotment of shares, the appointment and removal of officers and agents of the Company, the regulation of their powers and duties and the salaries to be paid to them, the regulation of the transfer of stock and the form thereof, the principles and rules for putting in force the mutual principle in contracts of insurance, the compensation of Directors, and

Proviso: by-laws to be confirmed.

the establishment and regulations of agencies: Provided always, that all such by-laws, rules, regulations and ordinances made by the Directors as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect as so approved or modified at such meeting; and provided further that such by-laws do not contravene the provission of this Act.

Proviso.

Power to hold real estate.

16. The Company shall have power to acquire and hold real estate for the purposes of its business, within the Dominion of Canada, of an annual value not exceeding *ten thousand* dollars, and to sell and dispose of the same and acquire other property in its place, as may be deemed expedient, and to take, hold and acquire all such lands and tenements, real or immovable estate, as shall have been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof, or of the owners thereof, and to retain the same for a period not exceeding *ten* years; and the Company may invest its funds, or any part thereof, in the public securities of the Dominion of Canada, or of any of the Provinces thereof, or of any foreign State or States (such investments in the securities of foreign States not to exceed fifty per cent. of the paid-up capital stock of the Company), or in the stocks of any chartered banks or building societies, or in the bonds or debentures of any incorporated City, Town or Municipality authorized to issue bonds or debentures, or in mortgages on real estate; and may from time to time vary or sell the said securities or mortgages, or pledge the same from time to time as occasion may require.

Investment of funds.

Transfer of shares.

17. No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company according to such form as may from time to time be fixed by the by-laws; and until the whole capital stock of the said Company is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided always, that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors; and no transfer of stock shall at any time be made until all calls theron have been paid in.

Proviso.

Liability of shareholders limited.

18. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities thereof, but no further, and the shares shall be deemed personal estate.

Suits by and against the company.

19. Suits may be prosecuted or maintained by or against any shareholder by or against the Company; and no shareholder shall be incompetent as a witness in any proceeding by or against the Company.

20. The Directors of the Company, at a meeting held for such specified purpose, may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends; and also may, by resolution, order that the holders of policies, or other instruments, shall be paid such portion of the actual realized profits, in such proportions, at such times and in such manner as the said Directors may think proper, and may enter into obligations so to do either by endorsement on the policies, or otherwise, in such manner and upon such conditions as shall be provided by the by-laws of the Company: Provided always that the holders of policies or other instruments so participating in the profits, shall not be in any wise answerable or responsible for the debts of the said Company.

Dividends.

Participation by policy holders.

Proviso.

21. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in the Act thirty-eighth Victoria, chapter twenty, intituled: "*An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine Business*," and to such other legislation on the subject of insurance as may, from time to time, be passed.

General laws to apply.

No. 54.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to incorporate the Atlantic and Pacific Mutual Fire and Marine Insurance Company.

Received and read the first time, Wednesday, 8th March, 1876.

Second Reading, Thursday, 9th March, 1876.

(PRIVATE BILL.)

MR. WORKMAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1876.

No. 55.] **BILL.** [1876.

An Act respecting the Intercolonial Railway.

WHEREAS by an Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act respecting the Intercolonial Railway*," it is amongst other things in effect enacted and declared, that the line of railway from Halifax to Pictou, in the Province of Nova Scotia, together with other lines of railway in the said Act mentioned, and all works and property thereunto appertaining, constitute and form the Intercolonial Railway, and are vested in Her Majesty and under the control and management of the Minister of Public Works: and whereas doubts may arise whether the railway line and work now under course of construction from Richmond Station in the City of Halifax, to North Street in the said City of Halifax, come within the designation of, and constitute and form part of the Intercolonial Railway under the said Act, and it is desirable to remove such doubts: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts and declares as follows:— Preamble. 38 V. c. 22.

1. The line of railway from Halifax to Pictou mentioned in the first section of the said Act, comprises the said line from Richmond Station to North Street, in the City of Halifax, forming part of the Intercolonial Railway within the meaning of the said Act, which shall be read and construed accordingly. Line from Richmond Station to North Street, Halifax declared part of the said Railway.

2. Inasmuch as the Intercolonial Railway is a public work of Canada, the Minister of Public Works has, and he may at his option exercise with respect to the same or the construction, maintenance or amendment of the same, or any part thereof, or in any respect whatsoever connected therewith, any of the rights, powers and authorities granted and conferred in and by the Act passed in the thirty-first year of Her Majesty's reign, intituled: "*An Act respecting the Public Works of Canada.*" Minister may exercise as to the said Railway, the powers given by 31 V. c. 12.

No. 55.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act respecting The Intercolonial Railway.

Received and read the first time, Wednesday, 8th March, 1876.

Second reading—Thursday, 9th March, 1876.

MR. MACKENZIE.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1876.

No. 56.] **BILL.** [1876.

An Act to enable Ozro Morrill to obtain a patent for certain inventions and improvements in Sewing Machine Shuttles.

Preamble.

WHEREAS Ozro Morrill has, by his petition, represented that he is a British subject resident in Canada, and is sole assignee of the inventions and improvements in sewing machine shuttles made by John Reece, also a British subject and resident in Canada; that on the eighteenth day of November, 1871, letters patent of the Dominion of Canada were issued to the said John Reece for such of his said inventions as were made prior to the date of the said letters patent; that subsequently letters patent were procured in the United States of America, Great Britain, France and Russia for all the inventions and improvements made by the said John Reece, prior to the respective dates of the said letters patent including certain valuable improvements made by him subsequent to the date of the said Canadian patent; that the said Ozro Morrill having been advised, and believing that the said Canadian patent was broad enough in its terms to protect all the improvements made by the said Reece expended large sums of money in buildings, tools and machinery in the Province of Quebec, for the purpose of manufacturing sewing machines containing the said inventions and improvements; that it is a matter of doubt whether the said Canadian patent validly covers and protects all the said improvements, and whether the said Ozro Morrill, by reason of having commenced the manufacture and sale of sewing machines of the description supposed to be protected by said Canadian patent can now obtain a valid patent in Canada to protect such of the said improvements as might be held not to be included in and protected by the said Canadian letters patent, and that he the said Ozro Morrill is liable to sustain great loss and damage unless relief be granted in accordance with the prayer of his petition, and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Letters patent may be issued for certain inventions.

1. Notwithstanding anything to the contrary contained in "*The Patent Act of* 1872," it shall be lawful for the Governor General if he shall see fit, and upon being satisfied of the truth of the statements so made by the said petitioner, to grant letters patent to the said Ozro Morrill, for such of the inventions and improvements of the said John Reece in sewing machine shuttles as have been made by him since the date of the said Canadian letters patent

and not included therein, in as full and ample a manner, with the same privileges, and to the same effect as if patents had been issued at the time when the said several inventions and improvements were respectively made, the said letters patent so to be issued in virtue of this Act, to continue and have force for the term of five years from the date thereof: and the same may be extended at the expiration of five years, and at the expiration of ten years from the date of issue, upon compliance with the ordinary conditions prescribed in the said "*Patent Act of* 1872," respecting extensions of patents.

Extension.

Existing rights saved.

2. If any person has commenced to manufacture in Canada, sewing machine shuttles containing the inventions and improvements of the said John Reece, which may be included in the letters patent so to be issued in virtue of this Act, the right of such person to manufacture and sell such inventions and improvements in Canada shall not be prejudiced by this Act.

No. 56.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to enable Ozro Morrill to obtain a patent for certain inventions and improvements in Sewing Machine Shuttles.

Received and read the first time, Thursday, 9th March, 1876.

Second reading, Friday, 10th March, 1876.

(PRIVATE BILL.

MR COLBY.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 57.] **BILL.** [1876.

An Act to make other provision as to the more speedy trial in certain cases of persons charged with felonies and misdemeanors in the Provinces of Ontario and Quebec.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The third section of the Act passed in the thirty-second and thirty-third years of Her Majesty's reign, chaptered thirty-five, entituled, "*An Act for the more speedy trial in certain cases of persons charged with felonies and misdemeanors in the Provinces of Ontario and Quebec,*" is hereby repealed, and the following section is hereby substituted therefor: Sect. 3 of 32-33 V., c. 35, repealed and new sect. substituted.

3. "Having obtained the depositions on which the prisoner was so committed, the judge shall state to him: That he is charged with the offence, describing it; and that he may, subject to the consent of the Crown, elect whether he will be summarily tried before the judge without the intervention of a jury or will remain untried until the next sitting of such sessions or of a court of Oyer and Terminer, or in Quebec, of any court having criminal jurisdiction." Statement to be made by the Judge to the prisoner.

(2.) "If the prisoner does not elect to be so summarily tried the judge shall remand him to gaol; but if he does so elect the County Attorney in Ontario, or the Clerk of the Peace in Quebec, may consent thereto on the part of the Crown, or he may, in case he is of opinion that the consent of the Crown should not be given, have a warrant of remand for a period not exceeding eight days, in which case he shall forthwith transmit to the Attorney General for the Province a concise statement of the charge and of the evidence intended to be produced in support thereof, and of his reasons for not consenting to the summary trial." If the prisoner objects. If the County Attorney or Clerk of the Peace objects. Report to Attorney General.

(3.) "If within the said eight days, or within the period of any further remand which may, on the application of the County Attorney, or Clerk of the Peace, be granted he is so instructed by the Attorney-General, the County Attorney or Clerk of the Peace shall file with the depositions a note that the Crown does not consent to the summary trial, and thereupon the Judge shall remand the prisoner to jail." If the Attorney General objects to summary trial, the prisoner to be remanded.

Otherwise, if Attorney General consents.

(4.) "If the County Attorney or Clerk of the Peace does not file such a note, he shall draw up a record of the proceedings, as nearly as may be, in one of the forms in the Schedules A and B to this Act, in which the consent of the Crown and of the prisoner to such trial shall be recited."

If prisoner pleads guilty.

(5.) "If upon being by virtue of his election and the consent of the Crown arraigned, the prisoner pleads guilty, such plea shall be entered on the record, and the Judge shall pass on the prisoner the sentence of the law, which shall have the same force and effect as if passed at any Court of General Sessions of the Peace, or in Quebec of any Court having Criminal Jurisdiction."

Sect. 4 repealed, new section.

2. The fourth section of the said Act is hereby repealed, and the following section is hereby substituted therefor:

If the prisoner pleads guilty.

"4. If upon being so arraigned the prisoner pleads not guilty the Judge shall appoint an early day for the trial, and it shall be the duty of the County Attorney or Clerk of the Peace to subpœna the witnesses named in the depositions, or such of them, and such other witnesses as he may think requisite to prove the charge to attend at the time appointed for such trial, and, the prisoner being ready, the Judge shall proceed to try him, and if he is found guilty, sentence shall be passed as in the last preceding section mentioned; but if he is found not guilty, the Judge shall immediately discharge him from custody, so far as respects the charge in question."

Trial and conviction or discharge.

Sitting of the court for such trials to be held frequently and as regularly as may be.

3. The sittings of the court for trial under the said substituted fourth section shall be held frequently, and (as far as possible consistently with the discharge of the other duties of the Judge, and the speedy disposition of the cases to be tried under the said fourth section) at regular and appointed intervals; and it shall be the duty of the Clerk of the Peace or officer discharging like duties to post up in some conspicuous place in the court house notice of any such sitting, at least three days before the day appointed for the commencement of such sitting; but no prisoner shall set up any non-compliance with the provisions of this section to defeat any proceeding under this Act or the Act hereby amended.

Proceedings to be in open court.

4. All proceedings before the judge under this Act and the Act hereby amended shall be had in open court; and with the same solemnities so far as they are applicable and are not inconsistent with this Act and the Act hereby amended, as are customary on the trial of a prisoner in the ordinary way.

Act 38 V., c. 47, repealed.

5. The Act passed in the 38th Year of Her Majesty's reign and chaptered 47, intituled "*An Act for the more speedy trial before Police and Stipendiary Magistrates in the Province of Ontario of persons charged with felonies or misdemeanours*," is hereby repealed.

No. 57.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to make other provision as to the more speedy trial in certain cases of persons, charged with felonies and misdemeanors, in the Provinces of Ontario and Quebec.

Received and read the first time, Thursday, 9th March, 1876.

Second Reading, Friday, 10th March, 1876.

MR. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 58.] **BILL.** 1876.

An Act to extend the Acts respecting Dominion Notes to Provinces of Prince Edward Island, British Columbia and Manitoba.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Act passed in the thirty-first year of Her Majesty's Reign, intituled "*An Act to enable Banks in any part of Canada to use Notes of the Dominion instead of issuing Notes of their own*," as amended by the several Acts, thirty-third Victoria, chapter ten, thirty-fifth Victoria, chapter seven, and thirty-eight Victoria, chapter five, is hereby extended and shall apply to the Provinces of Prince Edward Island, British Columbia and Manitoba, and the Provincial and Dominion Notes mentioned in the Act first cited shall be a legal tender in the said Provinces, in like manner as in the other Provinces to which the said Acts now extend, and the Governor may in his discretion establish branch offices of the Receiver General's Department at Charlottetown, Victoria and Winnipeg, respectively, or any of them, for the redemption of Dominion Notes, or may make arrangments with any chartered bank or banks for the redemption thereof, and may allow a fixed sum per annum for such service at all or any of the said places; and specie or debentures used at any such place for redemption of Dominion Notes, shall be deemed to be held by the Receiver General.

Acts 31 V., c. 46, 33 V., c. 10, 35 V., c. 7 & 38 V., c. 5, extended to the said Provinces.

Provision for redemption of Dominion Notes.

No 58

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to extend the Acts respecting Dominion Notes to Provinces of Prince Edward Island, British Columbia and Manitoba.

Received and read the first time, Thursday, 9th March, 1876.

Second reading, Friday, 10th March, 1876.

MR. CARTWRIGHT.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1876.

No. 59.] **BILL.** [1876.

An Act to extend the Acts therein mentioned, respecting Weights and Measures, and the Inspection of Gas and Gas Meters to Prince Edward Island.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. The Act passed in the thirty-sixth year of Her Majesty's Reign, and intituled : "*An Act respecting Weights and Measures*," as amended by the Act passed in the thirty-eighth year of Her Majesty's Reign, and intituled : "*An Act to compel persons delivering certain merchantable liquids in casks, to mark on such casks the capacity thereof*," and the Act passed in the thirty-sixth year of Her Majesty's Reign, and intituled : "*An Act to provide for the inspection of Gas and Gas Meters*," shall from and after the day , in the present year, 1876, extend and apply to the Province of Prince Edward Island, as fully and effectually in all respects as to those Provinces of Canada to which they now extend. Acts 36 V., c. 47— 38 V., c. 36, and— 36 V., c. 48, extended to P. E. Island.

2. Upon, from and after the day last above mentioned, the Act of the Legislature of the said Province of Prince Edward Island, passed in the nineteenth year of Her Majesty's Reign, and intituled : "*An Act to consolidate the laws relating to Weights and Measures*," and the Act of the said Legislature passed in the 32nd year of Her Majesty's Reign, intituled : "*An Act to add to the Act relating to Weights and Measures*," and the Act of the said Legislature, passed in the twenty-fifth year of Her Majesty's Reign, intituled : "*An Act for establishing the Standard Weight of Grain and Pulse, and for the appointment of officers for measuring and weighing the same*," and so much of the Act of the said Legislature, passed in the Session held in the 35th and 36th years of Her Majesty's Reign, intituled : "*An Act to revive and continue certain Acts, therein mentioned*," as revives or continues any of the said Acts or any Act relating to Weights and Measures, shall be repealed, with so much of any Act or law in force in the said Province, as may be inconsistent with the provisions of those hereby extended to the said Province, or with any of them. Acts of P. E. Island, 19 V., c. 3, 32 V., c. 6, 25 V., c. 14, and— 35-36 V., c. 29, repealed, with any other inconsistent laws.

No. 59.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to extend the Acts therein mentioned, respecting Weights and Measures, and the inspection of Gas and Gas Meters, to Prince Edward Island.

Received and read the first time, Thursday 9th March, 1876.

Second reading, Friday, 10th March, 1876.

Mr. LAIRD.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1876.

No. 60.] **BILL.** [1876.

An Act to provide for the payment of a temporary grant to the Province of Manitoba.

Preamble.

WHEREAS, from the circumstances stated in the Minute of the Governor in Council, bearing date the twenty-sixth day of October, one thousand eight hnndred and seventy-five, laid before Parliament during the present session, it appears that it is expedient that Canada should make to the Province of Manitoba a temporary annual grant snfficient to raise the yearly revenue of the Province derivable from Canada to ninety thousand dollars: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Temporary yearly grant to Manitoba authorized.

1. Manitoba shall receive from Canada, in addition to the subsidy now payable under the Act in that behalf, an annual grant of twenty-six thousand seven hundred and forty-six dollars and ninety-six cents, being the sum required to raise the revenue of the Province derivable from Canada to the amount aforesaid; the said grant to be payable by half-yearly instalments, and to commence and be reckoned from the first day of July, one thousand eight hundred and seventy-five, and to continue until the end of the year one thousand eight hundred and eighty-one.

Out of Consolidated Revenue Fund.

2. The sums payable under this Act shall be a charge upon and payable out of the Consolidated Revenue Fund of Canada.

[No. 60.]

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to provide for the payment of a temporary grant to the Province of Manitoba.

Received and read the first time---Thursday, 9th March, 1876.

Second reading---Friday, 10th March, 1876.

MR. MACKENZIE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.

1876.

No. 61.] **BILL.** [1876.

An Act to amend the Act thirty-fifth Victoria, chapter one hundred and eight, intituled: "An Act to amend the Act incorporating the London and Canadian Loan and Agency Company (limited)."

WHEREAS the London and Canadian Loan and Agency Company (limited), have by their petition prayed that the Act amending their Act of incorporation, passed in the thirty-fifth year of Her Majesty's reign, chapter one hundred and eight, may be amended in the manner hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The eighth section of the said Act is hereby amended by adding thereto at the end thereof the words, "for the time being not paid up."

No. 61

3rd Session, 3rd Parliament, 39 Vic., 1876.

BILL.

An Act to amend the Act 35 Victoria, chapter 108, intituled: "An Act to amend the Act incorporating the London and Canadian Loan and Agency Company (limited)."

Received and read the first time, Friday, 10th March, 1876.

Second reading, Monday, 13th March, 1876.

(PRIVATE BILL.)

MR. KIRKPATRICK.

OTTAWA:
Printed by MacLean, Roger & Co Wellington Street,
1876.

No. 62.] **BILL.** [1876.

An Act respecting "The Canada Southern Bridge Company."

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The time specified for the construction by the Canada Southern Bridge Company, of the works which the Detroit River Railway Bridge and Tunnel Company was authorized to construct under the Acts relating to said Company, is hereby extended to three years for the commencement and seven years for the completion, respectively, of the said works from the passing of this Act.

No 62.

3rd Session, 3rd Parliament, 39 Vict., 1876.

BILL.

An Act respecting "The Canada Southern Bridge Company."

Received and read first time, Friday, 10th March, 1876.

Second reading, Monday, 13th March, 1876.

(PRIVATE BILL.)

MR. OLIVER.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 63.] **BILL.** [1876.

An Act to incorporate "The National Trust and Investment Company of Canada, (Limited)."

WHEREAS the persons hereinafter named and others, purpose to establish a Joint Stock Company, and have petitioned for an Act of Incorporation for the said Company; and whereas it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Honorable M. C. Cameron, Samuel Nordheimer, Edward Gurney, junior, G. W. Torrance, William Alexander, John Stark, William Galbraith, A. V. De Laporte, Benjamin Lyman, Thomas Thomson, Robert Hume, Alfred Hoskin, W. A. Farlane and C. S. Jones, and all or any other person or persons, bodies politic and corporate, who, as trustees, executors, guardians, tutors, successors or assigns, or by any other lawful title, may hold any part, share or interest in the capital stock of the said Company, and their executors, administrators, successors and assigns, shall be and they are hereby constituted a body corporate and politic under the name and style of "The National Trust and Investment Company of Canada, (Limited)," and shall by that name have perpetual succession and a common seal, and by the same name be capable of suing and being sued in all courts of justice in Canada. Incorporation.

2. The said the Honorable M. C. Cameron, Samuel Nordheimer, William Alexander, John Stark, William Galbraith, A. V. De Laporte, Benjamin Lyman, Thomas Thomson, Robert Hume, Alfred Hoskin, Edward Gurney, junior, G. W. Torrance, W. A. Farlane, and C. S. Jones, shall be Provisional Directors of the said Company. Provisional Directors.

3. The head office of the said Company shall be in the City of Toronto, but it shall be lawful for the said Company to have branch offices in various places in the Dominion of Canada, and to appoint persons to manage the same. Head Office.

4. The capital stock of the said Company shall be two million dollars divided into twenty thousand shares of one hundred dollars each; but it shall be lawful for the said Company by resolution, passed at any general meeting of the shareholders, to increase the capital stock from time to time as may be deemed expedient to any sum not exceeding five million dollars, and to raise the amount of the new stock Capital stock. Increase.

either by distribution amongst the original shareholders, or by the issue of new shares, or partly in one way and partly in the other; and the said new stock shall be subject to all such incidents, both with reference to the payment of calls and forfeiture, and as to the powers of lending and borrowing or otherwise as the original stock; and all shares in the capital of the said Company shall be personal estate and transmissible as such.

Stock books may be opened.

5. For the purpose of organizing the Company, the Provisional Directors, or a majority of them, may cause stock-books to be opened after giving due public notice thereof in some one or more newspapers published in the City of Toronto, in which stock-books shall be recorded the names and subscriptions of such persons as desire to become shareholders in the Company, and such books shall be opened in the City of Toronto and elsewhere at the discretion of the said Provisional Directors or a majority of them, and shall remain open so long as they may deem necessary: Provided that no person or body corporate shall hold more than one thousand shares in the Company, and provided that each subscriber of stock shall pay ten per centum upon the amount of the stock subscribed by him within thirty days after his subscription, and in default the said Provisional Directors, in the name of the said Company, or the said Company after its organization, shall be entitled to sue the defaulter for the amount unpaid in respect of such stock.

Proviso.

Meeting for election of Directors, &c.

6. So soon as five hundred thousand dollars of the capital stock shall have been subscribed, and ten per centum thereof paid up, the said Provisional Directors shall call a general meeting of the shareholders, to be held in the City of Toronto, of which meeting not less than four weeks' notice shall have been given by public advertisement by four insertions in the *Canada Gazette*, and four weekly insertions in one of the daily newspapers published in the City of Toronto, for the purpose of passing by-laws for the management of the affairs of the Company, the election of Directors, the appointment of officers, and generally for the exercise of the powers conferred on the shareholders by this Act: Provided always, that no one shall be eligible for the office of Director unless he shall be a shareholder, at all times, whilst holding office, to the amount of twenty-five shares, and shall have paid up all calls.

Qualification of Directors.

Term of powers of Provisional Directors.

7. So soon as Directors shall have been appointed under the next preceding section, the power and functions of the Provisional Directors shall cease and determine.

Investment of capital, and business of the Company.

8. It shall be lawful for the said Company to lay out and invest their capital, moneys borrowed on debentures, moneys deposited, and the rest or reserve fund, in the first place in paying or discharging all costs, charges and expenses of and incidental to the obtaining of this Act, and of the formation and establishment of the said Company, and the remainder, or so much thereof as may, from time to time, be necessary, for and towards carrying out the objects of

their undertaking as hereinafter mentioned, that is to say—from time to time and at all times to lend and advance money, by way of loan or otherwise, on real and leasehold estates in the Dominion of Canada, to be secured by such real security, by mortgage or otherwise, for such period and upon such terms, and at such rates of interest as may be agreed upon; to buy, acquire, hold and dispose of mortgages upon real and leasehold estates and the bonds and debentures of municipal and other corporations, and the debentures and other securities of the Dominion of Canada and of the several Provinces of the Dominion, and to buy and sell evidences of debt secured by mortgage or pledge of freehold or leasehold lands; to lend and advance money upon personal estate or security when the same shall be collaterally secured, and to take an assignment of and to hold such collateral security, and to resell and assign the same to such time and in such manner as to the Company may seem expedient, and the said Company may do all acts that may be necessary for advancing such money and for the recovery and repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions annexed to such advance or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes. General powers.

9. In the event of the said Company making any loans upon personal securities, with collateral security, or securities for the repayment of the said loans, if the repayment is not made on such loans becoming due, it shall be lawful for the said Company, upon such loans becoming due and remaining unpaid for seven days after they shall so become due, to cause such collateral securities to be exposed for sale by public auction, private sale, tender or otherwise, after due advertisement thereof, and after notice thereof shall have been given to the borrower, or party depositing such collateral security, by addressing and mailing to his last known place of abode a letter containing such notice; and such sale may be so made of whatever nature such collateral securities may be, whether consisting of mortgages, chattel mortgages, stocks, bonds or debentures, and the said Company shall only be bound to account to the person or persons indebted to them in the amount of such loan for the actual net proceeds of the sale of such collateral securities after deduction of all costs, charges and expenses thereon, as between solicitor and client: Provided always, that nothing herein contained shall prevent the said Company from collecting or realizing such debt or any balance which may be due thereon on such collateral securities in any other way that the Directors may deem for the interest of the said Company. Recovering upon collateral securities. Proviso.

10. The Directors may from time to time, with the consent of the majority of the shareholders present or represented in a general meeting, borrow money upon the debentures of the Company, at such rate of interest and Power to issue debentures.

upon such terms as they may think proper, which debentures and the coupons thereto shall be in the form or to the effect set forth in Schedule "A" to this Act annexed, and the Directors may for that purpose make or cause to be made debentures under the common seal of the Company, for sums not less than four hundred dollars, or one hundred pounds sterling money, which may be made payable at any place, and either to order or bearer, and may have interest coupons attached, and such debentures and coupons shall be signed by the President or Vice-President and the manager of the said Company, and shall be under the common seal of the said Company, and shall be payable at such time and place as the said debentures and coupons shall therein respectively state: Provided, that no purchaser of a debenture or debentures of the said Company shall be bound to enquire into the occasion of any such loan, or the issuing of any such debenture or debentures, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted: and the said Company may receive money on deposit at such rate of interest, and repayable at such time and in such manner as may be agreed upon: Provided, that the amount of debentures issued and remaining unpaid, and the deposits, shall together not exceed at any time one half of the subscribed capital of the Company, and provided that no debentures shall be issued until twenty per cent. of the subscribed capital has been paid up.

And receive money on deposit.

Power to act as an Agency and Trust Association.

11. The said Company is hereby empowered to act as an Agency and Trust Association, upon such terms as to commission and remuneration as may be agreed upon, and may hold, invest and deal in its own name or otherwise, as may be agreed upon, with all such moneys, mortgages, hypothecs, securities and evidences of debt as shall from time to time be entrusted, transferred or delivered to them as agents; and they are also authorized to act generally as agents or attorneys for the transaction of business, the management of estates, the collection of rents, interests, dividends, mortgages, bonds, debts and securities therefor, and may exercise all the rights and privileges which the parties so entrusting, transferring or delivering the same might or could exercise; and the said Company may give such guarantee or security as may be agreed upon for the repayment of principal or interest, or both, of any such moneys, mortgages, hypothecs, securities or evidences of debts, or for the payment of the said rent, interest, dividends, bonds and debts; and for all and every and any of the foregoing purposes may lay out and employ the capital and property for the time being of the Company, or any part of the moneys herein authorized to be raised by the Company, in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid, and to do, assent to and exercise all acts whatsoever, in the opinion of the Directors of the Company for the time being, requisite or expedient to be done in regard thereto. And it shall be lawful for the said Company, in exercising the powers conferred by this section, as agents for others, to lend money on any security, real or personal, or

both, and to purchase mortgages, debentures of municipal and other corporations, and other securities, and the same to resell as they may deem advisable, and for that purpose to execute such assignments or other instruments as may be necessary for carrying the same into effect.

Acquiring lands by the Company.

12. The Company may hold such real estate, as may be necessary for the transaction of their business or as being mortgaged or hypothecated to them may be acquired by them for the protection of their investments, and may from time to time sell, mortgage, lease or otherwise dispose of the same: Provided always, that it shall be incumbent upon the Company to sell such real estate, acquired in satisfaction of any debt, the premises occupied by the Company aforesaid excepted, within five years after so acquiring it.

Proviso.

Payments of loans, how they may be made.

13. The Company may stipulate for payment of any loan made by them in one sum or in instalments, and may stipulate for and demand and receive in advance, half-yearly, the interest from time to time accruing on any loans granted by the Company, and may add the principal and interest upon any loans together, and make the same payable in instalments, and may also receive an annual, semi-annual or quarterly payment on any loans by way of a sinking fund for the gradual extinction of such loan, upon such terms and in such manner as may be regulated by the by-laws of the Company; and it shall and may be lawful for the said Company to sell and assign any mortgage or mortgages, or other security made to or held by the said Company.

Expenses incidental to a loan may be added thereto.

14. It shall be lawful for the said Company, instead of requiring from the borrower the payment of the expenses incidental to any loan at the time the loan is advanced, to give such time for the payment of the same as may be advised, and to add the same to the principal or interest secured by any mortgage or other security securing the loan.

Annual meetings.

15. The general annual meeting of the Company shall be held on the second Wednesday of the month of January in each year, or such other day as may be appointed by the Directors, of which not less than four weeks' notice shall have been given in the *Canada Gazette*, and one of the daily newspapers published in the City of Toronto; and all elections of Directors shall be held and made by such of the shareholders present, or represented by proxy, as shall have paid the ten per cent above prescribed, and all calls made by the Directors and then due; and all such elections shall be by ballot; and the persons who shall have the greatest number of votes at any such election shall be Directors except as hereinafter directed; and if there is any doubt or difficulty in such election, by reason of two or more persons receiving an equal number of votes, then there shall be a re-ballot as between such persons, which re-ballot may be repeated as often as deemed advisable by the meeting; or instead of a re-ballot, the Directors as to whose election there is no such doubt or difficulty, may, if deemed advi-

Election of Directors.

Election of Officers.

sable by the meeting, determine which of the persons having an equal number of votes shall be Director or Directors; and the said Directors, so soon as may be after their election, shall proceed to elect one of their number to be President and another Vice-President; and if any vacancy shall at any time happen amongst the said Directors by death, resignation, disqualification, incapacity, or removal, or otherwise, during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors, or a majority of them, electing in such place or places a shareholder or shareholders eligible for such office: Provided always, that the Directors, including the President and Vice-President, shall not exceed seven in number.

Proviso.

Scale of votes.

16. At all general meetings of the said Company each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which share all calls then due have been paid; such votes may be given either in person or by proxy, and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, in person or by proxy, the Chairman presiding at such meeting having the casting vote in case of an equality of votes, but no person shall in right of any debenture be deemed a shareholder, or be capable of acting or voting as such at any meeting of the Company.

Votes of joint shareholders at meetings.

17. If several persons be jointly entitled to a share or shares, the person whose name stands first on the register of shareholders as one of the holders of such share or shares, shall for the purposes of voting at any meeting be deemed the sole proprietor thereof, and on all occasions the vote of such first named shareholder alone, either in person or by proxy, shall be allowed as the vote in respect of such share or shares, and no proof of the concurrence of the other holders thereof shall be required.

Company not to be dissolved by failure to elect Directors.

18. If at any time an election of Directors be not made, or do not take effect at the proper time, the Company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the Company duly called for that purpose by the Directors for the time being, and the Directors in office shall so continue until a new election is made.

Quorum of Directors.

19. At all meetings of Directors three shall be a quorum for the transaction of business, and all questions before them shall be decided by a majority of votes, and in case of an equality of votes, the President, Vice-President or presiding Director shall give the casting vote.

Powers of Directors, as to by-laws.

20. The Directors shall have full power and authority, from time to time, to make and alter such by-laws, rules, regulations and ordinances as shall appear to them proper and needful touching the well ordering of the said Company; and such by-laws shall be reduced to writing, and shall have affixed thereto the common seal of the Company,

and any copy thereof or extract therefrom certified under the hand of the President, Vice-President or manager of the said Company shall be evidence in all courts of justice in Canada of such by-laws or extract from them, and that the same were duly made and are in force; the said Directors shall also have full power and authority over the management of its stock, property, estate and effects, the declaring of dividends and bonuses, and the amount of the same respectively, and the dates and mode of payment thereof; the share of the profits to be set aside as a rest or reserve fund; and the calling of special general meetings; the regulation of the meetings of the Board of Directors; the establishment, appointment and removal of agents and branch offices, and the definition of the duties and powers of such agents and branch offices; the making of calls upon the subscribed capital and the issuing of stock; the appointment and removal of all agents, officers and clerks of the Company; the regulation of their powers and duties, and the salaries to be paid to them; the compensation of Directors; and generally the Directors may, in addition to the powers expressly conferred upon them, exercise all such powers, give all such covenants, make all such engagements and agreements, and do all such acts and things as are and shall be necessary and proper for the due management of the affairs of the Company and for carrying out the provisions of this Act according to its true meaning and spirit: Provided that the Directors shall not make any dividend or bonus whereby the capital stock shall be diminished.

General powers

21. Provided always, that all by-laws, rules, regulations and ordinances may be varied, altered or cancelled at the next annual general meeting, held after the passing of the same, and shall be presumed to have been approved of by such meeting, except in so far as they shall be varied, altered or cancelled, and shall thereafter have force and effect as if approved: Provided further, that no such variation, alteration or cancellation shall invalidate anything done in persuance or by virtue of such by-laws, rules, regulations and ordinances, or injuriously affect the position or rights of any person: And provided further, that such by-laws do not contravene the provisions of this Act.

By-laws may be amended or cancelled.

22. The Directors may from time to time appoint one or more of the Directors to accept and hold any lands or property, real or personal, in trust for the Company, and to cause all such acts, deeds, matters and things to be made and done as shall be requisite to vest such lands or property, real or personal, in the person or persons so appointed, and they may, from time to time, remove any such person or persons, and appoint another or others instead.

Trustee Directors.

23. The acts of the Directors, or of any quorum thereof, or of any committee appointed by the Directors, or by any quorum thereof, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of any such Directors or of any member of any such committee, or that they or any of them were or was disqualified, be

Defect not to vitiate action of Committee.

as valid as if such person or persons had been duly appointed, and was qualified to be a Director or Directors.

Directors saved harmless.

24. Every Director of the Company, and his heirs, executors and administrators and estate and effects respectively, shall, from time to time, and at all times be indemnified and saved harmless out of the funds of the Company from and against all costs, charges and expenses whatsoever which he shall or may sustain or incur in or about any action, suit or proceeding which shall be brought, commenced or prosecuted against him for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him in or about the execution of the duties of his office, and also from and against all other costs, charges and expenses which he shall sustain or incur in or about or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default.

Responsibility of Directors.

25. Every Director of the Company, and his heirs, executors and administrators and estates and effects respectively, shall be charged and chargeable only with so much money as he shall actually receive, and shall not be answerable or accountable for his co Directors or any or either of them, but each of them for his own acts, deeds and defaults only; nor shall the Directors or any of them respectively be answerable or accountable for any person or persons who may be appointed under or by virtue of this Act, or of the by-laws of the Company as aforesaid, or otherwise under and by virtue of the rules and regulations of the Company for the time being in force, to collect or receive any moneys payable to the Company, or in whose hands any money or properties of the Company shall or may be deposited or lodged for safe custody, nor for the insufficiency or deficiency of any title to any property which may from time to time be purchased, taken or leased or otherwise acquired by order of the Directors, or otherwise, for or on behalf of the Company, nor for the insufficiency or deficiency of any security in or upon which any of the moneys of the Company shall be invested; nor shall any Director be answerable for any loss, damage or misfortune whatsoever which shall happen in the execution of the duties of the office of such Director, or in relation thereto, unless the same shall happen through his own wilful neglect or default.

Stock may be reserved.

26. The Directors may reserve the issue of any portion of the shares constituting the present or any future increased capital of the Company until such further time as they shall think expedient, and may issue any portion of them from time to time as and when they shall think proper.

Issue of such stock.

27. The shares which may be reserved by the Directors shall be offered to the members in proportion to the existing shares held by them, and such offer shall be made by the notice specifying the number of shares to which the member is entitled, and limiting a time within which such offer, if not accepted, will be deemed to be declined, and after the expiration of such time, or on the receipt of an intimation

from the member to whom such notice is given that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

Calls on shares.

28. The Directors may from time to time make calls upon the shareholders of the Company not exceeding ten per centum per annum on each share held by them.

No payment in advance.

29. No shareholder shall be entitled to pay on the shares held by him more than the calls made thereon by the Directors.

Notice of call.

30. No call shall be made without giving notice to the shareholder by mailing the same to his last known address at least thirty days before the day on which such call shall be payable.

Certificate to be delivered.

31. On demand of the holder of any share, the Company shall cause a certificate of proprietorship of such share to be delivered to such shareholder, and such certificate shall have the common seal of the Company affixed thereto, and shall be signed by the President, Vice-President or Manager: such certificate shall specify the share or number of shares in the undertaking to which such shareholder is entitled and the amount paid thereon, and such certificate, if lost or destroyed, may be removed.

Payment of calls.

32. Each shareholder shall be liable to pay the amount of any call lawfully made upon him to such person and at such time and place as the Directors shall appoint.

Interest on unpaid calls.

33. A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed; and if a shareholder shall fail to pay all calls due from him before or on the day appointed for payment, he shall pay interest for the same at the rate of six per centum per annum from the day appointed for payment to the time of actual payment, and may be sued for the amount thereof in any court of law or equity having competent jurisdiction, and in any action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more, stating the number and amount of each of such calls whereby an action hath accrued to the said Company by virtue of this Act.

Evidence in actions for calls.

34. On the trial of such action, it shall be sufficient to prove that the defendant, at the time of making such call, was a holder of one share or more in the Company, and that such call was in fact made, and such notice thereof given as is directed by this Act, and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever, and thereupon the Company shall be entitled to recover what shall be due upon

such call, with interest at six per centum per annum, unless it shall be shown that such call or calls was or were not made in conformity with the provisions of this Act. The production of the register book of shareholders of the Company, or a certified extract therefrom, under the signature of the President, or Vice-President or Manager of the Company, shall be *primâ facie* evidence of such defendant being a shareholder, and of the number and amount of his shares and of the sums paid in respect thereof.

Forfeiture of shares.

35. If the holder of any share fail to pay a call payable by him in respect thereof, together with the interest which shall have accrued thereon, the Directors, at any time after the expiration of one month from the day appointed for payment of such call, may declare such share forfeited, and that whether the Company have sued for the amount of such call or not. No advantage shall be taken of such forfeiture unless the share shall be declared to be forfeited at a meeting of the Directors to be held after the expiration of three months at least from the day on which notice in writing shall be sent by post to the last known address of the shareholder in default of the intention to make such declaration of forfeiture, and it shall be lawful for the Directors to confirm such forfeiture at any such meeting, and at any subsequent meeting to direct the share so forfeited to be sold by public auction, private sale or tender, or otherwise be disposed of, and after such confirmation the Directors may sell in manner aforesaid the forfeited shares, and either separately or together in lots as to them may seem meet.

Evidence of forfeiture of shares.

36. A declaration in writing by an officer or servant of the Company, or by some credible person (not interested in the matter), made before a notary public under his hand and seal, or before a Commissioner for taking affidavits in the Superior Courts of the Province of Ontario, or before a notary public, under his hand and seal, or before a commissioner authorized to take affidavits for use in any of the courts of law and equity in the Province of Quebec, in England, Ireland or Scotland, or before a notary public in the United States of America, all of whom are hereby authorized to take such declaration, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated, and such declaration and receipt of the Manager, or President or Vice-President of the Company, for the price of such share, shall constitute a good title to such share, and thereupon the purchaser shall be deemed the proprietor of such share discharged from all calls made prior to such purchase; and a certificate of proprietorship shall be delivered to such purchaser upon his signing an undertaking to hold the said shares so purchased by him as aforesaid, subject to the provisions of this Act, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to any such sale.

Certificate.

37. The Company shall not sell nor transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter, on account of any calls, together with interest and the expenses attending such sale and declaration of forfeiture, and if the money produced by the sale of any such forfeited share or shares be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses aforesaid, the surplus shall, on demand, be paid to the defaulter, or if not so paid, applied in and towards satisfaction of any calls made thereafter, but prior to such demand being made as last aforesaid in respect of the remaining unsold shares of such defaulter. No more shares to be sold than sufficient to meet claim.

38. If the payment of such arrears of calls and interest and expenses be made before any share or shares so forfeited and vested in the Company shall have been sold, such share or shares shall revert to the party to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid. Redemption forfeited shares.

39. Subject to the regulations herein contained, any shareholder may sell or transfer his shares or any of them, but no transfer of any share or shares of the stock of the said Company shall be valid until entered in the books of the Company according to such form as may, from time to time, be fixed by by-law : Provided always, that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors, and no transfer of stock shall at any time be made until all calls thereon shall have been paid, or without the consent of the Directors of the Company, unless the entire amount of such share shall have been paid up. Transfer of shares.

40. The shareholders of the Company shall not as such be held responsible for any debt, act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the Company beyond the extent of their respective shares in the capital stock thereof not then paid up, and no action shall be brought against any shareholder therefor until an execution against the Company has been returned unsatisfied in whole or in part. Liability of shareholders limited.

41. It shall be the duty of the Directors to declare and make half-yearly dividends of so much of the profits of the Company, as to them or a quorum of them may seem advisable, and to give public notice of the payment of such dividend, at least ten days previously, but no dividend shall bear interest against the Company, and no dividend shall be paid in respect of any share or shares, until all calls then due in respect of that or any other share held by the person to whom such dividend may be payable shall have been paid, and the Directors of the said Company shall be at liberty to apply the dividends, or such portion thereof as Dividends.

may be necessary, in or towards payment of any overdue and unpaid calls or call due by the shareholder entitled to such dividends.

Reserve fund.

12. Before declaring any dividend, the Directors may, if they think fit, from time to time set apart from and out of the profits of the said Company such sum as they may think advisable for the purpose of forming a rest or reserved fund to meet contingencies, or for enlarging or improving the estate of the Company, or promoting the objects and purposes for which they are incorporated.

Annual statement.

13. At every annual meeting of the shareholders the outgoing Directors shall submit a clear and full statement of the affairs of the Company for the year preceding, showing in detail, on the one hand, the debts, liabilities and engagements of the Company, and on the other the assets and resources thereof, but such statement shall not disclose the names or private affairs of any person doing business with the said Company.

Register book of stockholders.

14. The Company shall keep a book to be called "The Register Book of Shareholders," and in such book shall be fairly and distinctly entered, from time to time, the names, addresses and additions of the several persons being shareholders of the Company, and the amount of the subscriptions paid on the shares of each member, and such book shall at all convenient times be open to the inspection of every shareholder or creditor of the Company, or the agent of such shareholder or creditor, who may demand written extracts therefrom, which shall be furnished to him on payment of a fee of twenty cents for every one hundred words.

Shares transmitted in consequence of death, &c.

15. If the interest in any shares shall become transmitted, in consequence of the death, bankruptcy or insolvency of any shareholder, or by any other legal means than by a transfer according to the provisions of this Act, the same shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors shall require; and every such declaration shall distinctly state the manner in which the party to whom such share or shares shall have been so transmitted, and shall be made and signed, and shall be by such party acknowledged before a notary public, under his hand and seal, or a Commissioner for taking affidavits in the Superior Courts of any of the Provinces of the Dominion of Canada, who are hereby authorized to take such acknowledgments, or before a notary public, under his hand and seal, or a Commissioner duly authorized to take affidavits to be used in any of the Superior Courts of England, Ireland and Scotland, and the United States of America, if such acknowledgment be taken in Great Britain or Ireland or the United States of America, and such acknowledgment shall be left with the manager, and thereupon the manager shall enter the name of the person entitled under such transmission in the register book of transfers, whereby such person shall be and become a shareholder in the said Company; and until such transmission

shall have been so authenticated, no person or party claiming, by virtue of such transmission, shall be entitled to receive any share of the profits of the Company, nor to vote in respect of any such shares as the holder thereof.

Notice to joint shareholders.

46. With respect to any share or shares to which several persons may be jointly entitled, all notices directed to be given to the shareholders shall be given to such of the said persons whose name shall stand first in the register book of shareholders, and notice so given shall be sufficient notice to all the proprietors of such share or shares, unless any of such joint proprietors shall, by writing under his hand, request such notice to be given to him.

Company not bound to see to the execution of trusts.

47. The Company shall not be bound to see the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share or shares shall stand in the books of the Company shall, from time to time, be a sufficient discharge to the Company for any dividends or other sum of money payable in respect of such share or shares, notwithstanding any trusts to which such share or shares may be subject, and whether or not the Company have had notice of such trusts, and the Company shall not be bound to see to the application of the money paid upon such receipt, and the said Company shall not be affected by any trust, expressed, implied or constructive, whether the same shall or shall not be entered on their books.

Minutes of appointments and contracts

48. The Directors shall cause notices, minutes or copies as the case may require, of all appointments made, or contracts entered into by the Directors to be duly entered in books to be, from time to time, provided for the purpose, which shall be kept under the superintendence of the Directors, and every such entry shall be signed by the Chairman of the meeting at which the matter, in respect of which such entry is made, was moved or discussed at or previously to the next meeting of the Company or Directors as the case may be, and a copy of such entry, certified by the President, Vice-President or Manager shall be received as evidence in all courts, and before all judges, justices and others, without proof of such respective meetings having been duly convened, or of the persons making or entering such orders or proceedings being shareholders or Directors respectively, or of the signature of the President, Vice-President or Manager all which last mentioned matters will be presumed, and all such books shall at any reasonable time be open to the inspection of any of the shareholders.

Service of process on the Company.

49. Any summons, notice, order or other document required to be served upon the Company shall be served by leaving the same at the head office in Toronto with any grown person in the employ of the Company, and who at the time of such service shall be present in the office of the Company, but not otherwise.

Authentication of documents of the Company.

50. Any summons, notice, order or proceeding requiring authentication by the Company may be signed by the President, Vice-President, Secretary or other authorized officer of the Company and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Service of notices on members by the Company.

51. Notices requiring to be served by the Company upon the members, may be served either personally or by leaving the same for, or sending them through the post in prepaid letters addressed to the members at their registered places of abode.

Evidence of service by post on members by the Company.

52. A notice or other document served by post by the Company on a member shall be taken as served at the time when a letter containing it would be delivered in the ordinary course of post; to prove the fact and time of service, it shall be sufficient to prove that such letter was properly addressed and was put into the post office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post.

Effect of notice on members.

53. Every person who, by operation of law, transfer or other means whatsoever, shall become entitled to any share or shares, shall be bound by any and every notice which, previously to his name and address being entered upon the register of members in respect of such share or shares, shall have been given to the person from whom he shall derive his title.

Annual statement to the Government.

54. The said Company shall furnish annually to the Minister of Finance a statement in duplicate, verified by the declaration of the President, or Vice-President and the Manager setting out the capital stock of the Company and the proportion thereof paid up, the assets and liabilities of the Company, and such other details as to the nature and extent of the business of the Company as may, from time to time, be required by any Act of the Parliament of Canada.

Seal.

55. The said Company shall have a corporate seal, which shall be kept at the head office in the City of Toronto, and the President, Vice-President or Manager shall have full power to execute, sign and deliver and affix the seal of the said Company to all deeds, discharges, releases, leases, transfers, assignments, bonds, indemnities, warrants, agreements, papers, writings and all other instruments and documents which shall or may be necessary or be required to be signed or executed on behalf of or in the conducting of the business of the said Company: Provided always, that the same shall in all cases be signed by the Manager or other duly authorized officer of the said Company. All cheques, drafts, bills of exchange or letters of credit which shall be made or drawn on behalf of or upon the said Company shall be signed or accepted by the President, Vice-President or a Director of the Company, and countersigned by the Manager or other duly authorized officer of the said Company.

Cheques, &c.

56. In any action or proceeding at law, criminal or civil, or in equity, it shall not be necessary to give any evidence to prove the seal of the Company or the signature of the President, Vice-President or Manager or other duly authorized officer, and all documents sealed with the seal of the Company, or signed with the signature of the President, Vice-President or Manager or other duly authorized officer of the Company, shall be held to have been duly sealed with the seal of the Company, and to have been duly signed by the President, Vice-President or Manager or other duly authorized officer as aforesaid. Evidence of seal or signature of President.

57. In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:—The word "Company" means "The National Trust and Investment Company of Canada, (Limited);" words importing the singular number include the plural number, and words importing the plural number include the singular number; the word "month" means a calendar month; the word "lands" and the words "real estate" extend to messuages, lands, tenements and hereditaments of any tenure; the expressions "the Directors" and "the Manager" mean the Directors and the Manager respectively, for the time being of the said Company. Interpretation of certain words.

SCHEDULE A.

Debenture No. transferable.

$ (*or* £) under the authority of an Act of the Dominion of Canada Victoria, chapter

The National Trust and Investment Company of Canada, (Limited), promise to pay to the bearer the sum of dollars (or pounds sterling) on the day of in the year of our Lord one thousand eight hundred and , at the head office of the said Company in the (*state either the head office at Toronto, or their agents in London, England*), with interest at the rate of per centum per annum, to be paid half-yearly on presentation of the proper coupon for the same as hereunto annexed, say on the days of in each year, at the office or the agents aforesaid.

Dated at Toronto (or) the day of A.D. 18

For the President and Directors of the National Trust and Investment Company of Canada, (Limited).

A. B.,
President (or Vice-President.)

C. D.,
Manager.

COUPON.

The National Trust and Investment Company of Canada (Limited) No. 1, $ (*or* £), half-yearly dividend due day of 18 on Debenture No. issued by this Company on the day of , 18 for $ (*or* £) at per cent. per annum, payable at the head office at Toronto (*or at their agents in London, England*).

For the President and Directors,

A. B.,
President (*or Vice-President.*)

C. D.,
Manager.

No. 63.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to incorporate the National Trust and Investment Company of Canada, (Limited).

Received and read the first time, Friday, 10th March, 1876.

Second Reading, Monday, 13th March, 1876.

(PRIVATE BILL.)

MR BLAIN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.,
1876.

No. 64.] **BILL.** [1876.

An Act respecting Roads and Road Allowances in Manitoba.

Preamble.

WHEREAS in the surveys of townships under the Dominion Lands Act, it is provided that Road Allowances, one chain and fifty links in width, shall be laid out between all sections; and whereas it is expedient to place the Road Allowances, now existing in Manitoba, and those which may hereafter be laid out in the said Province, under the control of the Provincial Legislature: And whereas there existed in the said Province upon, and antecedent to the transfer of the North West Territories to Canada, on the fifteenth day of July, 1870, and before any township surveys were effected, certain thoroughfares or public travelled roads or trails leading from Fort Garry or Winnipeg to the North West Territories, and to the United States, and also others connecting certain settlements within the Province; and whereas application has been made by the Provincial Government to have the said thoroughfares and public travelled roads or trails transferred to the Province, and to have allowances laid out for roads at convenient distances to connect the Township Road Allowances with the public travelled roads through the settlements on the Red and Assiniboine rivers, commonly known as the "Great Highways of the Settlement Belt"; and it is expedient to grant the said application to the extent and on the terms respectively hereinafter set forth: Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Certain road allowances to be the property of the Province.

1. The Road Allowances in townships surveyed and subdivided, and all Road Allowances set out on Block lines surveyed, in the Province of Manitoba, before the passing of this Act, shall be the property of the said Province.

And all others after survey and subdivision are approved.

2. On the survey and subdivision of any township within the Province, after the passing of this Act, and the approval of such survey and subdivision of any township, the fact shall be notified to the Lieutenant-Governor by the Minister of the Interior, and by virtue of such notification all section Road Allowances in such township, shall become the property of the said Province.

And public travelled roads and trails, on fyling of plan and description, and

3. On the Government of Canada receiving notice from the Provincial Government of the particular thoroughfares or public travelled roads or trails in the Province which existed as such on the fifteenth day of July, one thousand eight hundred and seventy, and which the said Provincial

Order in Council: subject to certain acquired rights.

Government desires to have transferred to the Province, such notice being accompanied by a plan and description by metes and bounds, by a Dominion Lands Surveyor, setting forth in the case of each such thoroughfare or public travelled road or trail, the exact line thereof, as the same may cross sections or lots, shewing the intersection of such lines with the section lines, and the distances in each case to the nearest section corner-posts or mounds, the Governor in Council may pass an Order transferring each such thoroughfare, public travelled road or trail according to such plan and description to the Province, subject, nevertheless, to any rights acquired under Patents for any lands crossed thereby issued previously to the receipt of such notice: Provided, that excepting those public thoroughfares in the Province designated by the Provincial Act 34 Vict., chap. 13, sect. 1, as "Great Highways" the width of which shall be two chains, no such thoroughfare, public travelled road or trail as abovementioned transferred to the Province, shall be held to have a greater width than one and a half chains or ninety-nine feet.

Proviso as to width of such roads.

Roads to be laid out in the "outer two miles."

4. The Minister of the Interior is hereby authorized and required to cause roads to be laid out, in the survey of the "Outer Two Miles" known as the "Hay Privilege" proposed to be granted to the owners of the front lots in the Old Parishes, as follows:—

In rear of and between certain farms.

1. A road one chain and fifty links wide in rear of the farms fronting on the Red and Assiniboine Rivers and between the said farms and the corresponding lots in the "Outer Two Miles" or "Hay Privilege" before-mentioned;

Between "outer two miles" and sections, &c., bounding thereon.

2. A road one chain and fifty links wide in rear of the lots contained in the "Outer Two Miles" or Hay Privilege, beforementioned, and between them and the sections, or legal subdivisions thereof, bounding the same, except in cases where the said rear boundary of the said lots may prove to be a regular section line in the township survey;

Between lots on "outer two miles."

3. Roads, each one chain in width, at convenient distances, say every two miles or thereabouts, between lots in the said Outer Two Miles, and running from the front to the rear thereof;

Where to be laid out.

4. The roads provided for in the next preceding subsection shall be laid out between such lots as the Minister of the Interior shall indicate with that view, and shall be taken half off each of such lots or the whole width off one of such lots in the discretion of the said Minister; and the persons to whom it is proposed to grant such lots may be compensated by the said Minister for the quantity of land respectively contributed by them to any such road, by the issue of land scrip to them at the rate of one dollar and fifty cents for each acre of land so contributed.

Compensation for land taken.

Transfer of such roads to the Province.

5. On the final completion of the survey and marking off of the lots and roads as above provided in the said Outer

Two Miles, and of the maps thereof, and the approval of the same, the Governor in Council may, on the report of the Minister of the Interior, transfer the said several roads provided for by the next preceding section, to the Province.

Land how vested, and on what conditions.

6. The unpatented land forming part of any road transferred under this Act to the said Province shall be the property thereof, the legal title thereto remaining in the Crown for the public use of the Province, but no such road shall be closed up, or its direction varied, or any part of the land occupied by it sold or otherwise alienated, without the consent of the Governor General in Council.

No. 64.

3rd Session, 3rd Parliament, 39 Vic., 1876.

BILL.

An Act respecting Roads and Road Allowances in Manitoba.

Received and read the first time, Friday, 10th March, 1876.

Second reading Monday, 13th March, 1876.

Mr. LAIRD.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

No. 65.] **BILL.** [1876.

An Act to amend the Charter of "The St. Lawrence Bank," and to change the name of the said Bank to that of "The Standard Bank of Canada."

Preamble.

WHEREAS the President and Directors of the St. Lawrence Bank have by their petition set forth that since the passing of the Act of Incorporation of the said Bank they have suffered losses in their business, which have reduced the actual paid-up capital of the said Bank and the value of the shares into which it has been divided; that the nominal value of each of such shares is one hundred dollars; but the actual value thereof, as nearly as can be estimated, is seventy-five dollars, and the nominal capital of the said Bank is one million dollars, of which eight hundred and thirty-five thousand five hundred dollars has been subscribed and six hundred and fifty three thousand one hundred and four dollars and forty cents paid-up; but the said subscribed capital has been reduced by such losses, as nearly as can be estimated, to the sum of six hundred and twenty-six thousand two hundred and fifty dollars, and that it will be advantageous both to the said Bank and the public to have the nominal value coincide and agree with the actual value thereof; and that it will also be advantageous to the said Bank and to the public to restore its actual capital to the amount of one million dollars or to such larger amount not exceeding two millions as may be deemed advisable, and to change the name of the said Bank to "The Standard Bank of Canada;" and have prayed that in order to carry out and effect such purposes the existing Acts affecting the said Bank may be altered, amended and varied as the same are hereinafter altered, amended and varied; and whereas, it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporate name changed.

1. The corporate name of the said "The St. Lawrence Bank" is hereby changed to "The Standard Bank of Canada," and the said Bank shall be and remain a corporation under the said name of "Standard Bank of Canada" and all claims and liabilities either in favor of or against the said "The St. Lawrence Bank" under all or any of the Acts affecting the same, shall enure to or against the said, "The Standard Bank of Canada" as fully and effectually to all intents and purposes as they would have enured to or against the said "The St. Lawrence Bank" under all or any of the Acts affecting the same

Provision as to issue of notes.

2. Until the said "The Standard Bank of Canada" shall have issued bills or notes in the name of the said corporation, it may issue the bills or notes of the said "The St.

Lawrence Bank" as and for the bills or notes of "The Standard Bank of Canada," and shall redeem such notes in all respects as if the same had been issued in the name of the said "The Standard Bank of Canada"

Amount of share reduced.

3. For and notwithstanding anything contained in the Charter of the said "The St. Lawrence Bank" (being an Act passed in the thirty-fifth year of Her Majesty's reign and chaptered fifty-two), or in the Act passed in the thirty-fourth year of Her Majesty's reign intituled "*An Act respecting Banks and Banking*," or in any other Act or Acts amending the same, or in any other Act or enactment, each and every now existing share in the capital stock of the said "The St. Lawrence Bank" of one hundred dollars each shall from and after the passing of this Act represent and be equal to one share of seventy-five dollars in the said "The Standard Bank of Canada," and the total amount of the said paid-up capital stock of the said "The St. Lawrence Bank" shall be and is hereby reduced in proportion, and shall stand and be the paid-up capital of the said "The Standard Bank of Canada:" Provided, that if by such reduction there shall be any fraction of a share held by any shareholder insufficient to constitute one full share of seventy-five dollars of the capital stock of the said "The Standard Bank of Canada," such shareholders shall, within two months after the passing of this Act, pay an amount sufficient to make, with such fraction of a share estimated at three quarters its nominal value, the sum of seventy-five dollars, and the said "The Standard Bank of Canada" shall register in his name an additional share of seventy-five dollars, and no more formal transfer shall be required; but if such amount be not paid as aforesaid, within two months after the passing of this Act, such fraction of a share shall belong to and be vested in the said "The Standard Bank of Canada."

Proviso: as to fractional parts.

Issue of non subscribed stock.

4. The Directors of the said "The Standard Bank of Canada" shall have power, from time to time, to issue stock to the amount of all or any portion of the capital stock of the said "The St. Lawrence Bank," unsubscribed for and which at any time may be forfeited or surrendered to the said "The Standard Bank of Canada" in such manner, to such amount, and payable in such way as they shall think proper.

Forfeiture of shares.

5. If any person who at the time of the passing of this Act stands in the books of the said "The St. Lawrence Bank" as a subscriber to the capital stock thereof, has failed to pay any call or calls payable thereon by him, together with the interest thereon (if any) that shall have accrued thereon, then the said Directors may declare such shares forfeited, together with the amount already paid thereon, and may sell such shares as forfeited and appropriate the proceeds of such sale for the absolute use of the said "The Standard Bank of Canada," or they may re-issue such stock to any person or persons and appropriate any moneys already paid thereon to the absolute use of the said "The Standard Bank of Canada."

Notice to be given.

6. Before declaring any such share forfeited, the Directors shall cause notice of such intention to be transmitted by letter or circular, post paid and registered, to the last post office address in Canada of the person appearing to be the proprietor of such share, and the said notice shall be given twenty-one days at least before the said Directors shall declare such share to be forfeited, and if the interest in any such share or shares shall be known by the said Directors to have become transmitted otherwise than by transfer in the books of the said "The St. Lawrence Bank," and so that the address of the party or parties to whom the same may have been transmitted, or may for the time being belong, shall not be known to the Directors, the Directors shall give public notice of such intention in the *Canada Gazette*, and also in some newspaper published in Toronto, once in each week for three weeks, before the said Directors shall declare the said shares to be forfeited.

Amount may be recovered.

7. Instead of declaring such shares forfeited, the said "The Standard Bank of Canada" may by that name sue for and recover from any shareholder any money which shall be due and unpaid by him in respect of any call or calls made upon the capital stock of the said "The St. Lawrence Bank," with interest thereon, in an action of debt in any court of competent jurisdiction, and in any such action it shall be sufficient to allege that the defendant is a shareholder, stating the number of shares, in the said "The St. Lawrence Bank," and is indebted in the sum to which the money unpaid on the shares amounts, and to prove at the trial that the defendant is the holder of such shares and the sum of money that is due thereon.

Power to increase capital stock.

8. The said Directors may, with the assent of the majority of the shareholders of the said "The Standard Bank of Canada," present at or represented by proxy at any ordinary annual or special general meeting called for that purpose, by by-law or by-laws, increase the capital stock of the said Bank, but so that in the whole it shall not exceed two million dollars, and such additional stock shall be subscribed for in shares of seventy-five dollars each, and such additional stock shall be issued upon the terms set out by the Act of incorporation of the said "The St. Lawrence Bank," and the Act intituled: "*An Act respecting Banks and Banking*" and any amendments thereto: Provided always, that the issuing and subscribing for the additional capital stock authorized by this Act may take place at any time while the charter of the said "The Standard Bank of Canada" remains in force.

Annual general meeting.

9. The annual general meeting of the shareholders of the said "The Standard Bank of Canada" shall be held on the second Wednesday in July in each and every year, or on such other day as the said shareholders at any annual or special general meeting called for that purpose may by by-law appoint.

No. 65.

3rd Session, 3rd Parliament, 39 Vic., 1876.

BILL.

An Act to amend the Charter of the "St. Lawrence Bank;" and to change the name of the said Bank.

Received and read the first time, Monday, 13th March, 1876.

Second reading, Thursday, 16th March, 1876.

MR. CAMERON (Cardwell).

OTTAWA
Printed by MacLean, Roger & Co., Wellington Street,
1876.

No. 66.] **BILL.** [1876.

An Act to incorporate "The British Canadian Loan and Investment Company (Limited.)"

Preamble.

WHEREAS the persons hereinafter named have, by their petition, prayed that they may be incorporated as a Company under the title of "The British Canadian Loan and Investment Company (Limited)," having for its object the borrowing and lending of money, the purchase and dealing in public and private stocks, bonds, debentures and securities, and in the stocks, bonds, debentures and other securities of corporate bodies, the making of contracts of guarantee, indemnity and suretyship, the receiving and holding property in trust and exercising the office of trustees and the acting as agents for the investment of money and otherwise; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

Corporate name and general powers.

1. William Thomson, William F. McMaster, the Honorable John McMurrich, David Galbraith, Donald Mackay, James Browne, James K. Kerr and Laurence Buchan, and all other and every person and persons, body and bodies politic as shall from time to time be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be and are hereby constituted a Company and shall be one body politic and corporate by the name of "The British Canadian Loan and Investment Company (Limited)," and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name may sue and be sued, plead and be impleaded in all Courts of law or equity whatever.

Provisional Directors to hold office until election of Directors.

2. The above named persons shall be Provisional Directors of the Company and shall hold office until Directors of the Company are elected as hereinafter provided, and during the said time the said Provisional Directors shall so hold office they shall be vested with the full powers in every respect of ordinary Directors.

Company may execute contracts, &c.

3. The Company is hereby empowered to execute any contract by way of guarantee, indemnity or suretyship which a private individual may make; they may take, receive, accept and hold any security or indemnity, real or personal, against loss or injury from any guarantee or transaction hereby authorized, which a private individual may take, receive and hold; they are hereby authorized, with respect to any such matters, to make valid and binding contracts, and

to do all acts and things whatsoever that may be necessary for realizing the said securities and indemnities and for enforcing all such contracts ; and also for enforcing any conditions, fines and forfeitures imposed by any rules, regulations or by-laws ; and generally to do and exercise, in relation to the premises, all acts and powers which any private individual may do or exercise in like circumstances.

May lend and advance money.

4. The Company may from time to time invest, lend or advance the moneys authorized to be received, raised or borrowed by them in and upon any security, real or personal or both, which they may deem satisfactory, and may purchase mortgages, debentures of municipal or other corporations, the stocks of incorporated banks, and other securities or evidences of debt, and the same resell as they may deem advisable ; and for that purpose may execute such assignments or other instruments as may be necessary for carrying the same into effect ; the Company may stipulate for, take, receive and exact any rate of interest or discount that may be lawful in the place where the contract for the same shall be made, and shall not, in respect thereof, be liable for any loss, penalty, or forfeiture on any account whatever ; and they shall have power to do all acts that may be necessary for the advancing of such moneys, for the realizing of such securities and the repayment of the moneys lent or advanced thereon with interest ; and for enforcing all agreements made in relation thereto, as to sale, forfeiture or otherwise ; and may stipulate for and demand, and receive in advance half yearly, the interest from time to time accruing on any loans granted by the Company, and may also receive an annual or semi-annual payment on any loan by way of a sinking fund for the gradual extinction of such loan, upon such terms and in such manner as may be regulated by the by-laws of the Company ; and it shall be lawful for the Company, instead of requiring from the borrower the payment of the expenses incidental to any loan at the time the loan is advanced, to give such time for payment of the same as they may be advised, and to add the same to the principal or interest secured by any mortgage or other security securing the loan.

Company may recover any rate of interest agreed for.

Interest and sinking fund in loans.

Expenses may be added to principal.

May act on an Agency Association.

5. The Company is empowered to act as an agency association and may hold, invest and deal in its own name or otherwise with such moneys, mortgages, hypothecs, securities or evidences of debt as shall from time to time be transferred or delivered to them as agents ; and may exercise all the rights which the parties so transferring or delivering the same might or could exercise ; and the Company may give such guarantee as may be agreed upon for repayment of principal or interest, or both of any such moneys, mortgages, hypothecs, securities or evidences of debt.

May hold property in trust.

6. The Company may take, receive and hold all estates and property, real or personal, which may be granted, committed, transferred and conveyed to them with their consent upon any trust or trusts whatsoever (not contrary to law) at any time or times by any person or persons, body or bodies corporate or by any Court of the Dominion ; and may admi-

nister, fulfil, and discharge the duties of such trusts for such remuneration as may be agreed upon ; and they are also authorized to act generally as agents or attorneys for the transaction of business, the management of estates, the collection of rents, interests, dividends, mortgages, bonds, bills, notes, debts, and securities therefor. The Company are also authorized to accept and execute the offices of executor, administrator, trustee, receiver, assignee, guardian of any minor, or committee of any lunatic ; and in all cases when application shall be made to any court for the appointment of any trustee, receiver, guardian, administrator or committee, it shall be lawful for any such court to appoint the said Company with their consent to hold such office or offices ; and the accounts of the Company as such trustee, receiver, guardian, administrator or committee, shall be regularly settled and adjusted by the proper officers and tribunals ; and all proper, legal, usual and customary charges, costs and expenses shall be allowed to the Company for the care and management of the estates so committed to them. In case of such appointment by any court, such court, if it deem it necessary, may from time to time appoint a suitable person to investigate the affairs and management of the Company, who shall report thereon to the Court and also as to the security afforded to them

by or for whom its engagements are held, the expenses of such investigation to be in the discretion of the Court ; or the court may direct the Company to furnish a statement of its affairs and may thereon examine the officers or Directors of the Company under oath as to the correctness of such statement and the security afforded.

May exercise certain civil offices under order of Court.

To be subject to inspection by order of Court, &c.

7. The Directors may receive deposits and from time to time resolve at any meeting specially called for such purpose to borrow money on behalf of the Company upon such rates of interest and upon such terms as they may, by such resolution, determine ; and to effect such loan the Directors may authorize any two of their number or one and the Manager of the Company, to make and execute mortgages, bonds, debentures or other instruments under the common seal of the Company as may be necessary, and to that end charge such property of the Company as they may by such resolution be authorized to so charge by way of pledge, mortgage or hypothec, and may assign, transfer or deposit any of the documents of title, deeds, muniments, securities or property of the Company and either with or without power of sale or other special provisions as the Directors at such meeting may deem expedient ; and no lender shall be bound to enquire into the occasion for any such loan or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted.

Directors may borrow money.

May execute mortgages, bonds, &c.

8. The Company may hold such real estate as may be necessary for the transaction of their business not exceeding in yearly value the sum of twenty thousand dollars in all, and such other real property as being mortgaged or hypothecated to them, may be acquired by them for the protection of their interests, and the discretion of the Directors shall

Extent to which the Company may hold real estate.

And acquire and dispose of the same.

Proviso: as to land not held for its own use.

determine when it is necessary for the purposes of such protection to acquire such real estate, and they may from time to time sell, mortgage, hypothecate, lease or otherwise dispose of the same; Provided always it shall be incumbent on the Company to sell any real estate so acquired in the prosecution of their business within ten years of the date of its acquisition, excepting always what may be necessary for the transaction of their business within the amount first mentioned in this section.

Head office to be in Toronto

9. The head office of the Company shall be in Toronto, but the Company may have offices and agencies and shall have power to appoint a local board or local boards of Directors and to transact business at such other places as may be determined upon by the Directors hereinafter referred to.

Capital.

Shares.

Ten per cent to be paid before transacting business.

Calls.

Limitations of calls.

10. The capital stock of the Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, of which at least one half shall be subscribed for, and a sum at least equal to ten per centum of the amount so subscribed shall be paid in before the actual transaction of business is proceeded with, and the remainder shall be called in at such times, and in such portions as the Directors deem advisable; Provided always that calls on the shareholders shall not be made at periods less than three months apart and shall at each call, not exceed ten per cent of the stock subscribed; and when any shareholder shall have paid up twenty-five per cent of the stock subscribed for by him, no further call shall be made unless in the opinion of the Directors, it is necessary for the payment of the debts and obligations of the Company or unless the Directors are authorized at a special meeting of the shareholders called for that purpose or at the regular annual meeting to make such further calls for the further promotion or requirements of the business of the Company.

Capital may be increased.

11. It shall be lawful for the said Company, by a resolution passed at the first or any other general meeting of the shareholders to increase the capital stock from time to time, as may be deemed expedient, to any sum not exceeding the sum of five millions of dollars; and to raise the amount of the said new stock, either by distribution amongst the original shareholders, or by the issue of new shares, or partly in one way and partly in the other; and the said new stock shall be subject to all such incidents, both with reference to the payment of calls and forfeiture, and as to the powers of lending and borrowing, or otherwise, as the original stock.

Shares to be personalty.

12. All shares in the capital of the Company shall be personal estate, and transmissible as such.

Limitation of liability of shareholders.

13. No member or 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 shares in the capital of the Company not then paid up.

Liability for calls.

14. Each shareholder shall be liable to pay the amount of

any call made upon him in compliance with the conditions in section ten, to such person and at such time and place as the Directors shall appoint.

Notice before each call.

15. The Directors shall give at least thirty days' notice before the day appointed for each call, by advertisement in one or more Toronto newspapers and by notice sent by mail to each shareholder.

When a call shall be considered as made.

16. A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed; and if a shareholder shall fail to pay any call due by him, before or on the day appointed for payment thereof, he shall be liable to pay interest for the same at the rate of seven per cent. per annum, from the day appointed for payment to the time of actual payment thereof.

Interest on unpaid calls.

Notice to shareholders in default.

17. If any shareholder fail to pay any call on the day appointed for the payment thereof, the Directors may, at any time thereafter during such time as the call may remain unpaid, serve a notice on him requiring him to pay such call, together with any interest that may have accrued due thereon by reason of such non-payment; and such notice shall name a day (not being less than twenty-one days from the date of such notice) and a place on and at which such call and interest, and any expenses that may have been incurred by reason of every such non-payment, are to be paid; and such notice shall also state that, in the event of non-payment at or before the time and at the place so appointed as aforesaid, the shares in respect of which such call was made will be liable to be forfeited.

That their shares will be forfeited if calls are not paid.

In default of payment Directors may declare shares forfeited.

18. If the requirements of any such notice are not complied with any share in respect of which such notice has been given may at any time thereafter, before payment of all calls, interest and expenses due in respect thereof, be declared forfeited by a resolution of the Directors to that effect.

Forfeited shares to be the property of the Company.

19. Every share which shall be so forfeited shall be deemed the property of the Company, and may be disposed of, sold or reallotted upon such terms as the Directors shall think fit.

What shall be sufficient title to purchaser of forfeited shares.

20. A declaration in writing by the Secretary or other thereto duly authorised officer of the Company that a call was made and notice thereof duly served, and that default in payment of the call was made in respect of any shares, and that the forfeiture of such share was made by a resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share; and such declaration and the receipt of the Company for such price of such share shall constitute a good title to such share, and the purchaser shall thereupon be deemed the holder of such share, discharged from all calls due prior to such purchase, and shall be entered in the register of shareholders in respect thereof, and shall not be bound to enquire or see to the application of the purchase money, nor shall

his title to such share be impeached or affected by any irregularity in the proceedings of such sale.

Calls may be recovered by suit; what only need be alleged and proved.

21. The Company may institute and carry on suits or actions against any shareholder for the recovery of arrears and calls or for any other debt or engagement; and in such suits or actions it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the defendant is a shareholder and is indebted to the Company in respect of one call or more, or other money due, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made or such debt due, that notice was given as directed by this Act; and in all actions or suits by or against the Company, it shall not be necessary to prove the appointment of the Directors or any other matter whatsoever other than what is before mentioned; and a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the President, Vice-President, Manager or Secretary of the Company, and sealed with the corporate seal, shall be received in all Courts and proceedings as *primâ facie* evidence thereof, without further proof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Proof of by-laws and other documents.

When a general meeting of shareholders may be called

Notice.

22. When and so soon as at least one half of the capital stock shall have been subscribed, and ten per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of shareholders, at some place in the City of Toronto, giving at least four weeks' notice of the time and place for holding such meeting, by publishing the same in the *Canada Gazette*, and also in some daily newspaper published in the said City of Toronto, at which general meeting the shareholders present or represented by proxy shall elect nine Directors, who shall constitute a Board of Directors and shall hold office until the first Wednesday in June, in the year following their election.

Directors to be elected.

Who may be Directors—when and where to be elected.

Notice of meeting.

Who may vote.

Voting to be by ballot.

If two or more persons receive an equal number of votes.

23. The said Directors shall be shareholders and they shall be elected except as above provided at the annual general meeting of shareholders to be holden in Toronto, on the first Wednesday in June, in each year, or such other day as may be appointed by by-law, not less than four weeks' notice of such meeting being given as provided in the next preceding section; and all elections of Directors shall be held and made by such of the shareholders present or represented by proxy as shall have paid the ten per cent above prescribed, and all calls made by the Directors and then due; and all such elections shall be by ballot and the persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if there be any doubt or difficulty in such election by reason of two or more persons receiving an equal number of votes, then there shall be a re-ballot, as between such persons, which re-ballot may be repeated as often as deemed advisable by

the meeting; or instead of a re-ballot the Directors as to whose election there is no doubt or difficulty may, if deemed advisable by the meeting, determine by ballot which of the persons having an equal number of votes shall be Director or Directors; and the said Directors as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be President, and one to be Vice-President; and if any vacancy shall at any time happen amongst the said Directors, by death, resignation, disqualification or removal, or otherwise, during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors or a majority of them electing in such place or places a shareholder or shareholders eligible for such office; Provided, that no person shall be eligible to be or continue as Director unless he shall hold in his own name and for his own use, stock in the said Company to the amount of fifty shares, whereof at least ten per cent shall have been paid in and shall have paid all calls made upon his stock and all liability incurred by him to the said Company; Provided further, that notwithstanding anything in this Act contained it shall be competent to the shareholders at any special or general meeting to reduce to not fewer than seven, or to increase to not more than thirteen the number of Directors. And in case it should at any time happen that an election of Directors of the said Company should not have been made on the day when pursuant to this Act it should have been made, the said Company shall not for that cause be deemed dissolved; but it shall be lawful on any other day to hold and have election in such manner as may be regulated, directed and appointed by the Directors for the time being, and the Directors in office shall so continue until a new election is made.

Election of President and Vice President,

Vacancies how filled.

Qualification of Directors.

Number of Directors may be reduced to seven,

Or increased to thirteen.

Provision if election of Directors be not made on the day appointed.

24. At all meetings of Directors, a majority of the whole Board shall be a quorum for the transaction of business; and all questions before them shall be decided by a majority of votes and in case of an equality of votes, the President, Vice-President or presiding Director shall give the casting vote.

Quorum of Directors.

Majority to decide.

25. The Directors shall have full power and authority to make and from time to time, alter such by-laws, rules and regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the Company; they shall also have full power and authority over the management and disposition of its stock, property, estates and effects; the regulation of the rates, terms and conditions on which all the business of the Company shall be undertaken and conducted; the calling of special general meetings; the regulation of meetings of the board of Directors; the appointment and removal of sub-boards to facilitate the details of the business and the definition of the duties and powers of such sub-boards; the making of calls upon the subscribed capital subject to the limitation hereinbefore set forth; the appointment and removal of all officers and agents of the Company, the regulation of their powers and duties, and the salaries to be paid to them; the

Power of Directors to make by-laws for certain purposes.

regulation of the transfer of stock and the form thereof; the compensation of Directors; the establishment and regulation of agencies; and generally the Directors may in addition to the powers expressly conferred upon them, exercise all such powers, execute and give all such covenants, make all such engagements and agreements and do all such acts and things as are and shall be necessary and proper for the due management of the affairs of the Company, and for carrying out the provisions of this Act according to its true meaning and spirit; Provided always, that all such by-laws, rules, regulations and ordinances may be varied, altered or cancelled at the next annual general meeting, and shall be presumed to have been approved of by such meeting, except in so far as they shall be varied, altered or cancelled, and shall thereafter have force and effect as if approved; Provided further that no such variation, alteration or cancellation shall invalidate anything done in pursuance or by virtue of such by-laws, rules, regulations and ordinances, or injuriously affect the position or rights of any person; and provided further, that such by-laws do not contravene the provisions of this Act.

Proviso.

Proviso.

Dues on forfeited shares to be paid.

26. Any shareholder whose shares have been forfeited shall, notwithstanding such forfeiture, be liable to pay to the Company all calls, interest and expenses owing upon such shares at the time of the forfeiture.

Act of Directors to be valid notwithstanding defect in their appointment.

27. The acts of the Directors, or of any committee appointed by the Directors, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of any such Directors or any member of such committee, or that they or any of them were or was disqualified, be as valid as if such person had been duly appointed and was qualified to be a Director.

Indemnity to Directors.

28. Every Director of the Company and his heirs, executors and administrators, and estate and effects respectively, shall, from time to time and at all times, be indemnified and saved harmless out of the funds of the Company, from and against all costs, charges and expenses whatsoever which he shall or may sustain or incur, in or about any action, suit or proceeding, which shall be brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses which he shall sustain or incur, in or about, or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default.

Exception in cases of wilful neglect or default.

Directors answerable for their own acts only.

29. Every Director of the Company and his heirs, executors and administrators, and estate and effects respectively, shall be charged and chargeable only with so much money as he shall actually receive, and shall not be answerable or accountable for his co-Directors, or any or either of them, but each of them for his own acts, deeds and defaults only; nor shall the Directors, or any of them respectively, be answerable or accountable for any person or persons who may be

Not liable for persons

appointed under or by virtue of any such Act, by-laws or articles of association as aforesaid or otherwise, under and by virtue of the rules and regulations of the said Company for the time being in force, to collect or receive any moneys payable to the Company, or in whose hands any of the money or properties of the Company shall or may be deposited or lodged for safe custody, nor for the insufficiency or deficiency of any title to any property which may, from time to time, be purchased, taken or leased, or otherwise acquired by order of the Directors or otherwise, for or on behalf of the Company, nor for the insufficiency or deficiency of any security, in or upon which any of the moneys of the Company shall be invested; nor shall any Director be answerable for any loss, damage or misfortune whatsoever which shall happen in the execution of the duties of the office of such Director or in relation thereto, unless the same shall happen through his own wilful neglect or default.

acting under them.

Nor for insufficiency of security, &c.

Exception of wilful default

30. It shall be the duty of the Directors of the Company to declare and make quarterly or half-yearly dividends of so much of the profits of the Company as to the majority of them may seem advisable, and to give public notice of the payment of such dividends at least ten days previously.

Dividends.

31. The Directors may deduct from the dividends payable to any shareholder all such sums of money as may be due from him to the Company on account of calls or otherwise.

Lien of Company thereon.

32. The Directors may from time to time appoint one or more members of the Board to accept and hold any lands or property in trust for the Company, and shall cause all such deeds and things to be made and done as shall be requisite to vest such lands or property in the person or persons so appointed; and they may, from time to time, remove any such person or persons and appoint another or others instead.

Directors may appoint Trustees.

33. All conveyances to be made by the Company under or by virtue or in pursuance of the several powers and authorities given to it by this Act, may be made according to the form in the Schedule A to this act annexed, or as near thereto as circumstances will admit, and may be either by indenture under seal or before a notary, as may be most in accordance with the laws of the portion of the Dominion within which the real estate intended to be conveyed shall be situate.

Form of conveyance by Company.

34. Every mortgage and bond for securing money borrowed from the Company shall be by deed wherein the consideration shall be duly stated; and every such mortgage or bond may be according to the form in Schedule B to this act annexed or as near as circumstances will admit, and may be executed under seal or before Notaries Public as shall be most in accordance with the laws of the portion of the Dominion within which the real estate intended to be mortgaged shall be situate; and in the Province of Quebec, obligations with hypothecs in favor of the Company may be executed according to such form and in such manner as is

Form of mortgage or bond to the Company.

now recognized by law in that section of the Dominion as being valid and effectual.

Shareholders' votes.

35. At all meetings of the Company each shareholder shall be entitled to give one vote for every share held by him, upon which all calls then due have been paid, for not less than fourteen days prior to the time of voting. Such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder and qualified to vote. And all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes; Provided, that no salaried officer, except Directors, and no paid clerk or other employé of said Company shall vote either in person or by proxy at the election of Directors.

Proxies.

Majority to decide.

Proviso.

Statement of affairs at annual meetings.

36. At every annual meeting of the shareholders the outgoing Directors shall submit a clear and full statement of the affairs of the Company, shewing in detail on the one hand the debts, liabilities and engagements of the Company, and on the other the assets and resources thereof. They shall also exhibit a full statement of the extent and value of the securities held by the Company and such other information as will enable the shareholders to judge of the true position of the Company and its transactions.

Register of shareholders to be kept.

37. The Company shall keep in a book or books a register of the shareholders of the Company, and therein shall be fairly and distinctly entered from time to time the following particulars:—the names and addresses and the occupations, if any, of the shareholders of the Company, and the number of shares held by each shareholder, distinguishing each share by its number, and the amount paid or agreed to be considered as paid on the shares of each shareholder; and such book or books shall be open to the public at all reasonable times.

Yearly statement to be sent to the Minister of Finance.

38. The Company shall transmit annually to the Minister of Finance a statement in duplicate, verified by the oath of the President, Manager or Secretary, setting out the capital stock of the Company, the proportion thereof paid up, the assets and liabilities of the Company, the amount of property held by them as trustees, agents or brokers, and such other details as to the nature and extent of the business of the Company as may, from time to time, be required by the said Minister of Finance, or in pursuance of any general Act of Parliament, passed to regulate Trust Companies; and such statement shall be made up to the thirty-first day of December in each year.

Register to be evidence.

39. The register of shareholders shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Notices of trusts.

40. Notice of any trust, expressed, implied or constructive, may be entered on the register, but such entry shall not in any way affect the Company.

Persons to whom shares are allotted to be deemed members.

41. When any person makes application in writing, signed by him, for an allotment of shares, and any shares or share are or is allotted to him in pursuance of such application, he shall be deemed conclusively to have agreed to become a shareholder of the Company in respect of the shares so allotted, and he shall be entered on the register of shareholders in respect thereof accordingly.

Shares in the name of two or more persons.

42. If any share stands in the name of two or more persons, the first named in the register of such persons shall, as regards voting at meetings, receipt of dividends, service of notices, and all other matters connected with the Company (except transfer), be deemed the sole holder thereof; no share in the Company shall be subdivided.

Service on the Company.

43. Any summons, notice, order or other document, required to be served upon the Company, may be served by leaving the same at the office of the said Company at Toronto.

Authentication of notices by the Company.

44. Any summons, notice, order or proceeding, requiring authentication by the Company, may be signed by any Director, Manager, Secretary or other authorized officer of the Company, and need not be under the common seal of the Company; and the same may be in writing or in print, or partly in writing and partly in print.

Service of notice by the Company on members.

45. Notices required to be served by the Company upon the shareholders may be served either personally or by leaving the same for, or sending them through the post in prepaid letters, addressed to the shareholders at their registered places of abode.

Notices to members sent by post.

46. A notice or other document served by post by the Company on a shareholder, shall be taken as served at the time when the letter containing it would be delivered in the ordinary course of post; to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed, and was put into the post office, and the time when it was put in, and the time requisite for its delivery, in the ordinary course of post.

Notice to joint shareholders.

47. All notices directed to be given to the shareholders shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is first named in the register of shareholders; and notice so given shall be deemed sufficient notice to all the proprietors of such share.

Notices binding on transferees.

48. Every person who, by operation of law, transfer or other means whatsoever, shall become entitled to any share shall be bound by any and every notice which previously to his name and address being entered upon the register of shareholders in respect of such share shall have been given to the person from whom he shall derive his title.

Register for transfers.

49. There shall be a book called the register of transfers provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the Company.

As to transfers by debtors to Company.

50. The Directors may decline to register any transfer of shares belonging to any shareholder who is indebted to the Company.

Transfers how to be executed.

51. Every instrument of transfer of any share in the Company shall be executed by the transferrer and transferee, and the transferrer shall be deemed to remain the holder of such share and a shareholder of the Company in respect thereof, until the name of the transferee shall be entered in the register of shareholders in respect thereof.

Term of transfer.

52. Shares in the Company shall be transferred in the form in the Schedule C to this Act annexed, or such other form as the Directors may from time to time prescribe.

Transfer by bankruptcy, marriage of female members, &c.

How proved.

53. Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any shareholder or in consequence of the marriage of any female shareholder, may be registered as a shareholder upon such evidence being produced as shall from time to time be required by the Directors; and on production of a declaration and request in writing in that behalf signed by him, which declaration shall distinctly state the manner in which and the party to whom such shares shall have been transmitted; and the signature thereto shall be attested by at least one witness whom the said Company may require to be a judge of a court of record, or the mayor, provost, or chief magistrate of a city, town, borough or municipality or a public notary, or, if from a foreign country, by the British Consul or vice-consul or other accredited representative of the British Government in the country where the declaration shall be made, which shall be conclusive evidence of his having agreed to become a shareholder.

Nominee of representative of deceased, &c.

54. Any person who has become entitled to a share in consequence of the death, bankruptcy or insolvency of any shareholder, or in consequence of the marriage of any female shareholder, may, instead of being registered himself, elect by declaration of transmission to be made and executed as hereinbefore and hereinafter provided to have some person to be named by him registered as a shareholder in respect of such share.

Transfer to nominee.

55. The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

Evidence of transfer.

56. Every such instrument of transfer shall be presented to the Directors accompanied by such evidence as the Directors may require to prove the title of the transferrer, and shall be retained by the Company.

Transfer by personal representative

57. Any transfer of the share or other interest of a deceased shareholder made by his personal representative shall, notwithstanding such personal representative may not himself be a shareholder, be of the same validity as if he had been a shareholder at the time of his execution of the instrument of transfer.

58. There shall be paid in respect of every transfer or transmission of shares such fee not exceeding fifty cents as the directors shall from time to time prescribe. Fee for transfer.

59. In all cases of insolvency or bankruptcy of any person or persons who shall be indebted to the Company or against whom the Company shall have any claim or demand, it shall be lawful for any person who shall, from time to time in that behalf be appointed by writing under the hand of any one or more of the Directors and the Managing Director of the Company for the time being to appear, and he is hereby authorized to appear and act on behalf of the Company in respect of any such claim, debt or demand before any judges, courts of law, assignees or commissioners, or other authorities appointed to act in such cases, either personally or by his affidavit sworn and exhibited in the usual manner, in order to prove and establish any such debt, claim or demand; and such person to be so appointed shall, in all such cases, be admitted and allowed to make, prove or tender a claim on behalf of the Company in respect of such debt, claim or demand, and shall have such and the same powers and privileges as to voting in the choice of assignees and signing certificates and otherwise in respect of any such debt admitted to be proved on behalf of the Company as any other person, being a creditor of such bankrupt in his own right would have in respect of the debt proved by him, except as regards signing or becoming party to a consent to such bankrupt's discharge, or a deed of composition and discharge in his behalf, to do which such person must have the express authority of the Directors by a resolution to that effect. Who may prove claims by the Company in cases of bankruptcy. Powers of persons so proving any claim of the Company.

60. Notwithstanding anything in this Act contained every deed which any person lawfully empowered in that behalf by the Company as their attorney, signs on behalf of the Company and seals with his seal shall be binding on the Company and have the same effect as if it was under the common seal of the Company. Acts of the Company's agents valid.

61. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction, that is to say: words importing the singular number include the plural number, and words importing the plural number include the singular number; words importing the masculine gender include the feminine: the word "month" means a calendar month; the word "secretary" includes the word "clerk"; the word "lands" extends to messuages, land, tenements, hereditaments and real estate generally of any tenure; the expression "the Company" means the "British Canadian Loan and Investment Company (Limited)" in this Act mentioned and described; the expressions "the Directors" and "the Secretary" mean the Directors and the Secretary respectively for the time being of the said Company. Interpretation clause. Month. Secretary. Lands. Company. Directors. Secretary.

SCHEDULE A.

FORM OF CONVEYANCE.

By virtue of an Act of the Parliament of Canada, passed in the year of the reign of Queen Victoria, intituled : We, the

in consideration of the sum of to us paid by A. B., of do hereby grant to the said A. B., his heirs and assigns, all (*describing the premises to be conveyed*) together with all the ways, rights and appurtenances thereunto belonging, and all such estate, right, title and interest in and to the same as we the said Company are or shall become possessed of, or are by the said Act empowered to convey, to hold the said premises to the said A. B., his heirs and assigns forever.

Given under the common seal of the said Company, this day of in the year of Our Lord

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SCHEDULE B.

FORM OF A MORTGAGE DEED.

By virtue of an Act of the Parliament of Canada, passed in the year of the reign of Queen Victoria, intituled : (*here insert the title of this Act,*) I, A.B., of in consideration of the sum of paid to me by the do hereby, pursuant to the said Act, convey to the said Company, their successors and assigns, all (*describing the real or personal property to be conveyed*), and all such estate, right, title and interest in and to the same as I am, or shall become, or be possessed of; to hold the same to the said Company, their successors and assigns, forever, subject to redemption on payment to the said Company, their successors or assigns, of the said sum of on the day of with interest for the same at the rate of for every $100, by the year, payable half-yearly on the day of and the day of in every year : (*add any special powers which may be agreed on*).

In witness whereof, I have hereunto set my hand and seal, the day of in the year of Our Lord

SCHEDULE C.

INSTRUMENT OF TRANSFER OF SHARE.

I, A. B., of do hereby, for value, transfer to C. D., of , share (*or* shares) now standing in my

name in the books of the
Company, to hold to him, his executors, administrators and assigns, subject to the conditions on which I now hold the same, and I, the said C. D., by this writing, accept the said share (*or* shares), subject to the conditions aforesaid, and agree to become a shareholder of the said Company, as witness our respective hands, this
day of , in the year of Our Lord

A. B.
C. D.

Signed by the above named A. B. and C. D., respectively, in the presence of
E. F.

No. 66.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to incorporate "The British Canadian Loan and Investment Company (Limited)."

Received and read first time, Tuesday, 14th March, 1876.
Second reading, Wednesday, 15th March, 1876

(PRIVATE BILL.)

Mr. YOUNG.

OTTAWA:
Printed by Maclean, Roger & Co., Wellington Street.
1876.

No. 67.] **BILL.** [1876.

An Act to amend the Act incorporating "The Ottawa Gas Company," to confirm a Resolution of their Shareholders placing preferential and ordinary stock on the same footing, and to confirm, amend and extend their corporate powers.

WHEREAS under the provisions of a certain Act of the Parliament of the late Province of Canada passed in the twenty-ninth year of the reign of Her Majesty Queen Victoria, intituled: "*An Act to change the name of the Bytown "Consumers' Gas Company and to confirm, amend and extend "their corporate powers under the name of 'The Ottawa Gas "Company,'*" the capital stock of the said The Ottawa Gas Company was increased from ten thousand pounds to fifty thousand pounds, and the said Company were empowered at a general meeting of the holders of the then present subscribed stock by a resolution to be ratified by the President and Directors under the seal of the Company, to declare and make any number of the shares of such stock preferential stock, upon such terms and conditions and with such advantages to the subscribers and holders of such preferential stock, over the residue of such stock as they should see fit: And whereas at a general meeting of the said holders of the then present subscribed stock duly held on the twenty-third day of August in the year of Our Lord one thousand eight hundred and sixty-nine they, by resolution ratified by the President and Directors under the seal of the Company, declared and made thirteen hundred and twenty-two of the shares of such capital stock, preferential stock, upon the terms and conditions and with certain advantages in the said resolution set forth; And whereas at another general meeting of the said stockholders duly held on the twenty-first day of April in the year of Our Lord one thousand eight hundred and seventy-three they, by resolution ratified by the President and Directors under the seal of the Company, declared and made thirteen hundred and twenty-two of the shares of the unsubscribed capital stock of the Company "preferential stock second issue" upon the terms and conditions and with certain advantages therein set forth; And whereas at another general meeting of the said shareholders and of the first and second preferential stockholders duly held on the first day of June in the year of Our Lord one thousand eight hundred and seventy-five they, by resolution ratified by the President and Directors under the seal of the Company, and with the unanimous consent of all the pre- Preamble.

ferential stockholders, allotted three thousand nine hundred and sixty-six shares of the said unsubscribed capital stock of the Company amongst the then holders of preferential stock, in the proportion of two shares for each share of preferential stock, first issue, held, and of one share for each share of preferential stock, second issue, held, in consideration that from thenceforth the said preferential stockholders, both of first and second issue, should cease to be preferential stockholders, and that all shares should be held on the same footing, with the same rights and powers as if the said preferential stock had never been created; And whereas to meet the requirements of the rapidly increasing population of the City of Ottawa, the City of Hull, and the Villages of New Edinburgh and Rochesterville, it is necessary that the capital stock of the said Company should be increased; And whereas the said The Ottawa Gas Company have by their petition prayed that the said resolution of the first day of June in the year of Our Lord one thousand eight hundred and seventy-five, may be confirmed by Act of Parliament, their capital increased, and their corporate powers confirmed, amended, and extended, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

A certain resolution of the Company declared legal.

1. The said resolution of the stockholders of the said Company passed at a general meeting held on the first day of June one thousand eight hundred and seventy-five, allotting certain unsubscribed capital stock to the holders of preferential stock, both first and second issue, and with the consent of all such preferential stockholders declaring that thenceforth all preferential stock should cease to be preferential; and that all shares of the capital stock of the said Company should be non-preferential and on the same footing as if no preferential stock had ever been created, is hereby declared to have been legally passed, and to be legally operative and binding, and all shares of the capital stock of the said Company now held by subscribers are and shall be non-preferential.

Increase of capital stock.

2. It shall and may be lawful to and for the said Company to add to their present capital stock any sum not exceeding three hundred thousand dollars, divided into shares of twenty dollars each; provided that such increase of the capital stock shall be agreed upon by a majority of the votes of the shareholders present at any annual general meeting or meetings or at any special meeting or meetings called from time to time for that purpose.

Issue of such stock.

3. Any new stock of the said Company to be issued on any such increase of the capital stock shall be allotted to the then shareholders of the said Company *pro rata* at par; Provided always, that any of such increased stock which shall not be taken up and subscribed for by any shareholder within one month from the time when notice of the allotment thereof shall have been mailed, prepaid, in the post office at the City of Ottawa, to his address, may be opened for

subscription to the public in such manner and on such terms as the Directors of the said Company may determine.

Calls on shares.

4. The shares of such stock subscribed for shall be paid in by such instalments, and at such times and places and under such regulations as the Directors of the said Company may from time to time appoint; and executors, administrators, trustees or curators paying instalments on the shares of deceased shareholders, shall be and they are hereby respectively indemnified for paying the same.

Stock may be issued from time to time.

5. It shall not be obligatory upon the said Company to open books of subscription, or to sell or allot the whole amount of stock authorized by this Act; but the said Company may from time to time limit the number of shares for which books of subscription shall be opened, or which shall be allotted, offered for sale, or otherwise disposed of, to such amount as may be from time to time agreed and decided upon by a majority of the votes of shareholders present at any general or special meeting of the shareholders as aforesaid, called for that purpose.

Notice of special meetings.

6. The notice of any special meeting or meetings of the stockholders of the said Company called by the Directors or stockholders thereof, in pursuance of the Act of incorporation thereof or of this Act, may be given by inserting a notice specifying the time, place, and object of such meeting in at least two daily newspapers published in the City of Ottawa in each issue thereof, during the two weeks next preceding the day fixed for such meeting.

Existing enactments to apply.

7. All the provisions of the Act incorporating the said Company, and the Acts amendatory thereof, which were or now are applicable to the present stock of the said Company, not inconsistent with the provisions of this Act, shall apply to the new stock subscribed or allotted under this Act.

No. 67.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Act incorporating "The Ottawa Gas Company," to confirm a Resolution of their Shareholders placing preferential and ordinary stock on the same footing, and to confirm, amend and extend their corporate powers.

Received and read first time, Tuesday, 14th March, 1876.
Second reading, Wednesday, 15th March, 1876.

(PRIVATE BILL.)

Mr. CURRIER.

OTTAWA:
Printed by Maclean, Roger & Co., Wellington Street.
1876.

No. 68.] **BILL.** 1876.

An Act to amend the Acts therein mentioned, respecting the Militia and the Defence of the Dominion of Canada.

IN amendment of the Acts respecting the Militia and Defence of Canada: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

Sect. 1 of 37 V., c. 35, repealed.

1. The first section of the Act passed in the thirty-seventh year of Her Majesty's reign, and intituled "*An Act to amend the Acts respecting the Militia and the Defence of the Dominion of Canada, and to extend the same to the Province of Prince Edward Island,*" is hereby repealed.

When the enrolment under S. 16 of 31 V., c. 40, shall take place.

2. The next enrolment of the Militia under the Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the Militia and Defence of the Dominion of Canada,*" shall be made and completed on or before the twenty-eighth day of February, one thousand eight hundred and eighty, and such enrolment shall be made and completed on or before the like day in every fifth year thereafter, in the manner provided by the said Act; and so much of the sixteenth section of the said Act as would require such enrolment to be made at any earlier or other time is hereby repealed; Provided always, that in case of war or other emergency, the enrolment mentioned in the said section may be made at any time by order of the Governor in in Council. Proviso.

No. 68.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Acts therein mentioned, respecting the Militia and the Defence of the Dominion of Canada.

Received and read the first time, Tuesday, 14th March, 1876.

Second reading—Wednesday, 15th March, 1876.

MR. VAIL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1876.

No. 69.] **BILL.** [1876.

An Act to incorporate "The Maritime Savings and Loan Society."

Preamble.

WHEREAS Caleb W. Wetmore, William King Crawford, William John Hayward, James H. McAvity, Abijah H. Eaton and Alfred A. Stockton, all of the City of Saint John, in the Province of New Brunswick, propose to establish a Joint Stock Company, and have petitioned for an Act of incorporation for the said Company; And whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Petitioners and others incorporated.

1. Caleb W. Wetmore, William King Crawford, William H. Hayward, James H. McAvity, Abijah H. Eaton and Alfred A. Stockton, and all and every other person and persons, body and bodies politic, who shall, from time to time, be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be united into a Company according to the powers and authorities, rules, orders and regulations hereinafter set forth or referred to, and shall be one body politic and corporate, by the name of "The Maritime Savings and Loan Society," and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name may sue and be sued, plead and be impleaded in all courts whatsoever, whether at law, or in equity.

Corporate name and powers.

Provisional Directors.

2. The said above named persons shall be the provisional Directors of the Company, and shall hold office as such until Directors of the Company are elected as hereinafter provided.

Powers and business of the corporation.

3. The Company are hereby empowered to lay out and invest their capital, in the first place, in paying and discharging all costs, charges and expenses incurred in applying for and obtaining the passing of this Act, and all other expenses preparatory or relating thereto; and the remainder of such capital, or so much thereof as may, from time to time, be deemed necessary, in the manner and for the purposes hereinafter mentioned, that is to say:—The Company may, from time to time, lend and advance money by way of loan or otherwise, for such periods as they may deem expedient, on any real or personal security, or both, or on the public securities of the Dominion of Canada, or of any of the Provinces thereof, or on the public securities of the Province of Newfoundland, or on the security of the debentures of any

May lend and advance money out of capital of Company.

corporation issued under or in pursuance of any statutory authority, or of the stock or shares of any incorporated bank in the Dominion, and upon such terms and conditions as to the Company shall seem satisfactory or expedient; and may acquire, by purchase or otherwise, in addition to the foregoing securities, mortgages on real estate, and real and personal securities and evidences of debt (other than the stocks of incorporated companies), and debentures of municipal or other corporations issued under any statutory authority; and may re-sell the same as they may deem advisable: with power to do all acts that may be necessary for advancing such sums of money, and for receiving and obtaining repayment thereof, and for compelling the payment of all interest (if any) accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and the forfeiture of any term or property consequent on the non-fulfillment of such conditions, or for the delay of payment; and to give receipts, acquittances and discharges for the same, either absolutely and wholly, or partially, and to execute such deeds, assignments or other instruments as may be necessary for carrying such purchase or re-sale into effect; and for all and every and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the Company may lay out and apply the capital and property for the time being of the Company, or any part thereof, or any of the moneys authorized to be hereafter raised or received by the Company in addition to their capital for the time being, with power to do, authorize and exercise all acts and powers whatsoever, in the opinion of the Directors of the Company requisite or expedient to be done or exercised in relation thereto.

Company may act as an agency association.

4. The Company are hereby empowered to act as an agency association, for the interest and on behalf of others who shall entrust them with money for that purpose, and either in the name of the Company or of such others, to lend and advance money to any person or persons upon such securities as are mentioned in the last preceding section, or to any body or bodies corporate whomsoever, or to any municipal or other authority, or to any board or body of trustees or commissioners whatsover, upon such terms and upon such securities as to the Company shall seem or appear satisfactory, and to purchase and acquire mortgages, real and personal securities, debentures of municipal or other corporations, the stock of incorporated banks and other securities and evidences of debt, and again to re-sell the same, and the conditions and terms of such loans and advances, and of such purchases and re-sales may be enforced by the Company for their benefit and for the benefit of the person or persons, or corporation for whom such money has been lent and advanced, or purchase or re-sale made; and the Company shall have the same power in respect of such loans, advances, purchases and sales, as are conferred upon them in respect of loans, advances, purchases and sales made from their own capital; and they may also guarantee either the repayment of the principal and interest, or both, of any moneys entrusted to the Company for investment; and for all and

every and any of the foregoing purposes may lay out and employ the capital for the time being of the Company, or any part of the moneys authorized to be hereafter raised by the Company in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid; and may do, assent to, and exercise all acts whatsoever in the opinion of the Directors of the Company for the time being requisite or expedient to be done in regard thereto.

Company may borrow money, and execute mortgages, &c., for that purpose.

5. The Directors may, from time to time, borrow money on behalf of the Company, at such rates of interest and upon such terms as they may, from time to time, think proper, and the Directors may for that purpose execute any mortgages, bonds, debentures with or without interest coupons attached thereto, or other instruments under the common or corporate seal of the Company for sums of not less than one hundred dollars each; or assign, transfer or deposit by way of equitable mortgage or otherwise, any of the documents of title, deeds, muniments, securities or property of the Company, and either with or without power of sale or other special provisions as the Directors shall deem expedient: Provided, that the aggregate of the sum or sums so borrowed shall not exceed *double* the amount of the paid-up capital of the Company for the time being; and no lender shall be bound to enquire into the occasion for any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted.

Proviso.

Limitation of amount borrowed.

Lender not accountable.

Commission chargeable by Company as Agent.

6. The Company when acting as an intermediary or agent may charge such commission to the lender or borrower upon the moneys on their behalf, as they may deem advisable, or as may be agreed upon between them.

Company may exact interest, or discount, or payment as a sinking fund.

7. The Company may stipulate for, take, reserve and exact any rate of interest or discount that may be agreed on, and shall not in respect thereof be liable for any loss, penalty or forfeiture, on any account whatever, and may also receive an annual payment on any loan by way of a sinking fund for the gradual extinction of such loan, upon such terms and in such manner as may be regulated by the by-laws of the Company.

Register of securities.

8. A register of all securities held by the Company shall be kept, and within fourteen days after the taking of any security, an entry or memorial specifying the nature and amount of such security, and the names of the parties thereto with their proper additions, shall be made in the register.

Capital and shares.

9. The capital of the Company shall be *five hundred thousand* dollars in shares of *one hundred* dollars each, of which *one hundred thousand* dollars shall be subscribed, and *twenty* per centum thereof paid in before the actual transaction of business is proceeded with; but it shall be lawful for the said Company by a resolution passed at the first or any other general meeting of the shareholders to increase the capital stock, from time to time, as may be deemed expedi-

Increare of.

ent, to any sum not exceeding the sum of *one million* dollars, and to raise the amount of the said new stock, either by distribution amongst the original shareholders, or by the issue of new shares, or partly in one way and partly in the other ; and the said new stock shall be subject to all such incidents both with reference to the payment of calls and forfeitures, and as to the power of lending and borrowing or otherwise as the original stock.

Liability of new stock.

Shares to be personal estate.

10. All shares in the capital of the said Company shall be personal estate, and transmissible as such.

Liability of shareholders.

11. No member of the Company as such shall be liable for or charged with the payment of any debt or obligation of or demand due from the Company beyond the amount unpaid on any shares in the capital of the Company held by him.

Stock register and entries therein.

12. The Company shall keep in a book or books a stock register, and therein shall be fairly and distinctly entered, from time to time, the following particulars ; the names and addresses and the occupations (if any) of the members of the Company, and the number of shares held by each member, and the amount paid or agreed to be considered as paid on the shares of each member.

Who deemed members.

13. Every person who agrees to become a member of the Company, and whose name is entered on the stock register shall be deemed to be a member of the Company.

Evidence of matter in stock register

14. The stock register shall be *primâ facie* evidence of any matter by this Act directed or authorized to be inserted therein.

Trust not to affect Company.

15. Notice of any trust expressed, implied or constructive, whether entered in the books of the Company or not, shall not in any way affect the Company.

Allotment of shares.

16. When any person makes application in writing, signed by him, for an allotment of shares, and any shares or share are or is allotted to him in pursuance of such application, he shall be deemed conclusively to have agreed to become a member of the Company in respect of the shares so allotted, and he shall be entered on the stock register in respect thereof accordingly.

Renewal of share certificate.

17. Every member of the Company shall be entitled to receive a certificate under the common seal of the Company specifying the share or shares held by him and the amount paid-up thereon ; and on evidence to the satisfaction of the Directors being given, that any such certificate is worn out, destroyed or lost, it may be renewed on such terms as the Directors may appoint, such certificate shall be *primâ facie* evidence of the title of the member therein named to the share or shares therein specified.

No share to be sub-divid-

18. If any share stands in the name of two or more per-

sons, the first named in the register of such persons, shall as regards voting at meetings, receipt of dividends, service of notices and all other matters connected with the Company (except transfer), be deemed the sole holder thereof; no share in the Company shall be sub-divided.

ed; person first named regarded as sole holder.

19. The Directors may, from time to time, make such calls upon the members in respect of all moneys unpaid upon their respective shares as they shall think fit: Provided, that thirty days at least before the day appointed for each call, notice thereof shall be mailed to each shareholder and published for that period in a newspaper published in the city of St. John; but no call shall exceed the amount of ten dollars per share, and a period of three months at least shall intervene between two successive calls.

Calls on stock

Proviso.

20. Each member shall be liable to pay the amount of any call so made upon him to such person or persons and at such times and places as the Directors shall appoint.

Liability for calls.

21. A call shall be deemed to have been made at the time when the resolution of Directors authorizing such call was passed; and if a shareholder shall fail to pay any call due from him before or on the day appointed for payment thereof, he shall be liable to pay interest for the same at the rate of ten per centum per annum, or at such other less rate as the Directors shall determine, from the day appointed for payment to the time of actual payment thereof.

Call deemed made when authorized.

Interest after day appointed

22. The Directors may, if they think fit, receive from any member willing to advance the same, all or any part of the amounts due on the shares held by such member beyond the sums then actually called for, and upon the moneys so paid in advance, or so much thereof as shall, from time to time, exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay dividends as upon paid up capital.

Dividends on share, moneys paid in advance.

23. There shall be a book called the "Register of Transfers" provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the Company.

Register of transfers.

24. No transfer of shares shall be made without the consent and approval of the Directors.

Proviso as to transfer of shares.

25. Every instrument of transfer of any share in the Company shall be executed by the transferrer and transferee, and the transferrer shall be deemed to remain the holder of such share and a member of the Company in respect thereof until the name of the transferee shall be entered in the stock register in respect thereof.

Transfers,—how to be executed.

26. The Directors of the Company shall have power to prescribe the form of the transfer of shares.

Form of transfer.

27. The Directors may decline to register any transfer of shares belonging to any member who is indebted to the Company.

As to transfers by debtors to Company.

Title to shares of deceased members.

28. The executors or administrators of any deceased member shall be the only persons recognized by the Company as having any title to his share.

Death, bankruptcy, insolvency of members, &c.

29. Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any member, may be registered as a member upon such evidence being produced, as shall, from time to time, be required by the Directors, and on production of a request in writing in that behalf signed by him (his signature being attested by at least one witness) which shall be conclusive evidence of his having agreed to become a member.

Notice to shareholders in default.

30. If any member fail to pay any call on the day appointed for the payment thereof, the Directors may, at any time thereafter, during such time as the call may remain unpaid, serve a notice on him requiring him to pay such call, together with any interest that may have accrued due thereon by reason of such non-payment, and such notice shall name a day (not being less than thirty days from the service of such notice) and a place on and at which such call and interest, and any expenses that may have been incurred by reason of every such non-payment, are to be paid, and such notice shall also state that in the event of non-payment at or before the time, and at the place so appointed as aforesaid, the shares in respect of which such call was made, will be liable to be forfeited.

That their shares will be forfeited if calls are not paid.

In default of payment, Directors may declare shares forfeited.

31. If the requisitions of any such notice are not complied with, any share in respect of which such notice has been given, may, at any time thereafter before payment of all calls, interest and expenses due in respect thereof, be declared forfeited by a resolution of the Directors to that effect.

Forfeited shares to be the property of the Company.

32. Every share which shall be so declared forfeited, shall be deemed the property of the Company, and may be sold, re-allotted or otherwise disposed of upon such terms, in such manner and to such person or persons as the Company shall think fit.

Dues on forfeited shares to be paid.

33. Any member, whose shares shall have been declared forfeited, shall, notwithstanding such forfeiture, be liable to pay to the Company the balance due upon all calls, interest and expenses owing upon such shares at the time of the forfeiture, after deducting any sum that may have been realized by the Company from the sale or other disposition of such forfeited shares.

Directors may reserve the issue of stock.

34. The Directors may reserve the issue of any portion of the shares constituting the present capital of the Company until such further time as they shall think expedient, and may issue any portion of them, from time to time, as and when they shall think proper.

Reserved shares; how disposed of.

35. The shares which may be so reserved by the Directors, shall be offered to the members in proportion to the existing shares held by them; and such offer shall be made

by the notice specifying the number of shares to which the member is entitled, and limiting a time within which such offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

Company may receive deposits of money. Proviso.

36. It shall be lawful for the Company to receive money on deposit for such periods and at such rates of interest as may be agreed upon: Provided, that the aggregate amount of the mortgages, bonds, debentures or other instruments given by the Company, remaining unpaid, shall not exceed double the amount of the paid up capital stock of the Company.

Provisional Directors may open stock books.

37 For the purpose of organizing the said Company, the Provisional Directors, or a majority of them, may cause stock books to be opened after giving public notice thereof by advertisement in one or more newspapers published in the said City of Saint John, in which stock books shall be recorded the names and subscriptions of such persons as desire to become shareholders in the Company, and such books may be opened in the City of Saint John, in the Province of New Brunswick, and elsewhere, at the discretion of the said provisional Directors, and shall remain open as long as they deem necessary.

First general meeting of shareholders.

38. When and so soon as *one hundred thousand* dollars of the capital stock shall have been subscribed, and at least *twenty* per cent. of the amount so subscribed paid in, the said provisional Directors may call a general meeting of the shareholders, to be held in the said city of Saint John, giving at least thirty days' notice of the time and place for holding such meeting, by publishing the same at least twice a week in some newspaper published in the said City of Saint John, and also, by serving such notice on each shareholder, either personally or by sending the same through the post as hereinafter provided; at which general meeting the shareholders present or represented by proxy, shall elect seven Directors who shall constitute the Board of Directors, and shall hold office until they are re-elected or their successors are appointed at such time and in such manner as may be provided for by the by-laws of the Company.

Number and qualification of Directors.

39. The business of the Company shall be managed by seven Directors, each of whom shall be the holder of at least twenty shares of the stock of the Company.

Number of Directors may be increased.

40. The number of Directors by whom the business of the Company shall be managed may, at the first or at any other general meeting of the Company, be increased to any number not exceeding fifteen.

How the profits of the Company

41. The profits of the Company, so far as the same shall extend, shall be divided and disposed of in manner follow-

shall be disposed of. Reserve fund.

ing, that is to say: There shall in the first place be set apart for the purpose of forming a reserve fund to meet contingencies or for equalizing dividends, such sum not less in any year than two and one-half per centum upon the net profits of the business of the year, as the Directors shall, from time to time, think fit; and the residue of such profits shall be divided amongst the members in such manner as the Directors shall determine.

No dividend to impair capital.

42. The Company shall not make any dividends whereby their capital stock will in any way or degree be reduced.

Lien of Company thereon.

43. The Directors may deduct from the dividends payable to any member, all such sums of money as may be due from him to the Company on account of calls or otherwise.

Notice of Dividends. Dividends not to bear interest.

44. Notice of any dividends that may have been declared shall be given to each member either personally or through the post office, and no dividend shall bear interest against the Company.

Chief place of business of the Company; officers and agencies.

45. The chief place of business of the said Company shall be at the City of Saint John, in the Province of New Brunswick, which shall be the legal domicile of the Company; but the said Company shall have power, from time to time, and at all times hereafter, to establish such and so many offices and agencies in any part of the Dominion of Canada and elsewhere, and under such regulations for the conduct and management thereof, and to remove and discontinue the same as the Directors of the Company may deem expedient.

Company may establish a building fund and receive subscriptions and deposits of moneys therefor.

46. The said Company, in addition to the powers already conferred upon it by this Act, may establish and provide for a building fund, to which persons may become subscribers, and pay in or deposit moneys, from time to time, for investment or building purposes or may operate withdrawals in the manner, at the times, at the rates of interest and on the conditions established by order or by-law of the Directors, as may be agreed upon between the said subscribers and Directors, the general funds and assets of the Company shall not be chargeable with any liability arising or growing out of building operations in connection with the building fund, nor shall any funds, assets or moneys of the Company be employed or used in connection with the building fund, except such funds, assets or moneys as are subscribed or paid in for these purposes and on behalf of such building fund. All profits arising from such building fund shall be divided among the subscribers to that fund.

General assets of the Company not chargeable with liabilities of fund.

Profits of fund, how disposed of.

Company may acquire and dispose of real estate.

47. The Company, for the purposes of the last preceding section, shall have power to acquire and hold by purchase, lease or other legal title, any real estate necessary or requisite for the carrying out the undertakings of the Company's building operations, lands, houses, buildings, premises, rights and privileges belonging thereunto; to construct, erect, build and maintain houses or other buildings and premises; and to lease, let, sell, convey and dispose of the

May carry on building operations.

said property or such part thereof as the Directors of the Company may deem for its advantage; and also, shall have power to acquire and use or dispose of every description of material for building purposes.

And acquire and dispose of building materials.

48. It shall be lawful for the said Company to unite, amalgamate and consolidate its stock, property, business and franchises with the stock, property, business and franchises of any Building, Savings or Loan Society, incorporated or chartered within the Province of New Brunswick, and to enter into all contracts and agreements therewith, necessary to such union and amalgamation.

Company may amalgamate with any building, saving's or loan society in N.B.

49. Notices requiring to be served by the Company upon the members may be served personally or by leaving the same for, or sending them through the post office in pre-paid letters addressed to the members at their registered place of abode.

Service of notice by Company on members.

50. All notices directed to be given to the members shall, with respect to any shares to which persons are jointly entitled, be given to whichever of such persons is first named in the stock register, and notices so given shall be deemed sufficient notice to all the proprietors of such shares.

Notice to joint shareholders.

51. The appointment or election of Directors and officers, and the times, place and mode of calling and holding ordinary and extraordinary or other meetings of the Company and of the Directors and other officers, and the proceedings at meetings of the Company and of the Directors shall be subject to and regulated by such rules, regulations and provisions; and meetings of the Company, and of the Directors, shall have such powers, privileges and authorities as may be set forth and directed in and by by-laws of the Company passed, from time to time, at any general meeting of the Company.

Election of Directors, meetings of the Company, &c.; how regulated.

52. At all meetings of the Company, each shareholder shall be entitled to give one vote for each share then held by him and so held for not less than twenty days prior to the time of voting; such votes may be given in person or by proxy, the holder of any such proxy being himself a shareholder, but no shareholder shall be entitled, either in person or by proxy, to vote at any meeting unless he shall have paid all the calls upon all the shares held by him; all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the Chairman presiding at such meeting having the casting vote in case of an equality of votes.

Shareholder's votes.

Proxies.

Majority to decide.

53. The Company shall transmit annually to the Minister of Finance, a statement in duplicate verified by the oath of the President, Managing Director or Manager, setting out the capital stock of the Company, and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company, both on their own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing

Yearly statement to be sent to the Minister of Finance.

the classes of securities, the extent and value of the lands held by them, or in respect of which they are acting as agents, and such other details as to the nature and extent of the business of the Company as may be required by the Minister of Finance: Provided always, that in no case shall the Company be bound to disclose the names or private affairs of any person who may have dealings with them.

Interpretation clause.

Manager.
Secretary.
Land and real estate.
Company.
Directors.
Manager.

54. In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:—The word "manager" includes the words "cashier" and "secretary;" the word "land" and the words "real estate" extend to messuages, lands, tenements and hereditaments of any tenure; the expression "The Company" means "The Maritime Savings and Loan Society" in this Act mentioned and described; the expressions "the Directors" and "manager" mean the Directors and the manager respectively, for the time being, of the said Company.

No. 69.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to incorporate "The Maritime Savings and Loan Society."

Received and read the first time, Tuesday, 14th March, 1876.

Second reading, Wednesday, 15th March, 1876.

PRIVATE BILL.

MR. DEVEBER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

No. 70.] **BILL.** [1876.

An Act to authorize the Shareholders of "The Security Permanent Building and Savings Society of St. Catharines," to change the name of the said Society to that of "The Security Loan and Savings Company."

Preamble.

WHEREAS "The Security Permanent Building and Savings Society of St. Catharines," by their petition, have presented that they were incorporated under the authority of the Act passed by the Legislature of the late Province of Canada, in the ninth year of Her Majesty's reign, intituled: "*An Act to encourage the establishment of certain societies, commonly called Building Societies, in that part of the Province of Canada formerly constituting Upper Canada*," and of the Act amending the same; and that by reason of the great extension of their business, the increase in the number of their shareholders and the extended character of their financial transactions, it is necessary that they should seek from Parliament powers to change the name of the said society; and whereas it would be for the public advantage, as well as for the convenience of the corporation, that the prayer of the said petition should be granted: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Corporate name may be changed, and how.

1. It shall be lawful for the said Society by by-law to change the name of "The Security Permanent Building and Savings Society of St. Catharines" to that of the "Security Loan and Savings Company," which change shall take effect, and shall be held to be effectual to all intents and purposes from and after a day to be therein specified: Provided that the Directors of the Society shall advertise the change of name once a week for two months previous to the change taking effect, in the *Canada Gazette*, and in a newspaper published in the town of St. Catharines.

Effect of such change.

2. Upon the said change taking effect, the said Society, and all its then members, their successors and assigns for ever, shall therefrom be and be thereby held to be constituted, and shall continue to be a body politic and corporate under the name last aforesaid, having its principal place of business in the Town of St. Catharines; and under that name shall be capable of suing and being sued, pleading and being impleaded in all courts and places whatsoever.

Not to be a new corporation.

3. The said Society, under its new name, shall not be deemed to be a new corporation, but it shall have, hold and continue to exercise all the rights, powers and privileges that shall, previously to such change, have been held, ex-

ercised and enjoyed by the said "The Security Permanent Building and Savings Society of St. Catharines" in as full and ample a manner as if the said Society had continued to exist under its original name; and all statutory provisions applicable to the said Society shall continue applicable to the said "Security Loan and Savings Company."

Property and liabilities vested in Society under new name.

4. All real and movable property, shares or stock, obligations, debts, rights, claims and privileges of the said "The Security Permanent Building and Savings Society of St. Catharines" shall, from the time such change shall take effect, be held by and vested in the said Society under its new name; and all the shareholders in the said Society shall from such time continue shareholders in all respects as before such change of name; but all legal proceedings heretofore regularly begun by or against "The Security Permanent Building and Savings Society of St. Catharines" may be continued and terminated under the name or style of cause in which they have been instituted.

Officers continued..

5. The then existing President, Vice-President, Directors and officers of the said "The Security Permanent Building and Savings Society of St. Catharines" shall continue in office as such in the said Society under its new name, until replaced in conformity with the by-laws of the corporation.

By-laws continued.

6. All the then existing by-laws and rules of the said "The Security Permanent Building and Savings Society of St. Catharines" shall continue in full force and effect, and shall be binding in law as regards the said Society under its new name, its Directors, officers, shareholders and borrowers, until modified, amended or repealed in conformity with the provisions of this Act.

No. 70.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to change the name of "The Security Permanent Building and Saving Society of St. Catharines," to that of the "Security Loan and Savings Company."

Received and read the first time, Tuesday, 14th March, 1876.

Second reading, Wednesday, 15th March, 1876.

(PRIVATE BILL.)

MR. NORRIS.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 71.] **BILL.** [1876.

An Act to incorporate the Synod of the Church of England, Diocese of Rupert's Land.

WHEREAS a petition has been presented from the Bishop and the Executive Committee of the Synod of the Diocese of Rupert's Land, one of the dioceses in connection with the Church of England Ecclesiastical Province of Rupert's Land, and which embraces the Province of Manitoba and certain parts of the North-West Territories of Canada, praying, on behalf of the said Synod, that the said Synod should be incorporated, and it is expedient to grant the prayer of the said petition. Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. The Diocesan Synod of the Church of England Diocese of Rupert's Land shall be, and the same is hereby incorporated by the name of "*The Diocesan Synod of Rupert's Land.*" Incorporation.

2. The said Synod shall consist of the Bishop of the said diocese, and his successors to be from time to time appointed in such manner as is or shall be provided by the Provincial Synod of Rupert's Land, and of such other persons as are or may become members thereof according to the constitution of the said Diocesan Synod, as the same exists at the time of the passing of this Act, or as it may from time to time be altered by the said Diocesan Synod, or by the Provincial Synod of the Church of England in Rupert's Land after the passing of this Act. Of whom corporation shall be composed.

3. Such corporation shall have perpetual succession, and may have a common seal, with power to change, alter, break and renew the same when and so often as they shall think proper, and the said corporation may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute, and be prosecuted in all courts and places whatsoever in Canada; and the said corporation shall be able and capable in law, respectively, to purchase, take, have, hold, receive, enjoy, possess and retain without license in mortmain, all messuages, lands, tenements, and immovable property, money, goods, chattels and movable property, which have been, or hereafter shall be paid, given, granted, purchased, appropriated, devised or bequeathed in any manner or way whatsoever to, for, and in favor of the eleemosynary, ecclesiastical and educational uses Powers of the corporation. Real estate.

of the Church of England, or Church of England in Rupert s Land: Provided that such real estate so held by the said corporation shall not exceed six thousand acres in extent; Provided however, that the said corporation may hold such estate exceeding the said amount of six thousand acres for a period of not more than seven years; and the same, or any part or portion thereof, or interest therein which may not within the said period have been alienated and disposed of, shall revert to the party from which the same was acquired, his heirs or other representatives; and provided also that the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Dominion of Canada or other approved securities, for the use of the said corporation.

Proviso: as to extent.

Investment of funds.

Sale and lease of certain lands.

4. The said corporation, under the name aforesaid, is empowered from time to time to sell, exchange, alienate or mortgage any part of any real estate that it does possess, or may hereafter possess or acquire for the aforesaid purposes of the church, but in no case where land is held in trust for the benefit of the incumbent of any parish, except in payment of taxes, till the consent of such incumbent, and also of the majority of the vestry of the said parish have been separately given in writing, the constitution of the said vestry being such as the aforesaid Synod may from time to time determine; and the corporation aforesaid may demise any such real estate, or any part thereof, by lease under the corporate seal, but such lease, except in a case to be hereinafter mentioned, shall not be for a longer period than twenty-one years, nor wholly nor in part in consideration of a sum in gross, but the full rent shall be reserved and payable annually, or at shorter periods, and any lease made contrary to the provisions of this section shall be utterly void; Provided however, that the corporation aforesaid may demise by lease, as above, any piece of land to be used for building purposes, for any period not longer than ninety-nine years, either for an annual payment, or wholly or in part in consideration of a sum in gross; but in such case, the corporation shall invest the whole sum received in gross for the purposes of the trust.

Proviso.

Grants of land for road and school purposes.

5. The said corporation shall in the case of land held by it, be able to set apart a portion of it for the purpose of making a road, or to make a free grant of a portion not exceeding one acre in extent for the purpose of a school, hospital, or other necessary public object; Provided, that in the case of land held in any parish for ecclesiastical uses for the benefit of that parish, there must be obtained the consent of the majority of the vestry, and if there be an incumbent, the consent of the incumbent also.

Certain property may be transferred.

6. It shall be lawful for the Bishop of Rupert's Land, or any person or persons within the said diocese, to transfer any property held in trust by him or them for the eleemosynary, ecclesiastical or educational uses of the Church of

England, or the Church of England in Rupert's Land, to the said corporation, to be held in trust for the same purposes.

Powers of committees.

7. The said Synod may exercise all its powers by and through the Executive Committee, or such other Boards or Committees as the said Synod may from time to time appoint by by-law or by-laws for the management of all or any of the affairs or property of the said Synod, but in accordance only with the trusts relating to any property to which any special trust is attached. The said Synod may also appoint a Treasurer or Treasurers, and make such rules and by-laws for the management and administration of its property as it shall see fit. The said Synod shall also have the right of appointing an attorney or attorneys, or any needful agents for the management of its affairs, and shall have all other rights necessarily incident to a body corporate.

Officers.

Certain rights saved.

8. Nothing herein contained shall be construed to affect the rights of Her Majesty, or of any other body corporate or private individual, further than is expressly provided.

No spiritual jurisdiction.

9. Nothing in this Act shall be construed to confer spiritual jurisdiction upon the aforesaid corporation.

No. 71.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to incorporate "The Synod of the Church of England, Diocese of Rupert's Land."

Received and read the first time, Tuesday, 14th March, 1876.

Second reading, Wednesday, 15th March, 1876.

(PRIVATE BILL.)

MR. CAMERON, (Cardwell.)

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street.

1876.

No. 72.] **BILL.** [1876

An Act to amend the Railway Act, 1868.

WHEREAS it is expedient to amend *The Railway Act*, 1868: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The twenty-second sub-section of the ninth section of the said Act is hereby amended by adding after the words "appointed by the parties" in the third line thereof the following words:—"Or the third arbitrator appointed by the two arbitrators," and by adding after the words "so deceased or not acting" in the thirteenth line thereof the words following:—"And in the case of a third arbitrator appointed by the two arbitrators, the provisions of the sixteenth sub-section of this section shall apply." 31 Vic., c 68. Sub-sect. 22 of sect. 9 amended, respecting arbitrators.

No. 72.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Railway Act, 1868.

Received and read the first time, Tuesday, 14th March, 1876.

Second reading, Wednesday, 15th March, 1876.

MR. MACKENZIE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

No. 73.] **BILL.** [1876.

An Act to supply an omission in the Act 37 Vict., chap. 42, extending certain Criminal Laws of Canada to British Columbia.

WHEREAS in the section substituted by the Act passed in the thirty-third year of Her Majesty's reign, chaptered twenty-seven, intituled "*An Act to amend an Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders*," for the sixty-fifth section of the Act thereby amended, the several Courts to which, under the said section, an appeal is given from a conviction had or an order made by a Justice or Justices of the Peace in the several Provinces forming the Dominion of Canada at the time of the passing of the Act first cited are mentioned, but no such provision was or could be made as to the Province of British Columbia, which was not then part of Canada; and, whereas, the Act first cited and the Act thereby amended were, by the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "*An Act to extend to the Province of British Columbia certain of the Criminal Laws now in force in other Provinces of the Dominion*," extended, with others, to British Columbia, but no provision was made as to the Court to which the appeal given by the said substituted section should lie, and it is expedient to remedy such omission: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

33 Vic., c. 27.

32 & 33 Vic., c. 31, s. 65.

37 Vic., c. 42

1. The said substituted sixty-fifth section mentioned in the preamble is hereby amended by inserting therein, immediately before the words "such right of" in the last line but one of the first paragraph of the said section, as printed in the Statutes of the Session in which it was passed, the words "and in the Province of British Columbia, to the Court of General or Quarter Sessions of the "Peace which shall be held nearest to the place where the "conviction has taken place or the order has been made "from which it is desired to appeal."

Section substituted by 33 Vic., c. 27, for sec. 65 of 32 & 33 Vic., c. 31, amended as respects its application to British Columbia.

No. 73.

3rd Session, 3rd Parliament, 39 Vic., 1876.

BILL.

An Act to supply an omission in the Act 37 Vict., chap. 42, extending certain Criminal Laws of Canada to British Columbia.

Received and read the first time, Wednesday, 15th March, 1876.

Second reading Thursday, 16th March, 1876.

Mr. Blake.

OTTAWA:

Printed by MacLean, Roger & Co.,

1876.

No. 74.] **BILL.** [1876.

An Act respecting the attendance of Witnesses on Criminal Trials.

Preamble.

WHEREAS it is expedient to make better provision for securing the attendance of witnesses on criminal trials: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Witnesses summoned must attend.

1. Any witness duly subpœnaed to attend and give evidence at any criminal trial before any Court of Criminal Jurisdiction, shall be bound to attend and remain in attendance throughout the trial.

Judge may cause witness to be arrested to answer for his default.

2. Upon proof to the satisfaction of the judge of the service of the subpœna upon any witness who fails to attend or remain in attendance, and that the presence of such witness is material to the ends of justice, he may, by his warrant, cause such witness to be apprehended and forthwith brought before him to give evidence and to answer for his disregard of the suppœna, and such witness may be detained on such warrant before the judge or in the common gaol with a view to secure his presence as a witness, or, in the discretion of the judge, he may be released on a recognizance, with or without sureties, conditioned for his appearance to give evidence and to answer for his default in not attending or not remaining in attendance; and the judge may, in a summary manner, examine into and dispose of the charge against such witness, who if found guilty thereof, may, by order of the judge, be fined or imprisoned, or both, the fine not exceeding *one hundred dollars*, and the imprisonment being in the common gaol, with or without hard labor, for a term not exceeding ninety days.

Punishment of witness found guilty of such default.

No. 74.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act respecting the attendance of Witnesses on Criminal Trials.

Received and read the first time, Wednesday, 15th March, 1876.

Second reading, Thursday, 16th March, 1876.

MR. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

No. 75.] **BILL.** [1876.

An Act to incorporate "The England and Canada Mortgage Security Company."

Preamble.

WHEREAS the persons hereinafter named and others, propose to establish a Joint Stock Company, and have petitioned for an Act of Incorporation for the said Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. William Kersteman, Henry Elmsley, Alexander Robertson, James E. Robertson, Samuel George Wood and all other person and persons, body and bodies politic as shall, from time to time, be possessed of any share or shares in the undertaking, shall be united into a Company, and shall be one body politic and corporate by the name of "The England and Canada Mortgage Security Company," and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name shall sue and be sued, plead and be impleaded in all courts whatsoever.

Capital stock and shares.

Increase.

2. The capital stock of the Company shall be five hundred thousand pounds sterling, divided into fifty thousand shares, of ten pounds each, of which ten per centum shall be paid in before the actual transaction of business is proceeded with; but it shall be lawful for the said Company, by a resolution passed at the first or any other general meeting of the shareholders, to increase the capital stock, from time to time, as may be deemed expedient to any sum not exceeding the sum of two millions of pounds sterling, and to raise the amount of the said new stock either by distribution amongst the original shareholders or by the issue of new shares, or partly in one way and partly in the other, and the said new stock shall be subject to all such incidents, both with reference to the payment of calls and forfeiture, and as to the powers of lending and borrowing or otherwise (as hereinafter provided) as the original stock.

Business of the Company.

3. The Company, after paying and discharging all costs, charges and expenses incurred in applying for and obtaining the passing of this Act and all other expenses preparatory or relating thereto, may lend and advance money by way of loan or otherwise, for periods of not less than three months, on the security of real estate, stock, bonds, debentures and

municipal securities and the obligations of corporate companies and Government stocks and debentures, and may buy and sell debts secured by mortgage, or pledge of freehold and leasehold lands, and may advance or loan money on such securities.

Borrowing powers of the Company.

4. The Directors may, from time to time, with the consent of the shareholders present or represented in a general meeting, borrow money on the debentures of the Company, at such rates of interest and upon such terms as they may think proper, and the Directors may, for that purpose, make or cause to be made, debentures under the common seal of the Company for sums of not less than one hundred pounds sterling, which may be made payable at any place either to order or bearer, and may have interest coupons attached: Provided, that no lender shall be bound to enquire into the occasion for any such loan or into the validity of any such loan, or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted. The said Company may receive money on deposit: Provided, that the aggregate amount of such deposits together with the amount of debentures issued and remaining unpaid shall not at any time exceed the amount of the subscribed capital of the Company for the time being, not paid up.

Deposits.

Company may act as agents.

5. The Company is empowered to act as an agency, and may hold, invest and deal with such moneys, mortgages, securities or debts as shall, from time to time, be transferred or delivered to the Company upon trust, or as agents, and may exercise all the rights which parties so transferring or delivering the same might or could exercise, and the Company may give such guarantee as may be agreed upon for repayment of interest and principal, or both, of any such mortgages, moneys or debts: Provided, that no commission as agents shall exceed five per centum upon the amount of the loan.

Power to hold real estate.

6. The Company may hold such real estate, including lands actually required by them for an office in London, England, or in the City of Toronto, Dominion of Canada, as may be acquired by them for the protection of their investments, and may, from time to time, sell, mortgage, lease or otherwise dispose of the same: Provided always, that the Company shall sell any such real estate (the premises occupied by the Company as aforesaid excepted) within five years after acquiring it, and that the same shall not at any time exceed in annual value the sum of two thousand pounds sterling.

Proviso.

Head office and agencies.

7. The head office of the Company shall be in London, England, but the Company may have offices in such other places as the Directors may appoint, and may appoint agents to manage them, and for such other purposes as the Directors shall determine, and the debentures, coupons or dividends of the Company may be made payable at any place in London, England, or in Toronto, Canada, or elsewhere.

Transmission of shares otherwise than by transfer.

8. The transmission of the interest in any share of the capital stock, in consequence of the marriage, death or insolvency of a shareholder, or by any other means than an ordinary transfer, shall be authenticated and made in such form, by such proof, and generally in such manner as the Directors shall, from time to time, require, or by by-law direct.

Who shall be deemed members.

9. When any person makes application in writing signed by him for any allotment of shares, and any shares or share are or is allotted to him in pursuance of such application, he shall be deemed conclusively to have agreed to become a shareholder of the Company in respect of the shares so allotted, and he shall be entered in the register of shareholders in respect thereof accordingly, and every shareholder, on the payment of one shilling, may obtain a certificate of membership, and such certificate shall be *primâ facie* evidence of the title of the shareholder therein named to the share or shares therein specified.

Joint holders of shares.

10. If any shares or share stand in the name of two or more persons, the first named shall be deemed the sole holder thereof in all matters connected with the Company.

Transfers.

11. No transfer of stock shall be made without the consent and approval of the Directors, nor shall be held valid until entry thereof has been duly made in the books of the Company.

Fee on transfer.

12. The Directors shall have power to charge, in respect of every transfer of shares, a fee not exceeding two shillings and sixpence.

Enforcement of calls.

13. The Company may enforce payment of all calls and interest thereon by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the Company under this Act, and a certificate under their seal, and purporting to be signed by the President, Vice-President or General Manager of the Company to the effect that the defendant is a shareholder, that such call or calls have been made, and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *primâ facie* evidence to that effect.

Interest on calls.

14. Interest shall accrue and fall due at the rate of six per centum per annum upon the amount of any unpaid call from the day appointed for payment of such call.

Forfeiture of shares.

15. If after such demand or notice as the by-laws of the Company may prescribe, any calls made upon any share or shares be not paid up within such time as by such by-law

may be limited in that behalf, the Directors in their discretion, by vote to that effect, reciting the facts, and the same being duly recorded in their minutes, may summarily declare any shares whereon such payment is not made forfeited, and the same shall thereupon become the property of the Company, and may be disposed of as by by-law or otherwise they shall ordain.

Election of Directors.

16. The Directors shall be elected at the annual general meeting of shareholders to be holden in London, England, on the first Thursday in May, in each year, or such other day as may be appointed by by-law, not less than one months' notice of such meeting been given; and at such meeting a full and detailed statement of the financial affairs of the Company up to the thirty-first day of December, then last past, shall be submitted to the stockholders and shall appear in the books of the Company and be open for the inspection of the shareholders, and also a similar statement to be prepared at the expiration of every month. Such general meeting may be adjourned by a vote of the majority, and all elections of Directors shall be held and made at such meeting by such of the shareholders present or represented by proxy as shall have paid the ten per cent above prescribed, and all calls made by the Directors and then due, and all such elections shall be by ballot, and the persons who have greatest number of votes at any such election shall be Directors except as hereinafter directed; and if there is any doubt or difficulty in such election by reason of two or more persons receiving an equal number of votes, then there shall be a re-ballot as between such persons, or the Directors of whose election there is no such doubt, may determine which of the persons having an equal number of votes shall be Director or Directors, and the said Directors shall then proceed in like manner to elect by ballot one of their number to be President and one to be Vice-President. If any vacancy shall at any time happen amongst the Directors by death, resignation, disqualification, removal or otherwise during the current year of office, such vacancy shall be filled for the remainder of the year by a majority of the remaining Directors: Provided, that no person shall be eligible to be or continue a Director unless he shall hold in his name and for his own use, stock in the said Company to the amount of ten shares, whereof, at least ten per cent. shall have been paid in, and shall have paid all calls made upon his stock and all liability incurred by him to the said Company.

Statement of affairs.

Proceedings at general meetings.

Vacancies.

Proviso: qualification of Director.

In a certain case provisions of English Act to govern.

17. If the Company is incorporated in England as a Company, limited by shares under the Imperial Act called "*The Companies Act*, 1862," by means of the the registration of a memorandum of association accompanied by articles of association, then the appointment or election of future Directors and other officers, and the times, place and mode of calling and holding ordinary and extraordinary or other meetings of the Company, and of the Directors and all other things relative to the Company and its business not expressly in this Act provided for, shall be

subject to and regulated by such rules, regulations and provisions; and meetings of the Company and of the Directors shall have such powers, privileges and authorities as shall be set forth and directed in and by such articles of association, in so far as the same do not conflict with the provisions of this Act or with the laws of Canada.

Residence of Directors.

18. Provided further, that the whole or any number of the Directors may be resident in Great Britain or in Canada as may be most desirable, and may make provision not inconsistent with this Act respecting the appointment, tenure of office, duties and powers of Directors and local Directors; and nothing herein contained shall be construed to render it imperative for the Directors to be resident or to hold their meetings in Great Britain or to render shareholders in Canada ineligible as Directors.

General powers of the Company.

19. The Company is hereby empowered to execute any contract by way of guarantee, indemnity or suretyship which a private individual may make; they may take, receive, accept and hold any security or indemnity, real or personal, against loss or injury from any guarantee or transaction hereby authorized, which a private individual may take, receive and hold; they are hereby authorized with respect to any such matters to make valid and binding contracts, and to do all acts and things whatsoever that may be necessary for realizing the said securities and indemnities, and for enforcing all such contracts, and also for enforcing any conditions, prices or forfeitures imposed by any rules, regulations or by-laws, and generally to do and exercise in relation to the premises, all acts and powers which any private individual may do or exercise in like circumstances.

Number of Directors and quorum.

20. The number of Directors shall be thirteen, and at all meetings of Directors a majority of the whole Board shall be a quorum for the transaction of business and all questions before them shall be decided by a majority of votes; and in case of an equality of votes, the President, or Vice-President or presiding Director shall give the casting vote.

Term of office of Provisional Directors.

21. So soon as the Directors shall have been appointed, the powers and functions of the Provisional Directors shall cease and determine.

Failure of election not to dissolve Company.

22. If at any time an election of Directors be not made, or do not take effect at the proper time, the Company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the Company duly called for that purpose.

Directors may make by-laws

23. Directors of the Company shall have full power in all things to administer the affairs of the Company, and to make by-laws regulating the issue and registration of certificates of stock, the transfer of stock, the calling in of amounts due on subscribed stock, the declaration and payment of dividends, the appointment, functions, duties and removal of all agents, officers and servants of the Company; the security to

be given by them to the Company, their remuneration and that, if any, of the Directors, the place or places where the annual meetings of the Company shall be held, and where the business of the Company shall be conducted, the calling of meetings, regular and special of the Board of Directors of the Company, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the Company; and may, from time to time, repeal, amend or re-enact the same.

Confirmation of by-laws.

24. Provided always, that all such by-laws, rules and regulations and ordinances may be varied, altered or cancelled at the next annual general meeting, and shall be presumed to have been approved of by such meeting excepting so far as they shall be varied, altered or cancelled, and shall thereafter have force and effect as if approved: Provided further, that no such variation, alteration or cancellation shall invalidate anything done in pursuance or by virtue of such by-laws, rules and regulations and ordinances, or injuriously affect the position or rights of any person; and provided further, that such by-laws do not contravene the provisions of this Act.

Copy of by-laws to be evidence.

25. A copy of any by-law of the Company under their seal, and purporting to be signed by any of the officers aforesaid, shall be received as *primâ facie* evidence of such by-law in all courts of law and equity.

Votes on shares.

26. Every shareholder in the Company shall be entitled to one vote for each share he may hold in the capital stock of the Company at least one month prior to the time of voting: Provided, that no shareholder being in arrears in respect of any call shall be entitled to vote at any meeting of the Company, and the votes of the shareholders may be given in person or by proxy.

Proviso.

First meeting of shareholders.

27. So soon as the whole of the capital stock shall have been subscribed, and ten per centum thereof paid up and deposited to the credit of the said Company in some chartered bank or agency thereof, in London, England, or in the Dominion of Canada, the Directors shall call a general meeting of the shareholders to be held in London, England, of which meeting not less than one months' notice shall have been given by public advertisement in the *London Gazette*, in England, and the *Canada Gazette*, in Canada, and in one or more of the newspapers published in London, England, and the Dominion of Canada, for the purpose of passing by-laws for the management of the affairs of the Company, the election of Directors, the appointment of officers, and generally for the exercise of the powers conferred on the Company.

Annual and special general meetings.

28. Annual general meetings and special general meetings of shareholders of the Company shall be called by public notice, advertised for at least one month in one or

more of the newspaper published in London, England, and in the Dominion of Canada, and in the *London Gazette* and *Canada Gazette*.

Books to be kept by the manager.

29. The Company shall cause a book or books to be kept by the Manager or by some other officer specially charged with that duty, wherein shall be kept recorded

1. A correct copy of the Act incorporating the Company, as also of any and every by-law thereof.

2. The names, alphabetically arranged, of all persons who are or have been shareholders.

3. The address of every such person while such shareholder.

4. The number of shares of stock held by each shareholder.

5. All transfers of stock in the order as presented to the Company for entry thereof.

6. The names, addresses and callings of all persons who are or who have been the Directors of the Company with the several dates at which each became or ceased to be a Director.

Interest in advance.

30. The Company may stipulate for and demand and receive in advance half yearly, the interest from time to time accruing on any loans granted by the Company, and may also receive an annual or semi-annual payment on any loans by way of a sinking fund for the gradual extinction of such loan.

Stock and transfer books to be open.

31. The stock and transfer books shall, during office hours, be kept open for the inspection of shareholders or their representatives, and they may make extracts therefrom; such books shall be *primâ facie* evidence of all facts purporting to be therein stated.

Lands held in trust.

32. The Directors may, from time to time, appoint one or more members of their Board to accept and hold any lands or property in trust for the Company, or remove such person or persons and appoint another or others in their stead.

Directors saved harmless.

33. Every Director and local Director of the Company and his heirs, executors, and administrators and estate and effects respectively, shall, from time to time, and at all times be indemnified and saved harmless out of the funds of the Company, from and against all costs and expenses whatever which he shall or may sustain in any action, suit or proceeding which shall be brought against him in respect of any act in the execution of the duties of his office, except such costs, charges and expenses as shall be occasioned by his own wilful neglect or default.

Responsibility of Directors.

34. Every Director and local Director of the Company his heirs, executors and administrators and estate and effects respectively, shall be charged only with such money as he shall actually receive, and shall not be answerable for his co-Directors or any of them,—but each of them for his own acts, deeds and defaults only,—nor for the acts or deeds of

any officer or officers of the Company, nor for the insufficiency of title to any property which may be acquired by order of the Directors, or upon which any moneys of the Company shall be loaned or invested, nor for any loss or misfortune whatever to the Company unless the same shall happen through his own wilful neglect or default.

Division of profits.

35. The profits of the Company, as far as the same shall extend, shall be divided as follows:—

There shall in the first place be set apart for the purposes of forming a reserve fund to meet contingencies and for equalizing dividends, such sum not less in any year than two and a-half per centum upon the net profits of the business of such year as the Directors shall, from time to time, think fit, and the residue of such profit shall be divided amongst the shareholders in such manner as the Directors, with the sanction of the Company in general meeting assembled shall determine.

Investment of reserve fund.

36. The Directors may, from time to time, invest the sum set apart as a reserve fund in such good and convertible securities as they, in their discretion, may select.

Dividends not to reduce capital.

37. The Company shall not make any dividend whereby the capital stock will be in any way reduced.

Deductions from dividends.

38. The Directors may deduct from the dividends payable to any member, all such sums of money as may be due from him to the Company on account of calls or otherwise.

Notice.

39. Notice of any dividend that may have been declared, shall be given to each member, and no dividend shall bear interest against the Company.

Notices, how served.

40. Notices requiring to be served by the Company upon the members, may be served either personally, or by leaving the same for, or sending them through the post office in prepaid letters addressed to the members at their registered places of abode; the proof of such posting will be evidence of service.

Upon the Company.

41. Any summons, notice, or order, or other document required to be served on the Company, may be served by leaving the same at the head office in London, England, or in Toronto, Canada, with any grown person in the employ of the Company, but not otherwise.

Signing of notice.

42. Any summons, notice, order or proceeding requiring authentication by the Company, may be signed by the Manager or any Director or officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or print, or both.

Notice binding on transferee.

43. Every person who, by operation of law, transfer or other means whatsoever, shall become entitled to any share or shares, shall be bound by any and every notice which, previously to his name and address being entered upon the

register of shareholders in respect of such shares shall have been given to the person from whom he shall derive his title.

Embezzlement a misdemeanor.

44. Whosoever being a Director, shareholder, manager, officer or clerk of the said Company, fraudulently converts or appropriates any property whatever, or valuable security to or for his own use, or the use of any other persons, or for any other purpose other than contemplated or provided by the trust accepted by the Company, or which may be received by the Company as agents for others, under the provisions of this Act, is guilty of a misdemeanor, and shall be liable to be imprisoned in a penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other place of confinement for a term not exceeding two years.

Property of the Company.

45. In any indictment it shall be sufficient to state any such property to belong to the Company.

Liability of shareholders limited.

46. Every shareholder, until the whole stock has been paid up, shall be individually liable to the creditors of the Company to an amount equal to that not paid thereon, but shall not be liable to an action therefor by any creditor before an execution against the Company in any court has been returned unsatisfied in whole or in part.

The same.

47. The shareholders of the Company shall not, as such, be held responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company beyond the amount of their respective shares in the capital stock thereof.

Actions.

48. Any description of action may be prosecuted and maintained between the Company and any shareholder thereof.

Company not to do banking business.

49. Nothing in this Act contained shall authorize the said Company to engage in the business of banking, or to issue any note of a character to be circulated as money or as the note of a bank.

Statement to be furnished.

50. The Company shall make and furnish to the Governor General or the House of Commons during the first fifteen days of the Session in each and every year, a full and unreserved statement, verified on oath, of the affairs of the said Company and of its funds, property and securities.

No. 75.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to incorporate "The England and Canada Mortgage Security Company."

Received and read the first time, Thursday, 16th March, 1876.

Second reading, Friday, 17th March, 1876.

(PRIVATE BILL.)

MR. ROBINSON.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street.

1876.

No. 76.] **BILL.** [1876.

An Act to amend the Insolvent Act of 1875.

Preamble. 38 V., c. 16.

WHEREAS it is expedient to make certain amendments in *The Insolvent Act of* 1875: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sub-s. *b* of s. 2, amended.

1. Sub-section *b* of the second section of the said Act is hereby amended by adding after the words "and if no such gazette is published," the words following: "or if such gazette is not, in the opinion of the court or judge, published with sufficient frequency to enable the required notice to be conveniently published therein,"

Sect. 20 amended.

2. The twentieth section of the said Act is hereby amended by striking out the word "twice" in the third line from the end thereof, and inserting in lieu thereof the word "once," and by inserting after the word "gazette" in the same line, the words following: "and once in one local or the nearest published newspaper,"

Sect. 26 amended.

3. The twenty-sixth section of the said Act is hereby amended by inserting after the word "answer" in the fifth line thereof the words "upon oath," and by striking out the word "and" in the eighth line, inserting in lieu thereof the words "or to be sworn, or"

Right to use of securities under s.s. 28 and 29.

4. All securities given, or to be given, under the twenty-eighth and twenty-ninth sections of the said Act, shall be deposited with the Judge, and kept as part of the records of the Court, subject to the right of any person entitled to sue upon any such security, to such production and delivery thereof, as may be necessary in order to the exercise of such right.

Inspection of securities by creditor and right to object and demand better.

5. Any creditor of the estate may, in the case of any person required, under the said twenty-eighth and twenty-ninth sections, to give security, have inspection of such security, and may, if in his opinion the surety or sureties in such security are insufficient, apply, on notice, to the judge for an order that new or additional sureties may be furnished, and the judge may upon such application make such order as shall seem reasonable both as to the furnishing of sureties and as to the costs of the application.

Sect. 43 amended.

6. The forty-third section of the said Act is hereby amended by striking out the word "five" in the third line

thereof and inserting in lieu thereof the words "seven and one-half"

Sect. 83 amended.

7. The eighty-third section of the said Act is hereby amended by inserting after the word "thereon" in the third line thereof the following words, "by the recovery of any judgment, or by the recording of, or by any other proceedings on any judgment or," and by inserting after the word "costs" in the third line from the end, the following words "covered by any writ of execution." Provided always, that this section shall not apply to the case of any judgment recovered before the passing of this Act.

Proviso.

Sect. 128 amended.

8. The one hundred and twenty-eighth section of the said Act is hereby amended by striking out the words "either of the superior courts of common law or to the court of chancery, or to any one of the judges of the said courts," and substituting in lieu thereof the words "the court of Error and Appeal, or to any judge of that court."

Yearly returns to be made to the proper minister by assignees.

9. Every assignee shall before the end of October in each year, fill up and transmit to the Minister of Agriculture, or in case this branch of the subject of statistics and the registration thereof be by the Governor in Council transferred to any other Minister, then to such other Minister, such schedules for the year ending the thirtieth day of September next preceding, relative to the insolvency matters transacted by him, as shall be, from time to time, prescribed by the Governor in Council, according to forms published in the *Canada Gazette*; and it shall be the duty of every assignee, to make from day to day and to keep entries and records of the particulars to be comprised in such schedules.

Entries to be made and kept for this purpose.

Penalty for neglect or for wilfully making any false entry.

10. Any assignee neglecting or refusing to fill up and transmit any schedule under the 9th section of this Act, or wilfully making a false, partial, or incorrect schedule thereunder, shall forfeit and pay the sum of *forty dollars* together with full costs of suit, to be recovered by any person suing for the same by action of debt or information in any court of record in the Province in which such return ought to have been made, or is made, or in the Exchequer Court of Canada, and one moiety whereof shall be paid to the party suing, and the other moiety into the hands of Her Majesty's Receiver General to and for the public uses of Canada.

Statistics collected to be published.

11. The statistics collected by the Minister of Agriculture, or such other Minister as aforesaid, under this Act shall be abstracted and registered, and the results thereof shall be printed and published in an annual report.

No. 76.

3rd Session, 3rd Parliament, 39 Victoria, 1

BILL.

An Act to amend the Insolvent Ac
1875.

Received and read the first time, Pri
17th March, 1876.

Second reading, Monday, 20th March, 18

MR. BLAKE

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co
1876.

No. 76.] **BILL.** [1876.

An Act to amend the Insolvent Act of 1875.

(Reprinted as amended in Committee of the whole.)

Preamble. 38 Vic., c. 16.

WHEREAS it is expedient to make certain amendments in *The Insolvent Act of* 1875 : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Sub-s. *b* of s. 2, amended.

1. Sub-section *b* of the second section of the said Act is hereby amended by adding after the words "and if no such gazette is published," the words following: "or if such gazette is not, in the opinion of the court or judge, published with sufficient frequency to enable the required notice to be conveniently published therein,"

Section 4, amended.

2. The fourth section of the said Act is hereby amended by adding after the word "original" in the third line from the end the word "affidavit."

Section 14, amended.

3. The fourteenth section of the said Act is hereby amended by striking out the words "or against whom a writ of attachment has issued as provided by this Act," in the second, third, and fourth lines; and by inserting the word "any" before the word "writ" in the twelfth line; and by striking out the words "or by section nine" in the fifteenth line; and the words "or who issued the writ of attachment" in the nineteenth and twentieth lines.

Section 20 amended.

4. The twentieth section of the said Act is hereby amended by striking out the word "twice" in the third line from the end thereof, and inserting in lieu thereof the word "once," and by inserting after the word "gazette" in the same line, the words following, "and once in one local or the nearest published newspaper,"

Section 26 amended.

5. The twenty-sixth section of the said Act is hereby amended by inserting after the word "answer" in the fifth line thereof the words "upon oath," and by striking out the word "and" in the eighth line, inserting in lieu thereof the words "or to be sworn, or"

Right to use of securities under ss. 28 and 29.

6. All securities given, or to be given, under the twenty-eighth and twenty-ninth sections of the said Act, shall be deposited with the judge, and kept as part of the records of the court, subject to the right of any person entitled to sue

upon any such security, to such production and delivery thereof, as may be necessary in order to the exercise of such right.

Inspection of securities by creditor, and right to object and demand better.

7. Any creditor of the estate may, in the case of any person required, under the said twenty-eighth and twenty-ninth sections, to give security, have inspection of such security, and may, if in his opinion the surety or sureties in such security are insufficient, apply, on notice, to the judge for an order that new or additional sureties be furnished, and the judge may upon such application make such order as shall seem reasonable both as to the furnishing of sureties and as to the costs of the application.

Section 35, amended.

8. The thirty-fifth section of the said Act is hereby amended by striking out the word "as" between the words "Assignee" and "Inspector" in the fourth line from the end, and inserting in lieu thereof the word "or."

Section 36, amended.

9. The thirty-sixth section of the said Act is hereby amended by adding the following works "subject to the proviso as to sale *en bloc* contained in the thirty-eighth section of this Act."

Section 38, amended.

10. The thirty-eighth section of the said Act is hereby amended by adding thereto the following sub-section:—("2.) It shall not be necessary to advertise under the provisions of the seventy-fifth section of this Act any proposed sale of the estate *en bloc* under this section, although the estate may comprise real estate."

Section 41, amended.

11. The forty-first section of the said Act is hereby amended by inserting the following at the end thereof:—"And every register of or coming into the possession of an official assignee, and every other record required to be kept by an official assignee in connection with the performance of his duties, shall be held to be the property of Her Majesty; and upon the death of an official assignee or his ceasing to hold office, the Judge shall be entitled to and shall assume possession and control of such register or other record, which shall thereafter be kept among the records of the court open to inspection as aforesaid."

Section 43, amended.

12. The forty-third section of the said Act is hereby amended by inserting after the words "removal of property" in the thirteenth line the following words "the creditors may, in case in their opinion the remuneration of the assignee under the preceding part of this section is inadequate, at any meeting called for the purpose, fix such additional remuneration to be paid out of the estate to the assignee as they shall think reasonable," and by adding after the word "creditors" in the third line from the end the following words "and the remuneration of the assignee whether he be the official or the creditors' assignee in cases in which the estate is settled by composition."

13. The forty-fourth section of the said Act is hereby amended by adding after the words "five creditors" the following words, "if there are five or more, and by all the creditors if there are less than five." Section 44 amended.

14. The sixty-sixth section of the said Act is hereby amended by adding the words "or judge." Section 66 amended.

15. The eighty-third section of the said Act is hereby amended by inserting after the word "thereon" in the third line thereof the following words, "by the recovery of any judgment, or by the recording of, or by any other proceedings on, any judgment or," and by inserting after the word "costs" in the third line from the end, the following words, "covered by any writ of execution." Provided always, that the said amendments shall not apply to the case of any judgment recovered before the passing of this Act. Section 83 amended. Proviso.

16. The eighty-fourth section of the said Act is hereby amended by striking out the words "and revalue" in the last line, and by inserting at the end the words "and treat such liability as unsecured.." Section 84 amended.

17. The one hundred and twenty-eighth section of the said Act is hereby amended by striking out the words "either of the superior courts of common law or to the court of chancery, or to any one of the judges of the said courts," and substituting in lieu thereof the words "the court of Error and Appeal, or to any judge of that court." Section 128 amended.

18. The fourth sub-section of the one hundred and forty-seventh section of the said Act is hereby amended by inserting after the word "present" in the sixth line thereof the words "in person or by proxy." Section 147 amended.

19. Every assignee shall before the end of October in each year, fill up and transmit to the Minister of Agriculture, or in case this branch of the subject of statistics and the registration thereof be by the Governor in Council transferred to any other Minister, then to such other Minister, a schedule showing the particulars contained in the register to be kept by him under the forty-first section of the said Act, and such other schedules for the year ending the thirtieth day of September next preceding, relative to the insolvency matters transacted by him, as shall be, from time to time, prescribed by the Governor in Council, according to forms published in the *Canada Gazette;* and it shall be the duty of every assignee, to make from day to day and to keep entries and records of the particulars to be comprised in such schedules. Yearly returns to be made to the proper minister by assignees. Entries to be made and kept for this purpose.

20. Any assignee neglecting or refusing to fill up and transmit any schedule under the nineteenth section of this Act, or wilfully making a false, partial, or incorrect schedule thereunder, shall forfeit and pay the sum of forty dollars together with full costs of suit, to be recovered by any person suing for the same by action of debt or information in any court of record in the province in which such return ought to Penalty for neglect or for wilfully making any false entry.

have been made, or is made, or in the Exchequer Court of Canada, and one moiety whereof shall be paid to the party suing, and the other moiety into the hands of Her Majesty's Receiver General to and for the public uses of Canada.

Statistics collected to be published.

21. The statistics collected by the Minister of Agriculture, or such other Minister as aforesaid, under this Act shall be abstracted and registered, and the results thereof shall be printed and published in an annual report.

Word County explained.

22. The word "county" in the said Act includes any judicial district in the province of Ontario not organized into a county.

Proviso as to effect of amendments.

23. No amendment hereby made shall be held to be a declaration of the construction of any provision of the said Act as applicable to any proceeding heretofore had under the said Act.

No. 76.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Insolvent Act of 1875.

(Reprinted as amended in Committee of the whole.)

Received and read first time, Friday, 17th March, 1876.

Second Reading, Monday, 20th March, 1876.

Mr. BLAKE.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,
1876.

77

An Act to confirm the amalgamation of the City Bank and the Royal Canadian Bank, and to incorporate the Consolidated Bank of Canada.

WHEREAS on the eighteenth day of September, one thousand eight hundred and seventy-five, the City Bank and the Royal Canadian Bank entered into an agreement of amalgamation, thereby agreeing to form one corporation under the name of "The Consolidated Bank of Canada," which agreement was previously authorized by the shareholders of the said two Banks; And whereas an indenture setting forth the terms thereof was duly executed by the said Banks on the seventeenth and eighteenth days of September last, and a copy thereof has been duly deposited with the Minister of Finance; And whereas the said Banks have by their joint petition represented that it is for the interest of the shareholders and others interested in the said Banks and of the public, that the said agreement should be confirmed, and the amalgamation of the two Banks authorized upon the terms therein set forth, the said amalgamated Banks consolidated, and the provisions herein after contained, enacted, for the better conduct and management of the said Consolidated Bank of Canada, and have prayed that under the said circumstances, an Act of the Parliament of Canada should be passed to contain the provisions herein after mentioned; And whereas it is expedient that the prayer of the said petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said agreement is hereby confirmed, and the amalgamation of the said City Bank and of the Royal Canadian Bank is hereby authorized upon the terms and conditions in the said agreement of amalgamation set forth.

2. And upon, from and after the tenth day of May next the said amalgamated Banks, and the shareholders therein, and their assigns, shall be a corporation, body corporate and politic by the name of "The Consolidated Bank of Canada," and shall continue to be such corporation, and shall have perpetual succession, and a corporate seal, with power to alter and change the same at pleasure, and may sue, and be sued, implead or be impleaded in all courts of law and equity.

3. The terms and conditions set forth in the said recited Deed of Amalgamation shall constitute the basis of the union of the two Banks, and it shall be the duty of the Board of Directors of the Corporation by this Act created to

pass and maintain in force such by-laws as may from time to time be necessary to carry out and give effect to the said terms and conditions.

4. The head office and chief place of business of the said amalgamated Bank shall be in the City of Montreal.

5. The capital stock of the said Bank shall be four million dollars, divided into forty thousand shares of one hundred dollars each.

6. On and from the said tenth day of May next, the present shareholders of the said Banks shall become and be shareholders in the said Consolidated Bank of Canada in the amounts, and according to the relative values of the stock of the said amalgamated Banks, as provided for and set forth in the said indenture of amalgamation, in lieu of and in proportion to the amount of their shares in the said amalgamated Banks, and all the estate and effects, real and personal, rights, property, credits, *choses in action*, claims and demands of whatsoever nature or quality, or wherever situate of the said Banks, shall then become and be vested in the said Consolidated Bank of Canada, its successors or assigns, as and for its own use absolutely, and it may in its own name sue for, collect, and get in all and every part of the said estate, rights and effects, and the said Consolidated Bank shall be bound to redeem and pay all the outstanding bills of both of the said Banks in circulation at the time of such amalgamation, and, so long as it is convenient or expedient so to do, but not longer than for one year from the time when the provisions of this Act shall come into force, may re-issue such bills from time to time, or any part thereof, in the same manner and subject to the same conditions and limitations, and with the same privileges and remedies against the said Consolidated Bank of Canada as would exist in respect of bills issued by itself in its own name. And the said Consolidated Bank of Canada shall thereby become and be subject and liable to pay and discharge all the debts, obligations, bills and promissory notes and other liabilities of each of the said amalgamated Banks, and may be directly sued and proceeded against in respect thereof, as freely and effectually as if the same were originally the debts, obligations, promissory notes or liabilities of the said Consolidated Bank of Canada, and the same shall be taken and construed so to be ; and all suits, actions and proceedings pending on the said tenth day of May next in any Court of Law or Equity, or in any Court possessing civil jurisdiction in which suits, actions or proceedings the City Bank or the Royal Canadian Bank were plaintiffs or defendants, may be continued to judgment or execution in the name of the Consolidated Bank of Canada, upon a suggestion being entered upon the Record by virtue of this Act, at any time before judgment, that the City Bank or the Royal Canadian Bank, as the case may be, became on the

tenth day of May, eighteen hundred and seventy-six, the Consolidated Bank of Canada, by virtue of the said Agreement of Amalgamation and of this Act, or upon a petition *en reprise d'instance* being presented by the Consolidated Bank of Canada, in accordance with the ordinary practice of the Courts in the various Provinces of the Dominion respectively.

7. For the management of the affairs of the said Corporation there shall be ten Directors, who shall be annually elected by the shareholders of the capital stock of the Corporation at a general meeting of them, to be held annually on the first Wednesday in June in each year, the first whereof shall be held on the first Wednesday in June next; and the Directors elected by a majority of votes shall be capable of serving as Directors for the ensuing twelve months; and until such election shall be held the said Consolidated Bank of Canada shall be managed and conducted by the whole of the Directors of the said two Banks as constituting a Board of Provisional Directors of the said Bank, of whom five shall be a quorum.

8. And notwithstanding anything contained in any statute of the Parliament of Canada, or in the by-laws of either of the said Banks, every shareholder in either of the said Banks, who shall on the said tenth day of May next be entitled to one or more shares in the said Consolidated Bank of Canada, shall have a vote for each of such shares, but no vote for any fraction of a share; And the first annual meeting of the said Consolidated Bank, to be so held on the first Wednesday in June next, may be validly called, and notice thereof may be validly given, by either of the said Banks.

9. The Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, chapter five, intituled, "An Act relating to Banks and Banking," and all the provisions thereof and the amendments thereof, shall apply to the Consolidated Bank of Canada in the same manner as if the same were expressly incorporated in this Act, except in so far as such provisions relate specially to banks in existence before the passing hereof, or to banks *en commandite*, or are inconsistent with this Act.

10. This Act shall remain in force until the first day of July in the year of Our Lord one thousand eight hundred and eighty-one.

11. This Act shall be a Public Act.

No. 78.] **BILL.** [1876.

An Act to incorporate "The British Canadian Loan and Trust Company (Limited.)"

Preamble.

WHEREAS the persons hereinafter named have by their petition represented that advantage would result to the public from the formation of a Company with sufficient capital for obtaining moneys in Great Britain and elsewhere and making loans upon mortgage of real and personal estate and upon other securities, and for investment otherwise, as hereinafter mentioned, and have prayed for the passing of an Act of incorporation of such a Company for such purposes; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The Hon. Adam Crooks, the Hon. Frank Smith, Humphrey Lloyd Hime, John Taylor, William Ramsay, Benjamin Lyman, Henry S. Strathy, E. Gurney, Junr., A. H. Campbell, Wm. Thomson, and all and every other person or persons, body and bodies politic and corporate who shall, from time to time, be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be, and they are hereby constituted a body politic and corporate, under the name of "The British Canadian Loan and Trust Company (Limited)."

Corporate name.

Provincial Directors.

2. The following shall be the Provisional Directors of the Company, and shall hold office as such until Directors of the Company are elected as hereinafter provided, viz: The Hon. Adam Crooks, Humphrey Lloyd Hime, John Taylor, Wm. Ramsay, A. H. Campbell, H. S. Strathy and E. Gurney, Jr.

Powers and business of the Company.

3. The Company are hereby empowered to lay out and invest their capital, in the first place, in paying and discharging all costs, charges and expenses incurred in applying for and obtaining this Act, and all other expenses preparatory or relating thereto; and the remainder of such capital or so much thereof as may, from time to time, be deemed necessary, in the manner and for the purposes hereinafter mentioned, that is to say:—The Company may, from time to time, lend and advance money, by way of loan or otherwise, for such periods as they may deem expedient, on any real or personal security, or both, or on the public securities of the Dominion, or on security of the debentures of any corporation, issued under or in pursuance of any statutory authority, or of the stock or shares of any incorporated Bank in this Dominion, and upon such terms and conditions as to

May make loans of money and on what security, &c.

the Company shall seem satisfactory or expedient ; and may acquire by purchase or otherwise mortgages of real estate, and real and personal securities and evidences of debt (other than the stocks of incorporated companies), and debentures of municipal or other corporations issued under any statutory authority, and may re-sell the same as they may deem advisable—with power to do all Acts that may be necessary for advancing such sums of money and for receiving and obtaining repayment thereof and for compelling the payment of all interest (if any) accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and the forfeiture of any term or property consequent on the non-fulfilment of such conditions or for delay of payment, and to give receipts acquittances and discharges for the same, either absolutely and wholly or partially, and to execute such deeds, assignments or other instruments as may be necessary for carrying any such purchase or re-sale into effect, and for all and every, and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the Company may lay out and apply the capital and property, for the time being, of the Company, or any part thereof, or any of the moneys authorized to be hereafter raised or received by the Company in addition to their capital for the time being, with power to do, authorize and exercise all acts and powers whatsoever, in the opinion of the Directors of the Company requisite or expedient to be done or exercised in relation thereto.

Powers for collecting, &c.

Company may lend money and recover the same, either on their own behalf or as agents for others.

4. The Company are hereby empowered to act as a Trust and Agency Association, and for the interest and on behalf of others who shall entrust them with money for that purpose, and either in the name of the Company or of such others, to lend and advance money to any person or persons, upon such securities as are mentioned in the last preceding section, or to any body or bodies corporate whomsoever, or to any municipal or other authority or any board or body of trustees, or commissioners whatsoever, upon such terms and upon such security as to the Company shall appear satisfactory ; and to purchase and acquire mortgages, real and personal securities, debentures of municipal or other corporations the stock of incorporated banks, and other securities and evidences of debt, and again to re-sell the same—and the conditions and terms of such loans and advances, and of such purchases and re-sales may be enforced by the Company for their benefit, and for the benefit of the person or persons, or corporation for whom such money has been lent and advanced, or purchase or re-sale made ; and the Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon them in respect of loans, advances, purchases, and sales made from their own capital ; and they may also guarantee either the repayment of the principal or interest or both, of any moneys entrusted to the Company for investment ; and for all and every and any of the foregoing purposes may lay out and employ the capital and property, for the time being, of the Company, or any part of the moneys authorized to be hereafter raised by

May guarantee repayment if they see fit.

the Company, in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid, and to do, assent to, and exercise all acts whatsoever, in the opinion of the Directors of the Company for the time being, requisite or expedient to be done in regard thereto.

Borrowing powers of the Company.

5. The Directors may, from time to time, with the consent of the Company in general meeting, borrow money on behalf of the company at such rates of interest and upon such terms as they may, from time to time, think proper ; and the Directors may, for that purpose, execute any mortgages, bonds or other instruments, under the common seal of the Company, for sums of not less than one hundred dollars each, or assign, transfer or deposit, by way of equitable mortgage or otherwise, any of the documents of title, deeds, muniments, securities, or property of the company and either with or without power of sale or other special provisions as the Directors shall deem expedient ; provided that the aggregate of the sum or sums so borrowed shall not at any time exceed the amount of the subscribed capital of the Company for the time being ; and no lender shall be bound to enquire into the occasion for any such loan, or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted.

Securities to be given by them.

Total amount to be borrowed limited.

Power to hold land for the transaction of their business or taken in satisfaction of debt.

6. The Company may hold such real estate as may be necessary for the transaction of their business, or as being mortgaged or hypothecated to them, may be acquired by them for the protection of their investment, and may from time to time, sell, mortgage, lease or otherwise dispose of the same ; Provided always that it shall be incumbent upon the Company to sell any real estate acquired in satisfaction of any debt within five years after it shall have fallen to them, otherwise it shall revert to the previous owner, or his heirs or assigns.

Proviso : the latter to be sold within a certain time.

Company may charge commission on investments made for others.

7. The Company when acting as an intermediary, may charge such commission to the lender or borrower, upon the moneys invested on their behalf, as they may deem advisable or as may be agreed upon between them.

Company may demand and receive interest or discount.

8. The Company may stipulate for, take, reserve and exact any rate of interest or discount in excess of six per cent per annum that may be lawful for similar companies on similar securities in the place where the contract for the same shall be made, and shall not, in respect thereof, be liable for any loss, penalty or forfeiture on any account whatever ; and may also receive an annual payment on any loan by way of a sinking fund for the gradual extinction of such loan upon such terms and in such manner as may be regulated by the by-laws of the Company.

May receive annual payments on loans.

Register of securities held by Company to be kept.

9. A register of all securities held by the Company shall be kept ; and within fourteen days after the taking of any security an entry or memorial specifying the nature and amount of such security, and the names of the parties thereto, with their proper additions shall be made in such register.

Capital and number of shares.

10. The capital of the Company shall be one million dollars in shares of one hundred dollars each, of which ten per centum shall be paid in before the actual transaction of business is proceeded with ; but it shall be lawful for the said Company by a resolution passed at the first or any other general meeting of the shareholders to increase the capital stock from time to time as may be deemed expedient to any sum not exceeding the sum of five million dollars, and to raise the amount of the said new stock, either by distribution among the original shareholders, or by the issue of new shares, or partly in one way and partly in the other ; and the said new stock shall be subject to all such incidents, both with reference to the payment of calls and forfeitures, and as to the powers of lending and borrowing, or otherwise, as the original stock.

Power to increase, &c.

Shares to be personal estate.

11. All the shares in the capital of the Company shall be personal estate and transmissible as such.

Extent of liability of shareholders.

12. No member of the Company shall be liable for or be charged with the payment of any debt or obligation of, or demand due from the Company, beyond the amount unpaid on any shares in the capital of the Company held by him.

Register of shareholders.

13. The Company shall keep in a book or books, a stock register, and therein shall be fairly and distinctly entered from time to time the following particulars :—The names and addresses and the occupations, if any, of the members of the Company, and the number of shares held by each member, and the amount paid or agreed to be considered as paid on the shares of each member.

Who to be deemed members.

14. Every person who agrees to become a member of the Company, and whose name is entered on the stock register, shall be deemed to be a member of the Company.

Register to be deemed evidence.

15. The stock register shall be *prima facie* evidence of any matter by this Act directed or authorized to be inserted therein.

Company not bound to regard trusts on stock.

16. Notice of any trust expressed, implied or constructive, whether entered on the books of the Company or not shall not in any way affect the Company.

Allotment of shares and its effect.

17. Where any person makes application in writing, signed by him, for an allotment of shares, and any shares or share are or is allotted to him in pursuance of such application, he shall be deemed conclusively to have agreed to become a member of the Company in respect of the shares so allotted, and he shall be entered on the stock register in respect thereof accordingly.

Certificates of shares.

18. Every member of the Company shall, on payment of twenty-five cents or such less sum as the Directors shall prescribe, be entitled to receive a certificate under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon ; and on evidence to

the satisfaction of the Directors being given that any such certificate is worn out, destroyed or lost, it may be renewed on payment of the sum of twenty-five cents, or such less sum as the Directors shall prescribe ; such certificate shall be *prima facie* evidence of the title of the member therein named, to the share or shares therein specified. Renewal of certificates.

19. If any share stands in the name of two or more persons, the first named in the register of such persons shall, as regards voting at meetings, receipts of dividends, service of notices, and all other matters connected with the Company (except transfer) be deemed the sole holder thereof ; no share in the Company shall be subdivided. Joint shareholders. No share to be divided.

20. The Directors may, from time to time, make such calls upon the members in respect of all moneys unpaid upon their respective shares as they shall think fit, provided that twenty-one days at the least before the day appointed for each call, notice thereof shall be served on each member liable to pay the same ; but no call shall exceed the amount of ten dollars per share, and a period of three months at the least shall intervene between two successive calls. Power to make calls. Notice : calls limited.

21. Each member shall be liable to pay the amount of any call so made upon him to such person and at such time and place as the Directors shall appoint. Liability to pay calls.

22. A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed ; and if a shareholder shall fail to pay any call due from him, before or on the day appointed for payment thereof, he shall be liable to pay interest for the same, at the rate of ten per cent per annum, or at such other less rate as the Directors shall determine, from the day appointed for payment to the time of actual payment thereof. Interest on calls due and unpaid.

23. The Directors may, if they think fit, receive from any member willing to advance the same, all or any part of the amounts due on the shares held by such member, beyond the sums then actually called for ; and upon the moneys so paid in advance, or so much thereof as shall, from time to time, exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate not exceeding six per cent per annum, as the member paying such sum in advance and the Directors shall agree upon. Payments in advance. Interest may be allowed.

24. There shall be a book called the register of transfers provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the Company. Register of transfers.

25. No transfer of shares shall be made without the consent and approval of the Directors. Consent of Directors required.

26. Every instrument of transfer of any share in the Company shall be executed by the transferrer and transferee ; and the transferrer shall be deemed to remain the holder of Execution of transfer.

such share, and a member of the Company in respect thereof, until she name of the transferee shall be entered in the stock register in respect thereof.

Form of transfer.

27. The Directors of the Company shall have power to prescribe the form for the transfer of shares.

Arrears must be first paid.

28. The Directors may decline to register any transfer of shares belonging to any member who is indebted to the Company.

Title to shares of deceased member.

29. The executors or administrators of any deceased member shall be the only persons recognized by the Company as having any title to his share.

Transmission of shares by bankruptcy, marriage of female members, &c.

30. Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member, upon such evidence being produced as shall from time to time be required by the Directors, and on production of a request, in writing, in that behalf signed by him (his signature being attested by at least one witness), which shall be conclusive evidence of his having agreed to become a member.

Liability to forfeiture for non-payment of calls.

31. If any member fail to pay any call on the day appointed for the payment thereof, the Directors may, at any time thereafter during such time as the call may remain unpaid, serve a notice on him requiring him to pay such call, together with any interest that may have accrued due thereon by reason of such non-payment; and such notice shall name a day (not being less than twenty-one days from the date of such notice) and a place on and at which such call and interest, and any expenses that may have been incurred by reason of every such non-payment are to be paid; and such notice shall also state, that in the event of non-payment at or before the time, and at the place so appointed as aforesaid, the shares in respect of which such call was made will be liable to be forfeited.

Notice

Forfeiture of share.

32. If the requisitions of any such notice are not complied with, any share in respect of which such notice has been given may, at any time thereafter, before payment of all calls, interest and expenses due in respect thereof, be forfeited, by a resolution of the Directors to that effect.

Disposal of forfeited share.

33. Every share which shall be so forfeited shall be deemed to be the property of the Company, and may be sold, re-allotted, or otherwise disposed of, upon such terms, in such manner and to such person or persons as the Company shall think fit.

Liability to payment of arrears.

34. Any members whose shares shall have been forfeited, shall, notwithstanding such forfeiture, be liable to pay to the Company all calls, interest and expenses owing upon such shares at the time of the forfeiture.

Reservation of shares.

35 The Directors may reserve the issue of any portion of the shares constituting the present capital of the Company until such further time as they shall think expedient, and may issue any portion of them, from time to time, as and when they shall think proper.

Offer of reserved shares to then members in proportion to their stock.

If not accepted.

36. The shares which may be so reserved by the Directors shall be offered to the members in proportion to the existing shares held by them, and such offer shall be made by the notice specifying the number of shares to which the member is entitled, and limiting a time within which such offer, if not accepted, will be deemed to be declined ; and after the expiration of such time, or on receipt of an intimation from the member to whom such notice is given that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

Company may receive moneys on deposit.

Proviso : as to amount of deposits.

37. It shall be lawful for the Company to receive money on deposit for such periods and at such rate of interest as may be agreed upon ; Provided that the aggregate amount of such deposits at any time, together with the amount of the mortgages, bonds or other instruments given by the Company remaining unpaid, shall not exceed the amount of the paid up capital stock of the Company and the amount other than capital of principal moneys unpaid and secured by mortgages and other securities held by the Company, by more than one third of the capital stock actually subscribed.

Opening of stock books and where to be opened.

38. For the purpose of organizing the Company, the Provisional Directors or a majority of them may cause stock books to be opened after giving due public notice thereof,— in which stock books shall be recorded the names and subscriptions of such persons as desire to become shareholders in the Company ; and such books may be opened in London, England, and elsewhere, at the discretion of the said Provisional Directors, and shall remain open so long as they deem necessary.

Amount of capital stock.

First general meeting.

Election of Directors.

39. When and so soon as two hundred thousand dollars of the capital stock shall have been subscribed and at least ten per cent of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of the shareholders to be held in Toronto, Canada, within three years from and after the passing of this Act, giving at least four weeks, notice of the time and place for holding such meeting, by publishing the same in some daily newspaper published in Toronto aforesaid, and in the *Canada Gazette*, and also by serving such notice on each shareholder, either personally or by sending the same through the post as hereinafter provided,—at which general meeting the shareholders present, or represented by proxy, shall elect seven Directors who shall constitute the Board of Directors, and shall hold office until they are re-elected or their successors are appointed at such time and in such manner as may be provided for in the by-laws of the Company.

Number and qualification of Directors.

10. The business of the Company shall be managed by seven Directors, each of whom shall be the holder of at least thirty shares of the stock of the Company.

Number of Directors may be increased.

11. The number of Directors by whom the business of the Company shall be managed may, at any general meeting of the Company, be increased to any number not exceeding fifteen.

Division of profits of Company.

12. The profits of the Company, so far as the same shall extend, shall be divided and disposed of in manner following, that is to say:—there shall, in the first place, be set apart for the purpose of forming a reserve fund to meet contingencies, or for equalizing dividends, such sum not less in any year than two and a-half per centum upon the net profits of the business of such year, as the Directors shall, from time to time, think fit; and the residue of such profits shall be divided amongst the members, and in such manner as the Directors, with the sanction of the Company in general meeting, shall determine.

Dividend not to reduce capital.

13. The Company shall not make any dividend whereby their capital stock shall be in any degree reduced.

Deductions of calls out of dividends.

14. The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company, on account of calls or otherwise.

Notice of dividend.

15. Notice of any dividend that may have been declared shall be given to each member, and no dividend shall bear interest against the Company.

Company to have an office and legal domicile in Toronto.

Other offices and agencies.

16. The Company shall at all times have an office in the City of Toronto, which shall be the legal domicile of the said Company in Canada; and notice of the situation of that office and of any change therein shall be advertized in the *Canada Gazette*; and they may establish such other offices and agencies elsewhere in the Dominion of Canada as they may deem expedient.

Service of notices by the Company.

17. Notices requiring to be served by the Company upon the members may be served either personally or by leaving the same for or sending them through the post in prepaid letters, addressed to the members at their registered places of abode.

Notices to joint shareholders.

18. All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is first named in the stock register; and notice so given shall be deemed sufficient notice to all the proprietors of such share.

Appointment and election of Directors and officers, meetings, &c., to be subject to by-laws.

19. The appointment or election of Directors and officers, and the times, place and mode of calling and holding ordinary and extraordinary, or other meetings of the Company, and of the Directors and other officers, and the proceedings at meetings of the Company, and of the Directors, shall be

subject to and regulated by such rules, regulations and provisions, and meetings of the Company and of the Directors shall have such powers, privileges and authorities as may be set forth and directed in and by by-laws of the Company, passed from time to time at any general meeting of the Company.

Voting at meetings of the Company.

50. At all meetings of the Company each shareholder shall be entitled to give one vote for each share then held by him, and so held for not less than twenty days prior to the time of voting. Such votes may be given in person or by proxy, the holder of any such proxy being himself a shareholder. But no shareholder shall be entitled, either in person or by proxy, to vote at any meeting unless he shall have paid all the calls upon all the shares held by him ; all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes.

Proxy.

Shareholders in arrear not to vote.

Company to send yearly statement to Minister of Finance : contents thereof.

51. The Company shall transmit annually to the Minister of Finance a statement in duplicate, verified by the oath of the President or Manager, setting out the capital stock of the Company, and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company, both on their own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, the extent and value of the lands held by them, or in respect of which they are acting as agents ; and such other details as to the nature and extent of the business of the Company as may be required by the Minister of Finance ; Provided always that in no case shall the Company be bound to disclose the names or private affairs of any person who may have dealings with them.

Proviso.

Interpretation.

52. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say, the word " Manager " shall include the words Cashier, Secretary and Clerk ; the word " lands " and the words " real estate " shall extend to messuages, lands, tenements and hereditaments of any tenure ; the expression " The Company " shall mean " The British Canadian Loan and Trust Company (Limited) " in this Act mentioned and described ; the expressions " The Directors " and " The Manager," shall mean the Directors and the Manager respectively, for the time being, of the said Company.

No. 78.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to incorporate the British Canadian Loan and Trust Company (Limited).

Received and read the first time, Monday, 20th March, 1876.

Second reading, Tuesday, 21st March, 1876.

(PRIVATE BILL.)

MR. KIRKPATRICK.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street.

1876

No. 79.] **BILL.** [1876.

An Act to further amend the Act to incorporate "The London and Canada Bank," and to amend the Act amending the same.

Preamble. 37 Vic., c. 55. 38 Vic., c. 60.

WHEREAS "The London and Canada Bank" was duly incorporated by an Act passed in the thirty-seventh year of Her Majesty's reign, chaptered fifty-five; and whereas the said Act was amended by an Act passed in the thirty-eigth year of Her Majesty's reign, chaptered sixty, and the provisional directors thereof have by their petition prayed that the said Acts may be further amended by again changing the name thereof to that of "*The London and Canada Bank*," and by extending the time for obtaining from the Treasury Board the certificate required by section seven of "*An Act relating to Banks and Banking*," and by making other amendments to the said Acts of Incorporation: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

37 Vic., c. 55, s. 2, repealed.

1. Section two of the Act incorporating the said bank is hereby repealed, and the following substituted in lieu thereof:

New section. Capital stock and shares.

"2. The capital stock of the said bank shall be one million of pounds sterling, or five millions of dollars, divided into twenty thousand shares of fifty pounds sterling, or two hundred and fifty dollars each, and which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns."

38 Vic., c. 60, s. 3, repealed.

2. Section three of the said amended Act is hereby repealed, and the following substituted therefor:

New section substituted. Provisional Directors and their powers.

"3. For the purpose of organizing the said bank and of raising the amount of the said capital stock, the following persons, that is to say, John M. Grover, John Ham Perry, Joseph Gould, Edmond Douglas Armour, shall be provisional directors thereof; and they, or a majority of them, may cause stock-books to be opened after giving due notice thereof, upon which stock-books shall and may be received the signatures and subscriptions of such parties or persons as desire to become shareholders in the said bank; and such stock-books shall be opened at the City of London, England, and elsewhere, at the discretion of the provisional directors, and shall be kept open as long as they shall deem necessary; and so soon as the whole amount of the capital stock shall

have been subscribed upon the stock-books, and two hundred and fifty thousand pounds sterling, or one million one hundred and twenty-five thousand dollars, thereof actually paid into some one of the present chartered banks in Canada, and a certificate shall have been obtained from the Treasury Board that it has been proved to their satisfaction that such amounts of the capital have been *bonâ fide* subscribed for and paid up respectively, a public meeting shall be called of the subscribers thereof by notice published for at least two weeks in some newspaper in the said City of London, such meeting to be held in London, aforesaid, at such time and place as such notice shall indicate; and at such meeting the subscribers shall proceed to elect ten directors having the requisite stock qualifications, who shall from thenceforward manage the affairs of the said corporation and take charge of the stock-books hereinbefore referred to, and shall continue in office until the first Wednesday in July, which shall be in the year next after the year in which they are so elected; and immediately upon such election being had the functions of the said provisional directors shall cease, and then, and not before, the bank may commence business.

First meeting of shareholders.

Election of Directors, and term of office.

38 Vic., s. 4, repealed.

3. Section four of the said amended Act is hereby repealed, and the following substituted therefor:

New section. Head office.

"4. The chief place or seat of business of the said bank shall be in the City of London England."

Duration of corporation extended.

4. The time limited by the third section of the said amended Act, intituled: "*An Act to amend the Act to incorporate 'The London and Canada Bank,' and to change the name thereof to that of 'The Bank of the United Provinces,'*" is hereby extended for the further period of twelve months.

37 Vic., s. 4, repealed.

5. Section four of the said amended Act is hereby repealed, and the following substituted therefor:

New section. Name of Bank changed, but no new corporation.

"4. The corporate name of the said bank is hereby changed from '*The Bank of the United Provinces*' to '*The London and Canada Bank*,' but the said corporation shall not therefor be deemed a new corporation, and all real or moveable property, shares or stock, obligations, debts, rights, claims, privileges and powers heretofore vested in, held or contracted by '*The Bank of the United Provinces*' are hereby transferred to '*The London and Canada Bank*,' which by its said corporate name is hereby substituted to all intents and purposes for the said '*The Bank of the United Provinces.*'"

[No. 79.]

3rd Session, 3rd Parliament, 39 Victoria,

BILL.

An Act further to amend the Act t
corporate "The London and Ca
Bank," and to amend the Act am
ing the same.

Received and read the first time—Mo
20th March, 1876.

Second reading—Tuesday, 21st March,

(PRIVATE BILL.)

MR. CAMERON,
(Cardwell.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington St
1876

No. 80.] **BILL.** [1876.

An Act respecting loans by "The British American Land Company."

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Notwithstanding any thing contained in chapter fifty-eight of the Consolidated Statutes of the late Province of Canada, intituled: "*An Act respecting Interest*," or in any other Act, "*The British American Land Company*," a corporation constituted under and by virtue of Letters Patent of His Majesty King William the Fourth, bearing date the 20th day of March, 1834, ratified and confirmed by an Act passed by the Parliament of the United Kingdom of Great Britain and Ireland, in the fourth year of the reign of his said late Majesty King William the Fourth, and authorized to lend money in the then Provinces of Upper Canada, Lower Canada, New Brunswick, Nova Scotia, and Prince Edward's Island, now forming part of the Dominion of Canada, may hereafter stipulate for, take in advance, exact and recover on any contract or agreement whatsoever for the loan or forbearance of money or money's worth, any rate of interest or discount, which may be agreed upon, not exceeding eight per cent. per annum: but, subject to the right to take such increased rate of interest or discount, the Act first above cited shall continue to apply to the said Company. The said company may take eight per cent. per annum on loans.

But otherwise subject to c. 58, Con. Stat. Can.

No. 80.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act respecting loans by "The British American Land Company."

Received and read first time, Monday, 20th March, 1876.

Second reading, Tuesday, 21st March, 1876.

(PRIVATE BILL.)

Mr. BROOKS.

OTTAWA:
Printed by Maclean, Roger & Co., Wellington Street.
1876.

No. 81] **BILL.** [1876.]

An Act to amend and consolidate certain Acts respecting Insurance.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows : Preamble.

1. The following terms and expressions whenever used in this Act, unless it be otherwise specially provided, or there be something in the context repugnant to, or inconsistent with such construction, shall be construed and interpreted as hereinafter mentioned, that is to say :— Interpretation clause.

1. " Agent " means the chief agent of the Company in Canada, named as such in the power of attorney hereinafter referred to, by whatever name he may be designated. Agent.

2. " Chief Agency " means the principal office, or place of business of the Company in Canada. Chief agency.

3. " Canadian Policy " or " Policy in Canada " means a policy issued by any company licensed under this Act to transact the business of life-insurance in Canada in favor of any person or persons resident in Canada at the time when such policy was issued. Canadian policy.

2. It shall not be lawful for any Insurance Company to issue any policy of life-insurance or to grant any annuity on lives or receive any premium or transact any business of life-insurance, in Canada, or to prosecute or maintain any suit action or proceeding either at law or in equity or to file any claim in insolvency relating to such business founded on any policy issued in Canada, without first obtaining a license (as hereinafter provided for) from the Minister of Finance to carry on such business in Canada. No Life Insurance Co. to act in Canada without a license from Minister of Finance.

3. The license shall be in such form as may be from time to time determined by the Minister of Finance, and it shall expire on the thirty-first day of March in each year, but shall be renewable from year to year. Form and duration of license.

4. The Minister of Finance so soon as the company applying for the same has deposited in the hands of the Receiver-General the securities hereinafter mentioned, and has otherwise conformed to the requirements of this Act, shall cause to be issued such license as aforesaid. When license may issue.

5. Every company shall, before the issue of such license, deposit the sum of fifty thousand dollars with the Receiver- Deposit by Co. before issue of license.

In what securities.

General in securities as hereinafter named. All such deposits may be made by any Company in securities of the Dominion of Canada, or in securities issued by any of the Provinces in the Dominion of Canada; and by any Company incorporated in the United Kingdom in securities of the United Kingdom, and by any Company incorporated in the United States in securities of the United States; and the value of such securities shall be estimated at their market value at the time when they are so deposited. If any securities other than those above named are offered as a deposit they may be accepted, at such valuation and on such conditions as the Treasury Board may direct; and if the market value of any of the securities which have been deposited by any company shall decline below that at which they were deposited, the Minister of Finance may call upon the company to make a further deposit, so that the market value of all the securities deposited by any Company shall be equal to the amount which they are required by this Act to deposit, and on failure by the Company to make such further deposit within sixty days after being called upon so to do, the Minister of Finance may withdraw its license.

How valued.

Provision if their market value falls.

Company may make a further deposit: how it shall be dealt with.

6. Any Company licensed under this Act may nevertheless at any time or times deposit in the hands of the Receiver General any further or other sum or sums of money or securities beyond the sum required to be deposited; and any such further sum or sums of money, or securities therefor, so deposited in the hands of the Receiver General, shall be held by him subject to, and to be dealt with according to the provisions of this Act in respect to the original sum required to be deposited by such Company, as if the same had been part of such original deposit and shall not be withdrawn except with the sanction of the Governor General on the report of the Treasury Board.

Provision if Company's liabilities in Canada exceed its assets there.

7. If from the annual statements (as hereinafter provided for) or after examination of the affairs and conditions of any Company, it appears that its liabilities to policy-holders in Canada (including matured claims, and the full reserve or reinsurance value for outstanding policies as hereinafter described after deducting any claim the Company may have against such policies) exceed its assets in Canada, including the deposit in the hands of the Receiver General, then the Company shall be called upon by the Minister of Finance to make good the deficiency, and on failure to do so within sixty days, he shall withdraw its license.

If the Co. be incorporated elsewhere than in Canada: investof assets in trustees.

If the Company be incorporated elsewhere than in Canada, the assets to the value as aforesaid shall be vested in two or more persons resident in Canada in trust for the Company for the purposes of this Act, such trustees to be appointed by the Company and approved by the Minister of Finance, (by whom also the trust-deed must be approved) and the said trustees may deal with such assets in any manner provided by the deed of trust appointing them, so however that the value held by them shall not fall below that required by this section: but any Company shall be relieved

from the obligation of such investment in trustess and shall be deemed to have complied with the preceding requirement of this section, if it has deposited with the Receiver General in such securities as are mentioned in the fitfh section of this Act, an amount, not being less than fifty thousand dollars, which shall be equal to the matured claims of its Canadian policy-holders in full, together with fifty per centum of the reserve or reinsurance value of its outstanding policies as above described.

Companymay avoid such investment by sufficient further deposit under sec. 5.

8. So long as any Company's deposit is unimpaired, and the conditions of the preceding section are satisfied, and no notice of any final judgment or order to the contrary is served upon the Minister of Finance or Receiver General, the interest upon the securities forming the deposit, shall be handed over to the Company as it falls due.

Interest on deposits, on what condition payable to Company.

9. Every Company shall, before the issue of a license to it, have filed in the department of the Minister of Finance a certified copy of the charter, Act of incorporation, or Articles of association of the Company, and also a power of attorney from the Company to its head officer or agent in Canada, under the seal of the Company (if it has a seal) and signed by the President and Secretary or other proper officer thereof, verified by their oath, and further corroborated on oath by the head officer or chief agent of such Company, or by some person cognizant of the facts necessary to its verification ; which power of attorney must declare at what place in Canada the head office, or chief agency of such Company is, or is to be established, and must expressly authorize such attorney to receive process in all suits and proceedings against such Company in any Province of Canada for any liabilities incurred by the Company therein, and must declare that service of process for or in respect of such liabilities at such office or chief agency, or personally on such attorney at the place where such head office or chief agency is established, shall be legal and binding on the Company to all intents and purposes whatsoever; and also a statement of the condition and affairs of such Company on the thirty-first day of December then next preceding, or up to the usual balancing day of the Company (provided that such day shall not be more than twelve months before the filing of the statement,) in such form as may be required by the Minister of Finance.

Company to deposit with Minister of Finance a certain power of attorney to its chief agent in Canada.

And a statement of its affairs to 31st Dec. then preceeding.

Whenever any such Company changes its chief agent or chief agency in Canada, such Company shall file a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process as hereinbefore mentioned; and every Company shall at the time of making the annual statement hereinafter provided for, declare that no change or amendment has been made in the Charter, Act of Incorporation, or Articles of Association of the Company and no change in the chief agency or chief agent, without such amendment or change having been duly notified to the Superintendent of Insurance.

Provision when the Co. changes its chief agent or place of chief agency.

Duplicates of such documents to be filed in certain courts.

Duplicates of all such documents duly verified as aforesaid, shall be filed in the office of one of the Superior Courts either of law or equity in the Province in which its head office, or chief agency is situated ; or if the chief agency be in the Province of Quebec, with the Prothonotary of the Superior Court of the district wherein such chief agency is established.

Effect of said documents as to service of process, &c.

10. After the certified copies referred to in the last preceding section, and such power of attorney are filed as aforesaid, any process in any suit or proceeding against such company, for any liabilities incurred in any Province in Canada, may be served on the company at its chief agency, and all proceedings may be had thereupon to judgment and execution in the same manner, and with the same force and effect as in proceedings in any civil suit in Canada.

Notice by Co. obtaining a license or withdrawing from business in Canada.

11. Every company on first obtaining such license as aforesaid shall forthwith give due notice thereof in the *Canada Gazette*, and in at least one newspaper in the county, city, or place where the head office, or chief agency is established, and shall continue the publication thereof for the space of four weeks, and the like notice shall be given when a company ceases, or notifies that it intends to cease, to carry on business in Canada, for the space of three calendar months.

List of licensed Companies to be published

12. The Minister of Finance shall cause to be published quarterly in the *Canada Gazette* a list of companies licensed under this Act, with the amount of deposits made by each company, and upon any new company being licensed, or upon the license of any company being withdrawn in the interval between two such quarterly statements, he shall publish a notice thereof in the *Canada Gazette* for the space of four weeks.

Penalty of personsacting as insurance agents without a license.

13. Any person who delivers any policy of insurance, or collects any premium (except only on policies issued in the United Kingdom) or transacts any business of insurance on behalf of any Life-Insurance company, without such license as aforesaid, shall be liable to a penalty of one thousand dollars for each such contravention of this Act, which penalty may be sued for and recovered on information filed in the name of the Attorney General of Canada ; and one-half of the said penalty when recovered shall be paid to the Crown, and the other half of the said penalty to the informer ; and in case of non-payment of such penalty and costs within one month after such judgment, the person so offending shall be liable to imprisonment in any jail or prison for a period not exceeding six months in the discretion of the Court wherein he is convicted.

Imprisonment in default of payment.

Renewal of license after withdrawal thereof, on certain conditions.

14. When the license of a company has been withdrawn by the Minister of Finance under the fifth or seventh section of this Act, such license may be renewed if within thirty days of such withdrawal the company complies with the requirements of this Act to the satisfaction of the Minister of Finance ; and whenever written notice has been served on

the Minister of Finance of any undisputed claim upon a company arising on any policy in Canada remaining unpaid for the space of sixty days after being due, or of a disputed claim after final judgment in a regular course of law and tender of a legal valid discharge the Minister of Finance shall withdraw the license of such company ; but such license may be renewed if within thirty days after such withdrawal such undisputed claims or final judgments upon or against the company are paid and satisfied.

Withdrawal of licences for non-payment of lawful claims on the Company.

15. When the license of a company has expired or been withdrawn, without the renewal of the same within thirty days after such expiry or withdrawal, the company shall be deemed to be insolvent except in the case provided for in the seventeenth section of this Act.

When Company shall be deemed insolvent.

In case of the insolvency of any company, all the assets held by the Trustees as required by the seventh section of this Act, together with the deposits of such company held by the Receiver General, shall be applied *pro rata* towards the payment of all claims of policy-holders in Canada duly authenticated against such company, and the distribution of such assets and deposits may, if applied for in the Province of Ontario, or of Nova Scotia, or of New Brunswick, or of British Columbia, or of Prince Edward Island, be made by order in Chancery or in Equity ; or if applied for in the Province of Quebec or of Manitoba, may be made by judgment or order of distribution of the Superior Court within the district where the chief agency is situated.

Application of deposits and assets in satisfaction of policy holders and distribution thereof.

16. Upon the insolvency of any company, such Court as aforesaid having jurisdiction in the Province (or sitting in the district, if such Province be the Province of Quebec or of Manitoba) where the chief agency in Canada of such company is situated, shall appoint an assignee or assignees, who may be an officer or officers of such Court, who shall forthwith call upon the company to furnish a statement of all its outstanding policies in Canada, and upon all such policy-holders to file their claims ; and upon the filing of the claims before the assignees, the parties interested shall have the right of contestation thereof, and the right of appeal from their decision to such Court as aforesaid, according to the practice of such Court ; and all policy-holders in Canada shall be entitled to claim for the full net values of their several policies at the time (including bonus-additions and profits accrued) and such claims shall rank with judgments obtained and claims matured on Canadian policies, in the distribution of the assets hereinafter described ; and the said assignees may require the Superintendent of Insurance to value, or procure to be valued under his supervision the policies before mentioned, basing such valuation on the mortality table of the Institute of Actuaries of Great Britain and on a rate of interest at four and one half per centum per annum, and the expenses of such valuation at a rate of three cents for each policy or bonus-addition so valued shall be retained by the Receiver General from the securities held by him.

Assignees—to be appointed, and by what court.

Claims to be called for.

Contestation of claims.

Appeal.

Rights of policy holders in Canada.

Valuation of policies by superintendent.

Basis of valuation.

Upon the completion of the schedule to be prepared Court on the

completion of schedule by the assignees to order assets to be realized.

by the assignees of all judgments against the company upon policies held in Canada, and of all claims upon policies matured or outstanding as aforesaid, the Court having jurisdiction, as above provided, shall cause the securities held by the Receiver General for such company, and the assets held by the Trustees as provided in the seventh section of this Act, or any part of them to be sold, or realized in such manner and after such notice and formalities as the Court may appoint; and the proceeds thereof, after paying expenses incurred, shall be distributed *pro rata* amongst the claimants according to such schedule, and the balance, if any, shall be surrendered to the Company; but if any claim matures after the statement of such outstanding policies has been obtained from the company as hereinbefore provided, and before the final order of the Court for the distribution of the proceeds above mentioned, or if the said proceeds are not sufficient to cover in full all claims recorded in the schedule, such policy-holders shall not be barred from any recourse they may have either in law or equity against the company issuing the policy or any shareholder or Director thereof, other than that for a share in the distribution of the proceeds above mentioned, or in any distribution of the general property and assets of the Company (other than the deposit and assets vested in trustees under this Act) which may be made under the Insolvent Act of 1875.

Distribution of proceeds.

As to claims maturing after statement of outstanding policies.

Or if the proceeds are insufficient.

Provision as to claimants insured on the *mutual* principle.

Provided always that, in all cases of distribution of the proceeds of the deposit in the hands of the Receiver-General and the assets vested in the Trustees as provided for in this section, if it appears from the Charter, Act of Incorporation, or Articles of Association of the Company, and from the conditions of the policy, that any Canadian policy-holder claiming a share in such distribution has been insured on the "mutual" principle, then such policy-holder shall be entitled only to claim a share in the distribution as aforesaid, at the same rate as all other holders of policies under the same conditions may be entitled to claim in the distribution of the total assets of the Company, whether such be holders of Canadian policies or otherwise; but this proviso shall apply in the cases of such companies only as by the laws of the country (if such country be other than Canada) in which such Company is chartered, incorporated, or associated together, a Canadian policy-holder in such Company is entitled to claim a share in the distribution in such country other than Canada, at the same rate as all other holders of policies under the same conditions may be entitled to claim in the distribution of the total assets of the Company, and to enjoy all the rights and privileges which are enjoyed by the policy-holders who are natives of or naturalized in such country.

And if the Co. be incorporated elsewhere than in Canada.

Obligations of a company ceasing to transact business in Canada.

17. When any company has ceased to transact business in Canada, and has given written notice to that effect to the Minister of Finance, it must procure the transfer, with the consent of the policy-holders, of its outstanding policies in Canada to some company or companies licensed under this Act in Canada, or must obtain the surrender of the policies,

so far as may be practicable, and the trustees may employ any portion of the assets vested in them for the purpose of effecting such transfer or surrender. It must also file with the Minister of Finance a list of all Canadian policy-holders whose policies have been so transferred or have been surrendered, and also a list of those which have not been transferred or surrendered, and it must at the same time publish in the *Canada Gazette* a notice that it will apply to Government for the release of its assets and securities on a certain day not less than three months after the date of the notice, and calling upon its Canadian policy-holders opposing such release to file their opposition with the Minister of Finance on or before the day so named; and after that day, upon the application for release being made, if the Minister of Finance with concurrence of the Treasury Board is satisfied that such transfer or surrender has been effected, he may direct that a portion of the assets held by the trustees or securities held by the Receiver General be retained sufficient in amount to cover the full equitable net surrender value of such policies (including bonus-additions and accrued profits) as have not been transferred or surrendered, or in respect to which opposition has been filed, and may order the remaining assets or securities aforesaid to be released and transferred or paid over to the company, and the portion retained shall be tendered to the aforesaid policy-holders *pro rata* according to the aforesaid values of their respective policies, and on the acceptance of the amount so tendered such policies shall thereby be deemed to be cancelled, but if such tender be refused by any policy-holder, the amount so tendered may be paid over to the the company, and the policy shall continue in force, and such policy-holder shall not be barred ro m any resource he may have in either law or equity against the company to compel the fulfilment of its conrract under such policy. The surrender-values above mentioned shall be determined by the Superintendent of Insurance on the basis stated in the sixteenth section of this Act, and he shall collect from the company the expenses of such valuation at the rate of three cents for each policy or bonus-addition, and shall pay the same to the Receiver General before the latter shall hand over the securities; but nothing herein contained shall hinder any policy-holder from making special arrangements with the company whereby his policy may be continued in force, and, on proof being given of such arrangement, such policy may be omitted or removed from the above mentioned lists of policies; and in the case of any company at present licensed to transact business of Life Insurance in Canada, which shall cease to transact such business before the first renewal of its license under this Act, and shall give written notice to that effect to the Minister of Finance, the premiums due or to become due on policies actually issued before the passing of this Act may continue to be collected, and the losses arising thereon may be paid, and all business appertaining thereto may be transacted, as if this Act had not been passed.

List of its Canadian policy holders who have or have not transferred or surrendered their policies and notices.

Action of Minister of Finance in such case if this Act has been complied with.

Retention of assets to meet unsatisfied claims.

If any policy holder refuses amount tendered to him.

Basis of calculation of surrender value. Company to pay for valuation.

Proviso for arrangements between Company and policy holders

Proviso in case of Company ceasing business before first renewal of its license under this Act.

18. It shall be the duty of the President, Vice-President, Statement of

affairs of the Company to be sent yearly to Minister of Finance.

or Managing Director, and Secretary or Manager of every company incorporated in Canada, and licensed under this Act, to prepare annually under their own oath, and cause to be deposited in the office of the Minister of Finance on the first day of January or within three months thereafter, a statement of the condition and affairs of such company at the usual balancing day of the company in the preceding year, which statement shall exhibit the assets and liabilities of the company, and its income and expenditure during the previous year, and such other information as may be deemed necessary by the Minister of Finance. Such statements shall be made in the form and manner shown in the Schedule A hereto annexed, subject to alteration by the Minister of Finance hereinafter provided, and shall be sworn to before some person duly authorized to administer oaths in any legal proceeding in manner annexed:

To be in form of schedule A.

Form of attestation.

Province of County of

President and Secretary of Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that on the day of last all the above described assets were the absolute property of the said company, free and clear from any liens, or claims thereon, except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by them subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure and of the general condition and affairs of the said company, on the said day of last, and for the year ending on that day, according to the best of their information, knowledge, and belief respectively.

Signatures.

Subscribed and sworn to before me this day of A. D. 18.

Minister may alter form of schedule.

The Minister of Finance may, from time to time, make such changes in the form of such statements as shall seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated.

As to statements by companies incorporated elsewhere than in Canada.

19. Companies incorporated elsewhere than in Canada, and licensed under this Act, shall make annual statements of their condition and affairs under oath of their chief agent, and furnish the same to the Minister of Finance at the same time as Canadian Companies—of their Canada business in the same form and manner (so far as applicable) as required of Canadian Companies—and of their general business, in such form and to such date as they may be required by law to furnish to the Government of the country in which their head office is situate, in a separate schedule attached. The blank forms of the statements of the Canada business to be furnished in duplicate by the Finance Department.

Forms to be furnished.

Penalty for contravention of two next preceding sections.

20. Any violation of either of the two next preceding sections shall subject the company violating the same to a penalty of five hundred dollars for each violation, and of an additional sum of one hundred dollars for each month during which any such company shall neglect to make such publication or to file such affidavits and statements as are therein required; if such penalties are not paid, the Minister of Finance with the concurrence of the Treasury Board, may order such company's license to be suspended or withdrawn as may be deemed expedient.

Mode of computing reserve necessary to cover liability to Canadian policy holders

Proviso if it falls below computation under sec. 16.

21. In computing or estimating the reserve necessary to be held in order to cover its liability to policy-holders in Canada, each company may employ any of the standard tables of mortality as used by it in the construction of its tables, and any rate of interest not exceeding four and one half per centum per annum; but if it appears to the Superintendent of Insurance that such reserve falls below that computed on the basis stated in the sixteenth section of this Act, he shall report the same to the Minister of Finance who may thereupon direct the said Superintendent to compute, or procure to be computed under his supervision, the reserve on the basis mentioned in this section, and the amount so computed, if it differs materially from the return made by the Company, may be substituted in the annual statement of assets and liabilities; and in such case, the company shall furnish to the Superintendent of Insurance on application the full particulars of each of its policies necessary for such computation, and shall pay to the said Superintendent an amount at the rate of three cents for each policy or bonus-addition so valued, which amount he shall hand over to the Receiver General

Expenses of re-computation.

Any company instead of itself computing or estimating the reserve above mentioned may require the same to be computed by the Superintendent of Insurance on the basis stated in the sixteenth section of this Act, on payment of a like amount as is mentioned in the next preceding paragraph.

Company may have computation made by superintendent paying costs.

Power of superintendent under 38 V., c. 20, extended to companies under this Act.

22. The Superintendent of Insurance appointed under the Act passed by the Parliament of Canada in the thirty-eighth year of Her Majesty's reign, and intituled: "*An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business*," shall have the like duties and powers with respect to Companies licensed under the present Act to transact the business of Life Insurance as are prescribed and conferred in the above cited Act with respect to companies licensed to transact the business of Fire and Inland Marine Insurance.

All Canadian policies to be valued once in five years.

2. Once in every five years, or oftener at the discretion of the Minister of Finance, the Superintendent of Insurance shall himself value or procure to be valued under his supervision, the Canadian policies of all companies licensed under this Act to transact the business of Life Insurance in Canada, the basis of such valuation being that stated in the sixteenth section of this Act.

Contribution by companies

3. Towards defraying the expenses of the office of the Superintendent of Insurance, the companies licensed under

towards expenses of superintendent's office.

this Act to transact the business of Life Insurance in Canada shall each annually contribute a sum in proportion to the gross premiums received by each in Canada during the previous year, pro rata with the companies licensed under the above cited Act, such sum to be paid upon the issue of the annual license.

Except companies licensed under this Act, or 38 V., c. 20 and Ocean-Marine Insurance Companies, *no Company whatever* shall do Insurance business in Canada without permission of the Minister of Finance.

23. Except such companies as are licensed under the present Act or the above cited Act, no company shall do any business of insurance in Canada (always excepting companies doing in Canada Ocean-Marine business exclusively) without permission obtained from the Minister of Finance who with the concurrence of the Treasury Board shall decide in each case whether such permission shall be granted, and whether a license shall be proper or necessary to be issued, and whether any, and what deposit shall be required to be made with the Receiver General, and shall have power to call for annual statements under oath of such business in such form and manner as he may deem expedient, and may revoke the permission or license granted if he see cause therefor, and may grant to the Superintendent of Insurance the same powers with regard to such company as are conferred on him by the present Act with regard to Life Insurance Companies, and may call upon such company to contribute towards the expenses of the office of the Superintendent of Insurance such sum as he may deem equitable; and any company doing any such business without obtaining such permission or license, or if such permission or license has been revoked, or neglecting or refusing to make the statements called for, and any person delivering any policy of insurance, or collecting any premium on behalf of such company, shall render themselves respectively liable to the penalties stated in the thirteenth and twentieth sections of this Act.

If so permitted, then shall contribute to expenses.

Penalty for contravention.

Period mentioned in s. 20 of 38 V., c. 20 extended.

24. The period prescribed in the twentieth section of the Act passed in the thirty-eighth year of Her Majesty's reign and intituled: "*An Act to amend and consolidate the several Acts respecting Insurance in so far as regards Fire and Inland Marine business*," for the preparation and deposit in the office of the Minister of Finance of the annual statements is hereby extended to the first day of March in each year.

Acts repealed

Con. stat. U C., c. 52.

31 V., c. 48

34 V., c. 9.

37 V., c. 48

25. From and after the passing this Act, all provisions hitherto unrepealed of an Act passed by the Legislature of the late Province of Canada in the twenty-second year of Her Majesty's reign, and intituled: "*An Act respecting Mutual Insurance Companies*," and of an Act passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, and intituled: "*An Act respecting Insurance Companies*," and of an Act passed by the Parliament of Canada in the thirty-fourth year of Her Majesty's reign, and intituled: "*An Act to amend the Act respecting Insurance Companies*," and of an Act passed by the Parliament of Canada in the thirty-seventh year of Her Majesty's reign, and intituled: "*An Act to further amend the Act thirty-first Victoria, chapter forty-eight,*

intituled An Act respecting Insurance Companies,' " and of an Act passed by the Parliament of Canada in the thirty-eighth year of Her Majesty's reign, and intituled : "*An Act respecting Life Insurance Companies and companies doing any insurance business other than Fire and Inland Marine,*" and the sixth clause of the twenty-third section of an Act passed by the Parliament of Canada in the thirty-eighth year of Her Majesty's reign, and intituled : " *An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business,*" are hereby repealed, saving nevertheless all licenses which may have been issued thereunder (other than those for the transaction of Fire or Inland Marine Insurance) until the thirty-first day of March, 1877 (at which date they shall expire) and the right of companies so licensed to continue business during the existence of the same ; and saving also any act done, or right or right of action existing, accruing, accrued, or established, or any proceedings commenced, or any offence committed, or any penalty or forfeiture incurred, before the passing of this Act ; and saving also the right of any Life Insurance Company which has commenced to make its deposit with the Receiver General to continue the same in the manner in which it has commenced as described in any of the above mentioned Acts until the amount reaches fifty thousand dollars required by the present Act—with respect to all which the said Acts shall remain in force.

38 V., c. 21.

Part of 23 of 38 V., c. 20.

Saving rights accrued, things done, licenses not expired, &c.

And as to deposit commenced by any company.

No. 81.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend and consolidate the several Acts respecting Insurance.

Received and read first time, Monday, 20th March, 1876.

Second reading Tuesday, 21st March, 1876.

MR. CARTWRIGHT.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

SCHEDULE

A.

DETAILS OF YEARLY STATEMENTS REQUIRED BY SECTION 18.

A list of the stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each stockholder.

Property or Assets held by the Company, specifying Assets as per Ledger Accounts.

The value (as nearly as may be) of the real estate held by the Company.

The amount of loans secured by bonds and mortgages, constituting either a first or second lien on real estate, in seperate schedules.

The amount of loans secured by bonds or stocks, or other collaterals.

The amount of loans as above on which interest has not been paid within one year previous to such statement, with a schedule thereof.

Loans made in cash to policy-holders on the Company's policies assigned as collaterals, the reserve and amount loaned; set forth in a separate schedule.

Premium notes, loans, or liens on policies in force, the reserve on each policy being in excess of all indebtedness thereon.

Par and market values of Canadian and other stocks owned by the Company.

Amount of cash at head office.

Amount of cash in banks, with details.

Bills receivable.

Agent's ledger balances.

Other Assets.

Interest due and accrued.

Rents due and accrued.

Due from other Companies for losses or claims on policies of this Company, re-insured.

Net amount of uncollected and deferred premiums.

Commuted commissions.

All other property owned by the Company, with details.

Liabilities.

Net present value of all outstanding policies in force, with mode of computation or estimation, deducting those reinsured.

Premium obligations in excess of net values of their policies.

Claims for death losses and matured endowments, and annuity claims, due and unpaid, or in process of adjustment, or adjusted but not due, or resisted.

Dividends to stockholders, and dividends of surplus or other profits to policy holders, due and unpaid.

Amount due on account of office expenses.

Amount of loans.

Amount of all other claims against the Company.

Income.

Amount of cash premiums received, less re-insurance Premium notes, loans or liens taken in part payment for premiums; and premiums paid by dividends, including re-converted additions, and by surrendered policies.

Cash received for annuities.

Amount of interest received.

Amount received for rents.

Amount received for profits on bonds, stocks and other property actually sold.

All other income in detail.

Premium Note Account.

Premium notes, loans, or liens on hand at date of last previous statement.

Additions and deductions in detail during the year.

Balance, note assets at date.

Expenditure.

Total amount actually paid for losses and matured endowments.

Cash paid to annuitants and for surrendered policies.

Premium notes, loans or liens used in purchase of surrendered policies.

The same voided by lapse.

Cash surrender values, including reconverted additions applied in payment of premiums.

Dividends paid to policy-holders, or applied in payment of premiums.

Premium notes, loans or liens used in payment of dividends to policy-holders.

Cash paid stockholders for interest or dividends.

Cash paid for commissions, salaries and other expenses of officials

Cash paid for taxes, licenses, fees or fines.

All other expenditures in detail.

Exhibit of Policies

Number and amount of policies and additions in full at the end of the previous year.

New policies and changes.

Policies terminated, and the manner of termination

Number and amount of policies in force at date of statement.

Re-insurances.

[No. 81.]

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend and consolidate the several Acts respecting Insurance.

SCHEDULE A.

REFERRED TO IN SECTION 18.

MR. CARTWRIGHT.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876

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An Act to remove doubts under the Acts therein mentioned respecting the Corporation of the Quebec Harbour Commissioners.

For the removal of doubts under the Act passed in the thirty-sixth year of Her Majesty's Reign intituled: "*An Act further to amend the acts to provide for the management and improvement of the Harbour of Quebec*," herein after referred to as "*The Act of* 1873" and the Act passed in the thirty-eighth year of Her Majesty's Reign and intituled: "*An Act respecting the Trinity House and Harbour Commissioners of Quebec*," herein after referred to as "*The Act of* 1875;" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. It was and shall be held to have been the intent of the said Acts:

(1.) That all the members of the Corporation of the Quebec Harbour Commissioners elected by the Council of the Board of Trade of the city of Quebec, and by the Council of the Board of Trade of the town of Levis, and by the Shipping Interest, except the member elected by the Shipping Interest in August last, under the Act of 1875, should go out of office on the first day of January, 1876;

(2.) That after the day last mentioned the Governor should have power to appoint one member of the said Corporation, in addition to the four whom he could appoint under the Act of 1873, and that the offices of all the other members of the Corporation, except the member elected by the Shipping Interest in August last, being then vacant, the Council of the Board of Trade of the city of Quebec, and the Council of the Board of Trade of the town of Levis, and the Shipping Interest, had each the power to elect one member of the said Corporation, the member elected by the Shipping Interest in August last remaining in office for two years from the time of his election.

(3.)That if any of the said bodies should fail to elect their member or members within fourteen days after the occurrence of vacancies on the first day of January, 1876, or if such election should not be forthwith certified to the Minister of Marine and Fisheries, as required by section seven of the said Act of 1873, the Governor should have power to appoint the member or members to fill such vacancy or vacancies, under section eight of the said Act.

(4.) That up to the said first day of January, 1876, the elections and appointments of members of the said Corporation should be made as if the Act of 1875 had not been passed, except that one member should be elected by the Shipping Interest in August 1875 to remain in office two years that the other members representing the Shipping Interest, should go out of office at the time appointed for the said election ; that the said Interest should be represented thereafter (but only until the 1st of January, 1876) by one member instead of three as theretofore, (the word "two" being inserted instead of "three" in the last line but one of section eight of the said Act by a clerical error) and that on and after the 1st of January, 1876, the said Shipping Interest should be represented by two members.

(5.) That vacancies in the corporation do not prevent or impair the effect of its action in any matter, provided there be a quorum of five members present at the meeting at which such action is taken, and that a majority of them are in favour of such act, as provided by section ten of the Act of 1873.

(6.) That the said corporation should consist of nine members exclusive of the chairman of the corporation of Pilots for and below the Harbour of Quebec, who is *ex officio* a member of the Corporation of the Quebec Harbour Commissioners, but as respects pilotage matters only.

2. And for supplying provisions omitted in the said Act of 1875, it is enacted, that section six of the Act of 1873 be and the same is hereby repealed, and that the members of the said Corporation elected in January, 1876, and the member elected by the Shipping Interest in August, 1875, and any members appointed by the Governor in place of any who have not been elected or whose offices have become vacant, shall respectively hold office as follows, that is to say:

The member representing either of the said Boards of Trade until the first Monday in August in the year 1877, and the members representing the Shipping Interest until the first Wednesday in the same month in the same year, or if either of the said days be a legal holiday then until the next following day not being such holiday, and others shall then be elected in their stead by the bodies they respectively represented, and shall hold office until the like day of the week and month, in the third year from that in which they are elected, when they shall retire and others shall be elected in their stead : and to such elections and to the filling of vacancies among elective members, the provisions of the said Act of 1873 in like matters, not inconsistent with this Act, shall apply ; members of the said corporation appointed by the Governor otherwise than for filling vacancies in default of election or certificate thereof, being appointed and holding office as provided by the said Act of 1873.

3. This Act shall be construed as forming one Act with the said Acts of 1873 and 1875, and any thing done or action taken by the Governor or Minister of Marine and Fisheries or by the said Corporation, or by either of the said Boards of Trade, or by the said Shipping Interest, in conformity to the intent of the said Acts as hereby declared, is hereby confirmed and shall be held to be and to have been lawful and valid.

No. 83.] **BILL.** [1876.

An Act to amend the Dominion Lands Acts.

IN further amendment of *The Dominion Lands Act*, and of the Act 37 Victoria, chapter 19, intituled: "*An Act to amend the Dominion Lands Act*," hereinafter called and referred to as "the Act of 1874;" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 35 V., c. 23 & 37 V., c. 19.

1. Sub-section two of section two of the Dominion Lands Act passed in the thirty-fifth year of Her Majesty's reign, chapter 23, is hereby amended by inserting after the word "Surveyor-General" where it occurs in the said sub-section, the words "and of plans or documents in any Dominion "Lands or Surveys Office in Manitoba or the North-West "Territories, attested under the signature of the Agent or "Inspector of Surveys, as the case may be, in charge of such "office." Sub-s. 2 of s. 2 of 35 V., c. 23, amended. Copies of plans, &c.

2. Sub-section three of the said section two of the said Act is hereby amended by adding thereto the words "or "shall locate military bounty land warrants or land scrip, or "act as the agent of any other person or persons in such "behalf." Sub-s. 3 of same amended. Agents.

3. Sub-section one of section twenty-three of the said Act is hereby amended by adding thereto the following words: "Provided always that no greater area than ten per cent. of "the land, exclusive of school and Hudson Bay Company "lands, in any township, shall be open for entry by military "bounty warrants." Sub-s. 1 of s. 23 amended. Military bounty warrants.

4. Section thirty-three of the Dominion Lands Act as amended by section 8, of the Act of 1874, is hereby repealed and the following substituted therefor:— Sect. 33 of same, and s. 8 of 1874 amended.

"Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen years, shall be entitled to be entered for one quarter-section, or a less quantity, of unappropriated Dominion lands, for the purpose of securing a homestead right in respect thereof. (Form A.)" Entry for homestead right.

5. The sub-section substituted by the Act of 1874 for sub-section one of the said thirty-third section of the Dominion Lands Act is hereby repealed, and the following substituted therefor as sub-section one of the said thirty-third section:— Sub-s. of 1874 repealed. New Section substituted.

Entry for homestead right; additional rights attendant on.

"1. The entry of a person as aforesaid for a homestead right shall entitle him to receive at the same time therewith an entry for any adjoining quarter-section then unclaimed, and such entry shall entitle such person to take and hold possession of and cultivate such quarter-section in addition to his homestead, but not to cut wood thereon for sale or barter, and, at the expiration of the period of three years, or upon the sooner obtaining a patent for the homestead under the fifteenth sub-section of this section, shall entitle him to a pre-emption of the said adjoining quarter-section at the Government price of one dollar per acre; but the right to claim such pre-emption shall cease and be forfeited, together with all improvements on the land, upon any forfeiture of the homestead right under this Act."

Forfeiture.

Proviso: as to settlers brought in under Act of 1874.

Provided always, that the right to a pre-emption entry as above given shall not belong to any settler brought in under the provisions of sections fourteen and fifteen of the said Act of 1874,

Sub-s. 5 of s. 33 repealed.

6. Subsection five of the said section thirty-three is hereby repealed, and the following substituted therefor:—

New section as to homestead claims on land then unsurveyed.

"5. Every person claiming a homestead right on surveyed land must, previously to settlement on such land, be duly entered therefor with the local agent within whose district such land may be situate; but in case of a claim from actual settlement in then unsurveyed lands, the claimant must file such application within three months after due notice has been received at the local office of such land having been surveyed and the survey thereof confirmed, and proof of settlement and improvement shall be made to the local agent at the time of filing such application"

Sub-s. 7 of s. 33 repealed.

New substituted.

7. Sub-section seven of the said section thirty-three is hereby repealed, and the following is substituted therefor: and the Form B, which was substituted for that in the Schedule to the *Dominion Lands Act*, by section 13 of the Act of 1874, is hereby repealed:—

Affidavit on entry for homestead claim.

"7. A person applying for leave to be entered for lands with a view of securing a homestead right therein, must make affidavit before the local agent according to the following Form, which is hereby substituted for Form B.

"FORM B.

"*Affidavit in support of Claim for Homestead Right.*

Form of affidavit.

I, "A.B., do solemnly swear (*or* affirm, *as the case may be*) that I am over eighteen years of age; that I have not previously obtained a homestead under the provisions of the *Dominion Lands Act;* that the land in question belongs to the class open for homestead entry; that there is no person residing or having improvements thereon; and that my application is made for my exclusive use and benefit and

with the intention to reside upon and cultivate the said land. So help me God."

8. Sub-section nine of the said section thirty-three shall be read as being next after sub-section six of the said section and as if numbered seven ; and sub-section eight of the said section to be read as if numbered nine. Numbering of sub-sections in s. 33 altered.

9. Sub-section eleven of the said section thirty-three is hereby amended by adding thereto the following words : "Provided further that, in the case of settlements being formed of immigrants in communities, (such for instance as those of Mennonites or Icelanders,) the Minister of the Interior may vary or waive, in his discretion, the foregoing requirements as to residence and cultivation on each separate quarter-section entered as a homestead." Sub-s. 11 of s 33 amended as to settlements by communities.

10. Subsection twelve of the said section thirty-three, is hereby amended by leaving out all after the word "shall" in the seventh line to the end of the section, and substituting the following words: "receive a patent for the land so purchased." Sub-s. 12 of s. 33 amended.

11. Subsection fourteen of the said section thirty-three is hereby repealed and the following substituted therefor :— Sub-s. 14 repealed.

"14. In case it is proved to the satisfaction of the Minister of the Interior that the settler has voluntarily relinquished his claim, or has been absent from the land entered by him for more than six months in any one year without leave of absence from the Minister of the Interior, then the right to such land shall be liable to forfeiture, and may be cancelled by the said Minister, and the settler so relinquishing or abandoning his claim shall not be permitted to make more than a second entry." New section ; settler abandoning his claim.

12. The subsection inserted under the said Act of 1874, as sixteen *a* of the said section thirty-three, is hereby amended by adding thereto the following words: "and in the case of "a cancelled homestead with or without improvements "thereon, the same shall not be considered as of right open "for fresh entry, but may be held for sale of the land and of "the improvements, or of the improvements thereon, in "connection with a fresh homestead entry thereof, at the "discretion of the Minister of the Interior." Sub. s. 16*a* of s. 33, amended. As to cancelled homestead.

13. The following additional subsection shall be inserted after subsection seventeen of the said section thirty-three :— Additional sub. s. to s. 33.

"17 *a*. Any person who may have obtained a homestead entry, shall be considered, unless and until such entry be cancelled, as having an exclusive right to the land so entered as against any other person or persons whomsoever, and may bring and maintain actions for trespass committed on the said land or any part thereof." Homestead entry to give certain rights.

Sub. s. 18 of s. 33, amended.

14. Subsection eighteen of the said section thirty-three is hereby repealed and the following substituted therefor:—

Certain provisions to apply only to agricultural lands.

"18. The above provisions relating to homesteads shall only apply to agricultural lands; that is to say, they shall not be held to apply to lands set apart as timber limits, or as hay lands, or to lands valuable for stone or marble quarries, or to those having water power thereon which may be useful for driving machinery."

Section 34 repealed.

15. Section thirty-four of the said Dominion Lands Act, is hereby repealed, and the following substituted therefor:

New section as to grazing lands

"**34.** The Governor in Council may from time to time, grant leases of unoccupied Dominion Lands for grazing purposes to any person or persons whomsoever, for such term of years and at such rent in each case as may be deemed expedient; but every such lease shall, among other things, contain a condition by which, if it should thereafter be thought expedient by the Minister of the Interior to offer the land covered thereby for settlement, the said Minister may, on giving the Lessee two years notice, cancel the lease at any time during the term."

Section 35 repealed.

16. Section thirty-five of the said Dominion Lands Act, is hereby repealed, and the following substituted therefor:

New section. Leases for cutting hay.

"**35.** Leases of unoccupied Dominion lands, not exceeding in any case a legal subdivision of forty acres, may be granted, for the purpose of cutting hay thereon, to any person or persons whomsoever being *bonâ fide* settlers in the vicinity of such hay lands, for such term and at such rent fixed by public auction or otherwise as the Minister of the Interior may deem expedient; but such lease, except as may be otherwise specially agreed upon, shall not operate to prevent, at anytime during the term thereof, the sale or settlement of the lands described therein under the provisions of this Act, the Lessee being paid in such case by the purchaser or settler, for fencing or other improvements made on such land, such sum as shall be fixed by the local Agent, and allowed to remove any hay he may have made."

Proviso: not to prevent sale or settlement.

Sub-sec. 5 of section 46, amended.

17. The subsection substituted by section 10 of the Act of 1874 for sub-section five of section forty-six of the Dominion Lands Act, is hereby amended by inserting after the word "behalf" in the last line of the same and between the said word "behalf" and "a" the words "but not otherwise."

Protection of rights acquired as to wood lots under repealed subs. of s. 46.

18. Whereas by the provisions of section ten of the Act of 1874, subsection five of section forty-six of the Dominion Lands Act, which provided for the apportionment of wood-lots as free grants in connection with and in addition to homestead grants in certain cases, was repealed without reference to rights which might have been acquired under the same: and whereas it is expedient to protect such rights, it is hereby enacted, that any person to whom a wood-lot was apportioned in connection with a homestead under the provi-

sions of the said sub-section five of section forty-six of the Act last mentioned, having duly fulfilled the conditions of such homestead grant required by the said Act, shall receive a patent for such wood-lot as a free grant, as provided in the said sub-section, the Act of 1874 to the contrary notwithstanding.

19. Section sixty of the said Dominion Lands Act is hereby amended by substituting the word "certain" for "all" between the words "in" and "cases" in the sixth line from the bottom; and further, by leaving out all after the word "incurred" in the last line and substituting therefor the following: "and in default of such fine or penalty and costs being paid forthwith, may sell such timber by public sale after a notice of fifteen days, and may retain the whole proceeds of such sale, or the amount of the penalty and costs only, at the discretion of the Minister of the Interior." Section 60, amended. Sale of timber seized.

FOREST TREE CULTURE.

20. Any person, male or female, being a subject of Her Majesty by birth or naturalization, and having attained the age of eighteen years shall be entitled to be entered for one quarter-section or less quantity of unappropriated Dominion lands as a claim for forest tree planting. Entry for tree planting.

21. Application for such entry shall be made on Form F. in the schedule hereto, and the person so applying shall make an affidavit before the local agent according to Form G. in the schedule hereto, and shall pay at the time of applying an office fee of ten dollars for which he or she shall receive a receipt and also a certificate of entry, and shall thereupon be entitled to enter into possession of the land. Form of application; affidavit and fee.

22. No patent shall issue for the land so entered until the expiration of six years from the date of entering into possession thereof, and any assignment of such land shall be null and void unless permission to make the same shall have been previously obtained from the Minister of the Interior. When only patent may issue.

23. At the expiration of six years the person who obtained the entry, or, if not living, his or her legal representative or assigns shall receive a patent for the land so entered on proof to the satisfaction of the local agent as follows:— Patent after six years on certain conditions.

1. That eight acres of the land entered had been broken and prepared for tree planting within one year after entry, an equal quantity during the second year, and sixteen additional acres within the third year after such date;— Breaking up for planting.

2. That eight acres of the land entered had been planted with forest trees during the second year, an equal quantity during the third year, and sixteen additional acres within four years from the date of entry, the trees so planted being not less than twelve feet apart each way;— Planting.

Cultivating the timber.

3. That the above area of timber, that is to say, one-fifth of the land has, for the last two years of the term, been planted with timber, and that the latter has been regularly and well cultivated and protected from the time of planting; pro-

Proviso.

vided that in cases where the land entered is less in extent than one quarter-section or 160 acres, then the respective areas required to be broken and planted under this and the two preceding sub-sections shall be proportionately less in extent.

Forfeiture for failure of conditions.

24. If at any time within the period of six years as above, the claimant fails to do the breaking up or planting or either as required by this Act, or any part thereof, or fails to cultivate, protect, and keep in good condition such timber, then and upon such event the land entered shall be liable to forfeiture in the discretion of the Minister of the Interior and may be dealt with in the same manner as homesteads which may have been cancelled for non-compliance with the law as set forth in sub-section 16 *a* inserted in section thirty-three of the Dominion Lands Act respecting homesteads by the Act of 1874.

Proviso: who may not obtain land for planting.

25. Provided that no person who may have obtained pre-emption entry of a quarter-section of land in addition to his homestead entry under the provisions of sub-section one, of section 38 of the said Dominion Lands Act, as amended by the Act of 1874 and by this Act shall have the right to enter a third quarter-section as a tree planting claim, but such person, if resident upon his homestead, may have

Option of changing pre-emption entry.

the option of changing the pre-emption entry of the quarter-section or of a less quantity of such quarter-section, for one under the foregoing provisions, and on fulfilling the preliminary conditions as to affidavit and fee, may receive a certificate for such quarter-section, or for such quantity thereof as may have been embraced in the application, and thereupon the land included in such change of entry shall become subject in all respects to the provisions of this Act relating to tree planting.

Rights of persons entered for tree planting.

26. Any person who may have been entered for a tree planting claim under the foregoing provisions, and whose right may not have been forfeited for non-compliance with the conditions thereof, shall have the same rights of possession, and to eject trespassers from the land entered by him, as are given to persons on homesteads under sub-section 17 *a* added by this Act to section thirty-three of the Dominion Lands Act and the title to land entered for a tree planting claim shall remain in the Government until the issue of a patent therefor, and such land shall not be liable to be taken in execution before the issue of the patent.

SURVEYS AND SURVEYORS.

Section 74, repealed.

27. Section seventy-four of the said Dominion Lands Act is hereby repealed, and the following substituted therefor :—

New section.

"74. There shall be a Board of Examiners for the examina-

tion of candidates for such commissions as Dominion Lands Surveyors, or as articled pupils, to consist of the Surveyor General and eight other competent persons to be appointed from time to time by Order in Council, and the meetings of the Board shall commence on the second Monday in the months of May and November in each year, and may be adjourned from time to time, and the place of meeting shall be at Ottawa or at some place in Manitoba or the North-West Territories, as the same shall from time to time be fixed, and made public by notice in 'The Canada Gazette.' " Board of Examiners and their meetings.

28. No person shall be admitted as an articled pupil with any Dominion Lands Surveyor unless he has previously passed an examination before the Board of Examiners, or before one of the members thereof, or before some Surveyor deputed by the Board for the purpose, as to his ability to write English correctly, and also as to his knowledge of vulgar and decimal fractions, the extraction of the square and cube roots, of the first three books of Euclid, the rules of plane trigonometry, the mensuration of superficies and use of logarithms, and has obtained a certificate of such examination and of his proficiency, from such Board. Exmaination for articles as pupil.

29. Applicants for such examination, previous to being articled, shall give notice to the Secretary of the Board of their desire to present themselves for examination, whereupon such officer shall instruct them accordingly as to the mode in which they must proceed. Notice to Secretary.

30. Section seventy-five of the said Dominion Lands Act, is hereby repealed, and the following substituted therefor: Section 75, repealed.

"**75.** No person shall receive a commission from the said Board authorizing him to practise as a Dominion Lands Surveyor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the said Board on the following subjects: that is to say:—Euclid, first four books, and propositions first to twenty-first of the sixth book; Plane Trigonometry, so far as it includes solution of triangles; the use of logarithms, mensuration of superficies, including the calculation of the area of right-lined figures by latitude and departure, and the dividing or laying off land; a knowledge of the rules for the solution of spherical triangles, and of their use in the application to surveying of the following elementary problems of practical astronomy: New section. Examination for admission as surveyor.

1. To ascertain the latitude of a place from an observation of a meridian altitude of the sun or of a star; In practical astronomy.

2. To obtain the local time from an observed altitude of the sun or a star;

3. From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter.

He must be practically familiar with surveying operations and capable of intelligently reporting thereon, and be conversant with the keeping of field notes, their plotting and representation on plans of survey, the describing of land by Surveying operations in the field, use of instruments, &c.

metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments, and must also be perfectly conversant with the system of survey as embodied in the Dominion Lands Acts, and with the manual of standing instructions and regulations published from time to time for the guidance of Dominion Lands Surveyors.

Voluntary examination in higher branches of study.

31. Candidates for examination for commissions as Dominion Lands Surveyors may, at their own request, in addition to the foregoing, be examined as to the knowledge they may possess of the following subjects relating to the higher surveying, qualifying them for the prosecution of extensive governing or topographic surveys or those of geographic exploration, that is to say :—

1 Algebra, including quadratic equations, series, and calculation of logarithms ;

2. The analytic deduction of formulas and series, of plane and spherical trigonometry.

3. The plane co-ordinate geometry of the point, straight line, transformation of co-ordinates, circle and ellipse ;

4. Projections, the theory of those usually employed in the delineation of spheric surface.

5. Method of trigonometric surveying, of observing the angles and calculating the sides of large triangles on the earth's surface, and of obtaining the differences of latitude and longitude of points in a series of such triangles, having a regard to the effect of the figure of the earth.

Practical astronomy.

6. The portion of the theory of Practical Astronomy relating to the determination of the geographic position of points on the earth's surface, and the directions of lines on the same, that is to say :—

Methods of determining latitude ;—
a. By circum-meridian altitudes.
b. By differences of meridional zenith distance (Talcott's method.)
c. By transits across prime vertical.
Determination of azimuth ;—
a. By extra meridional observations.
b. By meridion transits.
Determination of time ;—
a. By equal altitudes.
b. By meridian transits.
Determination of differences of longitude ;—
a. By electric telegraph.
b. By moon culminations.

Theory of instruments.

7. The theory of the instruments used in connection with the foregoing, that is to say : The sextant or reflecting circle, altitude and azimuth instrument, astronomic transit, Zenith telescope and the management of chronometers ; also of the ordinary meteorological instruments, barometer mercury and aneroid, thermometers ordinary and self-registering, anemometer, and rain gauges,—and on their knowledge of the use of the same.

And their use.

8. Elementary Mineralogy and Geology, so far as respects a knowledge of the more common characters by which the mineral bodies that enter largely into the composition of rocks are distinguished, with their general properties and conditions of occurrence; the ores of the common metals and the classification of rocks; and the geology of North America so far as to be able to give an intelligent outline of the leading geological features of the Dominion: Mineralogy and geology.

Provided that candidates desiring the above extended examination shall inform the Board thereof, when giving the notice called for by section eighty-three of the Dominion Lands Act. Notice to the Board.

32. Gentlemen who may have become qualified to act as Dominion Lands Surveyors previous to the passing of this Act, may, if desirous of so doing, and having given notice in writing to the Secretary, at least two months previous to the meeting of the Board, of such desire, be examined as to their knowledge of the higher branches of surveying, and other subjects, under the preceding section, and all Candidates for such examination, whether holding commissions previously or otherwise, on passing the same, shall have the fact certified by the Board. Surveyors already admitted may pass such examination.

33. Section eighty-four of the Dominion Lands Act is hereby repealed and the following substituted therefor:— Sect. 84 repealed.

"**84**. The following fees shall be paid under the provisions of this Act: New tariff of fees.

1. To the Secretary of the Board, by each pupil, on giving notice of his desire for examination preliminary to being articled, *one dollar*.

2. To the Secretary of the Board, as the fee due on such examination, *ten dollars*, and a further sum of *two dollars* for certificate.

3. To the Secretary of the Board, by each pupil, at the time of transmitting to such Secretary the indentures or articles of such pupil, *two dollars*.

4. To the Secretary of the Board, by each candidate for final examination, with his notice thereof, *two dollars*.

5. To the Secretary of the Board, by each applicant obtaining a commission, as his fee thereon, *two dollars*.

6. To the Secretary of the Board, as an admission fee by the candidate receiving the commission, *twenty dollars*, which sum shall also cover any certificate by the Board in the case of a candidate passing the higher examination; but such amount, as also the *ten dollars* required to be paid under sub-section two of this section, shall be paid to the Receiver General to the credit of Dominion Lands.

34. Section eighty-five of the Dominion Lands Act is hereby amended by inserting after the word "attendance," at the end of the fourth line, the following words: "and "in the case of the examination of a pupil previous to "being articled, by a member of the Board, or by a surveyor "deputed by the Board for such purpose, such member or Section 85, amended. Special examination of pupil.

"such surveyor shall be paid *five dollars* for such exami-
"nation."

Section 15, repealed.

35. Section fifteen of the Act thirty-seventh Victoria, chapter nineteen, aforementioned, is hereby repealed, and the following substituted therefor :—

New section.

"**15**. The expenses, or any part thereof, incurred by any person or persons for the passage money, or subsistence, in bringing out an immigrant, or for aid in erecting buildings on the homestead, or in providing farm implements or seed for such immigrant, may, if so agreed upon by the parties, be made a charge on the homestead of such immigrant; and, in case of such immigrant attempting to evade such liability by obtaining a homestead entry outside of the land withdrawn under the provisions of the next preceding section, then, and in such case, the expense incurred on behalf of such immigrant, as above, shall become a charge on the homestead so entered, which, with interest thereon, must be satisfied before a patent shall issue for the land; provided as follows: —

Expenses incurred in bringing out immigrants may be made a charge on their homestead.

Provision in case of attempt to evade such charge.

Proviso:

Amount limited to actual cost.

(*a*). That the sum or sums charged for the passage money and subsistence of such immigrant shall not be in excess of the actual cost of the same as proved to the satisfaction of the Minister of the Interior;

Acknowledgment must have been filed.

(*b*). That an acknowledgment by such immigrant of the debt so incurred shall have been filed in the Dominion Lands office;

Amount further limited.

(*c*). That, in no case, shall the charge for principal moneys advanced against such homestead exceed in amount the sum of two hundred dollars;

Interest limited.

(*d*). That no greater rate of interest than six per cent per annum shall be charged on the debt so incurred by such immigrant.

FORM F. (*see Section* 21.)

Application for Land for Forest Tree Culture.

I, A.B., do hereby apply to be entered under the provisions respecting forest tree culture of the Act intituled "An Act to amend the Dominion Lands Acts."
in Township number , in the range
of the
Meridian, for the purpose of cultivating forest trees thereon.

FORM G. (*see Section* 22.)

Affidavit in support of claim for Forest Tree Culture.

I, A. B., do solemnly swear, or affirm, as the case may be, that I am over eighteen years of age; that I have not pre-

viously obtained an entry of land for forest tree culture, the extent of which, added to that now applied for, will exceed in all one hundred and sixty acres; that the land now in question is open prairie and without timber, and is unoccupied and unclaimed, and belongs to the class open for entry for tree culture (*or, instead of the above, after the word* "question," *as the case may be, say,* "consists of the "quartersection heretofore entered by me as a pre-emption right, under the provisions of sub-section one of section thirty-three of the Dominion Lands Act) and that the application is made for my exclusive use and benefit. So help me God.

No. 83.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Dominion Lands Acts.

Received and read the first time, Tuesday, 21st March, 1876.

Second reading, Wednesday, 22nd March, 1876.

MR. LAIRD.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

84

An Act to amend the Act respecting the Inland Revenue.

IN amendment of the Act passed in the thirty-first year of Her Majesty's reign, chapter eight, intituled "*An Act respecting the Inland Revenue;*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sub-section four of section sixty-six of the said Act is hereby repealed, and the following sub-section is enacted in its stead, to be read and to have effect, from and after the passing of this Act, as sub-section four of section sixty-six of the said Act, that is to say:

"4. One hundred measures guaged in the cistern, after "saturation is completed, or in the couch-frame, shall be "held to be equal to eighty-seven and a quarter similar "measures by guage of malt.

"And so in proportion for every greater or less quantity."

2. Sub-section six of section sixty-six of the said Act is hereby repealed, and the following sub-section is enacted in its stead, to be read and to have effect from and after the passing of this Act, as sub-section six of section sixty-six of the said Act, that is to say:—

"6. Malt shall be weighed when removed from the kiln "and placed in the warehouse; but whenever any quantity "of dry malt stated in measures of capacity, as determined "by guage by computation as provided in this Act or by "actual measurement, is to be stated by an equivalent in "pounds, the computation of the weight thereof shall be "made by determining, by weighing, the weight of a "measure of such malt, such measure being so taken as to "be, as nearly as may be, a fair average thereof; and the "weight of the measure so ascertained, multiplied by the "number of such measures contained in the quantity of "malt from which it was taken shall be held to be the true "weight of that quantity."

3. This Act may be cited as "*The Inland Revenue Act Amendment Act*, 1876;" and shall be read and construed as one with the Act above cited and with sections seventeen, eighteen, nineteen and twenty of the Act passed in the thirty-third year of Her Majesty's reign, chapter nine, amending the said Act above cited.

No. 85.] **BILL.** [1876.

An Act to extend the provisions of the Act 31 Victoria, chapter 33, respecting the retiring allowance of Judges, to the Chief Justice and Justices of the Court of Error and Appeal for the Province of Ontario.

Preamble.

FOR remedying an omssion in the Act hereinafter mentioned; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sect. 3 of 31 V., c. 33, to apply to the said Chief Justice and Justices.

1. The third section of the Act passed in the thirty-first year of Her Majesty's reign, intituled: "*An Act respecting the Governor General, the civil list, and the salaries of certain public functionaries,*" shall extend and apply as fully to the Chief Justice and Justices of the Court of Error and Appeal for the Province of Ontario as to the Judges and functionaries therein expressly mentioned, and Her Majesty may, under like circumstances and in like manner, grant to any such Chief Justice or Justice an annuity equal to two-thirds of the salary annexed to the office he held at the time of his resignation, to commence immediately after his resignation and continue thenceforth during his natural life, and to be payable *pro rata* for any period less than a year during such continuance, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

No. 85.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to extend the provisions of the Act 31 Vic., chap. 33, respecting the retiring allowance of Judges, to the Chief Justice and Justices of the Court of Error and Appeal for the Province of Ontario.

Received and read the first time, Friday, 26th March, 1876.

Second reading, Monday, 27th March, 1876.

Mr. Blake.

OTTAWA:

Printed by MacLean, Roger & Co.

1876.

No. 86.] **BILL.** [1876.

An Act to detach a certain portion of the County of Lotbiniere and to attach it to the County of Beauce.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. From and after the coming into force of this Act, that portion of the municipality of the parish of St. Severin, now forming part of the County of Lotbiniere for the purposes hereinafter mentioned, shall be detached from the said County of Lotbiniere, and shall be annexed to the County of Beauce for the purposes of representation in the House of Commons. Part of Co. of Lotbiniere annexed to Co. of Beauce for electoral purposes.

[No. 86.]

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to detach a certain portion of the County of Lotbiniere and to annex it to the County of Beauce.

Received and read the first time—Monday, 27th March, 1876.

Second reading—Tuesday, 28st March, 1876.

MR. POZER,

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876

No. 87.] **BILL.** [1876.

An Act to amend the Criminal Law.

Preamble.

WHEREAS it is expedient to amend the Criminal Law of Canada so as to provide better for the utilization of convict labor; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Lieut.-Governor of any Province may authorize employment outside the gaol, of convicts sentenced to imprisonment with hard labor for offences against the Criminal Law of the Dominion.

1. The Lieutenant-Governor of any Province may, from time to time, by Order in Council, and under such regulations and restrictions as he may, from time to time, make in that behalf, authorize or direct the employment of any of the convicts sentenced to imprisonment with hard labor for offences against the Criminal Law of Canada, in any one or more, or in all the common gaols in such Province, upon any specific work or duty, without or beyond the walls or limits of such gaol, but under the strict charge and superintendence of the officers thereof and subject to the rules and discipline of such gaol or gaols so far as the same may be applicable, and to such further rules, regulations, and discipline, as by any such Order in Council may be prescribed; and any escape, or attempted escape of any such convict from the place where he may be so employed, shall be deemed an escape or attempt to escape from gaol, and such convict may be re-taken, and shall be liable to be punished accordingly; and the place where any convict is so employed shall, as respects such convict, be deemed to be within the precincts of the gaol; and any such Order in Council as aforesaid, and any regulations made under it may be at any time revoked, amended or re-enacted with regard to any one or more, or all the gaols in such Province.

No. 87.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Criminal Law.

Received and read first time, Monday, 27th March, 1876.

Second reading, Tuesday, 28th March, 1876.

MR. ROBINSON.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876.

88

An Act to amend the Act of incorporation of the "Banque Saint Jean-Baptiste."

WHEREAS the "*Banque Saint Jean Baptiste*" was duly incorporated by the Act of the Parliament of the Dominion of Canada, thirty-eighth Victoria, chapter fifty-nine; and whereas the Provisional Directors of the said Bank have by their petition prayed for a prolongation of the delay fixed by the seventh section of the said Act, for obtaining from the Treasury Board the certificate required by the seventh section of the "*Act relating to Banks and Banking;*" and whereas it is fit that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The delay of twelve months, fixed by section seven of the said Act, thirty-eighth Victoria, chapter fifty-nine, intituled "*An Act to incorporate the Banque Saint Jean-Baptiste*," is by this Act extended and prolonged to the first day of May, one thousand eight hundred and seventy-seven: Provided always that nothing in this Act contained shall be held to change the existing legal liability of any present subscriber to the capital stock of the said Bank.

An act to amend "*The Trade Mark and Design Act of* 1868."

IN amendment of the Act passed in the thirty-first year of Her Majesty's Reign, chapter fifty-five, intituled: "*An Act respecting Trade Marks and Industrial Designs;*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Minister of Agriculture may at any time before the expiration of the term of five years for which the copyright of any industrial design registered under the said Act either before or after the passing of this Act is valid, on the application of the registered proprietor of such design, grant to such proprietor a renewal of the registration thereof, for such further term, not exceeding five years, as such Minister may in his discretion deem to be advisable.

2. In case the further term for which the renewal of the registration of any industrial design is so granted has been for less than five years, the Minister may at any time before the expiration of such further term, on the application of the then registered proprietor of the design, grant him a further renewal of the registration thereof; and so on, *toties quoties*; but so as that no such registration shall be renewed for more than five years in all beyond the term of the validity of the copyright acquired by the registration of the design.

3. Every renewal of a registration under this Act shall be effected as follows:—

The Minister of Agriculture [on receipt of the fee hereinafter prescribed to be paid] shall cause a note to be made in the margin of the proper page of the proper register to the effect that the registration referred to in such note has been renewed for the term mentioned in such note; and such note shall be placed as near as may be to the entry of the registration to which it refers; and thereupon such registration shall be renewed for the term mentioned in such note.

4. Whenever the Minister of Agriculture has granted a renewal of the registration of any industrial design and the same has been renewed, as provided for by this Act, he or his deputy shall make and sign a certificate to that effect, and shall deliver the same, or cause the same to be delivered, to the registered proprietor of such design; and every such certificate shall contain the date of the registration of the design to which it refers, the number of such design, and the number or letter employed to denote or correspond with the registration, and the day, month and year of the entry of

each renewal thereof in the proper register, and the name and address of the registered proprietor thereof at the date of the certificate, and the period of each renewal ; which said certificate, in the absence of proof to the contrary shall be sufficient proof of the design, of the name of the registered proprietor at the date of the certificate, of the registration and of its renewal or renewals, of the commencement and period of registry, of the commencement and period of each renewal, of the person named as proprietor being proprietor, of the originality of the design, and of compliance with the provisions of the said Act and of this Act ; and generally every such certificate, so signed, shall be received in all Courts of Law or of Equity in Canada as evidence of the facts therein stated, without proof of the signature.

[**5**. A fee of five dollars shall be payable to the Minister of Agriculture for every renewal of registration under the provisions of this Act ; and all fees so received shall be paid over by him to the Receiver General, to form part of the Consolicated Revenue Fund of Canada.]

6. This Act shall be read and construed as one Act with the Act cited in its title and preamble and amended by it ;— and the said Act and this Act may be cited collectively as " *The Trade Mark and Design Acts*, 1868 *to* 1876."

No. 90.] **BILL.** [1876.

An Act to amend the Act 31 Vict., chap. 5, as respects the Public Accounts.

Preamble.

WHEREAS by section twenty-eight of the Act passed in the thirty-first year of Her Majesty's reign, intituled: "*An Act respecting the collection and management of the revenue, the auditors of public accounts and the liability of public accountants*," it is provided that "all estimates submitted to Parliament shall be for services coming in course of payment during the financial year, and all balances of appropriation which remain unexpended at the end of the financial year shall lapse and be written off"; and whereas in many cases it has been found impossible, especially in the distant provinces, to obtain the necessary reports upon which to make the payments authorized by law, for some time after the close of the financial year in which the work was done or the service rendered: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

31 V., c. 5, s. 28.

Recital.

Final time for closing certain accounts may be extended by Order in Council.

1. Upon cause being shewn to the satisfaction of the Governor in Council, he may, by Order in Council, extend the time for finally closing the account of any appropriation, for a period of not more than three months from the end of the financial year, after the expiration of which extended time, and not before, the balance of such appropriation shall lapse and be written off.

No. 90.

3rd Session, 3rd Parliament, 39 Vic., 1876.

BILL.

An Act to amend the Act 31 Vict., chap. 5, as respects the Public Accounts.

Received and read first time, Wednesday, 29th March, 1876.

Second reading, Thursday, 30th March, 1876.

Mr. CARTWRIGHT.

OTTAWA
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 91.] **BILL.** [1876.

An Act to amend the Act 31 Vict., chap. 3, respecting the Indemnity to Members of both Houses of Parliament.

Preamble.

IN amendment of "The Members' Indemnity Act," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 4 amended.

When to apply.

1. The words "seven dollars" are hereby substituted for the words "four dollars," in the fourth section of the said Act, and the words "or accountant" are hereby added after the word "clerk," in the said section; and the section as so amended shall apply to the present session.

No. 91.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend the Act, 31 Vict., chap. 3, respecting the Indemnity to Members of both Houses of Parliament.

Received and read first time, Wednesday, 29th March, 1876.

Second reading, Thursday, 30th March, 1876.

MR. MACKENZIE.

OTTAWA:
Printed by McLEAN, ROGER & Co., Wellington Street.
1876

No. 92.] **BILL.** [1876.

An Act to prevent persons from breaking up the ice-bridge between Quebec and Levis.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. It shall be unlawful to break up or destroy the ice-bridge when in the course of formation or when formed over the River St. Lawrence between the City of Quebec and the Town of Levis, and for a distance of two miles each way from the limits of the said city or town respectively; and every person who by himself or by the intervention of his steamboat or other vessel, contravenes this enactment, shall incur a penalty of *five hundred dollars* for the first contravention, and of *two thousand dollars* for each further contravention,—which shall be recoverable by suit against him in any Court having competent jurisdiction in civil cases to the amount. One half of the said penalty shall go to the prosecutor, and the other half to Our Sovereign Lady the Queen for the use of the Dominion of Canada. Penalty for offences against this Act.

2. In default of payment of the said penalty, the person who shall have incurred the same, may be condemned to *two* months imprisonment. Imprisonment in default of payment.

No. 92.

3rd Session, 3rd Parliament, 39 Vic., 1876.

BILL.

An Act to prevent persons from breaking up the ice-bridge between Quebec and Levis.

Received and read the first time, Wednesday, 29th March, 1876.

Second reading, Thursday, 30th March, 1876.

Mr. LANGLOIS.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

No. 93.] **BILL.** [1876.

An Act respecting Dominion Lands reserved for Railway purposes.

(*Section three is intended to originate in Committe of the Whole.*)

Preamble.

WHEREAS it is expedient to provide for the protection of settlers on land within the limits of any tract set apart for purposes connected with the construction of the Canadian Pacific Railway; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Such lands to open for entry to actual settlers only.

1. Lands within the limits of any tract already withdrawn, or which may hereafter be withdrawn from general sale or settlement by the Governor in Council for purposes in connection with the construction of the Canadian Pacific Railway, shall be open to entry by actual settlers only, and may be acquired by such persons on the following conditions:—

Lands within five miles on each side of the railway, open only for sale to actual settlers.

(*a*). No entries for homestead or preemption, except in the case of persons who may have settled on the land previously to the same being so withdrawn for railway purposes, as provided hereinafter in sub-section *c*, shall be permitted within a belt of six miles in width on each side of and adjoining the Canadian Pacific Railway, as located; but such lands shall be open for purchase by actual *bona fide* settlers at such rates as may be fixed for the sale of the same by the Governor in Council; provided, that the quantity of land to be purchased by any one person shall not exceed 320 acres; provided also, that possession of any land required for town or village sites, which may have been settled on previously to the same being withdrawn, as hereinbefore mentioned, may be resumed by the Government, and the Minister of the Interior may compensate the claimant of such land by allotting him other land in lieu thereof; provided further, that the Governor in Council shall have power to deal with that particular portion of the "six mile" belt lying within ninety chains on each side of the railway line, in such manner, as regards the survey, sale and granting thereof, as may be deemed expedient.

Proviso, as to lands required for town or village sites.

Proviso: as to lands within ninety chains on each side of railway.

How and when entry and payment shall be made for lands in six mile belt.

(*b*). Surveyed lands within the "six-mile" belt shall be entered and paid for at the nearest land office previously to being settled on, and in the case of persons found on land within the belt at the time of the survey, having settled thereon subsequent to such land being withdrawn for the purposes afore-mentioned, the claimant must complete his purchase within three months from the time when due notice shall have been received at such office of such land

having been surveyed and the survey thereof confirmed; and proof of settlement and improvement shall be made to the local agent of Dominion lands at the time of making application to purchase.

Extent for homestead or tree planting limited.

(*c*). The extent of land withdrawn for railway purposes, whether the same be within or without the "six mile" belt, which may be entered for a homestead, or for a tree planting claim, or for both together, shall not exceed eighty acres.

Where and when entries must be made for land outside the six mile belt.

(*d*). In the case of lands withdrawn for the purposes aforementioned outside the "six mile" belt, already surveyed, such entries shall be duly made at the nearest land office previously to settlement on the land, but in case of a claim from actual settlement in unsurveyed land so situate, the claimant must file such application within three months after due notice shall have been received at such office of such land having been surveyed, and the survey thereof confirmed, and proof of settlement and improvement shall be made to the local agent of Dominion lands at the time of filing such application.

As to such entries for homestead or tree planting outside six mile belt, but in adjoining lands.

(*e*). A person entering for a homestead or for a claim for tree planting on such land outside of the "six mile" belt, may, at the same time, be allowed an entry to purchase a quantity of land adjoining the same, or in the vicinity thereof, not to exceed, including such homestead or such tree planting claim, or both, as the case may be, three hundred and twenty acres.

Fee on entry, and payment of price.

(*f*). Such person shall pay to the Dominion Lands Agent at the time of receiving the homestead entry, an office fee of *ten dollars*, and a similar fee for the entry of a claim for tree planting; he shall also pay on being allowed a purchase entry, as above mentioned, and on account thereof, the sum of *ten dollars*, and shall further pay on the fulfilment of his homestead conditions, or subsequently at such time as may be required of him, such sum as, together with the said *ten dollars* will be equal to the value which shall have been placed on the land so purchased, by the Governor in Council.

Price, how to be fixed.

(*g*). The price per acre to be paid in case of the commutation of the homestead right, provided for by sub-section fifteen of section thirty-three of the Dominion Lands Act, on an entry obtained under this Act, shall be fixed by the Governor in Council for the sale of adjoining lands.

Effect of forfeiture of homestead right.

(*h*). The forfeiture of a homestead right, acquired under this Act, shall carry with it the forfeiture also of any claim to land under a purchase entry connected therewith, as also of the payment of *ten dollars* made at the time of obtaining such entry.

In what funds payments may be made.

2. Military bounty warrants or other scrip, redeemable in Dominion lands, may be received in payment for the purchase of land, as provided for in sub-section (*c*) of section one of this Act, but only to the extent of one-fourth of such purchase, and the payment for the remaining three-fourths of such purchase shall be made in cash.

How cash received in payment shall be dealt with.

3. Two-thirds of all cash received for sales of lands under this Act shall be carried to the credit of a special fund for

purposes connected with the Canadian Pacific Railway, and shall be dealt with thereafter in such manner as may be deemed expedient by the Governor in Council.

How far the provisions of former Acts shall apply.

4. The provisions of the Dominion Lands Act, and of the amendments thereto, shall be and remain in force as to all lands withdrawn as above mentioned, except as the same may be varied by this Act, and except also the sections thirty-six, thirty-seven, thirty-eight, thirty-nine and forty of the said Dominion Lands Act relating to mining lands; and also section forty-six of the said Act relating to wood lots, which said section shall not be held to operate as to lands so withdrawn: Provided also, that the quantity of such land which may be secured by any person *or persons* for the purpose of carrying on coal mining under section forty-four of the said Dominion Lands Act, shall be restricted to three hundred and twenty acres.

Proviso.

[No. 93.]

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act respecting Dominion Lands reserved for Railway purposes.

Received and read first time, Saturday, April 1st, 1876.

Second reading, Monday, 3rd April, 1886.

MR. LAIRD.

OTTAWA:
Printed by McLEAN, ROGER & Co., Wellington Street.
1876

Bill No 94 - Mr Botterill tells me was not printed JL.

No. 95.] **BILL.** [1876.

An Act to remove doubts under the Acts therein mentioned, respecting the Harbour Commissioners of Montreal, and to amend the same.

FOR the removal of doubts under the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "*An Act respecting the Trinity House and Harbour Commissioners of Montreal*," hereinafter referred to as "The Act of 1873,"---and the Act passed in the thirty-seventh year of Her Majesty's reign intituled "*An Act to amend the Act respecting the Trinity House and Harbour Commissioners of Montreal*," hereinafter referred to as "The Act of 1874;" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada declares and enacts as follows: Preamble. 36 V., c. 61. 37 V., c. 31.

1. It was and shall be held to have been the intent of the said Acts;—that the four members of the Corporation of the Harbour Commissioners of Montreal (hereinafter referred to as "the Corporation") elected respectively by the Montreal Board of Trade, the Montreal Corn Exchange Association, the Montreal City Council and the Shipping Interest, should respectively, be elected on the first Monday in August, or if that day were a legal holiday, then (on the next following day not being so) as provided by the Act of 1873, subject to the provisions hereinafter made as to the present members; and that each of them should hold office until the like day in the fourth year from his election, when he should go out of office; but might be re-elected. Intent of Acts declared. Members and term of office.

2. Any elective member of the Corporation may resign his office by notifying his resignation to the body by which he was elected, in such manner as they may prescribe by by-law; and the vacancy thereby occasioned or happening in any other manner, shall be filled up in the manner provided by the Act of 1873; the fourteenth, fifteenth, sixteenth, seventeenth and eighteenth sections whereof are hereby declared to have been inadvertently restricted by the seventh section of the Act of 1874, and shall be, and shall be held to have remained in force as to all the elective members, notwithstanding anything in the said seventh section. Resignation of elective members. Vacancies. Error in 37 V., c. 31, s. 7, corrected.

3. The third section of the Act of 1874 is hereby repealed; and to establish the order of rotation among the members of the Corporation, the present members shall respectively go out of office as follows: Sect. 3 of 37 V, c. 31, repealed.

Rotation in office.

The member representing the Shipping Interest, in August 1876 ;—the member representing the City Council, in August 1877—the member representing the Board of Trade, in August 1878 ;—and the member representing the Corn Exchange in August 1879.

Construing this Act.

Confirmation things done.

4. This Act shall be construed as one Act with the said Acts of 1873 and 1874 ; and anything done or action taken by the Governor, the Minister of Marine and Fisheries, the City Council, the Board of Trade, the Shipping Interest or "the Corporation," in conformity to the intent of the said Acts as hereby declared, is hereby confirmed and shall be and be held to have been lawful and valid.

No. 95.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to remove doubts under the Acts therein mentioned, respecting the Harbour Commissioners of Montreal, and to amend the same.

Received and read the first time, Tuesday, 4th April, 1876.

Second reading, Wednesday, 5th April, 1876.

Mr. MACKENZIE.

OTTAWA:
Printed by Maclean, Roger & Co., Wellington Street
1876.

No. 96] **BILL.** [1876.

An Act to amend the Acts therein mentioned, as respects the importation or manufacture of Intoxicants in the North-West Territories.

IN amendment of the Act passed in the thirty-seventh year of Her Majesty's Reign, chaptered seven: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: — Preamble.

1. The second section of the said Act is hereby amended by inserting after the word "Territories" in the thirteenth line the words "or of the Lieutenant-Governor of Manitoba "under regulations to be from time to time made by the "Governor in Council;" and the seventy-fourth section of the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered forty-nine, is hereby amended by inserting the same words after the word "Territories," in the seventh line of the said section. Sect. 2 of 37 V., c. 7, and s. 74 of 38 V., c. 49, amended.

No. 96.

3rd Session, 3rd Parliament, 39 Vic., 1876.

BILL.

An Act to amend an Act intituled "An Act to amend an Act to make further provision as to Duties of Customs in Manitoba and the North-West Territories; and further to restrain the importation or manufacture of Intoxicating Liquors into or in the North-West Territories.

Received and read first time, Tuesday 4th April, 1876.

Second reading, Wednesday, 5th April, 1876.

Mr. MACKENZIE.

OTTAWA
Printed by MacLean, Roger & Co., Wellington Street.
1876.

No. 97.] **BILL.** [1876.

An Act respecting the Desjardins' Canal.

Preamble.

Recital of Act of U. C. 7 Geo. 4, c. 18.

WHEREAS by an Act of the legislature of the late Province of Upper Canada, passed in the seventh year of the reign of His Majesty, King George the Fourth, chapter eighteen, after reciting that public benefits were expected to be derived from connecting Burlington Bay with Lake Ontario, and in order that those benefits might be more generally extended to the surrounding country, it was of manifest importance to form a water communication or canal sufficient for the passage of sloops and other vessels of burden, from the said bay to the village of Cootes Paradise, through the intervening marsh and other lands, and further reciting, that Peter Desjardins and others, had petitioned the legislature to be by law incorporated for the purpose of effecting by means of a joint capital or stock, such water communication or canal from the said bay to the said village ;—it is in effect enacted, that certain persons therein named were constituted and declared to be a body corporate and politic, by the name of "Desjardins' Canal Company ;" and it is further by the said Act enacted that the Company should have full power and authority for the purposes of forming and completing the said Canal, to purchase and hold in their corporate capacity such real estate as might be necessary for all the purposes of the said Canal and of the said Act ; and it is further in effect enacted, that the said Act now in recital should continue in force for fifty years from the time of the passing thereof, and from thence to the end of the then next ensuing Session of Parliament, at which time the estate, rights, titles, tolls and rates of the said Canal, with the waters and navigation thereof, should vest in His Majesty, His heirs and successors, to and for the use of the said late Province of Upper Canada in manner aforesaid, unless otherwise provided for by any Act of the legislature, to be for that purpose at any time thereafter enacted :

Canal vested in the Crown at the end of the session of parliament next after fifty years from passing the said Act.

And whereas under the provisions of the Act hereinbefore in part recited, the estate, rights, titles, tolls and rates of the said canal, with the waters and navigation thereof, will at the end of the session of parliament next ensuing the thirtieth day of January in the year one thousand eight hundred and seventy-six (being fifty years from the time of the passing of the said Act hereinbefore in part recited) vest in Her Majesty, Her Heirs and Successors, to and for the use of Canada, unless otherwise provided for by any Act for that purpose to be enacted :

Canal will then be a public work of Canada.

And whereas the said Desjardins' Canal will, from the date last hereinbefore mentioned, become a public work of Canada, and as such be and continue vested in Her Majesty and under the control and management of the Minister of Public Works; and it is expedient that the Minister of Public Works should be authorized to enter into arrangements and upon the completion of such arrangements to grant, transfer and convey the said Desjardins' Canal, as is hereinafter authorized; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain sections of 31 V., c. 12, to apply to it.

1. The fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth and fifty-seventh sections of the Act passed in the thirty-first year of Her Majesty's reign, and intituled, "*An Act respecting the Public Works of Canada*" shall apply to the Desjardins' Canal, which shall, after the expiration of the said charter, be deemed a public work of Canada, and may be dealt with and treated as if it were in the said sections of the said Act specially mentioned.

Provision in case of its transfer under the said sections.

2. In the event of any grant, transfer or conveyance of the Desjardins' Canal, in pursuance of the authority contained in the said sections of the said Act, the tariff of tolls to be imposed in respect of the use of the said Desjardins' Canal and its appurtenances, shall be, from time to time, submitted to the Governor, and no tolls shall be collected unless the rates be first approved by the Governor in Council.

No. 97.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act respecting the Desjardins' Canal.

Received and read first time, Tuesday, 4th April, 1876.

Second Reading, Wednesday, 5th April, 1876.

Mr. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

No. 98.] **BILL.** [1876.

An Act to amend the Act thirty-eighth Victoria, chapter twenty-three, respecting the Northern Railway of Canada.

IN amendment of the Act passed in the thirty-eighth year of Her Majesty's reign, and intituled: *"An Act respecting the lien of the Dominion on the Northern Railway of Canada,"* Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble. 38 V. c. 23.

1. The time allowed by the first section of the said Act, for the payment by the Northern Railway Company of Canada of the sum of one hundred thousand pounds sterling, in the manner and with the effect mentioned in the said section, is hereby extended to the first day of November now next, or to such further period as the Governor in Council may deem expedient, not later than six months after the said day. Time for payment of $100,000 extended.

No. 98.

3rd Session, 3rd Parliament, 39 Vic., 1876.

BILL.

An Act to amend the Act thirty-eighth Victoria, chapter twenty-three, respecting the Northern Railway of Canada.

Received and read the first time, Tuesday, 4th April, 1876.

Second reading, Wednesday, 5th April, 1876.

Mr. MACKENZIE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1876.

No. 99.] **BILL.** [1876.

An Act to amend the "Railway Statistics Act."

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The second section of the Act passed in the thirty-eighth year of Her Majesty's reign intituled: "*An Act to extend and amend the Law requiring Railway Companies to furnish Returns of their Capital, Traffic and Working Expenditure*," and chaptered twenty-five, is hereby repealed, and the following section shall be taken and read as forming the second section of the said Act. Sect. 2 of 38 V., c. 25, repealed and new sect. substituted.

"**2.** Every company shall annually prepare returns of their capital in accordance with the form contained in Schedule One to this Act, and a copy of such returns signed by the President or other head officer of the company resident in Canada and by the officer of the company responsible for the correctness of each return or any part thereof, shall be forwarded by the company to the Minister of Public Works, not later than three months after the end of the calendar year; together with a copy of the then last annual return of the traffic and working expenditure which every such company is required to keep, in accordance with the provisions of their respective Acts of incorporation, to be verified in manner and form aforesaid, and furnished in such form as the Minister of Public Works shall approve of or prescribe. Any company which fails to forward the said returns in accordance with the provisions of this section, shall be liable to a penalty not exceeding *ten dollars* for every day during which such default continues." Companies to furnish yearly returns to Government, and in what form and with what details. Penality for default.

2. All penalties imposed by the said Act first above cited, as hereby amended, shall be recoverable by the person suing for the same for his own use and benefit in any Court having jurisdiction in civil cases to the amount. Recovery of penalties.

3. The foregoing sections shall be read as part of the said Act first above cited, and the said sections and Act shall be construed accordingly. Act how to be construed.

No. 99.

3rd Session, 3rd Parliament, 39 Victoria, 1876.

BILL.

An Act to amend "The Railway Statistics Act."

Received and read the first time, Tuesday, 4th April, 1876.

Second reading, Wednesday, 5th April, 1876.

MR. MACKENZIE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1876