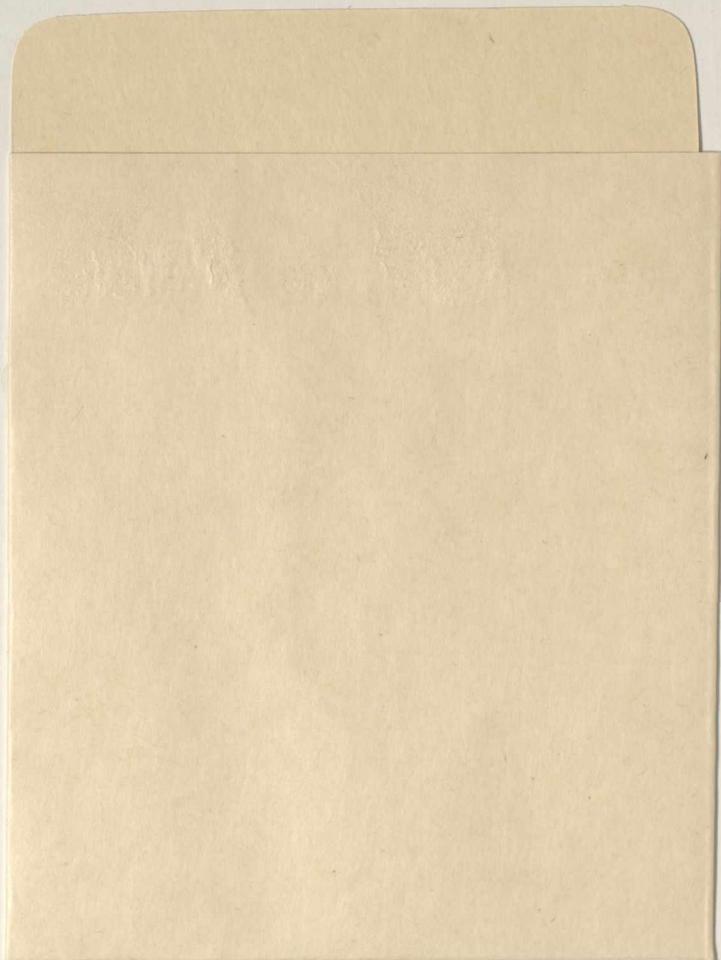


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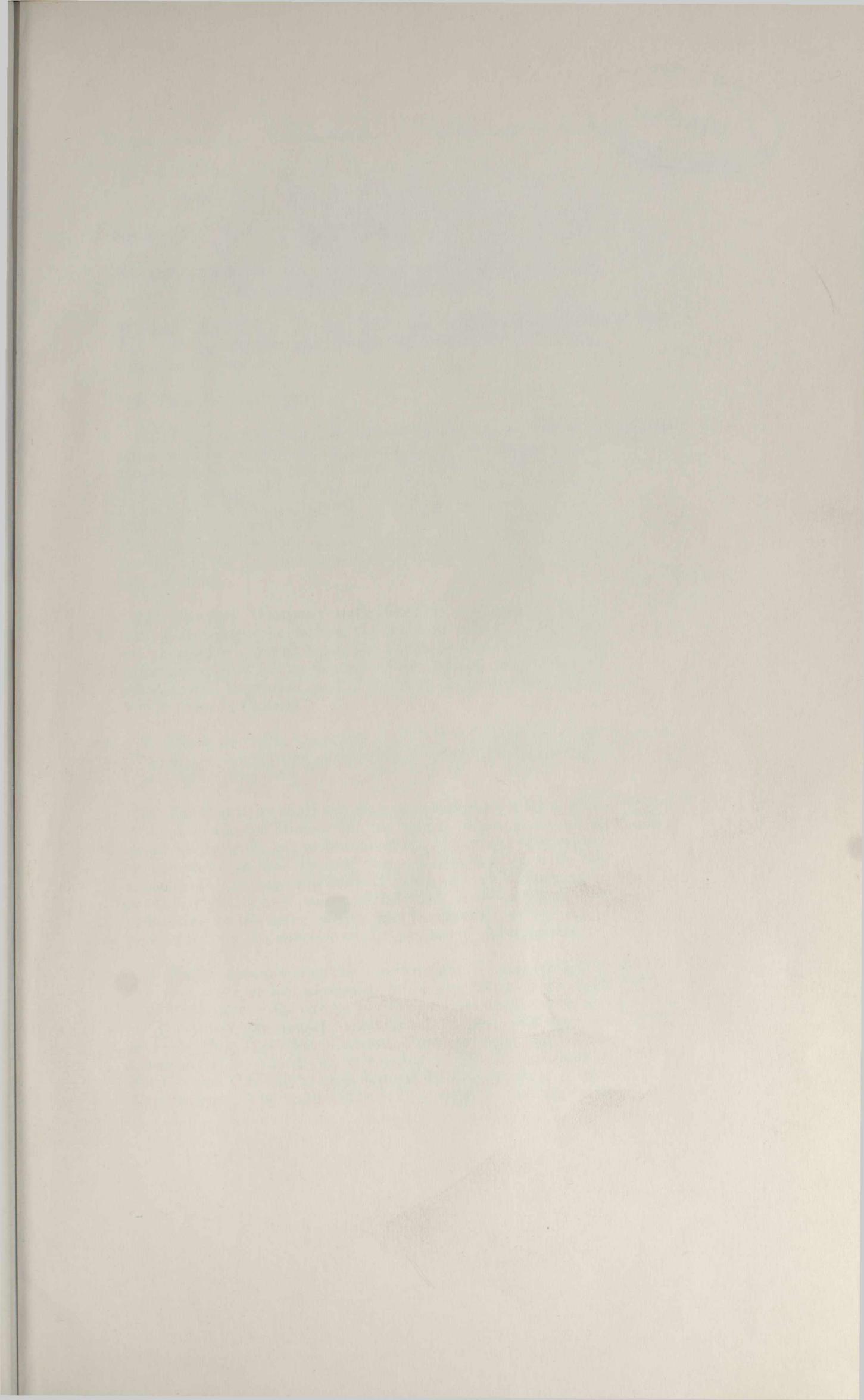
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No. 2.]

BILL.

[1875.

An Act to regulate the construction and maintenance of Marine Electric Telegraphs.

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

1. This Act shall apply—

5 (1.) To every Company or association of persons hereafter Application
authorized by any special or general Act of the Parliament of of Act.
Canada, or under the provisions of this Act, to construct or
maintain telegraphic wires or cables, in, upon, under or
across any gulf, bay or branch of any sea or any tidal water
10 within the jurisdiction of Canada, or the shore or bed thereof
respectively, so as to connect any province with any other
province of the Dominion, or to extend beyond the limits of
any province.

(2.) To every Company authorized to construct or main-
15 tain such telegraphs before the passing of this Act by any
such special or general Act of the Parliament of Canada, or by
any other special Act or Charter of any of the provinces con-
stituting the Dominion, and at the time of the passing of this
Act in force in Canada.

20 2. The term "The Company" in this Act shall mean any Interpreta-
Company or association of persons in the preceding section tion.
mentioned.

25 3. The Company shall not place any telegraphic wire, cable Limitation of
or work connected therewith, in, under, upon, over, along powers of
or across any gulf, bay or branch of the sea, or any tidal water, Company.
or the shore or bed thereof respectively, except with the
consent of all persons and bodies having any right of property,
or other right, or any power, jurisdiction or authority in, over
or relating to the same, which may be affected, or be liable to
30 be affected, by the exercise of the powers of the Company.

35 4. Before commencing the construction of any such tele- Plans of
graph or work as last aforesaid, or of any buoy or sea-mark works, &c.,
connected therewith, except in cases of emergency for repairs to be de-
to any work previously constructed or laid, and then as posited in the
speedily after the commencement of such work as may be, the Department
Company shall deposit in the office of the Department of of Marine and
Marine and Fisheries a plan thereof, for the approval of such Fisheries for
Department. The work shall not be constructed otherwise approval.

than in accordance with such approval. If any work is constructed contrary to this provision, the Department of Marine and Fisheries may, at the expense of the Company, abate and remove it, or any part of it, and restore the site thereof to its former condition.

5

Use of lights and signals.

5. The Company may, in or about the construction, maintenance or repairs of any such work, use on board ship or elsewhere any light or signal allowed by any regulation to be made in that behalf by the said Department.

Abandoned or decayed work may be removed by Department.

6. If any such work, buoy or sea-mark is abandoned or suffered to fall into decay, the said Department may, if and as it thinks fit, at the expense of the Company, abate and remove it, and restore the site thereof to its former condition, and the said Department may at any time, at the expense of the Company cause to be made a survey and examination of any such work, buoy or sea-mark, or of the site thereof.

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Recovery by Department from Company of expenses, &c.

7. Whenever the said Department under the authority of this Act, does in relation to any such work, any act or thing which the said Department is, by this Act, authorized to do at the expense of the Company, the amount of such expense shall be a debt due to the Crown from the Company, and shall be recoverable as such with costs, or the same may be recovered with costs, as a penalty is or may be recoverable from the Company.

20

Extent of Crown lands to be taken.

8. The Company may, with the consent of the Governor in Council, take and appropriate for the use of the Company for its stations, offices and works, but not alienate, so much of the land held by the Crown for the Dominion, and the shore or bed adjacent to or covered by any gulf, bay or branch of the sea, or by any tidal water, as is necessary for constructing, completing and using the telegraph and works of the Company.

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Provincial lands may be acquired.

9. The Company may also acquire from any province of the Dominion any land or other property necessary for the construction, maintenance, accommodation and use of the telegraph and works of the Company, and also alienate, sell and dispose of the same when no longer required for the purpose of the Company.

35

Extent of land to be taken by compulsory process, under Railway Act, 1868.

10. The Company may also acquire from any person or corporation any land necessary for the construction, maintenance and use of the telegraphic cable and works of the Company, adjacent to or near the shore end or place of landing of the telegraph. And in case the Company and such person or corporation should fail to agree upon the possession or price of such land, the Company is hereby empowered to enter upon and take such land, limited to an area of five acres, under the powers, authorities and provisions of "The Railway Act, 1868," the sections of which, in respect to compulsory powers for the acquisition of lands, are hereby declared to be applicable to any Company within this Act, and the powers, authorities and provisions contained in the said sections of

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"The Railway Act, 1868," are hereby declared to be vested in and exercisable by any such Company for the purpose aforesaid.

11. The Company shall not be entitled to exercise any of
 5 the powers of this Act until the Company shall have submitted to the Governor in Council a plan and survey of the proposed site and location of such telegraph, and its approaches at the shore, and of its stations, offices and accommodations on land, and of all the intended works thereunto appertaining,
 10 nor until such plan, site and location 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 telegraph and works, shall have been complied with.

Works not to be proceeded with until plans, &c., submitted to and approved by Governor in Council.

15 12 The Company shall transmit all messages in the order in which they are received, and at equal and corresponding tariff rates, under the penalty of not less than *fifty nor exceeding two hundred dollars*, to be recovered with costs of suit by the person aggrieved; and the Company shall have full
 20 power to charge for the transmission of such messages, and to demand and collect in advance such rates of payment therefor as shall be fixed from time to time as the tariff of rates by the by-laws of the Company: Provided, however,
 25 lishers of newspapers for the transmission, for the purpose of publication, of intelligence of general and public interest, out of its regular order and at less rates of charge than the general-tariff rates.

Tariff of rates.

Proviso, as to newspapers, &c.

13. Any message in relation to the administration of justice,
 30 the arrest of criminals, the discovery or prevention of crime, and government messages or despatches, shall always be transmitted in preference to any other message or despatch, if required by any person officially charged with the administration of justice, or any person thereunto authorized by the
 35 Secretary of State of Canada, or by the Secretary of State for the Colonies on behalf of the Imperial Government.

Preferential messages.

14. No Company or association of persons other than those mentioned in the first section of this Act, or which becomes
 40 incorporated in Canada under the next following section shall maintain, construct or use any telegraphic wire or cable connecting two or more provinces of the Dominion, or extending beyond the limits of any province, in, upon, under or across any gulf, bay or branch of any sea or any tidal water within the jurisdiction of Canada or the shore or bed thereof respectively; Provided that nothing in this section contained shall
 45 be construed to prohibit any existing Telegraph Company or association from continuing to receive and transmit messages over its line of marine telegraph, until such time as another Company, under the authority and within the provisions of
 50 this Act, has constructed and is operating a line of marine telegraph which has been determined by the Governor in Council to afford reasonable facilities for the transmission of marine telegraphic messages in lieu of the line or lines of

Company extending its wire or cable beyond limits of any one Province must be incorporated under this Act.

Proviso as to existing Companies.

such existing Telegraph Company or association, or to be a line for doing business over a route of a competitive nature.

Companies incorporated by Imperial Parliament, &c., may receive Charter from Governor of Canada.

Proviso: Charter to be subject to this Act.

Proviso, as to reciprocity in favor of Companies incorporated in Canada.

Proviso: Charters under this section may be revoked for non-user, and in certain other cases.

15. In case any Company is now or shall hereafter be authorized by any special Act of the Parliament of Great Britain, or incorporated under the Imperial Joint Stock Companies' Act or any other general Act of the Imperial Parliament or by Royal Charter, for establishing or maintaining telegraphic communication, in, upon, under or across any gulf, bay or branch of any sea or tidal water within the jurisdiction of Canada, the Governor in Council may by letters patent under the Great Seal of Canada, and upon the terms and conditions to be contained therein, grant a charter to the persons forming such Company, upon the Company petitioning therefor, and such persons and others who may become shareholders in the Company shall be constituted a body corporate and politic by the same name, and with the same power and constitution in Canada, for the said purpose and object of establishing and maintaining their said telegraph and works, within the jurisdiction of Canada, but any such grant shall be expressly subject to this Act, and conditional upon the Company doing observing and performing the several provisions thereof, and such letters patent being published in *The Canada Gazette* with any Order or Orders in Council relating to the said letters patent, shall have the like force and effect, as if the Company had been incorporated by special Act of Parliament, but no such letters patent or grant of corporate powers to be exercised within the jurisdiction of Canada shall be made to or conferred upon any Company or association which possesses any exclusive privilege of landing wire or cable for a marine telegraph in or upon the coast of any State, province or country in America, Europe or elsewhere, unless an equal or reciprocal right or privilege of landing wire or cable, and establishing a marine telegraph upon the same coast is conceded to any and each of the companies in the first section of this Act mentioned, or which may become incorporated in Canada under the provisions of this section of this Act, so that any Company incorporated or to be incorporated in Canada, may enjoy the same advantages in maintaining its marine telegraph line in and upon the same coast as the said Company which may possess such exclusive privilege:

Provided that any grant of corporate and other powers made to or conferred upon any Company or Association under this section may be revoked and declared forfeited by any Act of the Parliament of Canada for non-user for three consecutive years at any one time, or if the Company do not go into actual operation within three years after the issue of the Letters Patent granting such powers, or in case the Company shall at any time possess or acquire any exclusive privilege of landing wire or cable for a marine telegraph in or upon the coast of any state, province or country in America, Europe or elsewhere, and an equal or reciprocal right or privilege of landing wire or cable and establishing a marine telegraph on the same coast is not conceded to any

and each of the Companies mentioned in the first section of this Act, or coming within the provisions thereof.

16. In case any Company heretofore incorporated by any special Act of the Parliament of Canada, has acquired
 5 any exclusive privileges of landing wire or cable for a marine telegraph upon the coast of any other country, such Company shall be entitled to exercise and enjoy any such existing privilege unimpaired by this Act; but no Company heretofore
 10 incorporated by any such special Act, shall acquire any further or additional exclusive privileges of landing wire or cable as aforesaid:

Exclusive privileges already acquired under Act of Canada saved.

Proviso.

And each of the Companies mentioned in the first section of this Act, or which may become incorporated in Canada
 15 under the next preceding section, is prohibited from entering into any agreement for the transmission or interchange of messages, or for participation in profits, or for the union or consolidation of capital stock, with any Company or Association of persons, which at any time may possess or acquire
 20 any such exclusive privilege of landing wire or cable for a marine telegraph, and where an equal or reciprocal right is not conceded as in the proviso to the said next preceding section mentioned; and every such attempted agreement shall be illegal and void.

Companies mentioned in s. 1, prohibited from entering into certain agreements, &c.

17. This Act shall not affect any franchise, right or privilege
 25 which the New York, Newfoundland and London Telegraph Company or any other Company, or person lawfully entitled thereto, may have actually acquired and exercised or operated in Prince Edward Island prior and up to the first day of
 30 July, eighteen hundred and seventy-three, under any Act or Acts of the Legislature of the Colony of Prince Edward Island made and passed prior to the said first of July, eighteen hundred and seventy-three, and subject to the provisions thereof respectively.

Rights of a certain Company under Acts of P. E. Island saved.

18. The Parliament of Canada may at any time amend,
 35 vary or repeal any of the provisions of this Act.

Right to amend reserved.

No. 2.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to regulate the construction and
maintenance of Marine Electric Tele-
graphs.

Received and read the first time, Tuesday,
9th February, 1875.

Second reading, Friday, 12th February, 1875.

Hon. Mr. MACKENZIE.

OTTAWA :
Printed by Maclean, Roger & Co., Wellington Street.
1875.

An Act to repeal certain provisions of an Act of the
Legislature of Nova Scotia.

WHEREAS the sections hereinafter mentioned, of chapter
one hundred and forty-seven of the Revised Statutes
of Nova Scotia, third series, intituled "*Of petty offences
trespasses and assaults,*" contain provisions which are incon-
5 sistent with the Acts of the Parliament of Canada, passed in
the session held in the thirty-second and thirty-third years
of Her Majesty's reign, respecting the criminal law, or have
become unnecessary and inconvenient since the passing of
the said Acts: Therefore Her Majesty, by and with the
10 advice and consent of the Senate and House of Commons of
Canada, enacts as follows:—

Preamble.
C. 147 of Rev.
Statutes of
Nova Scotia.

1. The first ten sections of the Act mentioned in the pre-
amble of this Act, are hereby repealed: Provided that the
express repeal of the said sections by this Act shall not be
15 construed as declaring that the said sections were, or were
not virtually repealed by the passing of the Acts mentioned
in the preamble.

First 10 secs.
repealed.
Proviso.

No. 3.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to repeal certain provisions of
an Act of the Legislature of Nova
Scotia.

Received and read, first time, Tuesday, 9th
February, 1875.

Second reading, Friday, 12th February, 1875.

Hon. Mr. FOURNIER.

OTTAWA:
Printed by Maclean, Roger & Co., Wellington Street.
1875.

An Act to amend the Dominion Militia and
Defence Acts.

*The sums to be inserted in the blanks will be moved in
Committee of the Whole.*

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

1. The twenty-eighth and twenty-ninth Sections of the New provi-
5 Act thirty-first Victoria, chapter forty, intituled "*An Act* sion, substi-
"*respecting the Militia and Defence of the Dominion of Can-* 29, of 31
"*ada,*" are hereby repealed, and the following substituted Vict., c. 40.
therefor:—

10 "28. There shall be appointed to command the Militia of Qualification
the Dominion of Canada, an officer holding the rank of and appoint-
Colonel, or superior rank thereto, in Her Majesty's regular ment of officer
army, who shall be charged, under the orders of Her commanding
Majesty, with the military command and discipline of the the militia:
15 Militia, and who, while holding such appointment, shall rank and pay.
have the rank of Major-General in the Militia of Canada,
and shall be paid at the rate of
dollars per annum in full of all pay and allowances."

20 "29. There shall be an Adjutant-General of Militia at Head Adjutant-
Quarters, who shall have the rank of Colonel in the Militia, General at
and shall be paid at the rate of headquarters,
dollars per annum." rank and pay.

25 "2. The Governor in Council shall, from time to time, Duties.
make such orders as may be necessary respecting the duties
to be performed by the Officer commanding the Militia, by the
Adjutant-General, and by the officers of the militia generally."

30 2. Sub-section two of Section thirty-one of the above Commissions
mentioned Act is hereby repealed, and the following sub- need not be
stituted therefor:—"Commissions of officers in the Militia, enregistered
except the officer commanding the Militia, the Adjutant- in full;
General and Deputy Adjutants-General, need not be enre- exception.
gistered at full length, but a record of them shall be kept
in the office of the Adjutant-General."

Sub-section 2 of s. 16, s. 86, and s. 92, amended, substituting "officer commanding militia" for "Adjutant-General."

3. The words "Officer for the time being commanding the Militia" shall be substituted for "Adjutant-General of Militia" in the seventh line of sub-section two of the sixteenth Section, and for "Adjutant-General" in the eleventh line of the said sub-section, and in the fourth, ninth and thirteenth lines of the eighty-sixth Section, and the second line of the ninety-second Section, of the above mentioned Act. 5

No. 4.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the "Dominion Militia and Defence Acts."

Received and read, first time, Tuesday, 9th February, 1875.

Second reading, Friday, 12th February, 1875.

Hon. Mr. VAIL.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street,
1875.

An Act to prevent Enlistment in the service of any Foreign State, in certain cases not provided for by "*The Foreign Enlistment Act, 1870.*"

- W**HEREAS the Act of the Parliament of the United Kingdom, passed in the fifty-ninth year of the reign of His Majesty King George the Third, chapter sixty-nine, intituled "*An Act to prevent the enlisting or engagement of His Majesty's subjects to serve in foreign service, and the fitting out, or equipping in His Majesty's dominions, vessels for warlike purposes without His Majesty's license,*" is repealed by the Act of the said Parliament, passed in the session held in the thirty-third and thirty-fourth years of Her Majesty's reign, chapter ninety, known as "*The Foreign Enlistment Act, 1870,*" which is in force in Canada, but which does not provide for the prevention or punishment of certain cases of foreign enlistment which it is desirable to prevent; and it is expedient to make provision as to such cases, by one law common to the whole Dominion, and to repeal the enactments hereinafter mentioned, which are respectively in force in certain Provinces only: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:
- 29 **1.** If any person whatever, commits in Canada, any of the following Acts, that is to say:—
1. Enlists, or enters, or engages himself to serve, or to be employed, in any rank, office or capacity whatever, in the military or naval service, or employment for any warlike or military purpose, of or for, or under, or in aid of, any foreign prince, state, potentate, government or province, or colony, or part of any province or people, (all which are hereinafter referred to and included in the expression "any foreign state"), or of, for, or under, or in aid of any persons exercising, or assuming to exercise any powers of government in or over any foreign state; or
2. Hires, retains, engages or procures, or attempts or endeavours to hire, retain, engage, or procure, or solicits or persuades, any person to enlist, or to enter or engage himself to enlist, or serve, or to be employed in any rank, office, or capacity whatever, in the military or naval service, or employment for any warlike or military service, of, for, or under, or in aid of any foreign state; or of, for, or under, or in aid of any persons exercising, or assuming to exercise, any powers of government, in or over any foreign state; or to
- Preamble.
Imp. Act, 59
Geo. III, c. 69,
now repealed.
Present Imp.
Act, 33-34 V.,
c. 90.
Offences
against this
Act.
Enlisting or
engaging to
enlist in
foreign ser-
vice.
Hiring, re-
taining or
procuring
others for
such service.

embark or go, or agree to embark or go, from any part of Canada, for the purpose, or with the intent, to be so enlisted, entered, engaged or employed as aforesaid, whether any enlisting money, pay or reward, has been, or is, actually given or received or not; or

5

Engaging persons to go out of Canada for such service.

3. On any pretext whatever, hires, retains, engages, entices or procures, or attempts or endeavours to hire, retain, engage, entice or procure, or solicits or uses any means to induce any person to go, or to agree to go, from any part of Canada, by land or by water, to any foreign state or country, or to any place out of Canada, with the intent and purpose of procuring, facilitating or bringing about, the enlistment or employment, or the engagement to enlist, or to be employed, of such person, in any rank, office, or capacity whatever, in the military or naval service, or employment for any warlike or military purpose, of, for or under, or in aid of any foreign state, or of, for or under, or in aid of any persons exercising, or assuming to exercise, any powers of government in or over any foreign state, whether such person knows of such purpose or intention or not, or actually leaves Canada or not, or enlists or engages in such service or employment or not—

To be misdemeanor and punishable.

Every person committing any such offence shall be deemed guilty of a misdemeanor, and upon conviction thereof upon any indictment or information, shall be punishable, at the discretion of the court before which such conviction takes place, by fine or imprisonment, or both: and such imprisonment may be with or without hard labour.

How and where offences may be tried.

2. Any misdemeanor under this Act shall be triable by or before any court of oyer and terminer, gaol delivery, or other court of superior criminal jurisdiction, or at any court of General or Quarter Sessions of the Peace, or by or before any court, judge, or magistrate having, by law, power to try offences triable at any such court as last mentioned, in the place where the offence is wholly or partially committed (or the offender is in custody), and according to the practice of such court; and the offence shall, for the purposes of such trial, be held to have been committed in the place where the offender is to be tried.

Commitment for trial.

3. Any Justice of the Peace may, on complaint on oath, issue his warrant for the arrest of any person charged with a misdemeanor under this Act, and cause such person to be brought before him, or some other Justice of the Peace, and held to bail to appear before some court competent to try the offence, and answer the complaint.

Punishment limited.

4. No prosecution shall be commenced under this Act more than one year after the commission of the offence, and no fine imposed under this Act shall exceed *two hundred* dollars, nor shall any imprisonment awarded under it exceed two years, unless such fine or imprisonment be imposed or awarded by a court of superior criminal jurisdiction.

5. Provided always, that if any such offence as aforesaid be also an offence punishable under the Act of the Parliament of the United Kingdom, known as "*The Foreign Enlistment Act 1870*," such offender may be dealt with, 5 tried and punished under the said Act, or under this Act, but shall not be liable to be punished more than once for the same offence.

Provision, if offence is also one under Imperial Act.

6. The Act of the Legislature of the late Province of Canada, passed in the twenty-eighth year of Her Majesty's 10 reign, and intituled "*An Act to facilitate the conviction and punishment of persons enticing Her Majesty's subjects to enter any foreign service, contrary to the provisions of the Foreign Enlistment Act*;" and the first and second sections of chapter one hundred and fifty-eight, of the Revised 15 Statutes of the Province of Nova Scotia, third series, are hereby repealed, except as to any offence committed against either of the said Acts before the passing of this Act, with respect to which they shall respectively remain in full force and virtue.

Act of Prov. of Canada, 28 V., c. 2: and part of c. 158 Rev. Stat. N.S. repealed.

Saving clause.

No. 5.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to prevent Enlistment in the service of any Foreign State, in certain cases not provided for by "*The Foreign Enlistment Act, 1870.*"

Received and read the first time, Tuesday,
9th February, 1875.

Second reading, Friday, 12th February, 1875.

Hon. Mr. FOURNIER.

OTTAWA :
Printed by Maclean, Roger & Co., Wellington Street.
1875.

An Act to amend the General Railway Acts.

WHEREAS it is expedient to amend the General Railway Acts as 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:—

Preamble.

5 **1.** Whenever the tolls on any railway in Canada, now or to be hereafter constructed, and subject to the jurisdiction of Canada as respects the matters hereinafter mentioned, are reduced or raised by by-law in accordance with the provisions of any Act of the Legislature of the late Province of
10 Canada, or of the Parliament of Canada, such reduction or raising of the tolls shall in no case be made to apply to any particular section of the railway, but shall apply *pro rata*, to the entire length thereof.

Same rates of toll to apply to entire length of any railway.

15 **2.** Every Railway Company shall, according to their respective powers, afford all reasonable facilities to all corporations and individuals for the receiving and forwarding and delivery of traffic upon and from their railway; and no Company shall give or continue any preference or advantage to any particular corporation or individual in any respect
20 whatsoever, nor shall any Railway Company subject any particular corporation or individual to any prejudice or disadvantage in any respect whatever; and any agreement made between any Railway Company and any corporation or individual contrary to the foregoing provisions shall be
25 unlawful, null and void.

No particular corporation or individual to receive preference or advantage in respect of traffic.

30 **3.** If any Railway Company, or any officer, servant or agent of any Railway Company in any way contravenes the provisions of the next preceding sections, such Railway Company, or such officer, servant or agent, personally, shall, for each such contravention, incur a penalty not exceeding *fifty dollars* over and above the actual damages incurred, which penalty may be recovered with costs, in a summary manner, before any Justice of the Peace, by the party aggrieved by such contravention, to and for the use of such
35 party aggrieved.

Penalty for contravention, how recovered.

40 **4.** Every Railway Company heretofore or which may be hereafter incorporated, or whether their railway has been heretofore constructed or is hereafter to be constructed, having granted any facilities to any Express Company, shall grant equal facilities on equal terms and conditions to any other Express Company now incorporated or hereafter to be incorporated in Canada, demanding the same.

Railway companies to grant equal facilities, &c., to all express companies.

5. Sub-section three of section forty-eight of *The Railway Act*, 1868, is hereby repealed.

31 Vic. c. 68. s. 48. sub-s. 3 repealed.

No. 6.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the General Railway
Acts.

Received and read, first time, Thursday, 11th
February, 1875.

Second reading, Monday, 15th February, 1875.

Mr. OLIVER.

OTTAWA:
Printed by Maclean, Roger & Co., Wellington Street.
1875.

An Act for the more effectual protection of Carriers by Land, and for the regulation of Traffic on Railways throughout the Dominion.

WHEREAS the responsibility of Common Carriers by Land is greatly increased by reason of the frequent omission by persons sending valuable packages by public conveyances to notify the value thereof to such Carriers: And
 5 whereas Railway Companies, as Carriers by means of special contracts, notices and conditions, have been able to avoid the just and reasonable liability of their negligence in certain cases, and it has become expedient to define the rights and liabilities in such cases throughout the Dominion of Canada,
 10 touching which different rules may now prevail in some Provinces thereof: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. From and after the passing of this Act, no Common
 15 Carrier by land for hire shall be liable for the loss of or injury to any article or articles or property of the descriptions following: that is to say, gold or silver coin current in Canada, or of any foreign State, or any gold or silver in a manufactured or unmanufactured state, or any precious stones,
 20 jewellery, watches, clocks or time-pieces of any description, trinkets, valuable securities, as defined by the Act respecting Larceny and other similar offences and any Act amending the same, stamps, paintings, engravings, pictures, gold or silver plate, or plated articles, glass, china, silks in a manufactured or unmanufactured state and whether wrought up
 25 or not wrought up with other materials, furs, or lace, or any of them, contained in any parcel or package which shall have been delivered, either to be carried for hire or to accompany the person of any passenger in any public conveyance, when
 30 the value of such article or articles or property aforesaid contained in such parcel or package shall exceed the sum of fifty dollars, unless at the time of the delivery thereof at the office, warehouse, or receiving house of such Common Carrier, or to his servant, for the purpose of being carried or of
 35 accompanying the person of any passenger as aforesaid, the value and nature of such article or articles or property shall have been declared by the person sending or delivering the same, and such increased charge as hereinafter mentioned, or an engagement to pay the same, be accepted by the person receiving such parcel or package.

Preamble.
 Carriers not to be liable for loss of certain goods above the value of \$50, unless delivered as such, and increased charge accepted.
 Imperial Act 11 Geo. IV. & 1 Wm. IV., c. 68, s. 1.

When any parcel shall be so delivered an increased rate of charge may be demanded.

Notice of the same to be affixed in offices or warehouses. Imperial Act, s. 2.

Carriers to give receipts acknowledging increased rate.

In case of neglect to give receipt or affix notice, the party not to be entitled to benefit of this Act. Imperial Act, s. 3.

Publication of notices not to limit the liability of proprietors, &c., in respect of any other goods conveyed. Imperial Act, s. 4.

Every office used to be deemed a receiving-house. Imperial Act, s. 5.

And any one carrier shall be liable to be sued.

2. When any parcel or package containing any of the articles above specified shall be so delivered, and its value and contents declared as aforesaid, and such value shall exceed the sum of fifty dollars, it shall be lawful for such Common Carriers to demand and receive an increased rate of charge, to be notified by some notice affixed in legible characters in some public and conspicuous part of the office, warehouse, or other receiving house where such parcels or packages are received by them for the purpose of conveyance, stating the increased rates of charge required to be paid over and above the ordinary rate of carriage as a compensation for the greater risk and care to be taken for the safe conveyance of such valuable articles; and all persons sending or delivering parcels or packages containing such valuable articles as aforesaid at such office shall be bound by such notice, without further proof of the same having come to their knowledge.

3. When the value shall have been so declared and the increased rate of charge paid, or an engagement to pay the same shall have been accepted as hereinbefore mentioned, the person receiving such increased rate of charge or accepting such agreement shall, if thereto required, sign a receipt for the package or parcel acknowledging the same to have been insured; and if such receipt shall not be given when required, or such notice as aforesaid shall not have been affixed, the Common Carrier as aforesaid shall not have or be entitled to any benefit or advantage under this Act, but shall be liable and responsible as at common law, and be liable to refund the increased rate of charge.

4. From and after the first day of September, now next ensuing, no public notice or declaration heretofore made or hereafter to be made shall be deemed or construed to limit, or in any wise affect the liability at common law of any such public Common Carriers as aforesaid, for or in respect of any articles or goods to be carried and conveyed by them; but all and every such Common Carriers as aforesaid, shall from and after the said first day of September, be liable, as at the common law, to answer for the loss or any injury to any articles and goods in respect whereof they may not be entitled to the benefit of this Act; any public notice or declaration by them made and given contrary thereto, or in any wise limiting such liability, notwithstanding.

5. For the purposes of this Act every office, warehouse, or receiving house which shall be used, or appointed by any Common Carrier as aforesaid for the receiving of parcels to be conveyed as aforesaid, shall be deemed and taken to be the receiving house, warehouse, or office of such Common Carrier; and any one or more of such Common Carriers shall be liable to be sued by his, her, or their name or names only; and no action or suit commenced to recover damages for loss or injury to any parcel, package or person shall abate for the want of joining any co-proprietor or co-partner in such public conveyance by land for hire as aforesaid.

6. Nothing in this Act contained shall extend or be construed to annul or in any wise affect any special contract between such Common Carrier and any other parties, for the conveyance of goods and merchandise.

Not to affect contracts. Imperial act, s. 6.

7. Where any parcel or package shall have been delivered at any such office, and the value and contents declared as aforesaid, and the increased rate of charges been paid, and such parcels or packages shall have been lost or damaged, the party entitled to recover damages in respect of such loss or damage shall also be entitled to recover back such increased charges so paid as aforesaid, in addition to the value of such parcel or package.

Parties entitled to damages for loss may also recover back extra charges Imperial Act, s. 7.

8. Nothing in this Act shall be deemed to protect any Common Carrier for hire from liability to answer for loss or injury to any goods or articles whatsoever arising from the felonious acts of any conductor, coachman, guard, book-keeper, porter, or other servant in his employ, nor to protect any such conductor, coachman, guard, book-keeper or other servant from liability for any loss or injury occasioned by his or their own personal neglect or misconduct.

Nothing herein to protect felonious acts Imperial Act, s. 8.

9. Such Common Carriers for hire shall not be concluded as to the value of any such parcel or package by the value so declared as aforesaid, but he or they shall in all cases be entitled to require, from the party suing in respect of any loss or injury, proof of the actual value of the contents by the ordinary legal evidence, and the Common Carriers as aforesaid shall be liable to such damages only as shall be so proved as aforesaid, not exceeding the declared value, together with the increased charges as before mentioned.

Carriers liable only to such damages as are proved. Imperial Act, s. 9.

10. In all actions to be brought against any such Common Carrier as aforesaid, for the loss of or injury to any goods delivered to be carried, whether the value of such goods shall have been declared or not, it shall be lawful for the Defendant or Defendants to pay money into Court in the same manner and with the same effect as money may be paid into Court in any other action.

Money may be paid into Court in all actions for loss of goods. Imperial Act, s. 10.

11. Every Railway Company shall be liable for the loss of, or for any injury done to any horses, cattle or other animals, or to any articles, goods, or things, in the receiving, forwarding or delivering thereof, occasioned by the neglect or default of such Company or their servants, notwithstanding any notice, condition or declaration made and given by such Company contrary thereto, or in anywise limiting such liability: every such notice, condition or declaration being hereby declared to be null and void: Provided always that nothing herein contained shall be construed to prevent the said Companies from making such conditions with respect to the receiving, forwarding and delivering of any of the said animals, articles, goods or things, as shall be adjudged by the Court or Judge before whom any question relating thereto shall be tried, to be just and reasonable:—

Railway Co. liable for neglect or default in the carriage of goods, notwithstanding notice to the contrary. Imperial Acts 17 & 18 V., c. 31, s. 7.

Carrier not to be liable beyond a limited amount in certain cases, unless the value declared, and extra payment made.

Provided always that no greater damages shall be recovered for the loss of, or for any injury done to any of such animals beyond the sums hereinafter mentioned—that is to say:—For any horse, two hundred and fifty dollars; for any cattle, per head, seventy-five dollars; for any sheep or pigs, per head, ten dollars, unless the person sending or delivering the same to such Company shall, at the time of such delivery, have declared them to be respectively of higher value than as above mentioned, in which case it shall be lawful for such Company to demand and receive, by way of compensation for the increased risk and care thereby occasioned, a reasonable percentage upon the excess of the value so declared above the respective sums so limited as aforesaid, and which shall be paid in addition to the ordinary rate of charge, and such percentage or increased rate of charge shall be notified in the manner prescribed in the second Section of this Act, and shall be binding upon such Company in the manner therein mentioned.

Proof of value to be on the person claiming compensation.

Provided also, that the proof of the value of such animals, articles, goods and things, and the amount of injury done thereto, shall in all cases lie upon the person claiming compensation for such loss or injury,

Provided also, that no special contract between such Company and any other parties respecting the receiving, forwarding or delivering of any animals, articles, goods or things as aforesaid, shall be binding upon or affect any such party unless the same be signed by him or by the person delivering such animals, articles, goods or things respectively for carriage.

Saving clause

Provided also, that nothing herein contained shall alter or affect the rights, privileges or liabilities of any such Company under the previous Sections of this Act with respect to articles of the descriptions mentioned in the first Section hereof in the terms therein contained.

Liability of Company during transit by water. Imperial Act, 31 & 32 V. 119, s. 14.

12. Where a Company contracts to carry any animals, luggage or goods from place to place, partly by railway and partly by water, a condition exempting the Company from liability for any loss or damage which may arise during the carriage of such animals, luggage or goods by water, from the act of God, the Queen's enemies, fire, accidents from machinery, boilers and steam, and all and every other dangers and accidents of the seas, rivers, and navigation of whatever nature and kind soever, shall if published in a conspicuous manner in the office where such contracts are effected, and if printed in a legible manner on the receipt or freight note, which the Company gives for such animals, luggage or goods, be valid as part of the contract between the Consigner of such animals, luggage or goods and the Company, in the same manner as if the Company had signed and delivered to the Consigner a bill of lading containing such condition.

Limitation of liability of Companies

13. Where a Railway Company under a contract for carrying persons, animals, or goods by water procure the

same to be carried in a vessel not belonging to the Railway Company, the Railway Company shall be answerable in damages in respect of loss of life or personal injury, or in respect of loss of or damage to animals or goods, in like
 5 manner and to the same amount as the Railway Company would be answerable if the vessel had belonged to the Railway Company; provided that such loss of life or personal injury, or loss or damage to animals or goods, happens to the person, animals or goods (as the case may be) during the
 10 carriage of the same in such vessel, the proof to the contrary to lie upon the Railway Company.

for navigation in certain cases.
 Imp. Act, 34-35 V., c. 7, 8 s. 12.

14. The expression "Railway Company" or "Company" shall include any person being the owner or lessee of, or any Contractor working any railway constructed or
 15 carried on under the powers of any Act of the Parliament of Canada, or of the late Province of Canada, or of the Legislatures of the late Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, British Columbia, or Prince Edward Island, or of the Legislatures of any of the Provinces
 20 composing the Dominion of Canada.

Interpretation.

15. This Act may be cited for all purposes as "*The Short Title. Land and Railway Carriers Act, 1875.*"

No. 7.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act for the more effectual protection
of Carriers by Land, and for the
regulation of Traffic throughout the
Dominion.

Received and read, first time, Thursday, 11th
February, 1875.

Second reading, Monday, 15th February, 1875.

MR. IRVING:

OTTAWA:

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

1875.

An Act to prevent Cruelty to Animals while in transit by Railway or other means of conveyance within the Dominion of Canada.

WHEREAS in the transportation of cattle, by railway or vessels within the Dominion of Canada, suffering from hunger, thirst and fatigue, is often inflicted upon them by long confinement in cars and upon vessels, without rest, food or water, causing an overheated and diseased condition of such cattle to an extent so great as often to render their flesh unfit for human food: and whereas it is expedient to make provisions for the regulation of the transportation or conveyance of live stock over the lines of railway, and by vessels, within the Dominion of Canada; Therefore Her Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In this Act the term "Cattle" shall include any horse, mule, ass, swine, sheep, or goat, as well as any neat cattle or animal of the bovine species, and whatever be the age or sex of the animal, and whether castrated or not, and by whatever technical or trivial name it may be known, and shall apply to one animal as well as many.

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 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 the United States through or to any Province, shall confine the same in any car, or vessel of any description, for a longer period than twenty-eight consecutive hours without unloading the same for rest, water and feeding for a period of at least consecutive hours, unless prevented from so unloading and furnishing water and food by storm or other unavoidable cause. 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-eight hours, except upon the contingencies hereinbefore stated.

Preamble.

Interpretation.

Cattle, &c., on Railways and Steamboats not to be kept more than 28 hours without unloading them for food, rest, &c.

To be properly fed, &c., during such rest.

At whose expense.

3. Cattle so unladen shall be properly fed and watered during such rest by the owner or person having charge thereof, or in case of his default in so doing, then by the railway company, or the owner or master of the vessel transporting the same, at the expense of the said owner or person in charge of such cattle, and the reasonable amount of such expenses which shall include food, care, custody and cost of unloading *and re-loading* and which shall have accrued due in respect of such cattle, shall be a debt from the consignor and consignee thereof to the company or to the owner or master of such vessel and shall be recoverable from either of them by proceedings in any court of competent jurisdiction in civil cases to the amount claimed, within the district, county or place where the food, care and custody shall have been provided or where the owner or custodian of the property resides, and the company, or the owner or master of such vessel shall have a lien for the amount thereof on the cattle in respect of which the same accrued due, and on any other cattle at any time consigned by or to the same person to be carried by the company or the said vessel, and shall be at liberty if he so thinks fit, instead of proceeding for the recovery of the value thereof as last aforesaid, after the expiration of seven clear days from the time of unloading the said cattle, to detain and sell the said cattle or such part thereof as shall be deemed sufficient by the company or the owner or master of such vessel, openly at any public market (after having given three days public printed notice thereof) for the most money that can be got for the same, and to apply the proceeds of such sale in discharge of the amount of such lien and the amount then due for the transport of the cattle or any part thereof, together with the expenses of and attending such sale; rendering the overplus (if any) to the owner of such cattle; and the company or the owner or master of such vessel shall not be liable for any detention of such cattle authorized by this Act.

Cars to be cleaned out.

4. Where cattle are unladen from cars for the purpose of receiving food, water and rest, it shall be the duty of the railway company then having charge of the cars in which they have been transported, to clear the floors of the same, and to litter the same properly with clean saw-dust or sand before reloading them with live stock.

Penalty for contravention.

Penalty

Provide when food and space are furnished.

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 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 second section contained in regard to their being unladen shall not apply.

How the penalty may be recovered.

6. The penalty imposed by the next preceding 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.

7. Any officer, servant, or agent of any railway company having the superintendence of the traffic at any station or depot thereof, or any owner, master or person in charge of any vessel, who shall refuse or neglect to unload cattle, contrary to the provisions of the second section of this Act, shall be deemed guilty of an offence under this Act. Contravention to be an offence against this Act.
8. Any peace officer or constable may at all times enter on premises where he has reasonable grounds for supposing that any car, truck, or vehicle in respect whereof any company or person has failed to comply with the requirements of this Act is to be found, or enter on board any vessel in respect whereof he has reasonable grounds for supposing that any company or person has on any occasion so failed; and if any person refuses admission to such peace officer or constable acting under this section, such person shall be deemed guilty of an offence under this Act. Constable may enter premises to see if Act is complied with.
9. If any person is guilty of any offence under this Act, as in the two last preceding sections is mentioned, he shall for every such offence forfeit and pay such a sum of money not exceeding dollars, nor less than dollars, with costs, as to any one Justice of the Peace for the district, county or place in which the offence has been committed may seem meet. Penalty for contravention.
10. The offender shall in default of payment be committed to the common jail or other place of confinement for the district, county or place in which the offence was committed, there to be imprisoned for any time not exceeding thirty days. Imprisonment in default of payment.
11. Nothing in this Act contained shall prevent or abridge any remedy by action against the offender or his employer where the amount of the damage is not sought to be recovered by virtue of this Act. Ground of suit not affected.
12. 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 three months next after the committing of the offence. Limitation of suits.
13. Every offence against the seventh or eighth section of this Act may be prosecuted in the manner directed by the "*Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders,*" so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such prosecution; and all the provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act. Act 32-33, Vict. c. 31 to apply.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

**An Act to prevent Cruelty to Animals
while in transit by Railway or other
means of conveyance within the Do-
minion of Canada.**

Received and read, first time, Thursday, 11th
February, 1875.

Second reading, Monday, 15th February, 1875.

MR. CHARLTON.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1875.

An Act to prevent Cruelty to Animals while in transit by Railway or other means of conveyance within the Dominion of Canada.

[Reprinted as amended by the Sub-Committee of Standing Committee on Railways.]

WHEREAS the transportation of cattle, by railway or vessels for long distances without rest, food, or water is liable to cause suffering from hunger, thirst and fatigue, and whereas it is expedient to make provisions for the regulation of the transportation or conveyance of live stock over the lines of railway, and by vessels, within the Dominion of Canada; Therefore Her Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

10 1. In this Act the term "Cattle" shall include any horse, mule, ass, swine, sheep, or goat, as well as any neat cattle or animal of the bovine species, and whatever be the age or sex of the animal, and whether castrated or not, and by whatever technical or trivial name it may be known, and shall
15 apply to one animal as well as many.

Interpretation.

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 the United States to or through any Province or
20 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 the United States through or to any Province, shall confine the same in any car, or vessel of any
25 description, for a longer period than twenty-eight consecutive hours without unlading the same for rest, water and feeding for a period of at least five consecutive hours, unless prevented from so unlading and furnishing water and food by storm or other unavoidable cause. In reckoning the
30 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
35 of this Act to prevent their continuous confinement beyond a period of twenty-eight hours, except upon the contingencies hereinbefore stated.

Cattle, &c., on Railways and Steamboats not to be kept more than 28 hours without unlading them for food, rest, &c.

- To be properly fed, &c., during such rest.** **3.** Cattle so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railway company or owner or master of the vessel transporting the same, at the expense of the owner or person in custody thereof; and the company, owner or master shall in such case have a lien upon such cattle for food, care and custody furnished, and shall not be liable for any detention of such cattle. **5**
- At whose expense.**
- Cars to be cleared out.** **4.** Where cattle are unladen from cars for the purpose of receiving food, water and rest, it shall be the duty of the Railway Company then having charge of the cars in which they have been transported, to clear the floors of such cars, and to litter the same properly with clean saw-dust or sand before reloading them with live stock, except during a period of frost. **10**
- 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 second section contained in regard to their being unladen shall not apply. **20**
- Penalty.**
- Proviso when food and space are furnished.**
- How the penalty may be recovered.** **6.** The penalty imposed by the next preceding 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. **25**
- Constable may enter premises to see if Act is complied with.** **7.** Any peace officer or constable may at all times enter on premises where he has reasonable grounds for supposing that any car, truck, or vehicle in respect whereof any company or person has failed to comply with the requirements of this Act, is to be found, or enter on board any vessel in respect whereof he has reasonable grounds for supposing that any company or person has on any occasion so failed; and if any person refuses admission to such peace officer or constable acting under this section, such person shall be deemed guilty of an offence against this Act. **30**
- Penalty for contravention.** **8.** If any person is guilty of any offence against this Act, as in the last preceding section mentioned, he shall for every such offence forfeit and pay such a sum of money not exceeding twenty dollars, nor less than five dollars, with costs, as to any one Justice of the Peace for the district, county or place in which the offence has been committed may seem meet. **35**
- 50**

9. The offender shall in default of payment be committed to the common jail or other place of confinement for the district, county or place in which the offence was committed, there to be imprisoned for any time not exceeding thirty days. Imprisonment
in default of
payment.

10. Nothing in this Act contained shall prevent or abridge any remedy by action against the offender or his employer, where the amount of the damage is not sought to be recovered by virtue of this Act. Ground of
suit not
affected.

10 11. 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. Limitation of
suits.

15 12. Every offence against the seventh section of this Act may be prosecuted in the manner directed by the "*Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders,*" so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such prosecution; and Act 32-33
Vict. c. 31 to
apply.

20 all the provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

No. 8

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to prevent Cruelty to Animals
while in transit by Railway or other
means of conveyance within the Do-
minion of Canada.

*[Reprinted as amended by the Sub-Com-
mittee of Standing Committee on Rail-
ways.]*

Received and read, first time, Thursday, 11th
February 1875.

Second reading, Monday 15th February, 1875.

MR. CHARLTON.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street,
1875.

*Introduced
by James
Hamilton -
Withdrawn
on intro. of Bill
194*

An Act to repeal "An Act to amend the Criminal Law relating to Violence, Threats and Molestation."

WHEREAS it is expedient to repeal the Act passed in 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 :*" 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. 31.

1. The said Act of the thirty-fifth year of Her Majesty's reign, chapter thirty-one, shall be repealed from the passing of this Act.

The said Act repealed.

10 Provided—

Proviso.

1. That nothing in this Act shall affect any penalty, forfeiture or punishment incurred or anything done or suffered before the passing of this Act, or affect any right or liability accrued before the passing of this Act, or any prosecution or proceeding in respect of any such right or liability.

Saving clause.

2. That no person shall be liable to any punishment for doing or conspiring to do any act on the ground that such Act restrains or tends to restrain the free course of trade.

As to Acts in restraint of trade.

2. This Act may be cited as "The Criminal Law Amendment Repeal Act of 1875."

Short title.

No. 9.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to repeal "*An Act to amend the Criminal Law relating to Violence, Threats and Molestation.*"

Received and read, first time, Thursday, 11th
February, 1875.

Second reading, Monday, 15th February, 1875.

Mr. IRVING.

OTTAWA :
Printed by Maclean, Roger & Co., Wellington Street.
1875.

An Act for the better protection of Persons and Property conveyed by Railways.

IN amendment of the provisions of the criminal law of Preamble.
 Canada for the better protection and greater safety
 of persons and property conveyed on railways in Canada :
 Her Majesty by and with the advice and consent of the
 5 Senate and House of Commons of Canada, enacts as follows:—

1. Any person employed by any railway company, or on Drunkenness on duty to be misdemeanor.
 or with respect to any railway, whether upon any loco-
 motive engine, tender, train or car, or as pointsman, signalman,
 or in other capacity in which his neglect of duty, inatten-
 10 tion or error might endanger the safety of human life or
 property, who shall be drunk or intoxicated while on duty,
 shall be deemed guilty of misdemeanor. And any railway Penalty on Company employing known drunkards.
 Company, knowingly employing or continuing to employ
 any person in any such capacity as aforesaid, who has been
 15 convicted of such misdemeanor, or who is proved to have
 been, to the knowledge of the Company, drunk or intoxicated
 while on duty, or is known to the Company to be habitually
 addicted to the use of intoxicating liquors, shall incur a
 penalty not exceeding *two thousand dollars*, in the discretion
 20 of the court before which the suit for such penalty is brought,
 for each such person so employed, and an additional sum of
 dollars in the discretion of such court, for each day
 during which such employment shall have been continued ;
 and any such fact as aforesaid of which the manager or other
 25 chief officer of the Company shall [have been informed by
 any officer or employee of the Company or other credible
 person shall be held to be known to the Company.

2. The Governor in Council may from time to time, on the Regulations by Governor in Council.
 report of the Railway Committee of Her Majesty's Privy
 30 Council for Canada, make regulations,—

(1.) For obliging the Company owning or working any Communica- tion between cars.
 railway, to make on every passenger train run on such rail-
 way, such arrangements as he may, on the recommendation
 of the said Committee, deem necessary for establishing easy
 35 and safe communication for passengers by means of the car
 platforms or stages, from car to car throughout the whole
 length of such train while it is in motion :

(2.) For providing that no car for the conveyance of Doors of cars.
 passengers shall be run on any railway unless the doors of
 40 such car are constructed, hinged and fastened in a manner to

be prescribed in such order, so that they may be easily opened inwards or outwards and from the inside or outside of the car :—

And every such Order in Council shall have the force of
 5 law after the expiration of *six* months from its publication
 in the *Canada Gazette*, and any Company running any car
 with respect to which any such Order in Council is not com-
 plied with, on any railway owned or worked by them,
 or allowing any such car to be run thereon, while such
 10 order is in force, shall for each such car and for each day it
 is so run, incur a penalty not exceeding dollars, in the
 discretion of the court before which the suit for such penalty
 is brought.

When to be in force.

Penalty for contravention.

3. Compliance with the requirements of this Act shall not
 15 be construed as exempting any Railway Company from
 any obligation to adopt in the construction and working
 of their railway, and of the engines, cars, and other
 appliances and accessories thereof, the best plans, devices,
 arrangements and precautions for the safety of persons and
 20 property conveyed thereon, which may be then known and
 in use, or from their responsibility for neglect to adopt the
 same.

Company not hereby exempted from adopting other precautions.

No. 10.

2nd Session, 3rd Parliament, 38 Victoria, 1875

BILL.

An Act for the better protection of Persons and Property conveyed by Railways.

Received and read, first time, Monday, 15th
 February, 1875.

Second reading, Friday, 19th February, 1875.

Hon. Mr. MACKENZIE,
 (Lambton.)

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street,
 1875.

An Act to amend the Act for the Regulation of the
Postal Service.

*The provisions relating to the rates and pre-payment of postage
are intended to originate in Committee of the Whole.*

IN amendment of the Act passed in the thirty-first year of
Her Majesty's reign and intituled "*An Act for the Regu-*
lation of the Postal Service:" Her Majesty, by and with the
advice and consent of the Senate and House of Commons of
5 Canada, enacts as follows :

Preamble, 31
Vic., cap. 10.

1. The term "Post Letters," in the said Act or any Act
amending it, shall in addition to the meaning assigned in
the said Act, be construed as including and meaning any
letters delivered through the Post, or deposited in any Post
10 Office, to be delivered through the Post.

"Post Let-
ters," what to
include.

2. The ninth Section of the said Act is hereby so amended
as to read as follows :

Sec. 9 amend-
ed: appoint-
ment of Post-
masters.

"9. The Governor may appoint all Postmasters in cities and
towns, having permanent salaries."

15 3. The fourth sub-section of the tenth section of the said
Act is hereby amended by adding at the end thereof, the
words : "or Post-cards."

Sub-sec. 4 of
sec. 10 amend-
ed as to Post-
cards.

And the sixth sub-section of the said tenth section is hereby
so amended as to read as follows :

Sub-sec. 6,
of sec. 10
amended as to
Stamps.

20 "6. Cause to be prepared and distributed postage and
"registration stamps necessary for the prepayment of post-
"ages and registration charges, under this Act; also stamped
"envelopes for the like purpose, and post-cards and stamped
"post bands or wrappers for news-papers or other mailable
25 "articles not being post letters."

4. The fourteenth section of the said Act, is hereby
amended by inserting after the words "Post Office In-
spectors," wherever they occur in the said section, the
words "and Assistant Post Office Inspectors." And the
30 second sub-section of the said fourteenth section is hereby so
amended as to read as follows :

Sec. 14
amended.
Assistant
P.O. In-
spectors.

"2. And it shall be the duty of such Post Office Inspectors
and Assistant Post Office Inspectors, under such instructions
as may from time to time be given to them by the Postmaster
36 General, to superintend the performance of the mail service,
taking care that, as far as the state of the roads and other

New sub-sec-
tion for sub-
sec. 2 of sec.
14. Duties of
Inspectors.

circumstances will permit, the stipulations of all contracts for the conveyance of the mail are strictly complied with by the contractors. To instruct new postmasters in their duties; to keep the postmasters to their duty in rendering their accounts and paying over their balances; to inspect every post office from time to time, to see that it is properly kept, and that the postmasters and their assistants perfectly understand their instructions and perform their duty well in every particular; to inquire into complaints or suspected cases of misconduct or mismanagement in respect of such duty; and also into complaints of the miscarriage or loss of letters or other mail matter; and generally to do all and whatsoever they are from time to time instructed or required by the Postmaster General, to do for the service of the Post Office Department." 15

Sec. 17
amended.

5. The seventeenth section of the said Act is hereby amended by adding at the end thereof, the words "subject nevertheless to the provisions of any Act relating to the Civil Service."

Sec. 18
amended.

6. After the eighteenth section of the said Act the following shall be inserted as a sub-section of the said section:— 20

Letters with remittances fraudulently obtained may be withheld, and money returned.

" 2. The Postmaster General, upon evidence satisfactory to him, that any person, firm, partnership or company, in Canada or elsewhere, is engaged in conducting any scheme or device for obtaining remittances through the Post Office, by means of false or fraudulent pretences, representations of promises of any kind, may forbid the payment by any Postmaster to any such person, firm, partnership or company, of any Postal Money Order drawn in his or their favor, and may provide for the return of the sum named in any such order, to the remitter thereof, and may, upon such like evidence forbid the delivery to such person, firm, partnership or company, of any registered or other letter, which he believes to be addressed to or for him or them, through or by reason of any such fraudulent scheme or device, and may cause any such letter to be returned to the sender thereof, marked with the word "Fraud," as reason of non-delivery to its address." 25 30 35

Sec. 19
amended.

7. The nineteenth section of the said Act is hereby so amended as to read as follows:— 40

Rates of postage on letters.

Prepayment compulsory.

" 19. On all letters transmitted by post for any distance within Canada, except in cases herein otherwise specially provided for, there shall be charged and paid one uniform rate of *three cents* per half ounce weight, any fraction of a half ounce being chargeable as a half ounce; and such postage rate of three cents shall be pre-paid by postage stamp or stamps at the time of posting the letter, otherwise such letter shall not be forwarded by post." 45

Sec. 20
amended.

8. The twentieth section of the said Act is hereby amended by inserting the words "*per half ounce in weight*," after the words "one cent" in the third line of the said section. 50

9. Sections twenty-two, twenty-three, twenty-four and twenty-five of the said Act are hereby repealed, and the following substituted for them, as Sections twenty-two and twenty-three of the said Act :—

Secs. 22, 23, 24 and 25 repealed, and new provisions made.

5 “22. The rate of postage on newspapers and periodical publications printed and published in Canada, and issued not less frequently than once a month from a known office of publication or news agency, and addressed and posted by and from the same to regular subscribers or news agents, shall be *one cent* for each pound weight, or any fraction of a pound weight, to be prepaid by postage stamps or otherwise as the Postmaster General may from time to time direct; and such newspapers and periodicals shall be put up into packages and delivered into the post office, and the postage rate thereon prepaid by the sender thereof, under such regulations as the Postmaster-General may from time to time direct.”

Postage on newspapers and periodicals in bulk.

20 “23. Newspapers and periodicals weighing less than one ounce each may be posted singly at a postage rate of *half a cent* each, which must be in all cases prepaid by postage stamp affixed to each.

Singly.

10. Section twenty-six of the said Act is hereby so amended as to read as follows :—

Sec. 26 amended.

25 “26. On all newspapers and periodicals posted in Canada, except in the cases hereinbefore expressly provided for, and on books, pamphlets, occasional publications, printed circulars, prices current, hand-bills, book and newspaper manuscripts, printers’ proof sheets, whether corrected or not; maps, prints, drawings, engravings, lithographers, photographs when not on glass or in cases containing glass, sheet music, whether printed or written; documents, wholly or partly printed or written, such as deeds, insurance policies, militia and school returns, or other documents of like nature; packages of seeds, cuttings, bulbous roots, scions or grafts, patterns or samples of goods or merchandize, the rate of postage shall be *one cent* for each four ounces, or fraction of four ounces.

Postage on printed matter, documents, samples, &c.

40 “Provided that no letter or other communication intended to serve the purpose of a letter be sent or inclosed in any such newspaper or other package or thing mentioned in this or the next preceding section, and that the same be sent in covers open at the ends or sides, or otherwise so put up as to admit of inspection by the officers of the post office to ensure compliance with this provision, and the postage rate shall be prepaid by postage stamp or stamped post bands or wrappers, in all cases when any such articles as are mentioned in this section are posted in Canada.”

Proviso: Nothing serving as a letter to be inclosed.

50 “11. The twenty-eighth Section of the said Act is hereby amended by inserting after the word “prepaid” in the third line thereof, the words “in cases where prepayment has not been made obligatory.”

Section 30 amended.

Section 29
amended.

12. The twenty-ninth Section of the said Act is hereby amended by adding the following paragraph at the end thereof:—

Disposal of
letters not
preaid, &c.

“And when any letter or other mailable matter is posted in Canada without prepayment, or insufficiently prepaid, in any case in which prepayment is by this Act made obligatory, the Postmaster-General may detain the same, and return it, when practicable, to the sender.” 5

Section 30
amended.

13. The thirtieth Section of the said Act is hereby amended by striking out all the words after the word “delivered” in the sixth line thereof, and inserting the following instead thereof, as part of the said Section:—

Postmasters
need not give
change.

“Bearing unpaid postage, as shall also the exact value in current coin as respects postage stamps, registration stamps, stamped envelopes or post cards, post bands or wrappers, purchased from any Postmaster, and the exact amount of postage payable to any letter carrier on any letter or mailable matter delivered by him.” 15

Section 36
amended.

14. The thirty-sixth Section of the said Act is hereby amended, by striking out all the words after the word “city” in the seventh line of the said Section, and inserting the following instead thereof, as part of the said Section:—

Free delivery.

“And such system of free delivery when established in any city shall be subject to such regulations as the Postmaster-General shall from time to time see fit to make.”

Books belong-
ing to Library
of Parliament

15 The third Sub-section of the thirty-eighth Section of the said Act is hereby amended by striking out all the words after “Commons,” in the third line, and inserting instead thereof the words “and books belonging to the Library of Parliament at Ottawa may be sent from the same to any member of either House, or from any such member addressed to the Librarian, during the recess of Parliament, and free of postage in either case.” 25

Sub-section 5
of section 38
amended.

2. The fifth Sub-section of the said Section is hereby amended by adding at the end thereof the words, “and members of the Legislature of any one of the Provinces of the Dominion may in like manner send by mail free of postage all papers printed by order of such Legislature;” 35

Sub-section 7
of section 38
amended.

3. The seventh Sub-section of the said Section is hereby amended by striking out all the words in the first and second lines thereof, and inserting in their place the words, “petitions and addresses to the Legislature of any of the Provinces of the Dominion.” 40

Section 40
amended.

Dead Letters.

16. The fortieth Section of the said Act is hereby amended by substituting the words “three cents” for the words “five cents,” in the seventh line thereof, and by inserting after the words “returning the same,” in the eighth line thereof, the words “less, in the case of insufficiently prepaid letters or other mailable matter posted in Canada, such amount of postage as may have been prepaid on the same.” 45

17. The forty-first Section of the said Act is hereby repealed. Section 42
repealed.
18. The forty-second Section of the said Act is hereby amended, by inserting the words "or other articles of mail matter" after the word "letter," wherever it occurs in the said Section; and by inserting the words "and sent by post" after the word "therein," in the sixth line of the first paragraph of the said Section. Section 42
amended as to
mail matter.
19. The forty-third Section of the said Act is hereby amended by striking out of the second paragraph or Sub-section thereof, all the words after the words "to be binding" in the tenth line. Section 43
amended.
20. The forty-fourth Section of the said Act is hereby amended by striking out the words "at the expense of the said United States," when they occur in the said Section. Section 44
amended.
21. The forty-seventh Section of the said Act is hereby amended by inserting after the word "accounts" in the fourth line thereof, the words, "and the form and manner in which such accounts shall be kept and rendered." Section 47
amended.
Accounts.
22. The forty-ninth Section of the said Act is hereby amended by striking out the whole thereof, except the following provision: "No postmaster shall, under any pretence whatsoever, have or receive or retain for himself any greater or other allowance or emolument of any kind than the amount of his salary and allowance as fixed by law, or by the Postmaster-General." Section 49
amended.
Postmaster's
emoluments.
23. The fiftieth Section of the said Act is hereby amended by inserting after the word "salary," in the third line thereof, the words "and allowances." Section 50
amended.
24. The fifty-first Section of the said Act is hereby amended by striking out the words "one or more of the newspapers published in or nearest to the county or counties where the contract is to be performed," and inserting in their place the words "such newspaper or newspapers as the Postmaster-General shall direct in each case, and by public notices put up in the principal post offices concerned in such contract." Section 52
amended as to
advertising.
25. The sixty-eighth Section of the said Act is hereby amended by striking the words "three dollars" out of the fourth line thereof, and inserting in their place the words "one dollar." Section 68
amended.
26. The seventy-sixth Section of the said Act is hereby amended by striking out the fifth, sixth, seventh, eighth, twelfth and fourteenth Sub-sections thereof, and by inserting at the end of the fifteenth Sub-section thereof, the words, "showing how such dead letters have been disposed of." Section 76
amended.
27. The twelfth Sub-section of the seventy-seventh Sec- Sub-section
12 of section
77 amended.

tion is hereby amended by inserting after the word "graffs," in the fourth line thereof, the words "post card or other mailable matter not being a post letter": and

Sub-section of section 77 amended. The fifteenth Sub-section of the said Section is hereby amended by inserting after the word "letter," the words "or post card"; and 5

Sub-section 16 of section 77 amended. The sixteenth Sub-section of the said Act is hereby amended by inserting after the words "postage stamp," in the fourth line thereof, the words "or post card, post band or wrapper." 10

28. In addition to the offences declared to be misdemeanors by the said seventy-seventh Section of the said Act;

Further provision as to misdemeanors. 1. It shall be a misdemeanor for any postmaster or other person authorized to issue money orders, to issue any money order without having previously received the purchase money, or sum payable therefor; 15

Mutilating of ficial books, &c. 2. It shall be a misdemeanor for any postmaster wilfully to destroy, mutilate or obliterate or refuse to produce or to deliver up to any inspector or other proper officer of the post-office department on demand, any book containing or which ought to contain the record or account of the money orders issued or paid, or of the registered letters, or other business of his office; 20

Hypothecating postage stamps, &c. 3. It shall be a misdemeanor for any Postmaster or other officer, agent or employee of the Post Office Department, to hypothecate, pledge or subject to any lien in any shape or way, any postage stamps, stamped envelopes, post cards, post bands or wrappers entrusted to him for safe keeping, sale or issue to the public, or for any other purpose, or to attempt to commit such offence: 30

Posting immoral books, &c. 4. To post for transmission or delivery by or through the post any obscene or immoral book, pamphlet, picture, print, engraving, lithograph, photograph or other publication, matter or thing of an indecent, immoral, seditious, disloyal, scurrilous or libellous character, or any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which, there are words, devices, matters or things of the character aforesaid, shall be a misdemeanor: 35

How punishable And every such misdemeanor shall be punishable in like manner as the misdemeanors mentioned in the seventy-seventh Section of the said Act, and all the provisions of the said Section and Act applicable to the misdemeanors mentioned therein, shall apply to those mentioned in this Section 40

Section 81 amended. Using stamps, &c., used before. 29. The eighty-first section of the said Act is hereby amended by inserting immediately before the word "such" in the fourth line thereof, the words "or if any person uses or attempts to use for the purpose of transmission by or through the post, any post card or stamped envelope or 45

stamped post band or wrapper, which has been before used for a like purpose,"—and by inserting after the word "used" in the seventh line of the said section, the words "and the post card or stamped envelope stamped post band or wrapper so used more than once."

30. Any bond or instrument of guarantee which may hereafter be given and executed to Her Majesty by any person or body corporate, and whether under an Act of the Parliament of Caaada passed in the 35th year of Her Majesty's reign, and intituled "*An Act further to amend 'An Act respecting the security to be given by officers of Canada,'*" or otherwise, as security for the due performance of the duties of his office, by any officer, employee, clerk, or servant, employed by or under the Postmaster General, shall be construed to extend to and include as a breach of the condition thereof, any theft, larceny, robbery, embezzlement, loss or destruction by such officer, employee, clerk or servant, or through his malfeasance, misfeasance or neglect of duty, of any money, goods, chattels, valuables and effects, or of any letter or parcel containing the same, which may come into his custody or possession, as such officer, employee, clerk or servant, and although the same may not belong to the Crown and the Postmaster General may not be liable for loss thereof, Her Majesty may, upon such bond or instrument of guarantee, proceed for, demand and recover the amount or value, of any such money, goods, chattels, valuables and effects not otherwise recovered by or for the parties entitled to the same, to the amount of the penalty stipulated in such bond or instrument, and upon the recovery and receipt of the same, the Postmaster General may apportion and pay the same to or amongst such person or persons as he may determine to be the owner of or otherwise entitled to receive any such money, goods, chattels, valuables, effects, or the equivalent or value thereof: But nothing herein contained shall be held to create any liability on the part of Her Majesty or the Postmaster General, to any person or parties whomsoever, to indemnify or hold harmless, pay or reimburse such person or party for the loss of any such money, goods, chattels, or valuables or effects.
31. This Act shall be construed as one Act with that hereby amended, and all words and expressions herein shall be understood to have the same meaning as the like words and expressions in the said Act, the sections, sub-sections, paragraphs and lines whereof herein referred to shall be understood to be those of the said Act as printed for general circulation by the Queen's Printer among the Acts of the same session; the amendments hereby made shall apply only to things done after the passing of this Act, and the said Act without the amendments shall continue to apply to things done before the passing of this Act.

Bonds: sureties for officials of Post Office Department to include losses by their crime or neglect, of mail matter.

Suit upon such bond.

Proviso: Non-liability of Postmaster General, &c.

Interpretation clause.

No. 11.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the Act for the Regulation of the Postal Service.

Received and read, first time, Monday, 15th
February, 1875.

Second reading, Friday, 19th February, 1875.

Hon. Mr. MACDONALD,
(Glengarry.)

OTTAWA:
Printed by Maclean, Roger & Co., Wellington Street.
1875.

An Act to amend the Acts for the better Preservation of the Peace in the vicinity of Public Works.

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

Preamble.

1. The operation of the Act passed in the Session held in the thirty-second and thirty-third year of Her Majesty's reign, and intituled: "*An Act for the better Preservation of the Peace in the vicinity of Public Works,*" as the same is amended by the Act passed in the thirty-third year of Her Majesty's reign, intituled: "*An Act to amend an Act for the better Preservation of the Peace in the vicinity of Public Works,*" is hereby extended to any place or places in Canada, within the limits or in the vicinity whereof any Railway, Canal, Road, Bridge, Mining, or other work of any kind is in progress of construction, and to which the Governor in Council may deem it expedient to apply the provisions of the said Acts, whether such work be constructed by the Government of Canada or of any Province of Canada, or by any incorporated Company, or by any municipal corporation, or by private enterprise; and the expression "Public Work" in the said Acts or either of them shall hereafter be understood to include any such work as aforesaid, and the Governor in Council shall have the same powers with reference to any such work as with reference to works constructed by the Government of Canada.

Acts 32-33 V.,
c. 24; and 33
V., c. 28 cited.

And extended
to certain
other works.

No. 12.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the Acts for the better
Preservation of the Peace in the vicinity
of Public Works.

Received and read, first time, Monday, 15th
February, 1875.

Second reading, Tuesday, 16th February, 1875.

Mr. MACKENZIE,
(Lambton.)

OTTAWA:
Printed by Maclean, Roger & Co., Wellington Street.
1875.

An Act to provide for the institution of Suits against the Crown by Petition of Right, and respecting procedure in Crown Suits.

WHEREAS it is expedient to make provision for proceeding by petition of right, and to assimilate the proceedings on such petitions, and in proceedings in behalf of the Crown as nearly as may be to the course of practice and procedure now in force in actions and suits between subject and subject: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. A petition of right may, if the suppliant think fit, be intituled in any one of the Superior Courts of any of the Provinces in which the subject matter of such petition, or any material part thereof, would have been cognisable, if the same had been a matter in dispute between subject and subject, and if intituled in a Court of Common Law shall state in the margin the venue for the trial of such petition; and such petition shall be addressed to Her Majesty in the form, or to the effect in the schedule to this Act annexed, (No. 1,) and shall state the christian and surname, and usual place of abode of the suppliant, and of his attorney, if any, by whom the same shall be presented, and shall set forth with convenient certainty the facts entitling the suppliant to relief, and shall be signed by such suppliant, his counsel or attorney.

Preamble.
Petitions of right may be intituled in any of the Superior Courts of any of the Provinces. See Imp. Act., 23-24 V., c. 34, s. 1.

2. The said petition shall be left with the Secretary of State for Canada, in order that the same may be submitted to the Governor General for his consideration, and in order that the Governor General, if he shall think fit, may grant his fiat that right be done; and no fee or sum of money shall be payable by the suppliant on so leaving such petition, or upon his receiving back the same.

Petitions to be left with the Secretary of State for the Governor's fiat. Imp. Act., s. 2.

3. Upon the Governor General's fiat being obtained to such petition, a copy of such petition and fiat shall be left at the office of Her Majesty's Attorney General for Canada, with an endorsement thereon in the form, or to the effect in the schedule (No. 2) to this Act annexed, praying for a plea or answer on behalf of Her Majesty within twenty-eight days.

Upon fiat being obtained, petition, &c., to be left at the office of the Attorney General of Canada. Imp. Act., s. 3.

4. The time for answering, pleading or demurring to such petition, on behalf of Her Majesty, shall be the said period of twenty-eight days after the same, (with such prayer of a

Time for answering by the Crown. Imp. Act., s. 4.

Power to
change the
court or
venue.

plea or answer as aforesaid) shall have been left at the office of the said Attorney General, or such further time as shall be allowed by the court or a judge; Provided always, that it shall be lawful for the court in which the petition was originally intituled, or a judge in chambers, on the applica- 5
tion of the said Attorney General, or of the suppliant, to change the court in which such petition shall be prosecuted, or the venue for the trial of the same.

Time for an-
swering by
other persons
parties to the
petition.
Imp. Act, s. 5.

5. In case any such petition of right shall be presented for the recovery of any real or personal property, or any 10
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 such petition, allowance and fiat shall be served upon or left at the last or usual or last 15
known place of abode of the person in the possession, occupation of such property or right, endorsed with a notice in the form set forth in the schedule (No. 3) to this Act annexed, requiring such person to appear thereto within eight 20
days, and to plead or answer thereto in the court in which the same shall be prosecuted, within fourteen days after the same shall have been so served or left as aforesaid, and it shall not be necessary to issue any *scire facias* or other pro- 25
cess to such person for the purpose of requiring him to appear and plead or answer to such petition; but he shall, within the time so limited, if it be intended by him to con- 30
test such petition, enter an appearance to the same in the form set forth in schedule (No. 4) to this Act annexed, or to the like effect, and shall plead, answer, or demur to the said petition within the time specified in such notice, or such further time as shall be allowed by the court or a judge. 30

The answer or
plea to such
petition.
Imp. Act, s. 6.

6. Such petition may be answered by way of answer or demurrer in a Court of Equity, or in a Court of Common Law, by way of plea or demurrer, or by both pleas and demurrer, by or in the name of Her Majesty's said Attorney-General on behalf of Her Majesty, and by or on behalf of 35
any other person who may, in pursuance hereof be called upon to plead or answer thereto, in the same manner as if such petition when prosecuted in a Court of Equity were a bill filed therein, and as if such petition when prosecuted in a Court of Common Law were a declaration in a personal 40
action, and without the necessity for any inquisition finding the truth of such petition or the right of the suppliant; and such and the same matter as would be sufficient ground of answer or defence in point of law or fact to such petition on the behalf of Her Majesty, may be alleged on behalf of 55
any such other person, as aforesaid, called on to plead or answer thereto.

When may be
tried without
a jury.

7. Any issue of fact or assessment of damages to be tried or had under this Act, and which would but for this section be tried or had by a jury, shall be tried or had by a judge 50
without a jury.

The practice
and course of
procedure in

8. So far as the same may be applicable, and except, in so far as may be inconsistent with this Act, the laws and

statutes in force as to pleading, evidence, hearing, and trial, security for costs, amendment, arbitration, special cases, the means of procuring and taking evidence, set-off, appeal and proceedings in error, in suits in equity, and in personal actions between subject and subject, and the rules, orders, practice, and course of procedure of the said Court of Law and Equity respectively for the time being in reference to such suits and personal actions, shall, unless the court in which the petition is prosecuted shall otherwise order, be applicable and apply and extend to such petition of right.

action and
suit between
subject and
subject shall
extend to
petitions of
right so far as
applicable.
Imp. Act, s. 7.

9. In case of a failure on the behalf of Her Majesty, or of any such other person as aforesaid called upon to answer or plead to such petition, to plead, answer, or demur in due time, either to such petition, or any subsequent stage of the proceedings thereon, 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 such court or judge on being satisfied that there has been such failure to plead, answer, or demur, in due time, to order that such petition may be taken as confessed, as against Her Majesty, or such other party so making default, and in case of default on the behalf of Her Majesty, and any other such person (if any) called upon, as aforesaid, to answer or plead thereto, a decree may be made by the court, or leave may be given by the court on the application of the suppliant, to sign judgment in favor of the suppliant; Provided always, that such decree or judgment may afterwards be set aside by such court or a judge, in their or his discretion, upon such terms as to them or him shall seem fit.

Decrees or
judgments by
default. Imp.
Act, s. 8.

Proviso.

10. Upon every such petition of right, the decree or judgment of the court, whether given upon demurrer, upon the pleadings or upon a default to answer or plead in time, or after hearing or verdict, or otherwise, shall be that the suppliant is or is not entitled either to the whole or to some portion of the relief sought by his petition, or such other relief as the court may think right, and such court may give a decree or judgment that the suppliant is entitled to such relief, and upon such terms and conditions, if any, as such court may think just.

Form of judgment or
decree. Imp.
Act, s. 9.

11. In all cases in which the judgment, commonly called a judgment of *amoveas manus*, was formerly in England pronounced or given upon a Petition of right, a judgment that the suppliant is entitled to relief, as hereinbefore provided, shall be of such and the same effect as such judgment of *amoveas manus*.

Effect of
judgment of
*amoveas
manus*. Imp.
Act, s. 10.

12. Upon any such petition of right, the said Attorney General or other person appearing on behalf of Her Majesty, and every such other person as aforesaid, who shall appear, to and plead, answer or demur, shall be entitled respectively to recover costs against the suppliant, in the same manner and subject to the same restrictions and discretion and under the same rules, regulations and provisions, so far as they are applicable, as are or may be usually adopted, or in force,

Costs against
suppliant.
Imp. Act,
s. 11.

touching the payment or receipt of costs in proceedings between subject and subject; and for the recovery of such costs, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon judgment in personal actions, or decrees, rules or orders, shall and may be prosecuted, sued out, and executed respectively by or on behalf of Her Majesty, and of such other person as aforesaid, as shall appear and plead to such petition; and any costs recovered on behalf of Her Majesty shall be paid to the Receiver General. 5 10

Costs to sup-
pliant. Imp.
Act, s. 12.

13. Upon any such petition of right, the suppliant shall be entitled to costs against Her Majesty, and also against any other person appearing or pleading or answering to any such petition of right, in like manner and subject to the same rules, regulations and provisions, restrictions and discretion, so far as they are applicable, as are or may be usually adopted, or in force, touching the right to recover costs in proceedings between subject and subject; and for the recovery of any such costs from any such person, other than Her Majesty, appearing or pleading, or answering in pursuance hereof to any such petition of right, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon rules, orders, decrees of judgments in personal actions between subject and subject, shall and may be prosecuted, sued out, and executed on behalf of such suppliant. 15 20 25

If judgment
be for relief,
&c., Judge to
certify to
Minister of
Finance.
Imp. Act,
s. 13.

14. Whenever, upon such petition of right, a judgment, order, or decree shall be given or made that the suppliant is entitled to relief, and there shall be no re-hearing, appeal, or writ of error, and whenever upon a re-hearing, appeal, or proceedings in error, a judgment, order, or decree shall be affirmed, given or made, that the suppliant is entitled to relief,—and whenever any rule or order shall be made, entitling the suppliant to costs,—any one of the judges of the court in which such petition shall have been prosecuted, shall and may, upon application on behalf of the suppliant, after the lapse of fourteen days from the making, giving or affirming of such judgment or decree, rule or order, certify to the Minister of Finance the tenor and purport of the same, in the form in the schedule (No. 5) to this Act annexed, or to the like effect; and such certificate may be sent to, or left at the office of the Minister of Finance. 30 35 40

Payment by
Minister of
Finance.
Imp. Act,
s. 14.

15. It shall be lawful for the Minister of Finance, and he is hereby required to pay the amount of any moneys and costs as to which a judgment or decree, rule or order, shall be given or made, that the suppliant in any such petition of right is entitled thereto, and of which judgment or decree, rule or order, the tenor and purport shall have been so certified to him as aforesaid, out of any moneys in his hands, for the time being legally applicable thereto, or which may be thereafter voted by the Parliament for that purpose. 45 50

Judges of Su-
perior Courts
to make rules,

16. It shall be lawful for the Judges of the said Courts of Law and Equity respectively, from time to time to make all

such general rules and orders in their said respective Courts of Law and Equity, for regulating the pleading and practice on such petitions of right, and for the effectual execution of this Act, and of the intention and object hereof, and for fixing
 5 the costs to be allowed for and in respect of the several matters herein contained, and the performance thereof, and for the government and conduct of the officers of their respective courts in and relating to the distribution and performance of the duties and business to be done or performed in execution
 10 of this Act as such Judge may think fit, reasonable, necessary or proper; and to frame such writs and forms of proceedings as to them may seem expedient for the purpose aforesaid.

&c. Imp. Act,
s. 15.

17. In the construction of this Act the word "*Court*," or
 15 the words "*Superior Court*," shall be understood to mean any one of the Courts hereinafter mentioned, in which any such petition is presented:—

Interpreta-
tion of terms.
Imp. Act,
s 16.

1. In the Province of Quebec, the Superior Court for that Province;

20 2. In the Province of Ontario, any of the following Courts, viz:—The Court of Queen's Bench, the Court of Common Pleas, and the Court of Chancery.

3. In the Province of Nova Scotia, the Supreme Court of that Province.

25 4. In the Province of New Brunswick, the Supreme Court of that Province.

5. In the Province of Manitoba, the Court of Queen's Bench for that Province.

30 6. In the Province of British Columbia, the Supreme Court of Civil Justice of that Province.

7. In the Province of Prince Edward Island, the Supreme Court of Judicature for that Province.

The word "relief" shall comprehend every species of relief claimed or prayed for in any such petition of right,
 35 whether a restitution of any incorporeal right, or a return of lands or chattels, or a payment of money or damages or otherwise; and the word "Judge" shall be understood to mean the Chief Justice or a Judge of any of the said Courts respectively.

18. The procedure and forms which are or may, from time to time, be in force for the prosecution of rights, claims or
 40 demands; or for the recovery of the possession of any lands, deeds or personal property between subject and subject, may be used in the like cases for the prosecution of rights, claims or demands which Her Majesty may have against any person or persons, body or bodies corporate, or for the recovery of
 45 the possession of any lands, deeds or personal property whereto Her Majesty claims to be entitled.

Forms and
procedure in
Crown suits.

Defendant
may compel
Attorney
General to
proceed.

19. In any action, suit or proceeding commenced under the provisions of the next preceding section, the defendant shall be entitled to require Her Majesty's said Attorney General to declare, reply or otherwise answer the last pleading of the defendant, and to proceed to trial in the same manner, and within the same times as may be limited as between subject and subject, and may in the event of default, by leave of the court or a judge, sign judgment of *non pros*.

Short title.

20. In citing this Act in any instrument, document or proceeding, it shall be sufficient to use the expression "*The Petitions of Right Act, Canada, 1875.*"

Nothing to
prevent sup-
pliant pro-
ceeding as
before. Imp.
Act, 18.

21. Nothing in this Act contained shall prevent any suppliant from proceeding as before the passing of this Act.

SCHEDULES REFERRED TO IN THE FORE- GOING ACT.

No. I.

PETITION.

In the Court of

To the Queen's Most Excellent Majesty:

County of }
to wit. }

The humble petition of A. B., of _____, by his
Attorney E. F., of _____, showeth that (*state the
facts.*)

Conclusion.

Your suppliant therefore humbly prays that, &c.

Dated the day of A. D.

(Signed) A. B.,

or C. D., Counsel for A. B.,
or E. F., Attorney for A. B.

No. II.

The suppliant prays for a plea or answer on behalf of Her Majesty, within twenty-eight days after the date hereof or otherwise that the petition may be taken as confessed.

No. III.

To A. B. :

You are hereby required to appear to the within petition in Her Majesty's Court of _____ within eight days, and to plead or answer thereto within fourteen days after the date hereof.

Take notice that if you fail to appear or plead or answer in due time, the said petition may, as against you, be ordered to be taken as confessed.

Dated the _____ day of _____ A.D.

No. IV.

In the Court of

Petition of Right.

A. B., <i>Suppliant</i> ,	}	C. D. appears in person.
<i>vs.</i>		C. D., Attorney for E. F., appears
the Queen.		for him.

If the appearance be in person, the address of the party appearing is to be given.

Entered the _____ day of _____ 187 .

No. V.

To the Honorable the Minister of Finance :

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

I humbly certify that on the _____ day of _____ A.D. it was by the said Court of _____ adjudged (or decreed or ordered) that the above named suppliant was entitled to, &c.

(Judge's signature.)

No. 13.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to provide for the institution of
Suits against the Crown by Petition
of Right, and respecting Procedure in
Crown suits.

Received and read, first time, Monday, 15th
February, 1875.

Second reading, Wednesday, 17th February,
1875.

MR. IRVING.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street,
1875.

No. 14.]

BILL.

[1875.]

An Act to amend "The Dominion Controverted Elections Act, 1874."

WHEREAS it is expedient to amend "*The Dominion Controverted Elections Act, 1874*," as hereinafter set forth: Preamble.
Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 37 V., c. 10.

1. Section twenty-nine of the Act mentioned in the preamble to this Act is hereby amended by striking out the word "immediately," where it occurs in the sixth line of the said section, and inserting the words "within four days " Section 29.
10 in lieu thereof. amended.

No. 14.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend "The Dominion Con-
troverted Elections Act, 1874."

Received and read, first time, Monday, 15th
February, 1875.
Second reading, Wednesday, 17th February,
1875.

Mr. COOK.

OTTAWA :
Printed by Maclean, Roger & Co., Wellington Street.
1875.

An Act to amend the Act incorporating "The London and Canada Bank."

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 the Provisional Directors thereof have by their petition prayed that
 5 the said Act may be amended by reducing the amounts to be severally subscribed for and paid up before the said Bank commences business, 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
 10 otherwise amending the said Act of incorporation; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
 37 V., c. 55.

34 V., c. 5.

1. Section three of the Act incorporating the said Bank is hereby repealed, and the following substituted in lieu
 15 thereof:—

Sect. 3 of 37
 Vic., c. 55,
 repealed.

"3. For the purpose of organizing the said Bank and of raising the amount of the said capital stock, the persons thereinbefore mentioned by name shall be Provisional Directors thereof, and they or a majority of them may cause stock
 20 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 books shall be opened at Montreal and elsewhere at the discretion of
 25 the Provisional Directors, and shall be kept open as long as they shall deem necessary; and so soon as two millions of dollars of the said capital stock shall have been subscribed upon the stock books, and two hundred thousand dollars thereof actually paid into some one
 30 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
 35 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 ten directors having the
 40 requisite stock qualification 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

New section substituted.

Provisional Directors.

First meeting of the shareholders.

Election of Directors and term of office.

When to commence business.

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, and then, and not before, the bank may commence business."

5

Sect. 4 repealed.
New section.

2. Section four of the said Act is hereby repealed, and the following substituted therefor:—
"4. The chief place or seat of business of the said Bank shall be in the City of Montreal."

Duration of corporation extended.

3. The time limited by the seventh section of the said 10 Act intituled "*An Act to incorporate the London and Canada Bank,*" is hereby extended for the further period of twelve months.

No. 15
2nd Session, 3rd Parliament, 38 Victoria, 1875

BILL.

An Act to amend the Act incorporating the London and Canada Bank.

Received and read, first time, Tuesday, 16th February, 1875.

Second reading, Wednesday, 17th February, 1875.

(PRIVATE BILL.)

Mr. CAMERON,
(Ontario.)

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street, 1875.

An Act to change the name of the "Imperial Building, Savings and Investment Company" to that of the "Imperial Loan and Investment Company."

WHEREAS the Imperial Building, Savings and Investment Company have by their petition represented that they were incorporated under the authority of the Act intituled "*An Act respecting Building Societies*," and chaptered fifty-three of the Consolidated Statutes for Upper Canada, and of the Act amending the same; and have also prayed by their said petition to have the name of the said Company changed to that of the Imperial Loan and Investment Company; 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:—

1. The name of the said Company is hereby changed from that of the "Imperial Building, Savings and Investment Company" to that of the "Imperial Loan and Investment Company": Provided that such change of name shall not take effect until the same shall have been advertised once a week for a month after the passing of this Act in the *Canada Gazette*, and in a newspaper published in the City of Toronto.

2. Upon the said change taking effect, the said Company and all its then members, their successors and assigns forever shall therefrom be and be thereby held to be constituted, and shall be and 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, and being impleaded in all courts and places whatsoever.

3. The said Company shall not under its new name be deemed 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 "Imperial Building, Savings and Investment Company," in as full and ample a manner as if the said Company had continued to exist under its original name, and all statutory provisions applicable to the said Company shall continue applicable to the said "Imperial Loan and Investment Company."

Preamble.

Corporate name changed.

Corporation continued.

Existing rights to continue under new name.

Property to remain vested in corporation.

4. All real and moveable property, shares or stock, obligations, debts, rights, claims and privileges of the said Imperial Building, Savings and Investment Company shall from the time such change shall take effect, be held by and vested in the said Company under its new name, and all the shareholders in the said Company 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 said Company under its original name, may be so continued and terminated. 5 10

Officers, &c., continued.

5. Upon the said change taking effect, the then existing President, Vice-President, Directors and officers of the said Company shall continue in office as such in the said Company under its new name, until replaced in conformity with the by-laws of the Corporation. 15

By-laws and rules continued.

6. All the existing by-laws and rules of the said Company at the time of such change shall continue in force and effect, and shall be binding in law as regards the said Company under its new name, its Directors, Officers, Shareholders and borrowers until modified, amended or repealed. 20

No. 16.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to change the name of the "Imperial Building, Savings and Investment Company," to that of the "Imperial Loan and Investment Company."

Received and read, first time, Tuesday, 16th February, 1875.

Second reading, Friday, 19th February, 1875.

(PRIVATE BILL.)

Mr. MOSS.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street, 1875.

Acte pour étendre et amender la loi exigeant que les compagnies de chemins de fer fournissent des rapports de leur capital, trafic et frais d'exploitation.

SA Majesté, par et de l'avis et du consentement du Sénat et de la Chambre des Communes du Canada, décrète ce qui suit :

Préambule.

1. Dans le présent acte, le mot "compagnie" comprend
 5 une compagnie incorporée soit avant, soit après la passation du présent acte, dans le but de construire, entretenir ou exploiter un chemin de fer en Canada, ou dans quelque-une de ses provinces, ou reliant quelque province avec une autre ou d'autres, ou s'étendant au-delà des limites de la province,
 10 par acte du parlement du Canada, ou de la ci-devant province du Haut-Canada, ou des législatures des ci-devant provinces du Haut-Canada, du Bas-Canada, de la Nouvelle-Ecosse, du Nouveau-Brunswick, de la Colombie-Britannique, ou de l'Île du Prince-Edouard, ou des législatures d'aucune des
 15 provinces composant le Canada (soit seule ou conjointement avec d'autres personnes), et comprend tout individu ou tous individus non incorporés, qui sont propriétaires ou locataires d'un chemin de fer en Canada, ou parties à une convention pour l'exploitation d'un chemin de fer en Canada.

Interprétation.

20 Le mot "personne" comprend un corps incorporé.

L'expression "cour de juridiction sommaire" signifie tout juge de paix, magistrat stipendiaire, ou autre magistrat ou fonctionnaire, sous quelque nom qu'il soit désigné, qui peut exercer une juridiction dans les procédures sommaires pour
 25 le recouvrement d'amendes.

2. Chaque compagnie préparera annuellement des rapports de son capital, de son trafic et de ses frais d'exploitation pendant la dernière année financière de la compagnie, d'après les formules de la première annexe du présent acte; et une
 30 copie de ces rapports, signée par le président ou autre principal officier de la compagnie résidant en Canada, et par l'officier de la compagnie responsable de l'exactitude de chacun de ces rapports, ou d'une partie quelconque de ces rapports, sera transmise par la compagnie au ministre des
 35 Travaux Publics, pas plus de deux mois après l'expiration de la dite année financière.

Les compagnies fourniront des rapports de leur capital, trafic et frais d'exploitation.

Et chaque compagnie qui fait préparer des états et comptes de la compagnie semestriellement, préparera ces rapports du capital, du trafic et des frais d'exploitation pour le semestre
 40 précédent, conformément à la dite première annexe, et les transmettra de la même manière et sous la même forme au ministre des Travaux Publics pas plus de six semaines après l'expiration du dit semestre.

Rapports semi-annuels.

Toute compagnie qui manquera de transmettre ces rapports, conformément aux dispositions de la présente section, sera passible d'une amende n'excédant pas vingt-cinq piastres pour chaque jour de retard après le délai fixé.

Le ministre des Travaux Publics, du consentement d'une 5
compagnie, pourra modifier ces formules à l'égard de cette
compagnie, dans le but de les adapter aux circonstances dans
lesquelles se trouvera la compagnie, ou de mieux mettre à
effet les dispositions de la présente section.

Rapports
hebdoma-
daires à four-
nir pour pu-
blication.

3. Chaque compagnie préparera hebdomadairement des 10
rapports de son trafic pendant les sept derniers jours précé-
dents, d'après la formule de la seconde annexe du présent
acte ; et une copie de ces rapports, signée par l'officier de la
compagnie responsable de leur exactitude, sera transmise au
ministre des Travaux Publics dans les deux jours qui suivront, 15
chaque semaine, la date jusqu'à laquelle ces rapports auront
été préparés ;

Et chaque compagnie devra, au bureau de la compagnie
où seront préparés ces rapports hebdomadaires, et dans les
deux jours qui suivront, chaque semaine, la date jusqu'à 20
laquelle ils auront été préparés, fournir à l'éditeur de tout
journal qui en fera la demande, dans le but de les publier
dans son journal, copie de ces rapports, signée par l'officier
de la compagnie ci-dessus mentionné ; et toute compagnie
qui manquera de transmettre ces rapports hebdomadaires au 25
ministre des Travaux Publics, ou qui manquera de les fournir
à l'éditeur d'un journal pour les fins susdites, sera passible
d'une amende n'excédant pas vingt-cinq piastres, pour cha-
que jour de retard après le délai fixé.

Pénalité pour
rapports faux.

4. Si quelqu'un des rapports exigés par le présent acte est 30
faux en quelque point à la connaissance de la personne qui
le signera, cette personne sera passible, sur conviction du
fait, par voie de mise en accusation, de l'amende et de l'em-
prisonnement, ou sur conviction sommaire, d'une amende
n'excédant pas deux cent cinquante piastres, qui pourra être 35
recouvrée par-devant toute cour de juridiction sommaire.

Rapports
soumis au
parlement.

5. Le ministre des Travaux Publics soumettra aux deux
chambres du parlement, dans les vingt et un jours du com-
mencement de chaque session, les rapports faits et à lui
transmis, conformément à la seconde section du présent acte. 40

Les rapports
sont des com-
munications
privilégiées.

6. Tous les rapports faits en conformité de quelque une des
dispositions du présent acte, seront des communications pri-
vilégiées, et ne pourront servir de preuve devant aucune
cour quelconque.

Amendes,
comment et
par qui recou-
vrées.

7. Toutes les amendes imposées par le présent acte seront 45
recouvrables, au profit de la personne qui en poursuivra le
recouvrement, conformément aux dispositions de l'acte passé
en la session du parlement tenue dans les trente-deuxième et
trente-troisième années du règne de Sa Majesté, chapitre
trente et un, intitulé : " *Acte concernant les devoirs des juges* 50
*de paix, hors des sessions, relativement aux ordres et convic-
tions sommaires.* "

Titre abrégé.

8. Le présent acte pourra être cité comme " *l'Acte des
statistiques de chemins de fer.* "

RAPPORTS.

PREMIÈRE ANNEXE,
FORMULE I.

RAPPORT fait en conformité de _____ par la compagnie du
chemin de fer de _____ indiquant son capital social
et d'emprunt autorisé,—les sommes reçues à l'égard de son capital
ordinaire et privilégié, les actions, débetures, ou dette fondée, au 31
décembre 18 _____, spécifiant le taux des dividendes pour l'année 18 _____,
sur chacun de ces capitaux,—indiquant aussi les emprunts non-rem-
boursés au 31 décembre 18 _____, classifiés d'après les différents taux d'in-
térêt payé sur ces emprunts,—et le capital souscrit à d'autres entre-
prises, que ces entreprises soient affermées à la compagnie souscrivant,
ou exploitées par elle, ou qu'elles soient indépendantes.

Nom de la compagnie.	*Capital autorisé au 31 décembre 18 _____, y compris le capital autorisé comme souscriptions à d'autres entreprises,—que ces entreprises soient affermées à la compagnie souscrivant, ou exploitées par elle, ou qu'elles soient indépendantes.			Capital-actions payé au 31 décembre 18 _____, y compris les souscriptions payées à d'autres entreprises.								
	† Par actions.	Par emprunts.	Total.	Actions ordinaires.	Taux des dividendes pour cent.	Garanti.	Taux de dividende garanti.	Taux du dividende payé.	Actions privilégiées.	Taux de dividende privilégié.	Taux du dividende payé.	Total du capital-actions payé au 31 décembre 18 _____.
	₪	₪	₪	₪	₪	₪	₪	₪	₪	₪	₪	₪
Capital prélevé par emprunts, et actions-débetures au 31 décembre 18 _____.												
Emprunts.	Taux d'intérêt.	† Débetures.	Taux d'intérêt.	Total prélevé par emprunts et actions - débetures au 31 déc. 18 _____.	Total du capital-actions payé et du capital prélevé par emprunts et actions-débetures au 31 décembre 18 _____.	Souscriptions à d'autres com- pagnies.		Observations.				
₪		₪		₪	₪	₪						

NOTE.—Ce rapport doit être daté et signé par l'officier ou les officiers de la compagnie responsables de son exactitude.

* Ceci doit comprendre le capital dont le prélèvement est autorisé par des actes du parlement, ou par des législatures provinciales, mais ne doit pas comprendre le capital autorisé seulement pour des objets devenus caducs, soit par abandon ou autrement.

† Dans les cas où une souscription est autorisée à même le capital *existant*, il ne doit être rien ajouté à cet égard à la somme inscrite dans cette colonne, mais seulement à la somme inscrite dans la dernière colonne.

‡ Il faut faire attention de ne pas confondre les actions-débetures avec les emprunts par débetures ordinaires, et de ne pas inscrire la même somme sous les deux en-têtes.

FORMULE III.

RAPPORT fait en conformité de chemin de fer de par la compagnie du indiquant les frais d'exploit- et des chemins de fer* exploitation et le matériel roulant du chemin de fer et des exploités ou affermés par la compagnie du chemin de fer de

Nom de la compagnie.	Longueur de la voie ouverte au 31 déc. 18 . †	Frais d'exploitation durant l'année finissant au 31 décembre 18 . †							
		Entretien et renouvellement de la voie, et travaux.	Machines-locomotives (y compris les mach. stationnaires.)	Réparations et renouvellement des voitures, wagons et chars.	Frais de trafic (voiturage et marchandises).	Frais généraux.	Péages et taxes.	Droit du gouvernement.	Indemnités pour blessures corporelles.
	Milles.	₪	₪	₪	₪	₪	₪	₪	₪

Frais d'exploitation durant l'année fiscale finissant au 31 décembre 18 . †					Matériel roulant au 31 décembre 18					
Domages-intérêts pour avaries et pertes d'effets.	Dépenses légales et parlementaires.	Frais de bateaux à vapeur, canaux et havres.	Divers frais d'exploitation non-compris dans les précédents.	Total des frais d'exploitation.	Machines-locomotives.	Voitures.		Chars et wagons de toutes sortes employés au transport des animaux, minéraux, ou des marchandises générales.	Toutes autres voitures, chars ou wagons employés sur le chemin de fer, non-compris dans les colonnes précédentes.	Total des cinq colonnes précédentes.
						Voitures employées au transport des voyageurs seulement.	Autres voitures attachées aux trains de voyageurs.			
₪	₪	₪	₪	₪	No.	No.	No.	No.	No.	No.

NOTE.—Ce rapport doit être daté et signé par l'officier ou les officiers de la compagnie responsables de son exactitude.

* Insérez ici les noms de tous les chemins de fer inclus dans cet état.

† Si les comptes de la compagnie sont faits à une époque différente de celle ci-dessus, alors la période qu'embrasse le rapport doit être mentionnée.

‡ Ceci ne doit pas comprendre la longueur des lignes sur lesquelles la compagnie n'a qu'un "droit de circulation." Il doit, cependant, inclure la moitié de la longueur des lignes possédées conjointement.

N.B.—Ce rapport doit comprendre les sommes payées à même les fonds de renouvellement ou de réserve de toute nature, et les sommes ainsi payées devraient figurer sous les en-têtes auxquels elles s'appliquent. Il ne doit pas, cependant, comprendre l'intérêt sur les emprunts.

SECONDE ANNEXE.

Chemin de fer.....

RAPPORT du trafic pour la semaine finissant le 18 , et
pour la semaine correspondante de 18 .

Date.	Voyageurs.		Fret et animaux vivants.		Malles et divers.	Total.	Milles ouverts.
	Entier parcours.	Local.	Entier parcours.	Local.			
18
18

Augmentation.....

Diminution.....

Ensemble du trafic, depuis le....., 18 .

Date.	Voyageurs.	Fret et animaux vivants.	Malles et divers.	Total.	Milles ouverts.
18
18

Acte pour étendre et amener exigeant que les compagnies moins de fer fournissent des de leur capital, trafic et frai tation.

Reçu et lu, la 1re fois, mardi, 1875

Seconde lecture, jeudi, 1875.

An Act to amend the Acts respecting Controverted Elections.

(Reprinted as again amended in Committee of the Whole.)

IN amendment of the Act passed in the thirty-sixth year of Preamble.
 Her Majesty's Reign, and intituled: "*An Act to make better* 36 V., c. 23.
provision respecting Election Petitions, and matters relating
to Controverted Elections of Members of the House of
 5 *Commons,*" and of the Act passed in the thirty-seventh year
 of Her Majesty's Reign, and intituled: "*An Act to make* 37 V., c. 10.
better provisions for the Trial of Controverted Elections of
Members of the House of Commons, and respecting matters con-
nected therewith." Her Majesty, by and with the advice and
 10 consent of the Senate and House of Commons of Canada,
 enacts as follows:—

1. Whenever it appears to the Court or Judge that the Re-
 spondent's presence at the trial is necessary, the trial of an elec-
 tion petition shall not be commenced during any Session of
 15 Parliament, and in the computation of any delay allowed
 for any step or proceeding in respect of any such trial,
 or for the commencement of such trial under the next
 following section, the time occupied by any such Session
 shall not be reckoned. No trial
during a
session.
- 20 2. Subject to the provisions of the next preceding section,
 and except that it shall not be commenced or proceeded
 with during any term of the Court of which the Judge try-
 ing it is a member, and at which he by law is bound to sit,
 the trial of every election petition shall be commenced
 25 within six months from the time when such petition has
 been presented, and shall be proceeded with *de die in diem*,
 until the trial is over, unless on application supported by
 affidavit it be shewn that the requirements of justice render
 it necessary that a postponement of the case should take
 30 place: Provided that in any case when the period limited
 for the commencement of the trial may have elapsed before
 the prorogation of Parliament at the end of the present
 Session, such trial may be commenced at any time within
 two months after such prorogation; provided further, that
 35 whenever three months have elapsed after such petition has
 been presented, without the day for the trial being fixed,
 any elector may, on application, be substituted for the peti-
 tioner on such terms as shall be just. Trial to pro-
ceed without
delay.

Proviso.

Proviso.

Sec. 29 of
37 V., c. 10,
amended.

3. Section twenty-nine of the Act secondly mentioned in the preamble to this Act is hereby amended by striking out the word "immediately," where it occurs in the sixth line of the said section, and inserting the words "within four days" in lieu thereof.

5

Costs against
agent bribing
without
knowledge of
candidate.

4. In case on the trial of any Election Petition under either of the said Acts, it is determined that the Election is void by reason of any act of an Agent committed without the knowledge and consent of the candidate, and that costs should be awarded to the Petitioner in the premises, the Agent may be condemned to pay such costs; and the Court or Judge shall order that such Agent be summoned to appear at a time fixed in such summons, in order to determine whether such Agent should be condemned to pay such costs; If at any time so fixed the Agent so summoned do not appear he shall be condemned on the evidence already adduced to pay the whole or a due proportion of the costs awarded to the Petitioner, and if he do appear, the Court or Judge after hearing the parties and such evidence as shall be adduced shall give such judgment as to law and justice shall appertain; The Petitioner shall have process to recover such costs against such Agent in like manner as he might have such process against the respondent; and no process shall issue against the respondent to recover such costs until after the return of process against such Agent.

25

Elections held
subsequent to
voiding to be
deemed new
elections.

5. And whereas doubts have arisen as to the proper construction of sections seventy-three, one hundred and one, and one hundred and three, of "The Dominion Elections Act, 1874," and as to the effect upon elections held under the said Act, of the voiding of previous elections, it is hereby enacted that elections held under the said Act, as well elections already held as elections hereafter to be held, shall be deemed and taken, as respects both candidates and voters, to be new elections in law and in fact, to all intents and purposes whatsoever.

35

To apply to 36
Vic., c. 28.

6. The next preceding section shall also apply to Controverted Elections tried under "The Controverted Elections Act, 1873."

No. 13.
2nd Session, 3rd Parliament, 38 Vic.

BILL.

An Act to amend the Act
Controverted Election

(Reprinted as again amended in Com
Whole.)

HON. MR. FO

OTTAWA:

Printed by McLean, Roger & Co., Well
1876.

An Act to amend the Acts respecting Controverted Elections.

(Reprinted as amended in Committee of the Whole.)

IN amendment of the Act passed in the thirty-sixth year of Her Majesty's Reign, and intituled: "*An Act to make better provision respecting Election Petitions, and matters relating to Controverted Elections of Members of the House of Commons,*" and of the Act passed in the thirty-seventh year of Her Majesty's Reign, and intituled: "*An Act to make better provisions for the Trial of Controverted Elections of Members of the House of Commons, and respecting matters connected therewith:*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Whenever it appears to the Court or Judge that the Respondent's presence at the trial is necessary, the trial of an election petition shall not be commenced during any Session of Parliament, and in the computation of any delay allowed for any step or proceeding in respect of any such trial, or for the commencement of such trial under the next following section, the time occupied by any such Session shall not be reckoned.
2. Subject to the provisions of the next preceding section, and except that it shall not be commenced or proceeded with during any term of the Court of which the Judge trying it is a member, and at which he by law is bound to sit, the trial of every election petition shall be commenced within six months from the time when such petition has been presented, and shall be proceeded with *de die in diem*, until the trial is over, unless on application supported by affidavit it be shewn that the requirements of justice render it necessary that a postponement of the case should take place: Provided that in any case when the period limited for the commencement of the trial may have elapsed before the prorogation of Parliament at the end of the present Session, such trial may be commenced at any time within two months after such prorogation; provided further, that whenever three months have elapsed after such petition is at issue, without the day for the trial being fixed, any elector may, on application, be substituted for the petitioner on such terms as shall be just.

Preamble.
36 V., c. 28.

37 V., c. 10.

No trial during a session.

Trial to proceed without delay.

Proviso.

Proviso:

Sec. 29 of
37 V., c. 10,
amended.

3. Section twenty-nine of the Act secondly mentioned in the preamble to this Act is hereby amended by striking out the word "immediately," where it occurs in the sixth line of the said section, and inserting the words "within four days" in lieu thereof.

5

Costs against
agent bribing
without
knowledge of
candidate:

4. In case on the trial of any Election Petition under either of the said Acts, it is determined that the Election is void by reason of any act of an Agent committed without the knowledge and consent of the candidate, and that costs should be awarded to the Petitioner in the premises, the Agent may be condemned to pay such costs; and the Court or Judge shall order that such Agent be summoned to appear at a time fixed in such summons, in order to determine whether such Agent should be condemned to pay such costs; If at any time so fixed the Agent so summoned do not appear he shall be condemned on the evidence already adduced to pay the whole or a due proportion of the costs awarded to the Petitioner, and if he do appear, the Court or Judge after hearing the parties and such evidence as shall be adduced shall give such judgment as to law and justice shall appertain; The Petitioner shall have process to recover such costs against such Agent in like manner as he might have such process against the respondent; and no process shall issue against the respondent to recover such costs until after the return of process against such Agent.

25

No. 18.

 2nd Session, 3rd Parliament, 33 Victoria, 1875.

BILL.

An Act to amend the Act respecting
Controverted Elections

(Reprinted as amended in Committee of the
Whole.)

HON. MR. FOURNIER.

OTTAWA:

Printed by Macleod, Roger & Co., Wellington Street
1875.

19
An Act for suppressing Gaming Houses, and to punish
the keepers thereof.

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

1. If the chief constable, deputy chief constable, or other
5 officer authorized to act in his absence, of any city or town
shall report in writing to any of the commissioners of police
or mayor of such city or town, or to the police magis-
trate of any town, that there are good grounds for be-
lieving, and that he does believe, that any house, room
10 or place within the said city is kept or used as a com-
mon gaming house, it shall be lawful for the said com-
missioners or commissioner, or mayor, or the said police
magistrate, by order in writing, to authorize the said
chief constable, deputy chief constable or other officer as
15 aforesaid, to enter any such house, room or place with such
constables as may be deemed requisite by the said chief con-
stable, deputy chief constable or other officer as aforesaid,
and, if necessary, to use force for the purpose of effecting
such entry, whether by breaking open doors or otherwise,
20 and to take into custody all persons who shall be found
therein, and to seize all tables and instruments of gaming
found in such house or premises, and also to seize all monyes
and securities for money found therein.

2. It shall be lawful for the chief constable, deputy chief
25 constable, or other officer as aforesaid, making such entry as
aforesaid, in obedience to any such order as aforesaid, with
the assistance of any constable or constables accompanying
him, to search all parts of the house, room or place which
he shall have so entered, where he shall suspect that tables
30 or instruments of gaming are concealed, and all persons
whom he shall find therein, and to seize all tables and
instruments of gaming which he shall so find.

3. When any cards, dice, balls, counters, tables, or other
instruments of gaming used in playing any unlawful game,
35 shall be found in any house, room, or place suspected to be
used as a common gaming house, and entered under a war-
rant or order issued under this Act, or about the person of
any of those who are found therein, it shall be evidence,
until the contrary be made to appear, that such house, room
40 or place is used as a common gaming house, and that the
persons found in the room or place where such tables or
instruments of gaming have been found were playing
therein although no play was actually going on in the

presence of the chief constable, deputy chief constable or other officer as aforesaid, entering the same under a warrant or order issued under this Act, or in the presence of those persons by whom he is accompanied as aforesaid; and it shall be lawful for the police magistrate or other justice before whom any person is taken by virtue of such order or warrant as aforesaid, to direct all such tables and instruments of gaming to be forthwith destroyed. 5

4. Any person who wilfully prevents any constable or other officer authorized under either of the preceding sections of this Act to enter any house, room or place, from entering the same, or any part thereof, or who obstructs or delays any such constable or officer in so entering, and any person who, by any bolt, chain or other contrivance secures any external or internal door of, or means of access to, any house, room or place so authorized to be entered, or uses any means or contrivance whatsoever for the purpose of preventing, obstructing or delaying the entry of any constable or officer authorized as aforesaid, into any such house, room or place, or any part thereof, shall, for every such offence, on a summary conviction before the police magistrate or mayor or other justice of the peace before whom he or they may be brought, be adjudged to pay any penalty not exceeding one hundred dollars, with such costs attending the conviction as to the said police magistrate or mayor or justice of the peace appear reasonable, and on non-payment, or, in the first instance, if it seem fit to the said police magistrate or justice of the peace, may be committed with or without hard labor for a period not exceeding six months. 10 15 20 25

5. When any constable or officer authorized as aforesaid to enter any house, room or place, is wilfully prevented from, or obstructed, or delayed in entering the same or any part thereof, or where any external or internal door of, or means of access to any such house, room or place so authorized to be entered, is found to be fitted or provided with any bolt, bar, chain or any means or contrivance for the purpose of preventing, delaying or obstructing the entry into the same or any part thereof of any constable or officer authorized as aforesaid, or for giving an alarm in case of such entry, or if any such house, room or place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing or destroying any instruments of gaming, it shall be evidence until the contrary be made to appear that such house, room or place is used as a common gaming house within the meaning of this Act, and of any former Acts relating to gaming, and that the persons found therein were unlawfully playing therein. 30 35 40 45

6. It shall be lawful for the police magistrate or mayor or justice before whom any persons are brought who have been found in any house, room, or place, entered in pursuance of 50

any warrant or order issued under this Act, to require any of such persons to be examined on oath and give evidence touching any unlawful gaming in such house, room, or place, or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, room or place, or any part thereof of any constable or officer authorized as aforesaid; and no person so required to be examined as a witness shall be excused from being so examined when brought before such police magistrate, or mayor, or justice as aforesaid, or from being so examined at any subsequent time by or before the police magistrate, or mayor, or the same or any other justice of the peace, or by or before any court, on any proceeding, or on the trial of any indictment, information, action, or suit in anywise relating to such unlawful gaming, or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself; and any such person so required to be examined as a witness who refuses to make oath accordingly, or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person appearing as a witness before any justice or court in obedience to a summons or subpœna and refusing without lawful cause or excuse to be sworn or to give evidence, may by law be dealt with.

7. Every person so required to be examined as a witness as aforesaid, who upon such examination shall make true discovery to the best of his knowledge of all things as to which he is so examined, shall receive from the judge, justice, magistrate, examiner or other judicial officer, before whom such proceeding is had, a certificate in writing to that effect, and shall be freed from all criminal prosecutions and penal actions and from all penalties, forfeitures and punishments to which he may have become liable for anything done before that time in respect of the matters touching which he has so been examined; but such certificate shall not be effectual for the purpose aforesaid, unless it states that such witness made a true disclosure touching all things as to which he has been examined; and upon the production and proof of such certificate as aforesaid, any action, indictment, or proceedings pending or brought in any court against such witness in respect of any act of gaming touching which he was so examined, shall be stayed upon summary application to the court in which such action, indictment, or proceeding is pending, or any judge thereof, or any judge of any of the superior courts of any Province, to stay the proceedings aforesaid.

An Act to amend the Law relating to Criminal Procedure.

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 Jurisdic-
 tion, on their trial, as are afforded in civil cases: Therefore,
 5 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 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
 10 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 there-
 under shall be read in evidence on such trial, and be used in
 15 the same manner as if the witnesses so examined were ex-
 amined *vivâ voce* in open court at such trial.

Commissions
 may issue for
 examination
 of witnesses
 for defence in
 criminal
 cases.

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
 20 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
 25 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.

Preliminary
 proceedings,
 and condi-
 tions

3. Whenever any such commission is applied for in
 30 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

Notice to law
 officers of the
 Crown.

No. 20.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the Law relating to
Criminal Procedure.

Received and read, first time, Wednesday,
17th February, 1875.

Second reading, Monday, 21st February, 1875.

Mr. CAMERON,
(Cardwell.)

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street.
1875.

An Act to amend the Law relating to Bills of Exchange.

WHEREAS, it is desirable that the law relating to damages Preamble.
on Bills of Exchange shall be uniform throughout the
Dominion; Therefore, Her Majesty, by and with the advice
and consent of the Senate and House of Commons of Canada,
enacts as follows:—

1. From and after the first day of July next after the passing of this Act, no damages shall be recoverable in any action, suit or proceeding, either at law or in equity, brought in any Province of the Dominion, upon any Bill of Exchange, Damages on such Bills limited after 1st July, 1875.]
- 10 whether foreign or inland, against any party thereto, except for the amount for which such bill of exchange is drawn, and for such further amounts as arise from the noting and protest of such Bill of Exchange, and interest thereon, and exchange and re-exchange thereon.
- 15 2. This Act shall not apply to any suit or action pending, Pending suits excepted.
when it comes into force.

No. 21.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the Law relating to
Bills of Exchange.

Received and read, first time, Wednesday,
17th February, 1875.

Second reading, Monday, 21st February,
1875.

Mr. CAMERON,
(Cardwell.)

OTTAWA:
Printed by Maclean, Roger & Co., Wellington Street.
1875.

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

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 :—

Preamble.

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

Wharf—what to mean.

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.

Ladders to be fitted to wharves.

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 less 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.

At what distance apart.

Proviso.

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.

Penalty for neglect.

Further penalty for continuance.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

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, Wednesday, 17th
February, 1875.

Second reading, Monday, 21st February, 1875.

Mr. COOK.

OTTAWA:

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

1875.

An Act to amend the Act for the more speedy trial in certain cases of persons charged with Felonies and Misdemeanors in the Provinces of Ontario and Quebec.

IN amendment of the Act cited in the title to this Act, Preamble.

1 passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign and chaptered thirty-five;

Her Majesty, by and with the advice and consent of the 32, 33 V., c. 35

5 Senate and House of Commons of Canada, enacts as follows:—

1. Any Judge, Junior Judge or Deputy Judge trying any person under the said Act, in the Province of Ontario, may in his discretion reserve any question of law arising on such trial, for the consideration of the Justices of one of Her Majesty's Superior Courts of Common Law of the said Province, in the same manner and to the same extent as may be done by the Court of General Sessions of the Peace under chapter one hundred and twelve of the Consolidated Statutes for Upper Canada, and the said last named Act shall 10 form and be taken and read as part of the said Act, in the 15 title to this Act mentioned.
- Judge trying case under the said Act in Ontario, may reserve questions of law for Court of Queen's Bench or Common Pleas.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL

An Act to amend the Act for the more speedy trial in certain cases of persons charged with Felonies and Misdemeanors in the Provinces of Ontario and Quebec.

Received and read, first time, Thursday,
18th February, 1875.

Second reading, Monday, 22nd February,
1875.

M. MACDOUGALL,
(East Elgin.)

OTTAWA :
Printed by Maclean, Roger & Co., Wellington Street.
1875.

An Act to incorporate the Pictou Coal and Iron Company.

WHEREAS the Honorable John Hamilton, Peter Redpath, James D. Crawford, George W. Hamilton and John McLennan, all of the City of Montreal, in the Province of Quebec, Esquires, and others, have by their petition prayed for
 5 an Act of Incorporation under the name of the "Pictou Coal and Iron Company," for the purposes of mining for coal and iron, and of manufacturing from the produce of such mining, and selling or leasing rails and railroad-iron, boiler-plates, rivets, tools, implements and machinery, locomotive-engines
 10 and machinery used and required by railway companies, and for the powers necessary to carry out the undertaking, and to provide means of carriage for the products of such mines and manufactures, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the
 15 advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Honorable John Hamilton, Peter Redpath, James D. Crawford, George W. Hamilton, Honoré Cotté, and such other persons as may become shareholders in the Com-
 20 pany hereby incorporated, shall be and they are hereby constituted a body politic and corporate, by the name of the "Pictou Coal and Iron Company," and by that name shall have perpetual succession and a common seal, with power to break and alter the same at pleasure, and by that name may
 25 sue and be sued, plead and be impleaded in all courts whatsoever.

Certain persons incorporated.

2. The capital stock of the Company shall be *one million* dollars, divided into *ten thousand* shares of *one hundred* dollars each, and it may be increased by an amount not ex-
 30 ceeding another *million* dollars in the manner hereinafter provided: Provided that stock to the amount of not less than *two hundred and fifty thousand* dollars shall be subscribed, and not less than *twenty-five thousand* dollars paid
 in before the Company shall go into operation.

Capital stock and shares.

Proviso.

3. The Company shall, for the purposes of their business, have power from time to time to purchase, hire and lease
 real estate, water and mill rights and privileges in any part
 of Canada, and as often as any property so acquired ceases
 to be necessary for the purposes of the Company, they shall
 40 sell or otherwise dispose thereof within five years next after it shall cease to be used for said purposes: the Company may also, from time to time and as their business may require,

Company may hold real estate.

purchase, lease, or build any offices, mills, factories, workshops, machinery, or other works and appliances in any part of Canada which the Company may think proper for their purposes or for the exercise of the powers by this Act conferred, and the same or any part of them, when the Company find it expedient, may be sold or otherwise disposed of. 5

Certain property of the Company to be exempt from seizure.

4. Engines, machinery, rolling stock or other moveable property, either sold or leased by the Company, while in their original condition, and not *incorporated with* any building or erection, shall not be subject to any mortgage or execution, or to any lien or liability whatsoever upon any mortgage or charge given or created before or after such sale or lease by the Company or person making such purchase or making such lease, or any other Company or person whomsoever; nor shall the same be liable to any seizure or distress against any such Railway Company or person for any cause or in any manner whatever, in case of a purchase, while the purchase money or any part thereof or any interest thereon remains unpaid, unless the seizing creditor shall pay or tender such purchase money or interest to the Company previous to such seizure (a statement of which indebtedness shall be furnished to such creditor by the Company on demand), and in case of a lease, while such property so leased remains under the said lease and continues to be the property of the Company incorporated by this Act: and the purchase money for all such property sold to any Railway Company shall be and continue a first charge upon the property so sold; and it shall remain liable to such lien in the hands of any person or corporation who may obtain possession thereof, until said purchase money and all unpaid interest thereon is fully paid and satisfied: Provided always that all engines and locomotives, machinery and rolling stock so sold or leased, while the purchase money remains unpaid, or the same is under lease as the case may be, shall have painted upon each car or engine as the case may be, the words "The Pictou Coal and Iron Company." 10 15 20 25 30 35

Proviso.

Arrangements with Railway Companies.

5. It shall be lawful for any and all Railway Companies throughout the Dominion of Canada desiring to lease or purchase locomotive engines, rolling stock or machinery of any kind from the Company to enter into and complete any of the arrangements which the Company incorporated by this Act is authorized to enter into and make; and all such arrangements so made and the acts done thereunder shall be valid and binding on all parties or persons in the manner and to the extent above expressed. 40 45

Agreements as to payments.

6. It may be agreed between the Company and any Railway Company that all moneys payable by such Railway Company under any contract authorized by this Act, shall form part of the working expenses of such Railway Company, and shall be paid before any interest or other debt not by law coming under the denomination of working expenses. And such agreement shall be binding and valid to all intents and purposes. 50

7. In managing the business of the Company, and in making any of the contracts above provided for, the Directors of the Company shall possess and exercise all the corporate powers of the Company. Powers of Directors.

5 8. The affairs of the Company shall be managed by a Board of seven Directors: the said Honorable John Hamilton, Peter Redpath, James D. Crawford, John McLennan, George W. Hamilton and Honoré Cotté, and *Alexander Cross* and *Walter Shanly* shall be Directors of the said Company Board of Directors.
10 until others shall be elected in their place and stead.

9. The Directors may, from time to time, with the consent of a majority of the shareholders present or represented at a special general meeting, called for that purpose, increase the capital stock of the Company until the same Increase of capital stock.
15 shall amount in the aggregate to the sum of *two million* dollars, as hereinbefore provided. And with the like authority the said Company may borrow money on behalf of the said Company, and the Directors may, for that purpose Power to borrow money.
20 make or cause to be made, bonds or other instruments under the common seal of the Company, for sums of not less than *one hundred* dollars, which may be made payable at any place, and either to order or to bearer, and may have interest coupons attached: Provided that the aggregate of the sum Proviso.
25 or sums so borrowed shall not at any time exceed 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.

30 10. The chief place of business of the said Company shall be at such place in the City of Montreal as the Directors shall select; but it shall have the right of establishing Chief place of business and agencies.
agencies in any other part of the Dominion of Canada, and in London, in England, at which latter place it may make its Chief place of business and agencies.
35 bonds or debentures payable, and may have an office where transfer books may be kept, and transfers of its stock may be effected.

11. The Company shall have power to construct a railway or tramway, either of wood or iron, from its mines and depots in the County of Pictou in the Province of Nova Scotia, to some point of junction with the Intercolonial Railway at or near Hopewell, with such rolling stock and plant as may be necessary for the due and proper working thereof. Rail or tramway may be constructed.

45 12. And for the purpose of granting to the said Company the necessary powers for the acquisition of the right of way, and for the construction of the said railway, and also for the protection of the interests of the public, the several sections of "*The Railway Act of 1868*," under the heads "Powers," Railway Act incorporated.
50 "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "General Provisions," and "Penal Clauses," shall be, and they are hereby incorporated

with this Act as fully and effectively as if they were herein enacted in full.

Company
may own
shipping.

13. The Company may also acquire, construct and own any barge, steamer, or vessel for the purpose of being used for the shipment and conveyance of the products of their said mines and manufactories in any inland or ocean navigation requisite to reach markets for the same. 5

Arrange-
ments with
other Rail-
way Com-
panies.

14. The Company may also enter into any arrangements or agreements with any other railway company for running arrangements with such Company for their rolling stock over the line of railway of such railway company for the purpose of facilitating the transport of their produce and property to market. 10

32, 33 V., c. 12
to apply.

15. The provisions of "*The Canada Joint Stock Companies' Clauses Act, 1869*," shall apply to the Company hereby incorporated, in so far as they are not inconsistent with the provisions of this Act, and excepting especially sections eighteen and thirty-nine of the said "*Canada Joint Stock Companies' Clauses Act, 1869*," which shall not apply to the Company hereby incorporated. 15 20

Amalgama-
tion with
another
Company.

16. The Company may at any time hereafter amalgamate with any other Company incorporated for the same purposes, or purchase and acquire the property of any other company transacting the same kind of business, for paid-up stock in the Company hereby incorporated upon such terms and conditions as shall be agreed to by the shareholders of the Company, at a meeting thereof specially called for the purpose of considering the propriety of such amalgamation or purchase. 25

BILL.

An Act to incorporate the Pictou
and Iron Company.

Received and read, first time, Friday
February, 1875.
Second reading, Wednesday, 24th Fe
1875.

(PRIVATE BILL.)

Mr. B

An Act to incorporate "The Lower Ottawa Boom Company."

WHEREAS it would be beneficial to the timber and lumber trade on the River Ottawa and its tributaries that commodious and secure booms, piers and other works should be placed and maintained at different points on the said river, in the Counties of Argenteuil, Ottawa, Carleton, Russell and Prescott respectively, for the purpose of saving and securing all the saw-logs, timber and lumber that may escape from booms above the Chaudiere Falls, or from any of the tributaries of the Ottawa River; and for the purpose of accomplishing the construction of the said works, the persons hereinafter named have by their petition prayed for an Act to incorporate them and others, and to confer upon them the requisite powers, 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 :—

Preamble.

1. John Mather, Alanson H. Baldwin, John Rochester, William McClymont, Benjamin Batson, and all such other person and persons as shall from time to time subscribe for and be possessed of any share or shares in its capital stock, are hereby constituted a body corporate by the name of "The Lower Ottawa Boom Company," and by that name shall have perpetual succession and a common seal, with power to purchase, acquire and hold such real estate as they may deem necessary for the purposes of this Act, and the same to sell, convey, or exchange as they shall see fit; and also by that name to sue and be sued, and to acquire and hold all such booms, piers, vessels, boats, matters and things as may be deemed by them necessary to use and employ in and about the salvage of timber, lumber and saw-logs on the said River Ottawa and the tributaries thereof.

Certain persons incorporated.

Corporate name and powers.

2. The said Company shall have power to enter upon any lands in any or either of the said counties, and to make and construct all such booms, piers and other works at any place or places on the said River Ottawa, between the City of Ottawa and the Village of Hawkesbury as they shall deem advisable for the purposes aforesaid, and may take and remove and use any stone, timber, earth, or other material; Provided always, that the said company shall make compensation to the owner or owners in manner hereinafter provided

Company may construct works.

Proviso.

Plan to be submitted to Minister of Public Works.

3. Before the said Company shall proceed with the construction of their booms, piers and works, and of any alteration or enlargement thereof, plans and specifications of the same, and of any proposed amendments thereof, shall be made and submitted to, and approved of by the Minister of Public Works for the time being. 5

May examine collection of logs and remove certain of them.

4. The Company, its officers, servants and agents shall have power anywhere on the said river, between the aforesaid places, to examine all collections of logs, lumber or timber in booms, at saw-mills, or in rafts, or on the river banks, and to remove from the same for safe keeping all such logs, timber or lumber as are not the property of the owners of such booms, rafts, or other collections, unless written authority is produced from the rightful owner or owners thereof, authorizing the retention thereof by the parties having the same in their possession, custody or power. 10 15

May collect stray logs and lumber.

5. The Company, its officers, servants and agents shall have full power to take and remove to their own booms, piers and works for safe keeping any saw-logs, timber or lumber that may have escaped from the booms above the Chaudiere Falls or from any boom on the said River Ottawa or any of the tributaries thereof, or from any raft or from the river banks, and no person or persons shall impede, hinder or obstruct the said Company in the exercise of their said powers, unless and except written authority so to do is produced from the rightful owners of such logs, timber or lumber. 20 25

Capital stock and shares.

6. The capital stock of the Company shall be *ten thousand* dollars divided into *one hundred* shares of *one hundred* dollars each, and the same shall be recoverable by the Company in an action of debt against any shareholder in the event of non-payment. 30

Board of Directors.

7. The affairs of the Company shall be managed by a Board of five Directors, who shall choose one of their number to be President of the Company, who, as Chairman shall have the casting vote at all meetings of the Board in case of an equality of votes, in addition to his individual vote as a Director. 35

First President and Directors.

8. The said John Mather shall be the first President, and the said Alanson H. Baldwin, John Rochester, William McClymont and Benjamin Batson shall be the first Directors of the Company, and they shall hold office until their successors are appointed in accordance with the by-laws to be passed by the shareholders. 40

By-laws may be made.

9. The shareholders shall have power at a general meeting to enact by-laws to provide for and regulate the payment of calls on capital stock, the manner of voting for and the election of the Directors, the transfer of shares in the capital stock, the forfeiture or sale of the same in case of non-payment of calls, the increase of the capital stock, if need be, and the appropriation of the new shares among the existing 45 50

shareholders, or opening new subscription lists, as may seem advisable, and for such other purposes as they shall deem proper, and to alter, amend and repeal such by-laws as they shall see fit.

5 **10** The chief office of the Company shall be in the City of Chief office.
Ottawa.

11. The Company shall have power to levy and collect Charges may be collected by the Company.
tolls, dues and charges on all saw-logs, timber and lumber which may be collected by them for safe keeping, such tolls, dues and charges to be fixed and established by order of the Governor in Council; which order shall be published in the *Canada Gazette*; and the Company shall hold a lien for such tolls, dues and charges on the timber, lumber and saw-logs in respect of which the same are chargeable.

15 **12.** The Company before proceeding under the compulsory powers contained in the second section of this Act shall set out and survey the lands, and prepare a description thereof, and also a specification of any easement or privilege, or of any stone, timber, earth or material required by them for their Surveys and specifications shall be made.
20 said works, or for the use and enjoyment of their said booms and piers, of which they shall give notice in writing to the owner or owners of the same, and at the same time tender to such owner a sum of money as compensation therefor; and if the owner agrees to accept the same he shall at the same time Tender of compensation.
25 make and execute unto and in favor of the said Company a sufficient deed to convey his whole estate in the lands, or of any such easement or right or other matter or thing so required by the Company; but in case the owner shall decline such tender the Company shall name an arbitrator, of whose Appointment of Arbitrators.
30 appointment at least four days' notice shall be given to the other party, who shall within that time also appoint an arbitrator and give notice thereof to the Company within the same period; and the two arbitrators shall thereupon proceed to name a third arbitrator, and any two of them may Proviso.
35 make an award of the compensation, if any, to be paid, which award shall be binding on all the parties; Provided always, that if either party fails to appoint an arbitrator, or if the two fail to appoint a third, then either party may apply to the Judge of the County Court of the County wherein the premises are situate, if in the Province of Ontario, or to the Judge of the Superior Court of the County and District of Ottawa, if in the Province of Quebec, and such Judge shall appoint an arbitrator or arbitrators and make such order thereon as he shall deem just; and any award to be made shall be final
40 and binding on the parties.
45

13. The works to be constructed under this Act are to be situate partly within the Province of Quebec and partly within the Province of Ontario, and are declared to be works for the advantage of the said two Provinces of the Dominion Works declared to be for advantage of Ontario and Quebec.
50 of Canada.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to incorporate the Lower Ottawa
Boom Company.

Received and read, first time, Friday, 19th
February, 1875.

Second reading, Monday, 22nd February, 1875.

(PRIVATE BILL.)

Mr. CURRIER.

An Act to incorporate "The *Intelligencer* Printing and Publishing Company."

WHEREAS, the following persons, namely: William Allen Shepard, John W. London, Andrew Frederick Gault, David Sinclair, James P. Redner, William Jeffs, Thomas Emo, George H. Boulter, Alexander Robertson, Alpheus Field Wood, Charles Craig, George Dean Dickson, M. Bowell, Thomas Wills, Nathaniel Baldwin Falkiner, George H. Pope, E. Baldwin Fraleck, the Hon. Robert Read, James H. Peck, George Neilson, William Johnson and S. S. Wallbridge, Jr., have petitioned to be incorporated as a body politic and corporate, to carry on the business of the *Intelligencer* newspaper, and a general printing and publishing business in the Town of Belleville, Province of Ontario, and in the various capitals, towns and places in the several Provinces of the Dominion, 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:—

1. The said William Allen Shepard, John W. London, Andrew Frederick Gault, David Sinclair, James P. Redner, William Jeffs, Thomas Emo, George H. Boulter, Alexander Robertson, Alpheus Field Wood, Charles Craig, George Dean Dickson, M. Bowell, Thomas Wills, Nathaniel Baldwin Falkiner, George H. Pope, E. Baldwin Fraleck, the Hon. Robert Read, James H. Peck, George Neilson, William Johnson, and S. S. Wallbridge, Jr., together with all such other persons as now are or may hereafter become shareholders in the Company hereby created, shall be, and they are hereby declared to be, and are hereby constituted a body politic and corporate by the name of "The *Intelligencer* Printing and Publishing Company," and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all courts of law or equity, and by that name, they and their successors shall have perpetual succession, and may have a common seal, and may change and alter the same at pleasure, may establish agencies for the sale of the said newspaper, and carry on the said business in the various Provinces of the Dominion, may acquire for themselves and their successors under any legal title whatsoever, property, real and personal, may contract for, alienate, buy, sell, rent, lease, mortgage or otherwise dispose of the same or any part thereof, from time to time, and at all times as occasion may require, for the purposes of their business only,

Preamble.

Certain persons incorporated.

Corporate name and powers.

for such sums or prices, and upon such terms and conditions as they may see fit.

- Object of the corporation.** 2. The said company is hereby formed for the purpose of continuing, extending and carrying on the business of the *Intelligencer* newspaper, and generally for carrying on the business of printing, publishing, stereotyping, engraving, wood cutting, lithographing, book-binding, and of dealing in and vending all articles of merchandise connected therewith. 5
- Head office.** 3. The head office of the said Company shall be at the Town of Belleville, in the County of Hastings, Province of Ontario, with establishments, branches, agencies or offices in any other place or places in the Dominion, that the said Corporation may, from time to time, decide upon and desire to do business in. 10
- Capital stock and shares.** 4. The capital stock of the said Company shall be *fifty thousand* dollars, divided into one thousand shares of *fifty dollars* each, and the said stock shall be transferable or alienable, only in such manner and subject to and upon such conditions and restrictions as by the by-laws of the said Company shall be prescribed. 15 20
- Increase of capital stock.** 5. The said Corporation or Company may, from time to time, increase the amount of its capital stock, provided always that the majority of the Directors of the said Company shall, by their votes, resolve and declare that the said capital stock is insufficient for the purpose thereof, and shall then call a special or general meeting of the stockholders of the Company, giving at least two weeks' notice of such meeting, and stating the proposed increase as one of the objects of such meeting by a written or printed notice delivered or mailed to the post office address, as in the stock book appears, of each shareholder or his representative, and by advertising the same for two weeks in some newspaper published in the Town of Belleville aforesaid, and shall then submit such resolution to such meeting for approval; and at such meeting the majority of the shareholders present may by vote accept, endorse, amend or reject such resolution of the Directors, and may pass a resolution authorizing the Directors of the said Company to increase the capital stock of the said Company to such amount as they may deem necessary therefor; and thereupon the said Directors may by by-law or by-laws declare that the capital stock shall be increased by such amount, and the time, amount and manner of paying the same, and may open stock books for subscription thereof and thereto; Provided always that such resolution of the Directors to increase such capital stock of the Company may be submitted to any annual meeting of the Company, which annual meeting shall have all the powers and privileges herein conferred upon a general or special meeting called as herein directed. 25 30 35 40 45
- Meeting to consider the same.**
- Proviso.**
- Provisional directors.** 6. To enable the said Corporation or Company to carry out the objects herein mentioned, the said Mackenzie Bowell, William Allen Shepard, William Jeffs, George Dean Dickson 50

and Alexander Robertson are hereby constituted Provisional Directors of the said Company, who shall have power to manage the affairs of the said Company until Directors under the provisions of this Act shall be elected in their place, and the said Provisional Directors shall have power to open stock books, receive subscriptions for stock or shares, and generally to do all matters and things necessary for the full organization and working of the said Company.

7. So soon as three hundred shares of the said capital stock shall have been subscribed, the Provisional Directors shall call a general meeting of the shareholders to be held in the Town of Belleville, of which meeting not less than ten days' notice shall be given by public advertisement and notice delivered or mailed to each stockholder for the purpose of electing five Directors and of organizing the said Company generally, and upon such Directors being elected the powers and duties of the Provisional Directors shall cease.

First meeting
of share-
holders.

8. The Directors shall have power in addition to the powers conferred by the "*Canada Joint Stock Companies' Clauses Act, 1869*," from time to time to fill vacancies, however the same may occur, in the Board of Directors.

Vacancies
how filled.

9. The annual meetings of the said Company shall be held in the said Town of Belleville.

Annual
meeting.

10. At each annual meeting of the Company a full and detailed statement of the financial affairs of the Company up to the 31st day of December then last past, or up to such other day to be named shortly before the annual meeting, shall be submitted to the stockholders, and shall be entered in the books of the Company and be open for the inspection of the shareholders.

Statement of
affairs to be
submitted.

11. At each annual meeting it shall be the duty of the shareholders to estimate and establish by resolution the then actual value of the shares of the stock; and in case at any time during the next ensuing year, any shares in the stock of the Company are offered for sale, or the sale thereof has not been entered in the books of the Company, or have become transmitted by bequest, inheritance, marriage, or in any other way howsoever, then the said Company, or any one or more of the shareholders thereof, shall during two months next after such sale offer for sale, or transmission has been notified to the Company, have the privilege of acquiring such shares so to be sold or transmitted upon payment or tender of the price of such shares calculated at the last established actual value thereof as aforesaid, the Company having the first preference of purchase, and then the shareholders according to and as may be fixed by the by-laws. And in case the shareholders should at any meeting neglect to fix such actual value, the last actual value so fixed shall be the actual value until another resolution be passed as aforesaid.

Company
to have pre-
emption right
in respect of
share sale.

12. The shareholders shall not as such be held responsible for any act, default, contract, or liability whatsoever of the

Liability of
shareholders
limited.

Proviso. Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company beyond the amount unpaid, if any, upon their respective shares: Provided always that amongst the officers of the said Company, there shall be a Printer and Publisher, who shall be held responsible in any criminal action for libellous matter complained of as having been published in the said *Intelligencer* newspaper or of the said Company at its establishment, and each and every issue of the said newspaper shall contain the full name and post office address of such Printer and Publisher. 5 10

Powers of ex- 13. Every executor, administrator, tutor, curator, guardian, cutors, &c. or trustee of stock, shall represent the stock in his hands at all meetings of the Company, and shall be eligible as a Director if representing a sufficient amount of stock. 15

Forfeiture for 14. The charter of the said Company shall be forfeited by non-user. non-user during three consecutive years at any one time.

22, 33 V., c. 12 15. The clauses of the "*Canada Joint Stock Companies to apply. Clauses Act, 1869,*" except as herein altered, and so far as applicable, shall apply to this Company, and shall be read as part of this Act. 20

No. 26.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL

An Act to incorporate "The *Intelligencer* Printing and Publishing Company."

Received and read, first time, Friday, 19th February, 1875.

Second reading, Monday, 22nd February, 1875.

(PRIVATE BILL)

MR. BOWELL.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street, 1875.

An Act to incorporate "The Industrial Life Insurance Company."

WHEREAS Thomas James Claxton, the Honorable John J. C. Abbott, Horatio A. Nelson, Thomas F. Miller, Robert W. Shepherd, William McDonald, Alexander W. Ogilvie, William A. Merry, and others, all of the City and

5 District of Montreal, have petitioned for an Act to incorporate them and others, under the style and title of the "Industrial Life Insurance Company," and to enable them to carry on the business of life insurance on a plan as to payment of premiums that will facilitate the extension of the benefits of
10 life insurance, and in the usual manner; 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:—

1. The said persons and all other person and persons, firm
15 and firms, body and bodies politic as shall from time to time be possessed of any share or shares of the stock of the Company, are hereby constituted, and shall be one body politic and corporate, by the name of the "Industrial Life Insurance
20 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.

2. The capital stock of the said Company shall be one
25 million dollars, divided into ten thousand shares of one hundred dollars each, which shares shall be and are hereby vested in the several persons, firms or corporations who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided always that
30 its capital-stock from time to time to a sum not exceeding two million dollars, or such portion thereof as a majority of the stockholders, at a meeting to be especially convened for that purpose, shall agree upon.

3. An instalment upon the said stock of five per cent.
35 shall be paid at the time of subscription, and five per cent. shall be paid in three months thereafter, when called for by the Directors; and the remainder shall be payable in such instalments as the Directors may determine, not to exceed five per cent. per call, and at intervals of not less than three
40 months: Provided always that no instalment shall be called for nor be payable in less than thirty days after public

notice shall have been given in two newspapers published in the City of Montreal, one in the English language, and the other in the French language.

Directors.

4. The property, affairs and concerns of the said Company shall be managed and conducted by a Board of seven 5 Directors, one of whom shall be President, and one Vice-President. And until the election of such Directors as hereinafter provided, the said Thomas J. Claxton, Honorable John J. C. Abbott, Horatio A. Nelson, Thomas F. Miller, Robert W. Shepherd, William McDonald, Alexander W. 10 Ogilvie, and William A. Merry shall be the Provisional Directors of the Company.

First meeting of shareholders.

5. When and so soon as five hundred thousand dollars of the capital stock shall have been subscribed, and fifty thousand dollars of the amount so subscribed paid in, the said 15 Provisional Directors may call a general meeting of the shareholders, at some place to be named in the City of Montreal, giving at least ten days' notice thereof in a daily French newspaper, and a daily English newspaper, published in the said City; at which general meeting the shareholders present 20 in person or represented by proxy, shall elect seven Directors in the manner and qualified as herein provided, who shall constitute a Board of Directors, and shall hold office until the annual general meeting in the year following their election

Annual general meeting.

6. The annual general meeting of the shareholders shall be 25 held on the first in each year, or if that be a holiday, on the next succeeding day not being a holiday, at the hour of two of the clock in the afternoon, at which meeting shall be submitted a statement of the affairs of the Company, and at which the Directors shall be elected by 30 ballot. 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 35 so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of seven; and no person shall be eligible to be or shall continue as Director, unless he shall hold in his name and for his own use, stock in the said Company to the amount of fifty shares and shall 40 have paid all calls made and due upon such stock.

Election of directors.

Special general meetings.

7. Special general meetings of the shareholders may be called at any time, by order of the President, or, in his absence, of the Vice-President, or on the requisition of at least ten shareholders, representing not less than two hundred 45 and fifty shares of the capital stock of the Company; and on such requisition the Directors shall be bound to call the meeting within the time specified therein.

Place of meeting,

8. All general meetings of shareholders, whether annual or special, shall be held in such place in the City of Montreal 50 as the Directors may select and indicate; and notices of all such meetings shall be given by advertisement during the

ten days preceding the day fixed for the meeting, in a daily English newspaper, and in a daily French newspaper published in the City of Montreal. At all such meetings each

Votes.

5 held by him in his own name for not less than thirty days prior to the said meeting upon which all calls then due have been paid. And such votes may be given in person or by proxy,—the holder of such proxy being himself a shareholder 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 employee of the Company shall have the right to vote.

Proviso.

15 9. In case it should at any time happen that an election of Directors of said Company should not be made on the day appointed, it may be lawfully made on any other subsequent day appointed by the Directors for the time being; and they shall continue in office until a new election is held. And if any vacancy should at any time happen amongst the said Directors, such vacancy shall be filled for the remainder of the year by the remaining Directors or the majority of them by electing to such vacancy a shareholder or shareholders eligible for the office of Director.

Case of failure of election provided for.

Vacancies how filled.

25 10. The Company shall have power and authority to make and effect contracts of insurance with any person or persons for the the purpose of carrying on the business of life insurance in all branches and modes of conducting the same, and on any plan or principle which the Board of Directors may from time to time determine and direct; including the granting of endowments and reversionary annuities, and the reception of premiums by small instalments at short intervals of time, and to buy, sell, grant and otherwise acquire and otherwise dispose of annuities and endowments of every description, whether of reversion, remainder, annuities, life policies or otherwise, and generally to enter into any transaction depending upon the contingency of life and all other transactions usually entered into by life insurance companies or associations. And the said Company shall also have power to cause themselves to be insured against any loss or risk they may have incurred in the course of their business; or to insure any other Insurance Company against any loss or risk which such other Insurance Company 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.

Powers of the company.

Re-insurance.

11. For all or any of the purposes aforesaid, it shall be lawful for the Directors of the said Company to establish agencies, with or without Local Boards, for the carrying on of the business of the Company at any place in Canada, and in so doing to appoint and from time to time remove such agents, and dispense with or change such Local Boards as they, in their discretion, may deem advantageous to the

Local boards and agencies.

50

- Chief office. interests of the said Company, and to remunerate such agents and the Directors upon such Local Boards, and invest them with such powers as they may deem necessary. But the principal office of the Company shall be in the City of Montreal. 5
- Company may hold real estate. 12. The said Company shall have power to acquire and hold for the purposes of its business, such real estate in the Dominion of Canada as the Directors may deem expedient, and may sell the same and acquire other property for the like purposes. And the said Company in addition to the 10 above mentioned real estate may purchase and hold such other real estate on which it may hold mortgages or hypothecs, as may be brought to a forced sale; or it may take any real estate with the approval of the majority of the Directors, in payment of any debt due to it in the course of 15 its legitimate business; but the said Company shall sell such real estate, either so purchased or so taken in payment and not required for purposes of its business as above provided, within five years after the same shall have been acquired. 20
- Investment of funds. 13. It shall be lawful for the said Company to invest its funds in the debentures, bonds, stocks or other securities of the Dominion of Canada, or in the securities of any of the Provinces composing the Dominion, or in the securities of 25 any municipal corporation in the Dominion, or in stocks of banks or building societies incorporated in Canada, or to loan its funds on the security of such stocks or securities, or on hypothecs or mortgages on real estate in the Dominion of Canada, or on its life policies to the extent of their surrender value; and it shall have power from time to time to dispose 30 of such stocks, securities and hypothecs and replace them by others, at the discretion of the Directors.
- Participation by policy-holders. 14. It shall be lawful for the Directors to return to the holders of policies or other instruments, such part or parts of the profits of the Company in such parts, shares and propor- 35 tions, and at such times and in such manner as the said Directors may deem advisable; and to enter into obligations so to do, either by endorsement on the policies or otherwise: Provided always, that such holders of policies or other 40 instruments shall not be held to be in anywise answerable for the debts or losses of the Company, beyond the amount of the premium or premiums which may have been actually paid up by him, her or them.
- 32-33 V., c. 12, incorporated. 15. Except in so far as the same is inconsistent with the provisions of this Act, and except as to the eighteenth and 45 thirty-ninth sections thereof, "The Canada Joint Stock Companies Clauses Act, 1869," is hereby incorporated with this Act.
- 31 V., c. 48, and amendments, to apply. 16. The Act thirty-first Victoria, chapter forty-eight intituled "An Act respecting Insurance Companies," and the 50 Acts amending the same shall apply to this Act, and to the Company hereby incorporated.

12

Mr. J. J. ...

NEW YORK ...

No. 27.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to incorporate "The Industrial
Life Insurance Company."

Received and read first time, 19th February,
1875.

Second reading, Monday, 22nd February,
1875.

(PRIVATE BILL.)

Mr. JETTÉ.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1875.

An Act to incorporate the "Banque Saint
Jean-Baptiste."

WHEREAS the persons hereinafter named and others by Preamble.
their petition have prayed that they may be incor-
porated for the purpose of establishing a Bank in the City of
Montreal, and it is expedient to grant the prayer of the said
5 petition; Therefore, Her Majesty, by and with the advice
and consent of the Senate and House of Commons of Canada,
enacts as follows:—

1. René Auguste Richard Hubert, Louis Etienne Avila Incorporation
Valois, Paul Lussier, Alexis Dubord, Edmond Gravel, Joseph
10 Guillaume Guimond, Romain St. Jean, Ezra H. Merrill,
Olivier Degruise, Charles Fabien Vinet, George Hyacinthe
Dumesnil, Jean Elie Lafond, and such others as shall become
shareholders in the Corporation hereby created and their
respective executors, administrators and assigns, shall be and
15 they are hereby constituted and declared to be a corporation,
body corporate and politic, in fact and name, and under the
name and style of "Banque Saint Jean-Baptiste," and as such
shall have perpetual succession and a common seal, with
power to break, change, and alter the same at pleasure, and also
20 with all other powers incident to and necessary for the
purposes hereinafter declared.

2. The capital stock of the said Bank shall be *two millions* Capital and
of dollars, divided into forty thousand shares of *fifty* dollars shares.
each; and its chief office shall be in the City of Montreal.

25 3. The said persons above named shall be Provisional Provisional
Directors for the purpose of organizing the said Bank, and directors and
they or a majority of them may cause stock books to be their powers.
opened at such times and places as they or a majority of
them shall think expedient, after first giving two weeks'
30 notice thereof in one or more newspapers published in
the City of Montreal, upon which stock books shall and
may be recorded the subscriptions of such persons as shall
desire to become shareholders in the said Bank, and such
books shall be kept open at the discretion of the said Pro-
35 visional Directors, or a majority of them, so long as they
shall deem necessary.

4. So soon as *five hundred thousand* dollars of the capital First general
stock of the said Bank shall have been subscribed, and *one* meeting, and-
hundred thousand dollars thereof shall have been *bonâ fide*
40 paid into some one of the present chartered banks of Canada,
it shall be lawful for the said Provisional Directors, or a

majority of them, after giving two weeks' notice in one or more newspapers published in the said City of Montreal, to call a public meeting of the shareholders, to be held at such place in the said City of Montreal as shall be mentioned in such notice, for the purpose of electing Directors, and for other purposes connected with the said Bank. And it shall be lawful at such meeting to elect the requisite number of Directors of the said Bank, and thereupon the duties of the Provisional Directors shall cease, and the Bank may thereupon issue its notes and carry on business.

Election of directors.

Number of directors.

34 Vic., cap. 5.

34 Vic., cap. 5 to apply.

Bank to obtain certificate of Treasury Board within 12 months.

Duration of Act.

5. The number of Directors of the said Bank shall be nine; subject to be increased or diminished 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.*"

6. The said Act and all the provisions thereof shall apply to the Bank hereby incorporated 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 thereof, or to Banks *en commandite*, or are inconsistent with this Act.

7. The said Bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act, relating to Banks and Banking, passed in the thirty-fourth year of Her Majesty's reign, chapter 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.

8. 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.

An Act to incorporate the "Banque Saint
Jean-Baptiste."

WHEREAS the persons hereinafter named and others by Preamble.
their petition have prayed that they may be incor-
porated for the purpose of establishing a Bank in the City of
Montreal, and it is expedient to grant the prayer of the said
5 petition; Therefore, Her Majesty, by and with the advice
and consent of the Senate and House of Commons of Canada,
enacts as follows :—

1. René Auguste Richard Hubert, the Honorable Incorporation
Charles Wilson, Senator; Louis Etienne Avila Valois,
10 Paul Lussier, Alexis Dubord, Édmond Gravel, Joseph
Guillaume Guimond, Romain St. Jean, Ezra H. Merrill,
Olivier Deguise, Charles Fabien Vinet, George Hyacinthe
Dumesnil, Jean Elie Lafond, and such others as shall become
shareholders in the Corporation hereby created and their
15 respective executors, administrators and assigns, shall be and
they are hereby constituted and declared to be a corporation,
body-corporate and politic, in fact and name, and under the
name and style of "Banque Saint Jean-Baptiste," and as such
shall have perpetual succession and a common seal, with
20 power to break, change, and alter the same at pleasure, and also
with all other powers incident to and necessary for the
purposes hereinafter declared.

2. The capital stock of the said Bank shall be *two millions* Capital and
of dollars, divided into forty thousand shares of *fifty* dollars shares.
25 each; and its chief office shall be in the City of Montreal.

3. The said persons above named shall be Provisional Provisional
Directors for the purpose of organizing the said Bank, and directors and
they or a majority of them may cause stock books to be their powers.
opened at such times and places as they or a majority of
30 them shall think expedient, after first giving two weeks'
notice thereof in one or more newspapers published in
the City of Montreal, upon which stock books shall and
may be recorded the subscriptions of such persons as shall
desire to become shareholders in the said Bank, and such
35 books shall be kept open at the discretion of the said Pro-
visional Directors, or a majority of them, so long as they
shall deem necessary.

4. So soon as *five hundred thousand* dollars of the capital First general
stock of the said Bank shall have been subscribed, and *one* meeting, and-
40 *hundred thousand* dollars thereof shall have been *bonâ fide*
paid into some one of the present chartered banks of Canada,
it shall be lawful for the said Provisional Directors, or a

majority of them, after giving two weeks' notice in one or more newspapers published in the said City of Montreal, to call a public meeting of the shareholders, to be held at such place in the said City of Montreal as shall be mentioned in such notice, for the purpose of electing Directors, and for other purposes connected with the said Bank. And it shall be lawful at such meeting to elect the requisite number of Directors of the said Bank, and thereupon the duties of the Provisional Directors shall cease, and the Bank may thereupon issue its notes and carry on business.

Election of directors.

Number of directors.

5. The number of Directors of the said Bank shall be nine; subject to be increased or diminished 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* 15 34 Vic., cap. 5. *relating to Banks and Banking.*"

34 Vic., cap. 5 to apply.

6. The said Act and all the provisions thereof shall apply to the Bank hereby incorporated 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 thereof, or to Banks *en commandite*, or are inconsistent with this Act. 20

Bank to obtain certificate of Treasury Board within 12 months.

7. The said Bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act, relating to Banks and Banking, passed in the thirty-fourth year of Her Majesty's reign, chapter 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. 25 30

Duration of Act

8. 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.

No. 28.

2nd Session, 3rd Parliament, 38 Victoria

(Corrected Copy.)

BILL.

An Act to incorporate the Bank of Montreal,
Saint Jean-Baptiste.

Received and read, first time, February 19th, 1875.

Second reading, Monday, February 22

(PRIVATE BILL.)

MR. FRECHET

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street, 1875.

BILL.

[1875.]

An Act respecting Insolvency.

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

1. This Act shall apply to traders and to trading co-partnerships and Application to trading companies, whether incorporated or not, except Incorporated of Act. Banks, Insurance, Railway and Telegraph Companies.

The following persons and partnerships or companies, exercising like Who are 5 trades, callings or employments, shall be held to be traders within the Traders. meaning of this Act:—

Alum makers, apothecaries, auctioneers, bankers, bleachers, brokers, brickmakers, builders, butchers, calenderers, carpenters, carriers, cattle or sheep salesmen, coach proprietors, cow-keepers, dyers, fullers, keepers of 10 inns, taverns, hotels, or coffee houses, lime burners, livery stable keepers, market gardeners, millers, packers, printers, sharebrokers, shipowners, shipwrights, stockbrokers, stock-jobbers, victuallers, warehousemen, wharfingers, persons using the trade or profession of a scrivener, or receiving other men's moneys or estates into their trust or custody, persons insuring ships 15 or their freight, or other matters against perils of the sea, persons using the trade of merchandise by way of bargaining, exchange, bartering, commission, consignment or otherwise, in gross or by retail, and persons who, either for themselves, or as agents or factors for others, seek their living by buying and selling or buying and letting for hire goods or commodities, or 20 by the workmanship or the conversion of goods or commodities; but a farmer, grazier, common laborer or workman for hire shall not, nor shall a member of any partnership, association or company which cannot be adjudged insolvent under this act, be deemed as such a trader for the purposes of this Act.

25 All persons, co-partnerships and companies, whether incorporated or not, actually engaged in some trade, manufacture, commercial pursuit or business, or who have been so engaged, and having incurred debts as such, which have not been barred by the statutes of limitations, or prescribed, have since ceased to trade, shall be held to be traders within the meaning of 30 this Act; but no proceedings in liquidation shall be taken against any such trader based upon any debt or debts contracted after he has so ceased to trade.

2. The word "county" shall mean a county or union of counties, and "County," the word "district" shall mean a district, as defined for judicial purposes "District." 35 by the Legislature of the Province wherein the same is situate.

a. "Official Assignee" shall mean the person or persons appointed "Official As by the Governor in Council as hereinafter provided, to act assignee." as Assignee or Joint Assignee under this Act in any County or 50 District.

Judge may annul demand if claims do not amount to \$500, &c.

5. If the debtor, on whom such demand is made, contends that the same was not made in conformity with this Act, or that the claims of each such creditor, or creditors do not amount to one hundred dollars each or to five hundred dollars in the aggregate, or that they were procured in whole or in part for the purpose of enabling such creditor or creditors to take proceedings under this Act, or that the stoppage of payment by such debtor was only temporary, and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such debtor to meet his liabilities, he may, after notice to such creditor or creditors, but only within five days from such demand, present a petition to the judge praying that no further proceedings under this Act may be taken upon such demand, and, after hearing the parties and such evidence as may be adduced before him, the judge may grant or reject the prayer of his petition, with or without costs against either party; but if it appears to the judge that such demand has been made without reasonable grounds, and merely as a means of enforcing payment under color of proceeding under this Act, he may condemn the creditor or creditors making it, to pay treble costs.

Judge may enlarge time for contestation or assignment.

6. If at the time of such demand the debtor was absent from the Province wherein such service was made, application may be made, after due notice to the creditor or creditors within the said period of five days, to the Judge on his behalf, for an enlargement of the time for either contesting such demand or for making an assignment; and thereupon, if such debtor have not returned to such Province, the Judge may make an order enlarging such period and fixing the delay within which such contestation or assignment shall be made; but such enlargement of time may be refused by the Judge if it be made to appear to his satisfaction that the same would be prejudicial to the interest of the creditors.

In certain cases debtor's estate to become subject to liquidation.

7. If such petition be rejected, or if while such petition is pending, the debtor continues his trade, or proceeds with the realization of his assets, or if no such petition be presented within the aforesaid time, and the debtor during the same time neglects to make an assignment of his estate and effects for the benefit of his creditors, as hereinafter provided, his estate shall become subject to liquidation under this Act.

What to constitute valid proceedings.

8. But no proceedings under this Act to place the estate of an Insolvent in liquidation shall be valid, unless the same are taken within three months next after the act or omission relied upon as subjecting such estate thereto; nor after a writ of attachment in liquidation has been issued while it remains in force, nor after an assignment has been made under this Act.

WRITS OF ATTACHMENT, &c.

Affidavits by claimants.

9. Any creditor upon his affidavit, that of his clerk, or other duly authorised agent, that a trader is indebted to him in a sum proveable in Insolvency of not less than two hundred dollars, and for which he holds no security, and provided such affidavit or affidavits disclose such facts and circumstances as will satisfy a Judge of the county court in the Provinces of Ontario, New Brunswick, British Columbia, and Prince Edward Island, a Judge of the Supreme Court in the Province of Nova Scotia, or a Judge or a Prothonotary of the Superior Court in the Province of Quebec, in the county, province or district, as the case may be, in which such trader has his chief or one of his principal places of business, that such trader is Insolvent, and that his estate has become subject to liquidation under the provisions of this Act (Form B) shall be entitled to a writ of attachment (Form C) against the estate and effects of such trader, addressed to the official Assignee of the county or district in which such writ shall issue, requiring such official Assignee to seize and attach the estate and effects of such trader, and to summon him to appear before the Court or a Judge thereof on a day therein mentioned, to answer the premises. Concurrent writs of attachment may be issued when required, addressed to the official Assignee of

Writ of Attachment.

other counties or districts in any part of the Dominion other than the county, province or district in which the same shall be issued. Such writs shall be subject as nearly as can be to the rules of procedure of the Court in ordinary suits as to their issue and return, and as to all proceedings subsequent thereto before any Court or Judge.

10. The service of a writ of attachment issued against a trader under this Act may be made upon him as provided for the service of an ordinary writ of summons in the Province where the service is to be made, and if such trader remains without such Province, or conceals himself within such Province, or has no domicile in any Province of the Dominion, or absconds from his domicile, in every such case service shall be made by such notice or advertisement as the Judge may order.

15. Concurrent writs of attachment issued against a trader may be executed without being previously served upon him, except in cases where such a trader has his domicile or a place of business in the county or district in which the same is to be executed, when the writ may be served at such domicile or place of business.

20. Writs of attachment may be made returnable after the expiry of three days from the service thereof, when the defendant resides in the Dominion and not more than fifteen miles from the place of return, or when the defendant has no domicile therein; and of one additional day for every additional distance of fifteen miles between such residence, if in the Dominion, and such place of return. And immediately upon the receipt of a writ of attachment issued under this Act, the official Assignee shall give notice of the issuing thereof by advertisement (Form D).

30. The Official Assignee by himself or by such Deputy as he may appoint shall, under such writ of attachment, seize and attach all the estate, property and effects of the Insolvent, within the limits of the County or District for which he is appointed, including his books of accounts, monies, securities for monies, and all his office or business papers, documents, and vouchers of every kind and description; and shall return with the writ a report under oath stating in general terms his proceedings on such writ.

35. If the Official Assignee or his Deputy is unable to obtain access to the interior of the house, shop, store, warehouse or other premises of the Insolvent named in the writ, by reason of the same being locked, barred, or fastened, such Official Assignee or Deputy is hereby authorised forcibly to open the same in the presence of at least one witness, and to attach the property found therein.

40. ASSIGNMENTS AND PROCEEDINGS THEREON.

45. A debtor on whom a demand is made, or against whom a writ of attachment has issued, as provided by this Act, may make an assignment of his estate to the official Assignee appointed for the county or district wherein he has his domicile, or wherein he has his chief place of business, if he does not reside in the county or district wherein he carries on his business; and in case there is no official Assignee in the county or district where he resides or wherein he carries on his business, then to the official Assignee for the nearest adjoining county or district.

50. The assignment mentioned in the next preceding section may be in the form E, and in the Province of Quebec the deed of assignment may be received by a notary in the authentic form.

16. Whenever an Insolvent shall have made an assignment, and in case no assignment shall have been made, but a writ of attachment, or

concurrent writs of attachment, shall have issued as provided for by this Act, such assignment or such writ or writs of attachment, as the case may be, shall vest in the Official Assignee of the county or district wherein the same shall have issued, all right, power, title and interest which the insolvent has in and to any real or personal property, including his books of account, all vouchers, letters, accounts, titles to property and other papers and documents relating to his business and estate, all monies and negotiable papers, stocks, bonds and other securities and generally all assets of any kind or description whatsoever he may be possessed of or entitled to up to the time of his obtaining a discharge from his liabilities, under the same charges and obligations as he was liable to with regard to the same, and the Assignee shall hold the same in trust for the benefit of the Insolvent and his Creditors and subject to the orders of the Court or Judge; and he may upon such order and before any meeting of the creditors, institute any conservatory process or any proceeding that may be necessary for the protection of the estate; he may also, upon such order sell and dispose of any part of the estate and effects of the Insolvent which may be of a perishable nature: such assignment or writs of attachment shall not however, vest in the assignee such real and personal property as are exempt from seizure and sale under execution, by virtue of the several statutes in that case made and provided in the several provinces of the Dominion respectively, nor the property which the Insolvent may hold as Trustee for others.

Conservatory proceedings.

Exceptions.

Insolvent to furnish statement of his liabilities, assets, &c.

17. The Insolvent shall, within ten days of the date of the assignment, or from the date of the service of the writ of attachment, or if the same be contested, within ten days from the date of the judgment rejecting the petition to have it quashed, furnish the Assignee with a correct statement (Form F.) of all his liabilities direct or indirect, contingent or otherwise, indicating the nature and amount thereof, together with the names, additions and residences of his creditors and the securities held by them, in so far as may be known to him. The Insolvent shall also furnish within the same delay a statement of all the property and assets vested in the Assignee by the deed of assignment or by the writ of attachment issued against him. The Insolvent may at any time correct or supplement the statements so made by him of his liabilities and of his property and assets.

Petition by Insolvent to set aside attachment.

18. The Insolvent may present a petition to the Judge at any time within three days from the return day of the writ of attachment, but not afterwards; and may thereby pray for the setting aside of the attachment made under such writ, on the ground that the party at whose suit the writ was issued has no claim against him, or that his claim does not amount to two hundred dollars, or is not proveable in insolvency, or that his estate has not become subject to liquidation; or if the writ of attachment has issued against a debtor by reason of his neglect to satisfy a writ of execution against him as hereinbefore provided, then on any of the above grounds, and also on the ground that such neglect was caused by a temporary embarrassment, and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such trader to meet his liabilities; and such petition shall be heard and determined by the Judge in a summary manner, and conformably to the evidence adduced before him thereon; and the judgment, subject to appeal as hereinafter provided, shall be final and conclusive.

Hearing.]

Registration of Assignment and transfer

19. A copy of the deed of assignment or a copy of the writ of attachment as the case may be, certified by the Assignee, shall forthwith be registered in the Registry Office of the County wherein the Insolvent resides, and also in every County or District wherein he may have any real estate; in the Province of Quebec such deed of assignment or writ of attachment shall be accompanied by a description of the real estate belonging to the Insolvent, and shall be registered in the County or District wherein the same is situate, with a notice that the same has by such

assignment or writ of attachment been transferred to the Assignee; and in the other Provinces such registration shall be made in the manner and form required by the laws in force in such Provinces respectively, as regards the registration of titles to real estate.

5 **20.** Immediately after the assignment shall have been made or Meeting of
in the case of an attachment, immediately after the delay within which the creditors, how
attachment can be contested or immediately after the contestation has been called.
rejected, or, with the consent of the Insolvent, immediately after the writ
shall have been returned, the Official Assignee shall forthwith obtain
10 the order of the Judge for calling a meeting of the creditors of the
Insolvent to be held at the place and on the day and hour therein mentioned,
notice of which meeting in the Form G shall be published at least twice in
the Official Gazette and also in such other newspaper or newspapers as the
Judge may direct, the first publication of which notice to be at least three
15 weeks before the day fixed for such meeting.

21. The Assignee shall also forward by mail a notice in writing to Notice to each
every creditor mentioned in the original or any corrected or supplementary creditor by
list or statement furnished by the Insolvent, or who may be known to him mail.
to be a creditor, and give such other notice as the circumstances of the case
20 may require.

EXAMINATION OF INSOLVENTS.

22. The Official Assignee shall preside at the first meeting of creditors Who shall
held at the time and place fixed for that purpose, and at all subsequent preside at
meetings, unless an Assignee be appointed by the creditors, as hereinafter meetings
25 provided, in which case such Assignee shall preside at the meetings subse-
quent to his appointment.

23. The Insolvent shall be bound to attend at the first meeting of Insolvent to
his creditors, and after making such corrections as he may deem proper attend and be
to his statements of liabilities and assets, shall attest the same under oath. examined.
30 He may also be examined under oath before the Assignee by or on behalf
of any creditor, touching the management and disposal he may have made
of his property.

24. The Insolvent shall sign his examination or declare the reasons Attestation,
why he refuses to sign, and the examination shall be attested by the &c., of exami-
35 Assignee. nation.

25. The Insolvent shall at all times until he shall have obtained a Insolvent sub-
confirmation of his discharge, be subject to the order of the Court or Judge, ject to further
and to such other examination as the Judge, the Assignee, the Inspectors examination.
hereinafter mentioned, or the creditors may require; and he shall at the
40 expense of the estate execute all proper writings and instruments, and
perform all acts required by the Court or Judge touching his estate; and Refusal to be
in case the Insolvent refuses to be sworn or to answer such questions contempt of
as may be put to him, or to sign his answers or the writings or instruments, Court.
45 Insolvent may be committed and punished by the Court or Judge as for a
contempt of Court.

26. The Court or Judge may also on the application of the Assignee, Examination
of wife or
of the Inspectors, or of any creditor, order any other person, including husband of
the husband or wife of the Insolvent, to appear before the Court or Judge Insolvent.
50 or the Assignee, to answer any question which may be put to him or her
touching the estate and property of the Insolvent and his conduct in the
management of his estate; and in case of refusal to appear and to answer
the questions submitted, such person may be committed and punished by
the Court or Judge as for a contempt of Court.

ASSIGNEES AND INSPECTORS.

Appointment of Assignee."

27. The Governor in Council may appoint in every county or district in which a Court is held for such county or district, in the several Provinces of the Dominion, one person or several persons to act as Assignee or *Joint Assignee* for such county or district.

5

Security given by Assignee.

28. Each person so appointed Assignee or *Joint Assignee* shall hold office during pleasure, and before acting as such shall give security for the due fulfilment and discharge of his duties in a sum of \$2,000, if the population of the county or district for which he is appointed does not exceed one hundred thousand inhabitants, and in the sum of \$6,000 if the population exceeds one hundred thousand, such security to be given to Her Majesty for Her benefit and for the benefit of the creditors of any estate which may come into his possession under this Act; and in case any such Assignee fails to pay over the monies received by him or to account for the estate, or any part thereof, the amount for which such Assignee may be in default may be recovered from his sureties by Her Majesty or by the creditors or subsequent Assignee entitled to the same, by adopting, in the several Provinces, such proceedings as are required to recover from the sureties of a Sheriff or other public officer.

10

Additional security.

a. The Official Assignee may also be required to give in any case of Insolvency such further security as on petition of a creditor the Court or Judge may order, such additional security being for the special benefit of the creditors of the estate for which the same shall have been given.

20

Responsibility, &c., of Assignee.

b. The Official Assignee shall be an officer of the Court having jurisdiction in the county or district for which he is appointed. He shall as such be subject to its summary jurisdiction and to the summary jurisdiction of a judge thereof, and be accountable for the monies, property and estates coming into his possession as such Assignee, in the same manner as sheriffs and other officers of the Court are.

25

Appointment of and security given by assignee not official.

29. The creditors at their first meeting or at any subsequent meeting called for that purpose, may appoint an Assignee other than the Official Assignee, which Assignee so appointed shall give security for the due performance of his duties to such an amount as may be fixed by the creditors at such meeting. In default of such appointment the Official Assignee shall remain the Assignee of the estate, and shall have and exercise all the powers vested by this Act in the Assignee. The creditors may also at a meeting called for that purpose, remove the Assignee which they may have named and appoint another in his stead. A copy of a resolution of the creditors appointing an Assignee other than the Official Assignee shall be transmitted in every case to the clerk of the Court of the County or District wherein the proceedings are pending to remain of record in his office.

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Transfer of estate by official assignee.

30. As soon as the security required from the Assignee appointed by the creditors shall have been furnished by him, it shall be the duty of the Official Assignee to account to him for all the estate and property of the Insolvent which has come into his possession, and to pay over and deliver to him all such estate and property, including all sums of money, books, bills, notes and documents whatsoever belonging to the estate, and to execute in his favor deed of assignment in the Form H.

45

50

Notice of appointment.

31. Immediately after giving security, the Assignee appointed by the creditors shall give notice of his appointment as such by advertisement in the Form I.

32. No official assignee or assignee appointed by the creditor shall act as the Attorney or Agent of any individual creditor in reference to any claim or demand of such creditor on an Insolvent estate of which he is the assignee. Not to act as agent.

5 33. An assignee may however, on being authorised by the Judge, act as the Attorney or Agent of a creditor when the action to be taken is in the interest of the estate or of the creditors generally. Exception.

10 34. The creditors may from time to time, at any meeting determine where subsequent meetings shall be held, and until they shall have passed a resolution to that effect all meetings of the creditors shall be held at the office of the Assignee, unless otherwise ordered by the Judge. Place for meetings.

15 35. The creditors at their first meeting may appoint two or more Inspectors, who shall act gratuitously and who shall superintend and direct the proceedings of the Assignee in the management and winding up of the estate; and may also at any subsequent meeting held for that purpose, revoke the appointment of any or all the said Inspectors, and upon such revocation, or in case of death, resignation, or absence from the Province of such Inspectors, may appoint others in their stead. Inspectors, their appointment, &c., by creditors.

20 36. In case no Inspectors shall have been appointed by the creditors at their first meeting, it shall be lawful for the Court or Judge, at the demand of the Assignee or of any creditor, to appoint two or more Inspectors from among the creditors whose claims exceed one hundred dollars and who are most directly interested in the estate. The appointment so made by the Court or Judge may be revoked by the subsequent appointment by the creditors of other Inspectors, at a meeting held for that purpose. Inspectors, their appointment, &c., by Court or Judge.

25 37. The creditors may at their first meeting or at any subsequent meeting pass any resolution or order directing the Assignee how to dispose of the estate real or personal of the Insolvent, and, in default of their doing so, the Assignee shall be subject to the directions, orders and instructions he may from time to time receive from the Inspectors, with regard to the mode, terms and conditions on which he may dispose of the whole or any part of the estate. Disposal of estate of Insolvent.

30 38. Any creditor whose claims exceed one hundred dollars, who may be dissatisfied with the resolutions adopted or orders made by the creditors or the Inspectors, or with any action of the Assignee for the disposal of the estate or any part thereof, or for postponing the disposal of the same, or with reference to any matter connected with the management or winding up of the estate may, within twenty-four hours thereafter, give to the Assignee notice that he will apply to the Court or Judge on the day and at the hour fixed in such notice and not being later than forty-eight hours after such notice shall have been given, or as soon thereafter as the parties may be heard before such Court or Judge, to rescind such resolutions or orders. And it shall be lawful for the Court or Judge after hearing the Inspectors, the Assignee, and creditors present at the time and place so fixed, to approve, rescind or modify the said resolutions or orders. Objections to disposal of estate.

35 39. The Assignee, subject to the orders, instructions and directions he may receive from the creditors, Inspectors or Judge, shall exercise all the rights and powers of the Insolvent in reference to his property and estate. And he shall wind up the estate of Insolvent by the sale, in the ordinary mode in which such sales are made, of all Bank or other stocks, Powers of Insolvent vested in assignee.

of such a petition to the Insolvent, and also to the Inspectors, if any have been appointed, or to the creditors by circular if no Inspector has been appointed; and he shall produce and file with such petition a Bank certificate of the deposit of any dividends remaining unclaimed, or of any balance in his hands; and a statement 5 showing the nominal and estimated value of the assets of the Insolvent, the amount of claims proved, dividing them into ordinary, privileged and hypothecary claims, the amount of dividends or of composition paid to the creditors of the estate, and the entire expense of winding up the same. And the Judge, after causing the 10 account to be audited by the Inspectors or by some creditor or creditors named by him for the purpose, and after hearing the parties, may grant conditionally or unconditionally, the prayer of such petition, or may refuse it.

Penalty in case of neglect to present such petition. 48. Any Assignee who neglects to present such a petition 15 within six months after the declaration of a final dividend, or within three months after he shall have been required by the Inspectors or by any creditor of the estate, after it shall have been ascertained that there are no assets wherewith to declare a dividend, shall incur a penalty not exceeding \$500. 20

COMPOSITION AND DISCHARGE.

Meeting to consider of discharge, how and when called. 49. If at the first meeting of the creditors or at any time thereafter the Insolvent files with the Assignee a consent in writing to his discharge, or a deed of composition and discharge, signed by at least a majority in 25 number of the creditors who have then respectively proved claims of one hundred dollars and upwards, or if at such first or at any subsequent meeting an offer in writing be made by the Insolvent to compound with his creditors, specifying the terms and conditions of the proposed composition, and such offer be approved of by a majority in number of such 30 creditors present at such meeting, the Assignee shall call another meeting of the creditors to take such consent or such deed or offer of composition and discharge into consideration, and in every case such deed of composition or offer of composition shall be on condition, whether the same be expressed or not, that if the same be carried out, the Insolvent shall pay the costs incurred in Insolvency, including those for the confirmation of such 35 composition.

Notice of meeting. 50. Such meeting shall be called by at least two advertisements published in the Official Gazette, stating the time, place, and object of the meeting, and also by a letter addressed by mail to each of the creditors mentioned in the list of creditors furnished by the Insolvent, and to all 40 other creditors who may have proved their claims, although not mentioned in the said list, indicating in substance, in addition to the time, place, and object of the meeting, the terms and conditions of the proposed composition and discharge, and such meeting shall not take place less than twenty-one days after the first publication of said advertisement. 45

Discharge may be approved or not. 51. The creditors present at the meeting to take into consideration the proposed discharge, or composition and discharge, may by resolution to that effect express their approval thereof or dissent therefrom, and any 50 creditor may at any time before or during the said meeting, file with the Assignee his objections in writing to the proposed discharge or composition and discharge.

Proceedings when consent is obtained. 52. If at the close of the meeting or at any time thereafter the Insolvent has obtained the assent to his discharge or to the proposed composition and discharge of a majority in number of his creditors who 55 have proved claims to the amount of one hundred dollars and upwards and who represent at least three-fourths in value of all the claims of

one hundred dollars and upwards which have been proved, the Assignee shall annex to the deed or consent to a discharge or to the deed or offer of composition and discharge a certificate to that effect, in which he shall state the total number and total amount of claims of one hundred dollars and upwards which have been proved, the number of creditors who have given their written assent to the discharge or to the proposed composition and discharge of the Insolvent, and the amount of proved claims of one hundred dollars and upwards which they represent. The Assignee shall further annex to such certificate a copy of any resolution adopted at the meetings of creditors in reference to the discharge, or to the proposed composition and discharge, and all the objections which may have been filed with him to such discharge or composition and discharge, together with a certificate as to the amount of claims of the creditors who shall have agreed to or opposed such resolution, or who may have filed objections in writing to such discharge or proposed composition and discharge indicating the amount of such claims of one hundred dollars and upwards which have been proved, and whether from their nature they will be affected by the proposed discharge or composition and discharge.

Certificate and what it shall contain.

The Assignee shall further state in such certificate the ratio of dividend actually declared and likely to be realized out of the estate for the unsecured creditors, and shall without delay transmit such certificate to the Clerk or prothonotary of the Court in the County or District wherein the proceedings are carried on.

Probable ratio of dividend to be stated.

The Assignee who in such certificate or in any other certificate required by this Act shall wilfully misstate or falsely represent any material fact for the purpose of deceiving the Judge, the creditors, or the Inspectors, shall be guilty of a misdemeanor, and shall be liable at the discretion of the Court before which he shall be convicted to imprisonment for a term not exceeding three years.

Misstatement by Assignee to be a misdemeanor.

53. An Insolvent who has procured a consent to his discharge, or the execution of a deed of composition and discharge, and the certificate of the Assignee, within the meaning of this Act, may file in the office of the court the consent or deed of composition and discharge, with such certificate annexed, and may then give notice (Form J) of the same being so filed and of his intention to apply by petition, to the Court in the Provinces of Quebec and Nova Scotia, or in the Provinces of Ontario, New Brunswick, Prince Edward Island, and British Columbia to the Judge, on a day named in such notice (which, however, shall not be before the day on which a dividend may be declared under this Act), for a confirmation of the discharge effected thereby; and such notice shall be given by advertisement in the *Official Gazette* for one month, and also for the same period, if the application is to be made in the Province of Ontario, Nova Scotia, New Brunswick, Prince Edward Island, or British Columbia, in one newspaper published in English, and if in the Province of Quebec, in one newspaper published in English and in one newspaper published in French, in or nearest the place of residence of the Insolvent, and upon such application, any creditor of the Insolvent or his Assignee under the authority of the creditors, may appear and oppose such confirmation.

Application for a confirmation of discharge.

Notice, how given.

54 If it appears that all the notices and formalities required by law, have been given and observed, and that no objections have been made to the proposed discharge or composition and discharge, the Court or Judge may without further notice and on the petition of the Insolvent confirm his discharge or the proposed composition and discharge; but in case it appears that objections have been made to such discharge or composition and discharge, the application of the Insolvent shall not be heard until at least three days notice shall have been given of the same by the Insolvent to the Assignee, the Inspectors and to the credi-

Confirmation of discharge.

tors who shall have objected to the said discharge, or proposed composition and discharge.

Affidavit by Insolvent to be produced.

55. The Court or Judge shall not confirm the discharge or proposed composition and discharge of the Insolvent, unless he shall have produced with his application an affidavit in the Form K, showing that no one of the creditors who have signed the same, has been induced to do so by any payment, promise of payment or advantage whatsoever made, secured or promised to him by or on behalf of the Insolvent, and a certificate from the Assignee that he has delivered a sworn statement of his liabilities and assets as required by this Act. 10

When Insolvent shall not be entitled to Confirmation of discharge.

56. The Insolvent shall not be entitled to a confirmation of his discharge or of a deed of composition and discharge if it appears to the Court or Judge that he has not obtained the assent of the proportion of his creditors in number and value required by this Act to grant such discharge or enter into such deed of composition and discharge, or if he has been guilty of any fraud or fraudulent preference within the meaning of this Act, or of fraud or evil practice in procuring the consent of the creditors to the discharge, or their execution of the deed of composition and discharge, as the case may be, or of the fraudulent retention and concealment by the Insolvent of some portion of his estate or effects, or of the evasion, prevarication or false swearing of the Insolvent upon examination as to his estate and effects, or upon the ground that the Insolvent has not kept an account book shewing his receipts and disbursements of cash, and such other books of account as are suitable for his trade, or if having at any time kept such book or books, he has refused to produce or deliver them to the Assignee, or is wilfully in default to obey any provision of this Act or any order of the Court or Judge but in the Provinces of Ontario and Quebec, the omission to keep such books before the coming into force of the Insolvent Act of 1864, and in the Provinces of New Brunswick and Nova Scotia, such omission previous to the coming into force of the Insolvent Act of 1869, and in the Province of British Columbia or Prince Edward Island, such omission previous to the passing of this Act, shall not be a sufficient ground for contesting the confirmation of the discharge of an Insolvent. 15 20 25 30

Proviso.

Proviso ; as to fraud and fraudulent preferences.

And provided further that any act on the part of the Insolvent, which might be held to be an act of fraud or fraudulent preference within the meaning of the Insolvent Act of 1864 or of 1869, or of this Act, but which would not amount to fraud if the said Acts or this Act had not been passed, shall not be a ground for contesting the confirmation of the discharge of any Insolvent, if such act was done by the Insolvent, in the Province of Ontario or Quebec, before the coming in force of the Insolvent Act of 1864, or in the Province of Nova Scotia or New Brunswick before the coming into force of the Insolvent Act of 1869, or in the Province of British Columbia, or Prince Edward Island before the passing of this Act. 35 40

Powers of Court or Judge

In certain cases character of Discharge may be modified.

57. The Court or Judge, as the case may be, upon hearing the application for confirmation of such discharge, the objections thereto, and any evidence adduced, shall have power to make an order either confirming the discharge or annulling the same according to the effect of the evidence so adduced.—But if such evidence should be insufficient to sustain any of the grounds hereinbefore detailed as forming valid grounds for contesting such confirmation, but should nevertheless establish that the Insolvent has been guilty of misconduct in the management of his business, by extravagance in his expenses, recklessness in endorsing or becoming surety for others, continuing his trade unduly after he believed himself to be insolvent, incurring debts without a reasonable expectation of paying them (of which reasonable expectation the proof shall lie on him, if such debt was contracted within thirty days of the demand made of an assignment or for the issue of a Writ of Attachment), or negligence in keeping his books 45 50 55

and accounts; or if such facts be alleged by any contestation praying for the suspension of the discharge of the Insolvent, or for its classification as second class, the Court or Judge may thereupon order the suspension of the operation of the discharge of the Insolvent, for a period not exceeding five years, or may declare the discharge to be of the second class, or both, according to the discretion of the Court or Judge.

58. Whenever it appears that the estate of the Insolvent has not paid or is not likely to realize for the creditors a dividend of thirty-three cents in the dollar on the unsecured claims and sufficient account is not given for the deficiency, the judge or Court may in his or its discretion suspend or refuse altogether the discharge of the Insolvent.

If dividend is less than 33 per cent Discharge may be refused.

59. A deed of composition and discharge may be made under this Act either in consideration of a composition payable in cash, or on terms of credit, or partially for cash and partially on credit; and the payment of such composition may be secured or not, according to the pleasure of the creditors signing it; and the discharge therein contained may be absolute, or may be conditional upon the condition of the composition being satisfied; but if such discharge be conditional upon the composition being paid, and the deed of composition and discharge therein contained should cease to have effect, the Assignee shall immediately resume possession of the entire estate and effects of the Insolvent in the state and condition in which they shall then be; but the creditors holding claims which were proveable before the execution of such deed, shall not rank, vote or be computed as creditors concurrently with those who have acquired claims subsequent to the execution thereof, for any greater sum than the balance of composition remaining unpaid; but after such subsequent creditors have received dividends to the amount of their claims, then such original creditors shall have the right to rank for the entire balance of their original claims then remaining unpaid, and shall be computed for all purposes for which the proportion of creditors *in value* require to be ascertained, as creditors for the full amount of such last mentioned balance.

Deed of Composition may be conditional

60. The re-conveyance by the Assignee to the Insolvent or to any person for him of any part of his estate or effects whether real or personal, if made in conformity with the terms of a valid deed of composition and discharge, shall have the same effect (except as the same may be otherwise agreed by the conditions of such deed or re-conveyance), as if such property had been sold by the Assignee in the ordinary course, and after all the preliminary proceedings, notices and formalities herein required for such sale; and if such deed of composition and discharge, be contested, and pending such contestation any payment or instalment of the composition falls due under the terms of such deed, the payment thereof shall be postponed till after the expiration of ten days after final judgment upon such contestation; and if proceedings for revision or appeal be commenced, then until after the expiration of ten days after the judgment in revision or in appeal, as the case maybe; and the deed of re-conveyance need not contain any further or more special description of the effects and property reconveyed, than is required to be inserted in the deed of assignment, and may be enregistered in like manner and with like effect.

Deed of conveyance by Assignee to Insolvent Its effect.

If deed of composition be contested,

61. The confirmation of the discharge of a debtor in the manner herein provided shall absolutely free and discharge him, after an assignment, or after his estate has been put in compulsory liquidation by the issue of a writ of attachment, from all liabilities whatsoever (except such as are hereinafter specially

Effect of confirmation of discharge.

excepted) existing against him and proveable against his estate, whether the same be secured in part or in whole by any mortgage, hypothec, lien or collateral security of any kind or not, which are mentioned or set forth in the statement of his affairs exhibited at the first meeting of his creditors, or which are shewn by any supplementary list of creditors furnished by the Insolvent previous to such discharge and in time to permit the creditors therein mentioned obtaining the same dividend as other creditors upon his estate, or which appear by any claim subsequently furnished to the Assignee; whether such debts be exigible or not at the time of his insolvency, or be contested in whole or in part, or be dependent on certain conditions or future contingency, and whether the liability for them be direct or indirect; and if the holder of any negotiable paper is unknown to the insolvent, the insertion of the particulars of such paper in such statement of affairs or supplementary list, with the declaration that the holder thereof is unknown to him, shall bring the debt represented by such paper and the holder thereof within the operation of this section.

Holders of negotiable paper unknown to Insolvent.

62. A discharge under this Act, whether consented to by any creditor or not, shall not operate any change in the liability of any person secondarily liable to such creditor for the debts of the Insolvent, either as drawer or endorser of negotiable paper, or as guarantor, surety or otherwise, nor of any partner or other person liable jointly or severally with the Insolvent to such creditor for any debt; nor shall it affect any mortgage, hypothec, lien or collateral security held by any creditor as security for any debt thereby discharged, without the consent of such creditor.

Discharge not to effect secondary liabilities.

63. A discharge under this Act shall not apply without the express consent of the creditor, to any debt for enforcing the payment of which the imprisonment of the debtor is permitted by this Act, nor to any debt due as damages for assault or wilful injury to the person, seduction, libel, slander, or malicious arrest, nor for the maintenance of a parent, wife or child, or as a penalty for any offence of which the Insolvent has been convicted, nor shall any such discharge apply without such consent to any debt due as a balance of account due by the Insolvent as assignee, tutor, curator, trustee, executor or administrator under a will, or under any order of court, or as a public officer; nor shall debts to which a discharge under this Act does not apply, nor any privileged debts, nor the creditors thereof, be computed in ascertaining whether a sufficient proportion of the creditors of the Insolvent have voted upon, done, or consented to any act, matter or thing under this Act; but the creditor of any such debt may claim and accept a dividend thereon from the estate without being by reason thereof in any respect affected by any discharge obtained by the Insolvent.

Discharge under this Act not to apply to certain debts or liabilities.

64. If, after the expiration of one year from the date of an assignment made under this Act, or from the date of the issue of a writ of attachment thereunder, as the case may be, the Insolvent has not obtained from the required proportion of his creditors a consent to his discharge, or the execution of a deed of composition and discharge, he may apply by petition to the Court or Judge, having power hereunder to confirm his discharge if consented to, to grant him his discharge, first giving notice of such application (Form L.) for one month in the Official Gazette, and also by letter addressed by mail to each of his creditors whose claims amount to one hundred dollars or more, and may be affected by a discharge under this Act.

Application to Court or Judge for discharge, if not obtained from creditors

65. Upon such application, any creditor of the Insolvent, or the Assignee by authority of the creditors or of the Inspectors, may appear and oppose the granting of such discharge upon any ground upon which the confirmation of a discharge may be opposed under this Act, or may claim the suspension or classification of the discharge or both; and whether such application be contested or not, it shall be incumbent upon the Insolvent to prove that he has in all respects conformed himself to the provisions of this Act; and he shall submit himself to any order which the Court or Judge may make, upon or without an application to that effect, to the end that he be examined touching his estate and effects and his conduct and management of his affairs and business generally, and touching each and every detail and particular thereof; and the Court or Judge may also require from the Assignee a report in writing upon the conduct of the Insolvent and the state of his books and affairs before and at the date of his insolvency; and thereupon the Court or Judge, as the case may be, after hearing the Insolvent, and the opposant, if any, and any evidence that may be adduced, may make an order either granting the discharge of the Insolvent or refusing it; or in like manner and under the like circumstances to those in and upon which the discharge could be suspended or classified as hereinbefore provided, upon an application to confirm it, an order may be made suspending it for a like period, or declaring it to be of the second class, or both.

66. Every consent to a discharge or composition, and every discharge, or confirmation of any discharge or composition, obtained by fraud or fraudulent preference, or by means of the consent of any creditor procured by the payment or promise of payment to such creditor of any valuable consideration for such consent, or by any fraudulent contrivance or practice whatever tending to defeat the true intent and meaning of the provisions of this Act in that behalf, shall be null and void.

SALE OF DEBTS.

67. After having acted with due diligence in the collection of the debts, if the Assignee finds there remain debts due, the attempt to collect which would be more onerous than beneficial to the estate, he may report the same to the creditors, and with their sanction he may obtain an order of the Judge to sell the same by public auction, after such advertisement thereof as may be required by such order; and pending such advertisement, the Assignee shall keep a list of the debts to be sold, open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts; but all debts amounting to more than one hundred dollars, shall be sold separately, except as herein otherwise provided.

68. If at any time any creditor of the Insolvent desires to cause any proceeding to be taken which in his opinion would be for the benefit of the estate, and the Assignee, under the authority of the creditors or of the inspectors, refuses or neglects to take such proceeding after being duly required so to do, such creditor shall have the right to obtain an order of the Judge authorising him to take such proceeding in the name of the Assignee, but at his own expense and risk; upon such terms and conditions as to indemnity to the Assignee as the Judge may prescribe, and thereupon any benefit derived from such proceeding shall belong exclusively to the creditor instituting the same for his benefit and that of any other creditor who may have joined him in causing the institution of such proceeding; But if before such order is granted, the Assignee signifies to the Judge his readiness to institute such proceedings for the benefit of the creditors, the order shall be made prescribing the time within which he shall do so,

and in that case the advantage derived from such proceeding shall appertain to the estate.

Rights of purchasers of debts due Insolvent.

69. The person who purchases a debt from the Assignee, may sue for it in his own name, as effectually as the Insolvent might have done, and as the Assignee is hereby authorized to do; and a Bill of Sale (Form M.) signed and delivered to him by the Assignee, shall be *prima facie* evidence of such purchase, without proof of the handwriting of the Assignee; and no warranty, except as to the good faith of the Assignee, shall be created by such sale and conveyance, not even that the debt is due.

LEASES.

Lease of property more valuable than rent to be sold; on what conditions.

70. If the Insolvent holds under a lease property having a value above and beyond the amount of any rent payable under such lease, the Assignee shall make a report thereon to the Judge, containing his estimate of the value to the estate of the leased property in excess of the rent; and thereupon the Judge may order the rights of the Insolvent in such leased premises to be sold separately, or to be included in the sale of the whole or part of the estate of the Insolvent, after such notice of such sale as he may see fit to order; and at the time and place appointed such lease shall be sold upon such conditions, as to the giving of security to the lessor as the Judge may order; and such sale shall be so made subject to the payment of the rent, to all the covenants and conditions contained in the lease, and to all legal obligations resulting from the lease, and all such covenants, conditions and obligations shall be binding upon the lessor and upon the purchaser, as if he had been himself the lessee and a party with the lessor to the lease.

Other cases of lease, how dealt with.

71. If the insolvent holds under a lease extending beyond the year current under its terms at the time of his insolvency, property which is not subject to the provisions of the last preceding section, or respecting which the Judge does not make an order of sale, as therein provided, or which is not sold under such order, the creditors shall decide at any meeting which may be held more than one month before the termination of the yearly term of the lease current at the time of such meeting, whether the property so leased should be retained for the use of the estate, only up to end of the then current yearly term, or, if the conditions of the lease permit of further extension, also up to the end of the next following yearly term thereof, and their decision shall be final.

Lessor claiming damages for termination of the lease.

72. From and after the time fixed for the retention of the leased property for the use of the estate, the lease shall be cancelled and shall from thenceforth be inoperative and null; and so soon as the resolution of the creditors as to such retention has been passed, such resolution shall be notified to the lessor, and if he contends that he will sustain any damage by the termination of the lease under such decision, he may make a claim for such damage, specifying the amount thereof under oath, in the same manner as in ordinary claims upon the estate, and such claim may be contested in the same manner, and after similar investigation and with the same right of appeal, as is herein provided for in case of claims or dividends objected to.

How damages to be estimated.

73. In making such claim, and in any adjudication thereupon, the measure of damages shall be the difference between the value of the premises leased when the lease terminates under the resolution of the creditors, and the rent which the Insolvent had agreed by the lease to pay during its continuance; and the chance of leasing or not leasing the premises again, for a like rent, shall not enter into the computation of such damages; and if the claim is not contested, or if, being contested, the damages are finally awarded to the lessor, he shall rank for the amount upon the estate as an ordinary creditor.

74. The preferential lien of the landlord for rent in the Province of Ontario, New Brunswick, Nova Scotia, British Columbia or Prince Edward Island, is restricted to the arrears of rent due during the period of one year last previous to the execution of a deed of assignment, or the issue of a writ of attachment under this Act, as the case may be, and from thence so long as the Assignee shall retain the premises leased. In the Province of Quebec the preferential lien or privilege of the lessor shall be governed by the provisions of the civil code.

Preferential claim of landlord limited.

10

SALE OF REAL ESTATE.

75. The Assignee may sell the real estate of the Insolvent, but only after advertisement thereof for a period of two months, and in the same manner as is required for the actual advertisement of sales of real estate by the sheriff in the district or place where such real estate is situate, and to such further extent as the Assignee deems expedient; but the period of advertisement may be shortened to not less than one month by the creditors with the approbation of the Judge; but in the Province of Quebec such abridgement shall not take place without the consent of the hypothecary creditors upon such real estate, if any there be, and if the price offered for any real estate at any public sale duly advertised as aforesaid is more than ten per cent. less than the value set upon it by a resolution of the creditors, or by the Inspectors and the Assignee, the sale may be adjourned for a period not exceeding one month, when after such notice as the Inspectors and the Assignee may deem proper to give, the sale shall be continued, commencing at the last bid offered on the previous day when the property was put up at auction, and if no higher bid be then offered, the property shall be adjudged to the person who made such last bid. Provided that with the consent of the hypothecary and privileged creditors, or where there are no hypothecary or privileged creditors, with the approbation of the creditors or of the Inspectors, the Assignee may postpone the sale to such time as may be deemed most advantageous for the estate, and whenever the sale shall have been so postponed beyond one month, the last bidder shall be discharged from any obligation under the bid he may have made on the previous day when the property was offered for sale by auction.

Sale of real estate of Insolvent.

Proviso.

76. All sales of real estate so made by the Assignee shall vest in the purchasers all the legal and equitable estate of the Insolvent therein, and in all respects shall have the same effect as to mortgages, hypothecs or privileges then existing thereon, as if the same had been made by a sheriff in the Province in which such real estate is situate, under a writ of execution issued in the ordinary course, but shall have no other, greater or less effect than such Sheriff's sale; and the title conveyed by such sale shall have equal validity with a title created by a sheriff's sale; and the deed of such sale which the Assignee executes (Form N.) shall have the same effect as a Sheriff's deed has in the Province within which the real estate is situate, but he may grant such terms of credit as he may deem expedient, and as may be approved of by the creditors, or by the Inspectors, for any part of the purchase money; except that no credit shall be given in the Province of Quebec for any part of the purchase money coming to any hypothecary or privileged creditor, without the consent of such creditor, and the Assignee shall be entitled to reserve a special hypothec or mortgage by the deed of sale as security for the payment of such part of the purchase money as shall be unpaid; and such deed may be executed before witnesses or before Notaries, according to the exigency of the law of the place where the real estate sold is situate.

Effect of sales of real estate.

Form of deed and terms.

77. In the Province of Quebec such sale may be made subject to all such charges and hypothecs as are permitted by the law of the said Province to remain chargeable thereon when sold by the Sheriff, and also subject to such

Sales in Quebec may be subject to certain charges.

other charges and hypothecs thereon, as are not due at the time of sale, the time of payment whereof shall not, however, be extended by the conditions of such sale; and also subject to such other charges and hypothecs as may be consented to in writing by the holders or creditors thereof. And an order of re-sale for false bidding may be obtained from the Judge by the Assignee upon summary petition; and such re-sale may be proceeded with after the same notices and advertisements, and with the same effect and consequences as to the false bidder, and all others, and by means of similar proceedings as are provided in ordinary cases for such re sales, in all essential particulars, and as nearly as may be without being inconsistent with this Act. And as soon as immovables are sold by the Assignee, he shall procure from the Registrar of the Registration Division in which each immovable is situate, a certificate of the hypothecs charged upon such immovable and registered up to the day of the issue of the writ of attachment, or of the execution of the deed of assignment by which the estate of the Insolvent was brought within the purview of this Act, as the case may be: And such certificate shall contain all the facts and circumstances required in the Registrar's certificate obtained by the Sheriff, subsequent to the adjudication of an immovable in conformity with the provisions of the Code of Procedure, and shall be made and charged for by the Registrar in like manner: And the provisions of the Code of Procedure as to the collocation of hypothecary and privileged creditors, the necessity for and the filing of oppositions for payment, and the costs thereon, shall apply thereto under this Act as nearly as the nature of the case will admit: And the collocation and distribution of the monies arising from such sale shall be made in the dividend sheet among the creditors having privileged or hypothecary claims thereon, after the collocation of such costs and expenses, including the Assignee's commission on the amount of the sale, as were necessary to effect such sale, or are incident thereto, in the same manner as to all the essential parts thereof, as the collocation and distribution of moneys arising from the sale of immovables are made in the appropriate Court in ordinary cases, except in so far as the same may be inconsistent with any provisions of this Act, but no portion of the general expenses incurred in the winding up of the estate shall be chargeable to, or payable out of the said monies, except on such balance as may remain after the payment of all privileged and hypothecary claims. Any balance remaining after the collocation of the said necessary costs and expenses, and of the privileged and hypothecary claims, shall be added to and form part of the general assets of the estate.

Folle enchere.

Certificate of registrar.

Code of Procedure to apply.

Order of distribution.

In Quebec privileged creditors may require sale of property subject to their privileged claims.

Accounts, statemnts, and dividends by Assignee.

78. In the Province of Quebec any privileged or hypothecary creditor whose claim is actually due and payable, shall have the right to obtain from the judge an order on the Assignee to proceed without delay to the sale in the mode above prescribed, of any property real or personal which is subject to his privileged or hypothecary claim; and such creditor may also one month after the sale has taken place, or one month after the Assignee has received the price thereof, if not paid at the time of the sale, obtain an order from the Judge to compel the Assignee to make a dividend of the proceeds of such sale.

DIVIDENDS.

79. Upon the expiration of the period of one month from the first meeting of the creditors, or as soon as may be after the expiration of such period, and afterwards from time to time at intervals of not more than three months, the Assignee shall prepare and keep constantly accessible to the creditors, accounts and statements of his doings as such Assignee, and of the position of the estate, and he shall prepare dividends of the estate of the Insolvent whenever the amount of money in his hands will justify a division thereof, and also whenever he is required by the Inspectors or ordered by the Judge to do so.

80. All debts due and payable by the Insolvent at the time of the execution of a deed of assignment, or at the time of the issue of a writ of attachment under this Act, and all debts due but not then actually payable, subject to rebate of interest, shall have the right to rank upon the estate of the Insolvent; and any person then being, as surety or otherwise, liable for any debt of the Insolvent, and who subsequently pays such debt, shall thereafter stand in the place of the original creditor, if such creditor has proved his claim on such debt; or if he has not proved, such person shall be entitled to prove against and rank upon the estate for such debt to the same extent and with the same effect as the creditor might have done.

What claims shall rank on the estate.

81. If any creditor of the Insolvent claims upon a contract dependent upon a condition or contingency which does not happen previous to the declaration of the first dividend, a dividend shall be reserved upon the amount of such conditional or contingent claim until the condition or contingency is determined; but if it be made to appear to the Judge that the estate may thereby be kept open for an undue length of time, he may, unless an estimate of the value of such claim be agreed to between the claimant and the Inspectors, order that the value of such contingent or conditional claim be established by such person or persons as the claimant and the Inspectors may appoint, and in case they do not agree then by such person or persons as the Judge shall name, and the persons so named shall make their award, which award the Judge after hearing the claimant and Inspectors may reject or confirm. In case the award be rejected, other persons shall be appointed as herein provided to establish the value of such claim subject to the control of the Judge, and if the said award be confirmed the amount therein mentioned shall be that for which the claimant shall rank upon the estate as for a debt payable absolutely.

Case of contingent claims provided for.

82. In the preparation of the dividend sheet due regard shall be had to the rank and privilege of every creditor, which rank and privilege, upon whatever they may legally be founded, shall not be disturbed by the provisions of this Act; but no dividend shall be allotted or paid to any creditor holding security from the estate of the Insolvent for his claim, until the amount for which he shall rank as a creditor upon the estate as to dividends therefrom, shall be established as hereinafter provided; and such amount shall be the amount which he shall be held to represent in voting at meetings of creditors, and in computing the proportion of creditors, whenever under this Act such proportion is required to be ascertained.

Rank and privilege of creditors; Proviso as to creditors holding security.

83. No lien or privilege upon either the personal or real estate of the Insolvent shall be created for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the Sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of the Insolvent, if before the payment over to the plaintiff of the moneys actually levied under such writ, the estate of the debtor has been assigned to an Assignee, or if proceedings to place the same in liquidation under this Act, have been adopted and are still pending. But this provision shall not affect any lien or privilege for costs which the plaintiff possesses under the law of the Province in which such writ shall have been issued.

Seizure in execution after appointment of assignee; its effect.

84. If a creditor holds security from the Insolvent, or from his estate, or if there be more than one Insolvent liable as partners, and the creditor hold security from, or the liability of one of them

As to creditors holding security for their claims.

ors do not file their claims and apply for such dividends previous to the declaration of the last dividend of the estate, the dividends reserved for them shall form part of such last dividend.

Claims or dividends objected to, how determined.

95. If any claim be objected to at any time, or if any dividend be objected to within the said period of eight days, and any dispute arises between the creditors of the Insolvent, or between him and any creditor, as to the amount of the claim of any creditor, or as to the ranking or privilege of the claim of any creditor upon such dividend sheet, the objection shall be filed in writing before the Assignee who shall make a record thereof, and the grounds of objection shall be distinctly stated in such writing, and the party objecting shall also file at the same time the evidence of previous service of a copy thereof on the claimant; and the claimant shall have three days thereafter to answer the same, which time may however be enlarged by the Judge, with a like delay to the contestant to reply; and upon the completion of an issue upon such objection, the Assignee shall transmit to the Clerk of the Court the dividend sheet or a copy thereof with all the papers and documents relating to such objection or contestation, and any party to it may fix a day, of which two days' notice shall be given to the adverse party, for proceeding to take evidence thereon before the Judge, and shall thereafter proceed thereon from day to day until the evidence shall have been closed, the case heard, and the judgment rendered—which judgment shall be final unless appealed from in the manner hereinafter provided; the proceedings on such objection or contestation shall form part of the records of the Court and the judgment shall be made executory as to any condemnation for costs in the same manner as an ordinary judgment of the Court.

Inspectors may order contestation of claims.

96. The creditors, and in their default the Inspectors, may by resolution authorize and direct the costs of the contestation of any claim or of any dividend, to be paid out of the estate, and may make such order either before, pending or after any such contestation: they may also, with the sanction of the Judge, authorize the payment out of the estate of any costs incurred for the general interest of the estate, whether such costs were incurred by the Assignee, the Inspectors, or any individual creditor.

If there be property of Insolvent under seizure at time of assignment or Attachment.

97. If, at the time of the issue of a Writ of Attachment, or the execution of a Deed of Assignment, any immovable property or real estate of the Insolvent be under seizure, or in process of sale, under any writ of execution or other order of any competent Court, such sale shall be proceeded with by the officer charged with the same, unless stayed by order of the Judge upon application by the Assignee, upon special cause shewn and after notice to the plaintiff, reserving to the party prosecuting the sale his privileged claim on the proceeds of any subsequent sale, for such costs as he would have been entitled to out of the proceeds of the sale of such property, if made under such writ or order; but if such sale be proceeded with, the monies levied therefrom shall be returned into the Court on whose order the sale has been made, to be distributed and paid over to the creditors who shall have any privilege, mortgage or hypothecary claims thereon, according to the rank and priority, of such claims, and the balance of such monies after the payment of such claims shall be ordered to be paid to the Assignee to be distributed with the other assets of the estate.

Unclaimed dividends.

98. All dividends remaining unclaimed at the time of the discharge of the Assignee shall be left in the bank where they are deposited, for three years, and if still unclaimed, shall then be paid over by such bank with interest accrued thereon, to the Government of Canada, and if afterwards duly claimed, shall be paid over to the persons entitled thereto, with interest at the rate of four per centum per annum from the time of the reception thereof by the Government.

99. If any balance remains of the estate of the Insolvent, or of the proceeds thereof, after the payment in full of all debts due by the Insolvent, such balance shall be paid over to the Insolvent, upon his petition that effect duly notified to the creditors by advertisement and granted by the Judge.

Balance of estate to be paid over to Insolvent.

PROCEDURE GENERALLY.

100. Whenever a meeting of creditors cannot be held, or an application made, until the expiration of a delay allowed by this Act, notice of such meeting or application may be given pending such delay.

Notice pending delay.

101. Notices of meetings of creditors shall be given by publication thereof for at least two weeks in the Official Gazette of the Province in which they are to take place, and by such other notice as the Judge or the Inspectors may direct:—and in every case of a meeting of creditors the Assignee shall address by mail notices thereof to the creditors and to all the representatives within the Dominion of foreign creditors, the postage being prepaid by such Assignee; in other cases not provided for the Assignee shall advertise as directed by the Inspectors or the Judge.

Notices of meetings, &c., how given

102. All questions discussed at meetings of creditors shall be decided by the majority in number and in value, of the creditors having a right to vote under section two, present or represented at such meeting, unless herein otherwise specially provided; but if the majority in number do not agree with the majority in value, the views of each section of the creditors shall be embodied in resolutions, and such resolutions, with a statement of the vote taken thereon, shall be referred to the Judge who shall decide between them.

How questions shall be decided.

103. If the first meeting of creditors which takes place after the expiry of the period of three weeks from the first advertisement calling such meeting be called for the ordering of the affairs of the estate generally and it be so stated in the notices calling such meeting, all the matters and things respecting which the creditors may vote, resolve or order, or which they may regulate under this Act, (except when otherwise specially provided) may be voted, resolved or ordered upon and may be regulated at such meeting, without having been specially mentioned in the notices calling such meeting, due regard being had however, to the proportions of creditors required by this Act for any such vote, resolution, order or regulation.

What matters may be voted upon, &c., at first meeting of creditors.

104. The claims of creditors furnished to the Assignee in the Form P, attested under oath and accompanied by the vouchers on which they are based, or when vouchers cannot be produced accompanied by such affidavit or other evidence as in the opinion of the Assignee shall justify the absence of such vouchers, shall be considered as proved unless contested in the manner provided for by this Act.

Form and attestation of claims.

105. Any affidavit required in proceedings in Insolvency may be made by the party interested, his agent or other party having a personal knowledge of the matters therein stated, and may be sworn in Canada before the Assignee or before any Official Assignee, Judge, Commissioner for taking affidavits, or Justice of the Peace, and out of Canada before any Judge of a Court of Record, any Commissioner for taking affidavits appointed by any Canadian Court, the Chief Municipal Officer for any town or city, or any British Consul or Vice Consul, or before any person authorized by any statute of the Dominion or of any Province thereof, to take affidavits to be used in any Court of Justice in any part of the Dominion.

Affidavits, before whom sworn.

106. A creditor holding a mortgage, hypothec, lien, privilege or collateral security on the estate of a debtor, or on the estate of a third party for whom such a debtor is only secondarily liable, may release or deli-

Surrender of security, and effect thereof.

ver up such security to the assignee, or he may by his affidavit for the issue of a writ of attachment, or by an affidavit filed with the assignee at any time before the declaration of a final dividend, set a value upon such security; and from the time he shall have so released or delivered up such security, or shall have furnished such affidavit, the debt to which such security applied shall be considered as an unsecured debt of the estate or as being secured only to the extent of the value set upon such security, and the creditor may rank as and exercise all the rights of an ordinary creditor, for the amount of his claim, or to the extent only of any balance thereof above and beyond the value set upon such security, as the case may be. 10

Set-offs, how allowed.

107. The law of set-off shall apply to all claims in Insolvency and also to all suits instituted by an Assignee for the recovery of debts due to the Insolvent, in the same manner and to the same extent, as if the Insolvent were plaintiff or defendant, as the case may be, except in so far as any claim for set-off shall be affected by the provisions of this Act respecting frauds or fraudulent preferences. 15

Service of papers under this Act.

108. Except when otherwise provided by this Act, one clear judicial day's notice of any petition, motion, order or rule, shall be sufficient if the party notified resides within fifteen miles of the place where the proceeding is to be taken, and one extra day shall be sufficient allowance for each additional fifteen miles of distance between the place of service and the place of proceeding; and service of such notice shall be made in such manner as is now prescribed for similar services in the Province within which the service is made. 20

Commissions for examination of witnesses.

109. The Judge shall have the same power and authority in respect of the issuing and dealing with commissions for the examination of witnesses, as are possessed by the ordinary Courts of Record in the Province in which the proceedings are being carried on. 25

Subpcenas to witness.

110. In any proceeding or contestation in Insolvency, the Court or Judge, may order a writ of *subpcena ad testificandum* or of *subpcena duces tecum* to issue commanding the attendance as a witness of any person within the limits of Canada. 30

Service of process, &c.

111. All rules, writs of subpcena, orders and warrants, issued by any Judge or Court in any matter or proceeding under this Act, may be validly served in any part of Canada upon the party affected or to be affected thereby; and the service of them, or any of them, may be validly made in such manner as is now prescribed for similar services in the Province within which the service is made; and the person charged with such service shall make his return thereof and on oath, or, if a Sheriff or Bailiff in the Province of Quebec, may make such return under his oath of office. 40

Disobedience of writs and process, how punishable.

112. In case any person so served with a writ of *subpcena* or with an order to appear for examination, does not appear according to the exigency of such writ or process, the Court or the Judge on whose order or within the limits of whose territorial jurisdiction the same is issued, may, upon proof made of the service thereof and of such default, if the person served there- with has his domicile within the limits of the Province within which such writ or process issued, constrain such person to appear and testify, and punish him for non-appearance or for not testifying in the same manner as if such person had been summoned as a witness before such Court or Judge, in an ordinary suit; and if the person so served and making default, has his domicile beyond the limits of the Province within which such writ or process issued, such Court or Judge may transmit a certificate of such default to any of Her Majesty's Superior Courts of Law or Equity in that part of Canada in which the person so served resides, and the Court to which such certificate is sent, shall thereupon proceed against and punish such person so having made default, in like manner as it might have done if such person 55

had neglected or refused to appear to a writ of subpoena or other similar process issued out of such last mentioned Court; and such certificate of default attested by the Court or Judge or *Assignee* before whom default was made, and copies of such writ, process and of the return of service thereof certified by the Clerk of the Court in which the order for transmission is made, shall by *prima facie* proof of such writ or process, service, return, and of such default.

113. No such certificate of default shall be so transmitted, nor shall any person be punished for neglect or refusal to attend for examination in obedience to any subpoena or other similar process, unless it be made to appear to the Court or Judge transmitting, and also to the Court receiving such certificate, that a reasonable and sufficient sum of money, according to the rate *per diem* and per mile allowed to witnesses by the law and practice of the Superior Courts of Law within the jurisdiction of which such person was found, to defray the expenses of coming and attending to give evidence, and of returning from giving evidence, had been tendered to such person at the time when the writ of subpoena, or other similar process, was served upon him.

114. The forms appended to this Act, or other forms in equivalent terms, shall be used in the proceedings for which such forms are provided; and in every contestation of a claim, collocation, or dividend or of an application for a discharge, or for confirming or annulling a discharge, the facts upon which the contesting party relies shall be set forth in detail, with particulars of time, place and circumstance, and no evidence shall be received upon any fact not so set forth; but in every petition, application, motion, contestation, or other pleading under this Act, the parties may state the facts upon which they rely, in plain and concise language, to the interpretation of which the rules of construction applicable to such language in the ordinary transactions of life shall apply.

115. No plea or exception alleging or setting up any discharge or certificate of discharge, granted under the Bankrupt or Insolvent Law of any country whatsoever beyond the limits of this Dominion, shall be a valid defence or bar to any action instituted in any Court of competent jurisdiction in this Dominion, for the recovery of any debt or obligation contracted within such limits.

116. The rules of procedure as to amendments of pleadings, which may be in force at any place where any proceedings under this Act are being carried on, shall apply to all proceedings under this Act; and any Court or Judge, or *Assignee*, before whom any such proceedings are being carried on, shall have full power and authority to apply the appropriate rules as to amendments, to the proceedings so pending before him; and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended under the rules and practice of the Court.

117. The death of the Insolvent, pending proceedings in liquidation, shall not affect such proceedings, or impede the winding up of his estate; and his heirs or other legal representatives may continue the proceedings on his behalf to the procuring of a discharge, or of the confirmation thereof, or of both; and the provisions of this Act shall apply to the heirs, administrators or other legal representatives of any deceased person who, if living, would be subject to its provisions, but only in their capacity as such heirs, administrators, or representatives, without their being held to be liable for the debts of the deceased, to any greater extent than they would have been if this Act had not been passed.

118. The costs of the proceedings in Insolvency up to and inclusive of the notice of the appointment of the *Assignee*, shall be paid by privilege as a first charge upon the assets of the Insolvent; the disbursements

Proof of default.

Expenses must be tendered to person summoned as a witness, &c.

Forms under this Act.

Foreign discharges not to bar debts contracted in Canada.

As to amendments in proceedings under this Act.

Provision in case of death of Insolvent.

Representatives, how far liable.

Costs; on what property and in what

order charge-
able.

necessary for winding up the estate shall be the next charge on the property chargeable with any mortgage, hypothec or lien, and upon the unincumbered assets of the estate respectively, in such proportions as may be justified by the nature of such disbursements, and their relation to the property as being encumbered or not, as the case may be; and the remuneration of the Assignee and the costs of the judgment of confirmation of the discharge of the Insolvent, except when such confirmation is upon a deed of composition, or of the discharge if obtained direct from the Court, and the costs of the discharge of the Assignee, being first taxed by the Judge at the tariff rate, or if there be no tariff, at the same rate as is usual for uncontested proceedings of a similar character, after notice to the Inspectors, or to at least three creditors, shall also be paid therefrom as the last privileged charge thereon. But no portion of the assets or property chargeable with any mortgage, hypothec or lien for any claim not provable on the estate shall be liable for any other but their proportion of costs necessarily incurred in realising such assets and property, except what may remain after payment of such mortgage or lien.

Provision as
to letters
addressed to
Insolvent by
Post.

119. The Judge shall have the power, upon special cause being shewn before him under oath for so doing, to order any Postmaster at the place of residence or at the place of business of the Insolvent, to deliver letters addressed to him at such Post Office to the Assignee, and to authorize the Assignee to open such letters in the presence of the Prothonotary or Clerk of the Court of which such Judge is a member and in the presence of the Insolvent or after notice given to him by letter through the post, if he be within the Province; and if such letters be upon the business of the estate the Assignee shall retain them, giving communication of them, however, to the Insolvent on request; and if they be not on the business of the estate they shall be resealed, endorsed as having been opened by the Assignee and given to the Insolvent or returned to the Post Office; and a memorandum in writing of the doings of the Assignee in respect of such letters, shall be made and signed by him and by the Prothonotary or Clerk, and deposited in the Court.

Disqualifica-
tion of Judge.

120. All causes of disqualification applying to a Judge in civil matters in the several Provinces to which this Act applies, shall be causes of disqualification and recusation under this Act, as regards the final hearing and determination of any matter *subject to* appeal or revision under this Act, but such grounds of disqualification shall not apply to mere ministerial acts or incidental proceedings; and such causes of disqualifications shall be tried as provided for by the laws in force in the several Provinces where the proceedings are pending. If a Judge be disqualified or incompetent to act in any matter in Insolvency under this section, the Judge competent to act in matters of Insolvency in a County or District adjoining that in which the proceedings are pending and who is not disqualified under this section shall be the Judge who shall have jurisdiction in such matter, in the place of the Judge so disqualified.

What Judge
to act.

Rules of prac-
tice and Tariff
of Fees in the
Province of
Quebec; how
to be made.

121. In the Province of Quebec, rules of practice for regulating the due conduct of proceedings under this Act, before the Court or Judge, and tariffs of fees for the officers of the Court and for the Advocates and Attorneys practising in relation to such proceedings, shall be made forthwith after the *passing* of this Act, and when necessary repealed or amended, shall be promulgated under or by the same authority and in the same manner as the rules of practice and tariff of fees of the Superior Court, and shall apply in the same manner, and have the same effect in respect of the proceedings under this Act as the rules of practice and tariff of fees of the Superior Court apply to and affect the proceedings before that Court; and bills of costs upon proceedings under this Act may be taxed and proceeded upon in like manner as bills of costs may now be taxed and proceeded upon in the said Superior Court.

122. In the Province of Ontario the Judges of the Superior Courts of Common Law, and of the Court of Chancery, or any five of them, of whom the Chief Justice of the Province of Ontario, or the Chancellor, or the Chief Justice of the Common Pleas, shall be one,—in the Province of New Brunswick, the Judges of the Supreme Court of New Brunswick, or the majority of them,—in the Province of Nova Scotia, the Judges of the Supreme Court of Nova Scotia, or the majority of them,—in the Province of British Columbia the Judges of the Supreme Court, or the majority of them,—and in the Province of Prince Edward Island, the Judges of the Supreme Court, or the majority of them,—shall *forthwith* make and frame and settle the forms, rules and regulations to be followed and observed in the said Provinces respectively in the proceedings in insolvency under this Act, and shall fix and settle the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to Attorneys, Solicitors, Counsel and Officers of Courts, whether for the Officer, or for the Crown as a fee for the fee fund or otherwise, and by or to Sheriffs, Assignees or other persons whom it may be necessary to provide for.

123. Until such rules of practice and tariff of fees have been made, as required by the two preceding sections, the rules of practice and tariff of fees of Insolvency, now in force in the said Provinces respectively, shall continue and remain in full force and effect.

124. In the Province of Quebec every trader having a marriage contract with his wife, by which he gives or promises to give or pay or cause to be paid, any right, thing, or sum of money, shall enregister the same, if it be not already enregistered, within three months from the execution thereof; and every person not now a trader, but hereafter becoming a trader, and having such a contract of marriage with his wife, shall cause such contract to be enregistered as aforesaid (if it be not previously thereto enregistered,) within thirty days from becoming such trader; and in default of such registration the wife shall not be permitted to avail herself of its provisions in any claim upon the estate of such Insolvent for any advantage conferred upon or promised to her by its terms; nor shall she be deprived by reason of its provisions of any advantage or right upon the estate of her husband, to which in the absence of any such contract, she would have been entitled by law; but this section shall be held to be only a continuance of the second sub-section of section twelve of the Insolvent Act of 1864, and of section one hundred and forty of the Insolvent Act of 1869, and shall not relieve any person from the consequence of any negligence in the observance of the provisions of the said sub-section or section.

40 IMPRISONMENT FOR DEBT.

125. Any debtor confined in gaol or on the limits, in any civil suit who may have made the assignment provided for in Section of this Act, or against whom process for liquidation under this Act may have been issued, may at any time after the meeting of creditors provided for in the Section of this Act, make application to the Judge of the County or District in which his domicile may be, or in which the gaol may be in which he is confined, for his discharge from imprisonment or confinement in such suit; and thereupon such Judge may grant an order in writing directing the Sheriff or Gaoler to bring the debtor before him for examination at such time and place in such County or District as may be thought fit; and the said Sheriff or Gaoler shall duly obey such order, and shall not be liable to any action for escape in consequence thereof, or to any action for the escape of the said debtor from his custody unless the same shall have happened through his default or negligence; or if the debtor is confined in a County or District in which the Judge does not reside, the Judge instead of ordering the debtor to be brought before him for examination, may, if he sees fit, make an order authorising and directing the Official Assignee for the County or District in which the debtor is confined, to take such examination,

and it shall be the duty of the Official Assignee to take down or cause to be taken down such examination fully in writing and transmit the same under his hand forthwith to the Judge, and the Official Assignee shall be entitled to *ten cents* for each folio of one hundred words of such examination :

Examination
of Insolvent
and witnesses

1. In pursuance of such order the said confined debtor and any witnesses subpoenaed to attend and give evidence at such examination may be examined on oath at the time and place specified in such order before such Judge or Assignee, and if on such examination it appears to the satisfaction of the Judge that the said debtor has *bona fide* made an assignment as required by this Act, and has not been guilty of any fraudulent disposal, concealment or retention of his estate or any part thereof or of his books and accounts or any material portion thereof, or otherwise in any way contravened the provisions of this Act, such Judge shall by his order in writing discharge the debtor from confinement or imprisonment ; and on production of the order to the Sheriff or Gaoler, the debtor shall be forthwith discharged without payment of any gaol fees : Provided always, that no such order shall be made in any case unless it be made to appear to the satisfaction of such Judge that at least seven days notice of the time and place of the said examination had been previously given to the plaintiff in the suit in which the debtor was imprisoned, or to his attorney and to the Assignee for the time being :

Judge may
discharge him
if the exami-
nation be
satisfactory.
Proviso.

Minutes of
examination
to be kept.

2. The minutes of the examination herein mentioned shall be filed in the office of the Clerk of the Court out of which the process issues, and a copy thereof shall be delivered to the Assignee, and if during the examination or before any order be made, the Official Assignee or the appointed Assignee, or the creditor or any one of the creditors at whose suit or suits the debtor is in custody makes affidavit that he has reason to believe that the debtor has not made a full disclosure in the matters under examination, the Judge may grant a postponement of such examination for a period of not less than seven days nor more than fourteen days, unless the parties consent to an earlier day :

Postpone-
ment
in certain
cases.

As to any
subsequent
arrest.

3. After such examination, in case of any subsequent arrest in any civil suit as aforesaid for causes of action arising previous to the assignment or process for liquidation, the said debtor may, pending the further proceedings against him under this Act, be forthwith discharged from confinement or imprisonment in such suit, on application to any Judge and on producing such previous discharge : provided that nothing in this section contained, shall interfere with the imprisonment of the said debtor, in pursuance of any of the provisions of this Act.

Proviso.

APPEAL.

Appeal from
order of the
Judge in Pro-
vince of Que-
bec.

126. In the Province of Quebec all decisions by a Judge in Chambers in matters of Insolvency shall be considered as judgments of the Superior Court, and any final order or judgment rendered by such Judge or Court may be inscribed for revision or may be appealed from by the parties aggrieved in the same cases and in the same manner as they might inscribe for revision, or appeal from a final judgment of the Superior Court in ordinary cases, under the laws in force when such decision shall be rendered. If any of the parties to any contestation, matter or thing upon which a Judge has made any final order or judgment are dissatisfied with such order or judgment, they may in the Province of Ontario appeal therefrom to 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 ; in the Province of New Brunswick to the Supreme Court of New Brunswick or to any one of the Judges of the said Court ; in the Province of Nova Scotia to the Supreme Court of Nova Scotia or wherever County Courts shall have been established in that Province, to any one of the Judges of the said Court ; in the Province of British Columbia to the Supreme Court of that Province, or

In other
Provinces.

to any Judge of the said Court ; in the Province of Prince Edward Island to the Supreme Court of Judicature, or to any Judge of the said Court ; but any appeal to a single Judge in the Province of Ontario, New Brunswick, Nova Scotia, British Columbia, or Prince Edward Island, may, in his discretion, be referred on a special case to be settled, to the full Court, and on such terms in the mean time as he may think necessary and just. No such appeal or proceeding in revision shall be entertained unless the appellant or party inscribing for revision shall have within eight days from the rendering of such final order or judgment, adopted proceedings on the said appeal or revision or unless he shall within the said delay have made a deposit or given sufficient sureties before a Judge that he will duly prosecute the said appeal or proceedings in revision, and pay such damages and costs as may be awarded to the respondent. If the party appellant does not proceed with his appeal, or in review, as the case may be, according to the law or the rules of practice, the Court, on application of the respondent, may order the record to be returned to the officer entitled to the custody thereof and condemn the appellant to pay to the respondent the costs by him incurred.

127. Pending the contestation of any claim or of a dividend sheet and amount of any appeal or proceeding in revision the Assignee shall reserve an amount of equal to the amount of the dividends claimed on the dividend claimed.

FRAUDS AND FRAUDULENT PREFERENCES.

128. All gratuitous contracts or conveyances, or contracts without consideration, or with a merely nominal consideration, respecting either real or personal estate, made by a debtor afterwards becoming an Insolvent with or to any person whomsoever, whether such person be his creditor or not, within three months next preceding the date of a demand of an assignment or for the issue of a writ of attachment under this Act whenever such demand shall have been followed by an assignment or by the issue of such writ of attachment, or at any time afterwards, and all contracts by which creditors are injured, obstructed or delayed, made by a debtor unable to meet his engagements, and afterwards becoming an Insolvent, with a person knowing such inability or having probable cause for believing such inability to exist, or after such inability is public and notorious, whether such person be his creditor or not, are presumed to be made with intent to defraud his creditors.

129. A contract or conveyance for consideration, respecting either real or personal estate, by which creditors are injured or obstructed, made by a debtor unable to meet his engagements with a person ignorant of such inability, whether such person be his creditor or not, and before such inability has become public and notorious, but within thirty days next before a demand of an assignment or the issue of a writ of attachment under this Act, or at any time afterwards, whenever such demand shall have been followed by an assignment or by the issue of such writ of attachment, is voidable, and may be set aside by any Court of competent jurisdiction, upon such terms as to the protection of such person from actual loss or liability by reason of such contract, as the Court may order.

130. All contracts, or conveyances made and acts done by a debtor, respecting either real or personal estate, with intent fraudulently to impede, obstruct or delay his creditors in their remedies against him, or with intent to defraud his creditors, or any of them, and so made, done and intended with the knowledge of the person contracting or acting with the debtor, whether such person be his creditor or not, and which have the effect of impeding, obstructing, or delaying the creditors of their remedies, or of injuring them or any of them, are prohibited and are null and void, notwithstanding that such contracts, conveyances or acts, be in consideration or in contemplation of marriage.

Fraudulent preferential sales, &c., to be void. **131.** If any sale, deposit, pledge or transfer be made of any property, real or personal, by any person in contemplation of insolvency, by way of security for payment to any creditor; or if any property real or personal, moveable or immoveable, goods, effects, or valuable security, be given by way of payment by such person, to any creditor, whereby such creditor obtains or will obtain an unjust preference over the other creditors, such sale, deposit, pledge, transfer, or payment shall be null and void, and the subject thereof may be recovered back for the benefit of the estate by the Assignee, in any Court of competent jurisdiction; and if the same be made within thirty days next before a demand of an assignment, or for the issue of a writ of attachment under this Act, or at any time afterwards whenever such demand shall have been followed by an assignment, or by the issue of such writ of attachment, it shall be presumed to have been so made in contemplation of insolvency.

Certain payments by debtor void. **132.** Every payment made within thirty days next before a demand of an assignment, or for the issue of a writ of attachment under this Act, whenever such demand shall have been followed by an assignment or by the issue of such writ of attachment, by a debtor unable to meet his engagements in full, to a person knowing such inability, or having probable cause for back by suit in any Court, for the benefit of the estate; Provided always that if any valuable security be given up in consideration of such payment, such security or the value thereof, shall be restored to the creditor before the return of such payment can be demanded.

Proviso.

Transfer of certain debts by Insolvent void. **133.** Any transfer of a debt due by the Insolvent, made within thirty days next previous to the date of a demand of an assignment or for the issue of a writ of attachment under this Act, or at any time afterwards, whenever such demand shall have been followed by an assignment or by the issue of such writ of attachment, to a debtor knowing or having probable cause for believing the Insolvent to be unable to meet his engagements, or in contemplation of his insolvency, for the purpose of enabling the debtor to set up by way of compensation or set-off the debt so transferred, is null and void, as regards the estate of the Insolvent; and the debt due to the estate of the Insolvent shall not be compensated or affected in any manner by a claim so acquired; but the purchaser thereof may rank on the estate in the place and stead of the original creditor.

Purchasing goods on credit by persons unable to pay, how punishable. **134.** Any person who for himself, or for any firm, partnership or company of which he forms part, or as the manager, trustee, agent or employee of any person, firm, copartnership or company, purchases goods on credit or procures any advance in money, knowing or believing himself, or such person, firm, copartnership or company for which he is acting to be unable to meet his or its engagements, and concealing the fact from the person thereby becoming his creditor, with the intent to defraud such person, or who by any false pretence obtains a term of credit for the payment of any advance or loan of money, or of the price or any part of the price of any goods, wares or merchandize, with intent to defraud the person thereby becoming his creditor, or the creditor of such person, firm, copartnership or company, and who shall not afterwards have paid or cause to be paid the debt or debts so incurred, shall be held to be guilty of a fraud, and shall be liable to imprisonment for such time as the Court may order, not exceeding two years unless the debt or costs be sooner paid; provided always, that in the suit or proceeding taken for the recovery of such debt or debts, the defendant be charged with such fraud, and be declared to be guilty of it by the judgment rendered in such suit or proceeding.

Proviso.

Fraud must be proved. **135.** Whether the defendant in any such case appear and plead, or make default, the plaintiff shall be bound to prove the fraud charged, and upon his proving it, if the trial be before a jury, the Judge who tries the suit or proceeding shall immediately after the verdict rendered against the

defendant for such fraud, (if such verdict is given), or if not before a jury, then immediately upon his rendering his judgment in the premises, ad-
judge the term of imprisonment which the defendant shall undergo; and
he shall forthwith order and direct the defendant to be taken into custody
and imprisoned accordingly; but such judgment shall be subject to the ordin-
ary remedies for the revision thereof or of any proceeding in the case.

Award of im-
prisonment.

OFFENCES AND PENALTIES.

136. Every Assignee to whom an assignment is made under this Act, is an agent within the meaning of the seventy-sixth and following sections of the Act respecting Larceny and other similar offences, and every provision of this Act, or resolution of the creditors, relating to the duties of an Assignee, shall be held to be a direction in writing, within the meaning of the said seventy-sixth section; and in an indictment against an Assignee, under any of the said sections, the right of property in any moneys, security matter of thing, may be laid in "the creditors of the Insolvent (*naming him,*) under the Insolvent Act of 1875," or in the name of any Assignee subsequently appointed, in his quality of such Assignee.

Assignees to
be deemed
agents for cer-
tain purposes.

137. From and after the coming into force of this Act, any Insolvent who with regard to his estate, or any President, Director, Manager or employee of any copartnership, or of any Incorporated Company *not specially excepted in the first section of this Act*, with regard to the estate of such copartnership or Company, who shall do any of the acts or things following with intent to defraud, or defeat the rights of his creditors, shall be guilty of a misdemeanor, and shall be liable, at the discretion of the Court before which he is convicted, to punishment by imprisonment for not more than three years, or to any greater punishment attached to the offence by any existing statute;

Certain acts
by Insolvents
to be mis-
demeanors.

If he does not upon examination fully and truly discover to the best of his knowledge and belief, all his property, real and personal, inclusive of his rights and credits, and how and to whom, and for what consideration, and when he disposed of, assigned or transferred the same or any part thereof, except such part has been really and *bona fide* before sold or disposed of in the way of his trade or business, or laid out in the ordinary expenses of his family; or shall not deliver up to the Assignee all such part thereof as is in his possession, custody or power, (except such part thereof as is exempt from seizure as hereinbefore provided,) and also all books, papers and writings in his possession, custody or power relating to his property or affairs;

Not fully dis-
covering or
not delivering
property,
books,
papers, &c.

If within thirty days prior to the demand of a deed of assignment or the issue of a writ of attachment under this Act, he doth, with intent to defraud his creditors, remove, conceal or embezzle any part of his property, to the value of fifty dollars or upwards;

Removing
property.

If, in case of any person having to his knowledge or belief proved a false debt against his estate, he fails to disclose the same to his Assignee within one month after coming to the knowledge or belief thereof;

Not denounc-
ing false
claims.

If with intent to defraud, he wilfully and fraudulently omits from his schedule any effects or property whatsoever;

False sche-
dule.

If with intent to conceal the state of his affairs, or to defeat the object of this Act or of any part thereof, he conceals, or prevents, or withholds the production of any book, deed, paper or writing relating to his property, dealings or affairs;

Withholding
books, &c.

If with intent to conceal the state of his affairs, or to defeat the object of the present Act, or of any part thereof, he parts with, conceals,

Falsifying
books.

destroys, alters, mutilates or falsifies, or causes to be concealed, destroyed, altered, mutilated or falsified, any book, paper, writing or security or document relating to his property, trade, dealings or affairs, or makes or is privy to the making of any false or fraudulent entry or statement in or omission from any book, paper, document or writing relating thereto; 5

Stating fictitious losses. If, at his examination at any time, or at any meeting of his creditors held under this Act, he attempts to account for any of his property by fictitious losses or expenses;

Disposing of goods not paid for. If within the three months next preceding the demand of assignment, or the issue of a writ of attachment in liquidation, he pawns 10 pledges, or disposes of, otherwise than in the ordinary way of his trade, any property, goods or effects the price of which remains unpaid by him during such three months.

How offences against this Act shall be tried. **138.** Every offence punishable under this Act shall be tried as other offences of the same degree are triable in the Province where such offence is 15 committed.

Creditors taking consideration for granting discharge, &c. **139.** If any creditor of an Insolvent, directly or indirectly, takes or receives from such Insolvent, any payment, gift, gratuity or preference, as a consideration or inducement to consent to the discharge of such Insolvent, or to execute a deed of composition and discharge with him, or if any creditor 20 knowingly ranks upon the estate of the Insolvent for a sum of money not due to him by the Insolvent or by his estate, such creditor shall forfeit and pay a sum equal to treble the value of the payment, gift, gratuity or preference so taken, received or promised, or treble the amount improperly ranked for, as the case may be, and the same shall be recoverable by the Assignee 25 for the benefit of the estate, by suit in any competent court, and when recovered, shall be distributed as part of the ordinary assets of the estate.

Punishment of Insolvent receiving money, &c, and not handing the same to Assignee. **140.** If, after a demand is made for the issue of a writ of attachment in insolvency, or for an assignment of his estate under this Act, as the case may be, when such demand shall be followed by the issue of a 30 writ of attachment or by an assignment under this Act, the Insolvent retains or receives any portion of his estate or effects, or of his moneys, securities for money, business papers, documents, books of account, or evidences of debt, or any sum or sums of money, belonging or due to him, and retains and withholds from his Assignee, without lawful right, such portion of his 35 estate or effects, or of his moneys, securities for money, business papers, documents, books of account, evidences of debt, sum or sums of money, the Assignee may make application to the Judge, by summary petition and after due notice to the Insolvent, for an order for the delivery over to him of the effects, documents, or moneys so retained; and in default of such 40 delivery in conformity with any order to be made by the Judge upon such application, such Insolvent may be imprisoned in the common gaol for such time, not exceeding one year, as such Judge may order.

Certain documents to be evidence. **141.** The deeds of assignment and of transfer, or in the Province of Quebec authentic copies thereof, or a duly authenticated copy of the record 45 of the appointment of the Assignee, certified by the Clerk or Prothonotary of the Court in which such record is deposited, under the seal of such Court, shall be *prima facie* evidence in all courts, whether civil or criminal, of such appointment, and of the regularity of all proceedings at the time thereof and antecedent thereto. 50

BUILDING AND JURY FUND.

Contribution to Building and Jury. **142.** One per centum upon all moneys proceeding from the sale by an Assignee, under the provisions of this Act, of any immovable property in the Province of Quebec, shall be retained by the Assignee out of such

moneys, and shall by such Assignee be paid over to the sheriff of the Fund in district, or of either of the Counties of Gaspé or Bonaventure, as the case Quebec. may be, within which the immovable property sold is situate, to form part of the Building and Jury Fund of such District or County.

5 **143.** The Governor in Council shall have all the powers with respect Governor in
to imposing a tax or duty upon proceedings under this Act, which are con- Council to
ferred upon the Governor in Council by the thirty-second and thirty-third have certain
sections of the one hundred and ninth chapter of the Consolidated Statutes powers.
for Lower Canada, and by the Act intituled: *An Act to make provision for*
10 *the erection or repair of Court Houses and Gaols at certain places in Lower*
Canada, (12 Vic., cap. 112.)

PROCEDURE IN THE CASE OF INCORPORATED COMPANIES.

144. The provisions of this Act shall apply to the estates of the Provisions for
Incorporated Companies not specially excepted by the first section of this Incorporated
15 Act, but subject to the following modifications : Companies.

(1.) No writ of attachment shall issue against the estate of an In- Prelimina-
corporated Company except upon the order of the Judge and after notice ry notice.
of at least forty-eight hours has been given to such Company of the Inquiry by
application for such writ. The Judge in all cases where proceedings have Assignee.
20 been adopted under this Act against an Incorporated Company, may
before granting a writ of attachment, order the Official Assignee to inquire
into the affairs of the Company and to report thereon :

(2.) Upon such order it shall be the duty of such Company and of Company to
President, Directors, Managers, and Employees thereof, to exhibit to the exhibit books,
25 Official Assignee, or to his Deputy, the books of account together with all &c.
inventories, papers, and vouchers referring to the business of the Company,
and generally to give all such information as may be required by the Official
Assignee to form a just estimate of the affairs of the said Company ; and Refusal to be
any refusal on the part of said President, Directors, Managers, or Employees contempt of
30 of the Company to give such information shall, on evidence of such refusal Court,
be considered as a contempt of an order of the Court or Judge, and punishable
by fine or imprisonment, or by both, at the discretion of the Judge.

(3.) From the time the above order is served upon the Company, After service
the President, Directors, Managers, and Employees thereof having the of order, com-
35 control of its affairs, shall hold the estate and property of the said Company pany to hold
upon trust for the creditors of the said Company, and shall be bound property in
to account for all the property of the said Company under the same obliga- trust.
tions, liabilities, and responsibilities as trustees appointed by Courts of
Law or Equity in the several Provinces, or as Guardians and Sequestres in
40 the Province of Quebec, are bound :

(4.) Upon the report of the Official Assignee, or before any order Meeting of
is given for the examination into the affairs of the Company, as herein creditors may
provided, the Judge may order that a meeting of the creditors be called and be called.
held in the manner provided for by this Act for the first meeting of
45 creditors, at which meeting the creditors present, who shall verify their claims
under oath, may pass such resolutions either for the winding up of the Resolutions
affairs of the Company or for allowing the business thereof to be carried on, thereat.
as they may deem most advantageous to the creditors, and may also ap-
point two Inspectors and indicate the mode in which the business of the
50 Company should be wound up or should be continued :

(5.) The resolutions so adopted shall be submitted to the Judge at the To be submit-
time and place appointed at the meeting, and at least forty-eight hours ted to Judge,
notice shall be given by the Official Assignee to the Company of the time
and place so fixed :

Powers of Judge in relation thereto.

(6.) The Judge after hearing such creditors as may be present, the Assignee and the Company, may confirm, reject, or modify the said resolutions, and he may order the immediate issue of a writ of attachment to attach the estate of the Company, or direct that the issue of such writ shall be suspended for a period not exceeding six months, during which period he may order that the Official Assignee, or the Inspectors, if any have been appointed by the creditors, shall exercise a general supervision over the estate and business of the said Company by requiring from the President, Directors, Managers and Employees of the Company, such periodical accounts and statements of the business done, and of the monies received and expended or disbursed since the last statement, as may be required by the said Inspectors or the said Official Assignee to obtain a proper knowledge of the affairs of the Company :

Receiver may be appointed.

(7.) The Judge may also, if he deems it for the advantage of the creditors, appoint a Receiver charged with such duties as to the superintendence or management of the affairs of the Company as may be imposed upon him by the order of the Judge, and subject to such orders and directions as he may from time to time receive from the Judge :

To give account.

(8.) Such Receiver shall account, whenever ordered by the Court or Judge, for all monies or property he may have received from the estate :

Further meeting within six months.

(9.) Before the expiration of the six months next after such order, the Official Assignee or the Receiver, as the case may be, shall cause another meeting of the creditors to be called :

Further delay may be granted.

(10.) On the resolutions adopted at such meeting the Judge may either grant a further delay not exceeding six months, or cause a writ of attachment to issue at the instance of the creditor or creditors who originally made a demand, or at the instance of any other creditor making a demand under the provisions of this Act :

If demands are unsatisfied estate of company may be wound up.

(11.) If at the expiration of such prolonged delay the demands made upon the Company to place it in liquidation have not been satisfied, the Judge shall order the issue of a writ of attachment, and the estate of the said Company shall be wound up under the provisions of this Act, unless the creditor or creditors entitled to such writ consent to a further delay.

Judge may modify orders.

(12.) Nothing in this section shall prevent the Judge before the expiration of the delays he may have granted under the preceding sub-sections, from cancelling the orders so given by him, and from ordering the issue of a writ of attachment or from releasing the Company from the effect of any such order, as circumstances may require :

Officers of Company may be examined.

(13.) The President, Directors, Managers and other employees of the Company may be examined by the Assignee or by the Judge on the affairs of the Company, and each of them shall for refusal to answer questions put in reference to the business within his own cognizance, be liable to the same penalties as ordinary traders refusing to answer questions put under the provisions of this Act :

Remuneration of Assignee and Receiver.

(14.) The remuneration of the Official Assignee and of the Receiver for services performed under the preceding sub-sections shall be fixed by the Judge.

Company may make an assignment pending delay.

(15.) Nothing in the preceding sub-sections shall prevent the President, Directors, Managers or Employees of the Company, on being duly authorised to that effect, from making an assignment of the estate of such Company to an Official Assignee in the form provided for by this Act, before the expiration of the delays which may have been granted to such Company by the Court or Judge.

GENERAL PROVISIONS.

145. The foregoing provisions of this Act shall come into force and take effect upon, from and after the first day of September, in the present year 1875, and not before, except in so far as relates to the appointment of Official Assignees, and the making and framing of rules, orders, and forms, to be followed and observed in proceedings under this Act, with respect to which the said provisions shall be in force from the time of the passing of this Act.

146. The *Insolvent Act of 1864*, and the Act to amend the same passed by the Parliament of the late Province of Canada in the 29th year of Her Majesty's Reign, The *Insolvent Act of 1869*, the Act amending the same passed in the 33rd year of Her Majesty's reign, and the Act amending the same passed in the 34th year of her Majesty's Reign, and the Act passed in the 37th year of Her Majesty's Reign continuing the same, the Act passed by the Legislature of Prince Edward Island in the thirty-first year of Her Majesty's reign, chaptered 15, intituled "*An Act for the relief of unfortunate debtors*," and the several Acts amending and continuing the same which are in force in the said Province of Prince Edward Island, which are mentioned in and continued by the last mentioned Act passed in the 37th year of Her Majesty's Reign, the Act of the Legislature of the Colony of Vancouver Island, passed in the year 1862, and intituled: "*An Act to declare the law relative to Bankruptcy and Insolvency in Vancouver Island and its dependencies*," and the Act of the Legislature of the Colony of British Columbia, passed in the year 1865, and intituled "*An Ordinance to amend the law relative to Bankruptcy, and Insolvency in British Columbia*," and all Acts of the said Legislatures, or either of them amending the same, are hereby continued in force to the first day of September in the present year 1875, after which date the same shall be deemed repealed, (except as hereinafter provided, with respect to Manitoba and) except so far as regards proceedings commenced and then pending thereunder, and also as regards all contracts, acts, matters and things made and done before such repeal, to which the said Acts or any of the provisions thereof would have applied if not so repealed, and especially such as are contrary to the provisions of the said Acts, having reference to fraud and fraudulent preferences, and to the enregistration of marriage contracts within the Province of Quebec; and as to all such contracts, acts, matters, and things, the provisions of the said Acts shall remain in force, and shall be acted upon as if this Act had never been passed: Provided always, that as respects matters of procedure merely, the provisions of this Act shall, upon and after the said first day of September, in the present year, 1875, supersede those of the said Acts even in cases commenced and then pending: And all securities given under the said Acts shall remain valid, and may be enforced, in respect of all matters and things falling within their terms, whether on, before or after the day last aforesaid, and especially all securities theretofore given by Official Assignees shall serve and avail hereafter as if given under this Act; All other Acts and parts of Acts now in force in any of the Provinces to which this Act applies, which are inconsistent with the provisions of this Act, are hereby repealed.

147. The foregoing provisions of this Act shall only apply to that part of the Dominion comprising the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia,, British Columbia and Prince Edward Island.

148. The provisions of *The Insolvent Act of 1869*, applied by Schedule A of the Act thirty-fourth Victoria, chapter thirteen, to Insolvents resident in the Province of Manitoba, shall continue to apply to such Insolvents, in the case of composition and discharge mentioned in the said provisions, until the _____ day of _____, 187____, and no longer, until which day the said provisions are hereby continued in

Commence-
ment of fore-
going prov-
isions.

Insolvent Acts
of 1864 and
1869 and Acts
amending
them and
Acts of B. C.
and P. E. I.
continued to
1st Sept. and
then
repealed;
saving certain
proceedings
and matters.

Proviso:
Procedure
under this Act
to apply and
supersede
that under
said Acts.

To what Pro-
vinces Act
shall apply.

Certain provi-
sions of 32, 33
Vic., c. 16, to
continue to
apply to Man-
to

force for that purpose ; and in the said provisions "The Court" shall mean the Court of Queen's Bench of Manitoba, and "The Judge" shall mean the Chief Justice or one of the Puisne Judges of the said Court.

Shorttitle

149. This Act shall be known and may be cited as "*The Insolvent Act of 1875.*"

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FORM A.

INSOLVENT ACT OF 1875.

To (name of Insolvent.) residence and description

You are hereby required, to wit, by A. B. a creditor for the sum of \$ (describe in a summary manner the nature of the debt,) and by C. D. a creditor, &c., to make an assignment of your estate and effects under the above mentioned Act, for the benefit of your creditors.

place date.

Signature of Creditor or Creditors.

FORM B.

INSOLVENT ACT OF 1875.

CANADA, Province of District of

A. B. (name, residence and description.)

Plaintiff,

vs.

C. D. (name, residence and description.)

Defendant.

I. A. B. (name, residence and description) being duly sworn, depose and say:

1. I am the Plaintiff in this cause (or one of the Plaintiffs, or the clerk, or the agent of the plaintiff in this cause duly authorized for the purposes thereof.)

2. The Defendant is indebted to the Plaintiff (or as the case may be) in the sum of dollars currency for, (state concisely and clearly the nature of the debt;)

3 To the best of my knowledge and belief the Defendant is an Insolvent Trader within the meaning of the Insolvent Act of 1875, and has rendered himself liable to have his estate placed in liquidation under the said Act; and my reasons for so believing are as follows: (state concisely the facts relied upon as rendering the debtor insolvent and as subjecting his estate to be placed in liquidation.)

And I have signed; (or I declare that I cannot sign.)

Sworn before me this day of

187 .

and if the deponent cannot sign, add—the foregoing affidavit having been first read over by me to the deponent.

(FORM C.)

INSOLVENT ACT OF 1875.

CANADA,
PROVINCE OF
District of

} VICTORIA, by the Grace of God, of the
United Kingdom of Great Britain and Ireland,
Queen, Defender of the Faith.

[No.

To the Official Assignee of the County (or District) of

:
GREETING:

We command you at the instance of
to attach the estate and effects, moneys and securities for money, vouchers,
and all the office and business papers and documents of every kind and
nature whatsoever, of and belonging to if the
same shall be found in (name of district or other territorial jurisdiction
and the same so attached, safely to hold, keep and detain in your charge)
and custody, until the attachment thereof, which shall be determined in
due course of law.

We command you also to summon the said
to be and appear before Us, in our Court for
at in the County (or District)
of on the day of to show
cause, if any he hath, why his estate should not be placed in liquidation
under the Insolvent Act of 1875, and further to do and receive what, in our
said Court before Us, in this behalf shall be considered; and in what manner
you shall have executed this Writ, then and there certify unto Us, with
your doings thereon, and every of them, and have you then and there also
this Writ.

In WITNESS WHEREOF, We have caused the Seal of our said Court to
be hereunto affixed, at aforesaid
this day of in the year
of our Lord, one thousand eight hundred and seventy- and in the
year of our Reign.

(FORM D.)

INSOLVENT ACT OF 1875.

A. B.,
Plaintiff.

B. D.,
Defendant.

A writ of attachment has issued in this cause.

(Place date.)

(Signature,
Official Assignee.

(FORM E)

INSOLVENT ACT OF 1875.

This assignment made between of the
first part, and of the second part,
witnesses,

On this day of (or)

before the undersigned notaries
came and appeared
of the first part, and

of the second part, which said parties declared to us notaries:—

That under the provisions of "The Insolvent Act of 1875" the said party of the first part, being Insolvent, has assigned and hereby does assign to the said party of the second part, accepting thereof as Assignee under the said Act, and for the purposes therein provided, all his estate and effects, real and personal, of every nature and kind whatsoever.

To have and to hold to the party of the second part as Assignee for the purposes and under the Act aforesaid.

In witness, whereof, &c.

Done and passed, &c.

FORM F.

INSOLVENT ACT OF 1875.

In the matter of A. B., an Insolvent.

Schedule of Creditors.

1. Direct Liabilities.				Total.
Name.	Residence.	Nature of Debt.	Amount.	
2. Indirect liabilities, maturing before the day fixed for the first meeting of creditors.				
Name.	Residence.	Nature of Debt.	Amount.	
3. Indirect liabilities, maturing after the day fixed for the first meeting of creditors.				
Name.	Residence.	Nature of Debt.	Amount.	
4. Negotiable paper, the holders of which are unknown.				
Date.	Name of Maker.	Names liable to Insolvent.	When due.	Amount.

FORM G.

INSOLVENT ACT OF 1875.

In the matter of _____ an Insolvent.

The Insolvent has made an assignment of his estate to me, (or, a writ of attachment has issued in this case) and the Creditors are notified to meet at _____ in _____ on _____ day of _____ at _____ o'clock _____ to receive statements of his affairs, and to appoint an Assignee.

(Date and Residence of Assignee.)

(Signature.)

Assignee.

(The following is to be added to the notices sent by post.)

The creditors holding direct claims and indirect claims maturing before the meeting, for one hundred dollars each and upwards, are as follows: (names of Creditors and amount due) and the aggregate of claims under one hundred dollars is \$

(date.)

(Signature.)

(FORM H.)

INSOLVENT ACT OF 1875.

In the matter of A. B., an Insolvent.

This deed of release (or transfer) made under the provisions of the said Act between (C. D.,)

Assignee to the estate of the said Insolvent of the first part; and (E. F.,) of the second part, witnesseth:

That whereas by a resolution of the creditors of the Insolvent duly passed at a meeting thereof duly called and held at _____ on the _____ day of _____ the said party of the second part was duly appointed Assignee to the estate of the said Insolvent; Now therefore these presents witness that the said party of the first part, in his said capacity, hereby releases (or transfers) to the said party of the second part the estate and effects of the said Insolvent, in conformity with the provisions of the said Act; and for the purposes therein provided.

In witness whereof, &c.

(This form may be adapted in the Province of Quebec to the notarial form execution of documents prevailing there.)

(FORM I.)

INSOLVENT Act of 1875.

In the matter of _____

A. B. [or A. B. & Co.,]

an Insolvent.

I the undersigned [name and residence], have been appointed Assignee in this matter.

Creditors are requested to file their claims before me, within one month.

(Place

date.)

(Signature.)

Assignee.

(FORM J.)

INSOLVENT ACT OF 1875.

CANADA, } In the (name of Court)
 PROVINCE OF } In the matter of A. B. (or
 District (or County) of } A. B. & Co.,) an Insolvent.

The undersigned has filed in the office of this Court, a consent by his creditors to his discharge (or a deed of composition and discharge executed by his creditors), and on the _____ day of _____ next, he will apply to the said Court (or to the Judge of the said Court, as the case may be) for a confirmation of the discharge thereby effected.

(Place. date.)

(Signature of Insolvent, or his Attorney ad litem.)

(FORM K.)

INSOLVENT ACT OF 1875.

In the matter of A. B., An Insolvent.

I, A. B., of _____ an Insolvent, now making application to the _____ for a confirmation of my discharge (or of my deed of composition and discharge) being duly sworn, depose and say :

That no one of my creditors who has signed the said discharge (or the said deed of composition and discharge) has been induced so to do by any payment, promise of payment, or advantage whatsoever, made, secured, or promised to him by me or, with my knowledge, by any person on my behalf.

And I have signed,
 Sworn before me at
 this _____ day of _____
 187 _____

FORM L.

INSOLVENT ACT OF 1875.

CANADA, } In the (name of Court)
 PROVINCE OF } In the matter of A. B. (or A. B. & Co.) an
 District (or County) of } Insolvent.

On the _____ day of _____ next, the undersigned will apply to the said Court (or the Judge of the said Court (as the case may be) for a discharge under the said Act.

(Place date.)

(Signature of the Insolvent, or his Attorney, ad litem.)

(FORM. M.)

INSOLVENT ACT OF 1875.

In the matter of A. B., _____ an Insolvent.

In consideration of the sum of \$ _____ whereof quit,
 C. D., Assignee of the Insolvent, in that capacity hereby sells and assigns to

E. F. accepting thereof, all claim by the Insolvent against G. H. of (*describing the Debtor*) with the evidences of debt and securities thereto appertaining but without any warranty of any kind or nature whatsoever.

In the (name of Court) }
In the matter of A. B. (or }
A. B. & Co.) an Insolvent }
District (or County) of }
Province of }
C. D., Assignee,
E. F.

(FORM N.)
This deed made under the provisions of the Insolvent Act of 1875, the day of &c., between A. B. of &c., in his capacity of Assignee of the estate and effects of an Insolvent, under a deed of assignment executed on the day of at in and of a release made and executed on the , day of , in (or under an order of the Judge made at on the day of) of the one part, and C. D., of &c., of the other part, witnesseth; That he, the said A. B., in his capacity, hath caused the sale of the real estate hereinafter mentioned, to be advertised as required by law, and hath adjudged (or and hath offered for sale pursuant to such advertisement, but the bidding therefor being insufficient did withdraw the same from such sale, and hath since by authority of the creditors agreed to sell) and doth hereby grant, bargain, sell, and doth hereby grant, bargain, sell, and confirm the same, to wit: unto the said C. D., his heirs and assigns for ever, all (*in Ontario, Nova Scotia and New Brunswick, insert "the rights and interests of the Insolvent in"*) that certain lot of land, (&c., *insert here a description of the property sold*): To have and to hold the same, with the appurtenances thereof, unto the said C. D., his heirs and assigns for ever. The said sale is so made for and in consideration of the sum of \$ in hand paid to the said C. D., to the said A. B., the receipt whereof is hereby acknowledged (or of which the said C. D., hath paid by the said A. B., the sum of the receipt whereof is hereby acknowledged and the balance, or sum of \$ the said C. D. hereby promises to pay the said A. B., in his said capacity, as follows, to wit—*here state the terms of payment*)—the whole with interest payable and as security for the payments so to be made, the said C. D. hereby specially mortgages and hypothecates to and in favor of the said A. B., in his said capacity, the lot of land and premises hereby sold. In witness, &c.

Signed, sealed, and delivered in the presence of E. F. A. B. [L. S.] C. D. [L. S.]

In the (name of Court) }
In the matter of A. B. (or A. B. & Co.) an }
Insolvent }
District (or County) of }
Province of }
Canada }
On the day of next the }
undersigned will apply to the said Judge of the said Court }
(for the case may be) for a discharge under the said Act. }
INSOLVENT ACT or 1875. }
(Place) }
(Signature of the Insolvent, or his Attorney at Law.) }

In the matter of A. B. (or A. B. & Co.) an Insolvent.

A dividend sheet has been prepared, open to objection, until the day of after which dividend will be paid.

(Place.)

(Date.)

Signature of Assignee.

(FORM P.)

INSOLVENT ACT OF 1875.

In the matter of

A. B.,

An Insolvent, and

C. D.,

Claimant.

I. C. D., of _____, being duly sworn in
depose and say:

1. I am the claimant (or the duly authorized agent of the claimant in
this behalf, and have a personal knowledge of the matter hereinafter de-
posed to, or a member of the firm of _____ claimants in the matter,
and the said firm is composed of myself _____ and of E. F. .)

2. The Insolvent is indebted to me (or to the claimant) in the sum of
_____ dollars for (here state the nature and particulars of the
claim, for which purpose reference may also be made to accounts or docu-
ments annexed.)

3. I (or the claimant) hold no security for the claim, (or I or the
claimant hold the following, and no other, security for the claim namely:
state the particulars of the security.)

To the best of my knowledge and belief, the security is of the value
of _____ dollars.

Sworn before me at _____ }
this _____ day of _____ } And I have signed.

As the Government has
received and read the time
February, 1870
Second reading, Tuesday, 23rd February, 1870
HON. MR. FOURNIER

OTTAWA:
Printed by G. W. Mitchell

BILL

AN ACT RESPECTING INSOLVENCY

16. (1) The court shall be vested with power to...
17. (2) All moneys...
18. (3) As section twenty...
19. (4) All moneys...
20. (5) As section twenty...
21. (6) All moneys...
22. (7) As section twenty...
23. (8) All moneys...
24. (9) As section twenty...
25. (10) All moneys...

BILL.

AN ACT RESPECTING INSOLVENCY.

Received and Read 1st time, Friday, 19th
February, 1875.

Second reading, Tuesday, 23rd February, 1875.

HON. MR. FOURNIER.

OTTAWA:
Printed by C. W. Mitchell.

- An Act to amend the Gas Inspection Act, 1873.

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

1. Sub-section two of the twenty-third section, sections Certain provisions of 36 V., c. 48 repealed.
5 twenty-seven, twenty-eight, thirty and thirty-seven and Schedule A of the Act, chapter forty-eight, passed in the thirty-sixth year of Her Majesty's reign, known as "*The Gas Inspection Act of 1873,*" are hereby repealed.

2. From and after the passing of this Act, the following New sections substituted.
10 sub-section, sections and schedule shall be inserted in and read as part of the said recited Act, in place of the sub-section, sections and schedule hereby repealed.

(1.) As sub-section two of the twenty-third section of the Section 23, sub-sec. 2.
said Act:—

15 “(2.) The meter shall be tested for soundness or leakage Testing meters for soundness.
“only, and not for percentage of error, when fixed on a
“horizontal base and with air or gas under a pressure equal
“to a column of water three inches high, and passing not
20 “more than one-twentieth part of its measuring capacity per
“hour marked thereon, nor less than one half of a cubic foot
“per hour for all meters of a measuring capacity not
“exceeding one hundred cubic feet per hour, and not more
“than one-fortieth part of its said capacity per hour for all
“meters of any greater measuring capacity per hour than one
25 “hundred cubic feet; and all meters found to work under
“such test, and none other, shall be deemed sound meters.”

(2.) As section twenty-seven of the said Act:—

“27. All meters made to supply not more than twenty- Where the inspection of meters may be made.
“five lights required to be verified and stamped, shall
30 “be delivered to the inspector at the place where
“his testing gas holder and apparatus are then kept:
“but meters intended to supply more than twenty-five lights
“may, when deemed necessary by the inspector, be tested
“without being removed from the place where they are used
35 “by test meters or such other apparatus as may be directed
“by the Department of Inland Revenue; and every
“purchaser or seller of gas may, at his own expense at any
“time after the date fixed as aforesaid, require any stamped

Proviso: "or unstamped meter by which his gas is measured to be examined and tested; and if found correct, stamped, or he may at his own expense, substitute a stamped meter in the place of any such unstamped meter: Provided that such purchaser or seller of gas shall, before removal of any such unstamped meter for the purpose aforesaid, give twenty-four hours' notice, in writing, of such intended removal, to the other party to the contract." 5

Section 28. (3). As section twenty-eight of the said Act:—

What the gas maker shall be held to have undertaken. "28. After the coming into force of the provisions of this Act every undertaker in any city, town or place for which there is an inspector of gas, shall be held to have undertaken:— 10

Quantity. "(a.) That the supply of gas shall be regular and sufficient. 15

Pressure. "(b.) That it shall be supplied under sufficient pressure.

Quality. "(c.) That the quality of gas to be supplied to the purchaser shall be such that the light produced by a standard burner consuming five cubic feet of gas per hour shall (subject to the provisions hereinafter made as to the Province of Ontario), be equal in intensity to that produced by fourteen sperm candles as mentioned in Schedule A and:— shall exhibit no trace of sulphuretted hydrogen nor any excess of sulphur or ammonia when tested, in accordance with the rules provided in that behalf in the Schedule A to this Act: 20 25

Standard quality. "And such quality shall be called the 'standard quality,' unless such undertaker has expressly undertaken to furnish gas of some other quality as to its illuminating properties, which shall be called the 'prescribed quality,' but in any case gas furnished for lighting purposes shall be free from any trace of sulphuretted hydrogen as aforesaid, and from any greater quantity of sulphur or ammonia than may be allowed by regulations made by the Department of Inland Revenue. 30 35

Testing place. "The testing place or places shall have been approved by the Inspector, and not less than five hundred yards distant from the Gas House or premises where the gas is produced and purified. 40

Proviso as to Ontario. "Provided that on account of the expense and difficulty of procuring coal of the proper quality in the Province of Ontario, the words 'twelve sperm candles' shall be substituted for the words 'fourteen sperm candles' in reading and construing the foregoing provisions of this section with reference to the said Province." 45

Section 30. (4.) As section thirty of the said Act:—

“ 30. There shall be provided at the testing place or places
 “ proper conveniences and apparatus therein for the purposes
 “ following, if there be no special agreement between the
 “ undertaker and the consumer, or for such of them as may
 5 “ be prescribed by the special agreement, if any, that is to
 “ say :—

Apparatus to
be provided
for testing.

“ (a.) For testing the illuminating power of the gas supplied.

10 “ (b.) For testing the presence of sulphuretted hydrogen in
 “ the gas supplied.

“ (c.) For testing the presence and quantity of sulphur and
 ammonia.

15 “ 2. The said apparatus shall be in accordance with the
 “ regulations prescribed in Schedule A to this Act annexed,
 “ or according to such rules as may, from time to time, be
 “ substituted in lieu thereof by regulations under this Act,
 “ and shall be so situated and arranged as to be conveniently
 “ used for the purpose of testing the illuminating power and
 “ purity of the gas supplied by the undertaker.

To be accord-
ing to
schedule.

20 (5.) As section thirty-seven of the said Act :—

Section 37.

37. The Governor in Council may from time to time
 “ direct stamps to be prepared for the purposes of this Act,
 “ and bearing such device as he thinks proper, and may
 “ defray the cost thereof out of any unappropriated moneys
 25 “ forming part of the Consolidated Revenue Fund. The
 “ device on such certificate stamp shall express the value
 “ thereof, that is to say, the sum at which it shall be reckoned
 “ in payment of the fee hereby imposed.”

Preparation
of stamps.

Device
thereon.

30 “ 1. He may from time to time make such regulations—
 “ not inconsistent with this Act—as may be necessary for
 “ giving effect to its provisions, and for declaring its true
 “ intent and meaning in all cases of doubt.

Governor in
Council may
interpret Act
in cases of
doubt.

(6.) As Schedule A. of the said Act :

“ SCHEDULE A.

“ APPARATUS FOR TESTING GAS.

“ The apparatus for testing the illuminating power of gas
 “ shall consist of the improved form of Bunsen's photometer,
 “ known as Letheby's open sixty-inch photometer, or Ryan's
 “ enclosed one hundred inch photometer, together with a
 “ proper meter, minute clock, governor, pressure gauge, and
 “ balance.

Apparatus
for testing,
and mode of
testing.

"The burners to be used for testing the gas shall be such as shall be prescribed by regulation.

"The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.

"The apparatus for testing the presence in the gas of sulphuretted hydrogen, sulphur and ammonia, shall consist of—

"A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water."

"Such other apparatus for testing the presence and quantity of sulphur or ammonia as may be directed by Departmental regulations.

"MODE OF TESTING FOR ILLUMINATING POWER.

"The gas in the photometer is to be lighted at least ten minutes before the testing begins, and it is to be kept continuously burning from the beginning to the end of the tests.

"Each testing shall include ten observations of the photometer made at intervals of a minute.

"The consumption of the gas is to be adjusted as nearly as may be to five cubic feet per hour.

"The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shewn when the wick is slightly bent, and the tip glowing. The standard rate of consumption for the candles shall be one hundred and twenty grains of sperm each per hour, and all candles shall be rejected as unsuitable when their rate of burning exceeds that quantity by more than ten per cent., or when it falls short of it by more than five per cent. During each set of ten observations of the photometer, the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than the proper weight as aforesaid per hour, he shall make and record the calculation requisite to neutralize the effects of the difference.

"The average of each set of ten observations is to be taken as representing the illuminating power ascertained by that testing.

"MODE OF TESTING FOR PURITY.

"For sulphuretted hydrogen, the gas shall be passed through the glass vessel containing the slip of bibulous

“ paper moistened with the solution of acetate of lead for a
“ period of three minutes, or such longer period as may be
“ prescribed by regulation, and if any discoloration of the
“ test paper is found to have taken place, this is to be held
5 “ conclusive as to the presence of sulphuretted hydrogen in
“ the gas.

“ For sulphur or ammonia, such process shall be used as
“ may be directed by Departmental regulations.

No. 30.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL

An Act to amend the Act 36 Vict.,
Cap. 48.

Received and read, first time, Friday, 19th
February, 1875.

Second reading, Tuesday, 23rd February,
1875.

Hon. Mr. GEOFFRION.

OTTAWA:
Printed by Maclean, Roger & Co., Wellington Street.
1875.

No. 31. BILL. [1875.

An Act to establish a Supreme Court, and a Court of Exchequer, for the Dominion of Canada.

NOTE.—The clauses and words in brackets [] are to originate in Committee of the Whole.

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

1. There are hereby constituted, and established, a Court of Common Law and Equity, in and for the Dominion of Canada, which shall be called "The Supreme Court of Canada," and a Court of Exchequer, to be called "The Exchequer Court of Canada."

2. The said Courts shall be Courts of Record.

JUDGES OF THE SAID COURTS.

3. The Supreme Court shall be presided over by a Chief Justice and Puisne Judges, any of whom, in the absence of the others of them, may lawfully hold the said Court in Term.

4. Her Majesty may appoint, by Letters Patent, under the Great Seal of Canada, one person, who is, or has been, a Judge of one of the Superior Courts in any of the Provinces forming part of the Dominion of Canada, or who is a Barrister or Advocate of at least fifteen years' standing at the Bar of any one of the said Provinces, to be Chief Justice of the said Court, and persons who are, or have been, respectively, Judges of one of the said Superior Courts, or who are Barristers or Advocates of at least ten years' standing at the Bar of one of them, to be Puisne Judges of the said Court; and vacancies in any of the said Offices shall, from time to time, be filled in like manner. The Chief Justice and Judges of the Supreme Court shall be respectively the Chief Justice and Judges of the Exchequer Court of Canada: they shall reside at the City of Ottawa.

5. The Chief Justice of the said Courts shall have rank and precedence over all Chief Justices and Judges of any of the Provinces of the Dominion, and the Chancellor of Ontario; and the Puisne Judges of the said Courts shall rank equally with the Chief Justices of the highest Court in any of the Provinces of the Dominion and the Chancellor of Ontario; and as between themselves, the said Puisne Judges of the Supreme Court and Exchequer Court, and the Chancellor and Chief Justices last mentioned, shall have rank and precedence according to seniority of appointment.

Tenure of
Office.

6. The Judges to be appointed under this Act shall hold their offices during good behaviour, but the Governor General may remove any such Judge or Judges upon the address of the Senate and House of Commons. The word "Judge" in this Act includes a Chief Justice, unless it is otherwise expressed, or the context and sense require a distinction to be made. 5

Salaries, and
how payable.

7. [There shall be paid and payable out of the Consolidated Revenue Fund of Canada (after paying or reserving sufficient to pay all such sums as have been heretofore charged thereon, but in preference to all payments which shall be hereafter charged thereon) the yearly sums following, as and for the salaries of the said Judges, as Judges of both Courts, that is to say: to the Chief Justice the sum of dollars, and to each of the Puisne Judges, the sum of dollars, which said sums shall be paid, free and clear from all deductions whatsoever, by monthly instalments; the first payment to be made *pro rata* on the first day of the month, which shall occur next after the appointment of the Judge entitled to receive the same; and if any person, hereafter appointed to any such Office, dies or resigns the same, the executor or administrator of the person so dying, or the person so resigning, shall be entitled to receive such proportionate part of the salary aforesaid, as shall have accrued during the time that such person shall have executed such office since the last payment; and the successor of such person, so dying or resigning, shall be entitled to receive such portion of the salary as shall accrue from the date of his appointment.] 10 15 20 25

Retiring al-
lowances.

8. In case any Judge appointed in pursuance of this Act has continued in the office of Judge of the said Courts, for fifteen years or upwards or in the said office and that of one or more of the Superior Courts of Law or Equity or of the Court of Vice-Admiralty in any of the Provinces of the Dominion, for periods amounting together to fifteen years or upwards, or becomes afflicted with some permanent infirmity, disabling him from the due execution of his office, then, in case such Judge resigns his office, her Majesty may, by letters patent under the Great Seal of Canada, reciting, such period of office or such permanent infirmity, grant unto such Judge 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 to continue thenceforth during his natural life, and to be payable by monthly instalments, and *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. 25 30 35

Oath of office.

9. Every Judge to be appointed in pursuance of this Act, shall, previously to his executing the duties of his office, take the following oath: 40

Form.

"I, , do solemnly and sincerely promise, and swear that I will duly and faithfully, and to the best of my skill and knowledge execute the powers and trusts reposed in me (as Chief Justice or as one of the Judges) of the Supreme Court of Canada, and of the Court of Exchequer. 45

How admin-
istered.

10. The said oath shall be administered to the Chief Justice of the said Courts before the Governor-General, or person administering the Government of the Dominion in Council, and to the puisne Judges of the said Courts by the Chief Justice. 50

Judges to
hold no other
office.

11. No Judge to be appointed to office under this Act shall hold any other office either under the Government of the Dominion of Canada, or under the Government of any Province of Canada. 55

APPELLATE JURISDICTION OF THE SUPREME COURT. 55

12. Unless it is otherwise provided, or the context manifestly requires

another construction, the following words and expressions, when used in this Act, with reference to proceedings under it in appeal or error, shall have the meaning hereby assigned to them respectively:—The word “judgment,” when used with reference to the Court appealed from, 5 includes any judgment, rule, order, decree, decretal order or sentence thereof; and when used with reference to the Supreme Court, it includes any judgment or order of that Court. The word “appeal” includes any appeal or proceeding in error, to set aside or alter any judgment of the Court appealed from on a point of law, as well as an appeal founded on 10 the facts or on the facts and law of any case; and the term “Appellant or party appealing” includes a Plaintiff in error. The expression “the Court” means the Supreme Court; and the expression “the Court appealed from” means the Court from which the appeal has been brought directly to the Supreme Court, whether such Court be a Court of original 15 jurisdiction, or a Court of Appeal and Error; and when an appeal to the Supreme Court is given from a judgment in any case, it shall always be understood to be given from the court of last resort (whether of original or appellate jurisdiction,) in the Province where the judgment was rendered in such case.

20 **13.** judges of the said Supreme Court shall constitute a quorum **Quorum in Appeal and Error.** for the purpose of hearing and determining causes in Appeal and Error.

14. The said Supreme Court, for the purpose of hearing and determining Appeals and Proceedings in Error, shall hold annually, at the City of Ottawa, two sessions, the one beginning on the third Monday in 25 January, and the other beginning on the first Monday in June, in each year, and each of the said sessions shall be continued until the business before the Court shall have been disposed of. **Two Terms in Appeal and Error yearly.**

15. The Supreme Court may adjourn each session from time to time, and meet again at the time appointed for the transaction of business; 30 notice of such adjournment and of the day fixed for the continuance of such session shall be given by the Registrar in the *Canada Gazette*. The Court may be convened at any time by the Chief Justice in such manner as may be prescribed by the Rules of practice hereinafter mentioned. **Power to adjourn.**

16. The Supreme Court shall have, hold, and exercise an appellate 35 civil and criminal jurisdiction within and throughout the Dominion of Canada. **To be for all Canada.**

17. Subject to the limitations and provisions hereinafter made, an Appeal or Proceedings in Error shall lie to the Supreme Court from all final judgments of the highest Court of final resort, whether such Court be a 40 Court of Appeal or of original jurisdiction, now or hereafter established in any Province of Canada, in any case wherein the sum or the value of the matter in dispute exceeds \$1,000; and also, from any preliminary or interlocutory judgment in any such case, which would carry execution by ordering something to be done which cannot be remedied by the final judgment, or whereby the matter in contestation may be in part decided, or the final 45 hearing and judgment unnecessarily delayed; and the right to appeal or proceed in error in civil cases given by any of the following sections, shall be understood to be given in such cases only as are mentioned in this section, except Exchequer cases, and cases of Mandamus, 50 Habeas Corpus, or Municipal By Laws, as hereinafter provided. Proceedings in Error may be brought in the said Supreme Court from a judgment in any civil action or proceeding in any of the said Provincial Courts, in any such case as aforesaid, in which the proceedings shall have been according to the course of the common law of England. **In what cases Appeal or Error shall lie.**

55 **18.** An Appeal, but not proceedings in Error, shall lie from a judgment of a Court of Common Law, in any such case as aforesaid, (or from a judgment in appeal from such judgment) upon a special case, unless the parties agree to the contrary; and the proceedings for bringing a special case before the said Supreme Court shall, as nearly as possible, be the same as in the **Appeal upon special case.**

case of a special verdict, and the Supreme Court shall draw any inferences of fact from the facts stated in the special case which the Court appealed from ought to have drawn.

Appeal on rule to enter verdict, &c., on a point reserved.

19. An Appeal shall lie from the decision of any of the Courts of Common Law mentioned in section 17, (or from a judgment in appeal from such judgment,) in the case of a rule to enter a verdict or nonsuit upon a point reserved at the trial, whether a rule to shew cause has been refused or granted, or has been discharged or made absolute.

In cases of motions for new trial.

20. In all cases of motion for a new trial upon the ground that the Judge has not ruled according to law, if the rule to shew cause be refused, or if granted be afterwards discharged, or made absolute, the party decided against may appeal to the Supreme Court.

Such appeal only on dissent or discretion.

21. No such Appeal as is provided for in the next two preceding sections shall lie, unless one of the Judges in the Court appealed from, dissent from the Rule being refused, or when granted, from its being discharged, or made absolute, as the case may be, or unless the Court appealed from, in its discretion, think fit that an appeal should be allowed.

No appeal in certain cases.

22. When the application for a new trial is upon matter of discretion only, as on the ground that the verdict is against the weight of evidence, or otherwise, no Appeal to the Supreme Court shall be allowed.

Ejectment.

23. An Appeal to the Supreme Court shall lie in actions of Ejectment in the same manner, and to the same extent as in any other case.

Notice in such cases.

24. No appeal shall be allowed under the next five preceding sections unless notice thereof be given in writing to the opposite party, or his attorney of record, within twenty days after the decision complained of, or within such further time as the Court appealed from, or a Judge thereof, may allow.

Appeal, Mandamus, Habeas Corpus, &c.

25. In addition to proceedings in Error where the same are applicable, an Appeal shall lie to the Supreme Court, from any such Court of Appeal or final resort as mentioned in section 17, in any case of proceedings for, or upon, a Writ of Habeas Corpus, where the Writ is refused or the prisoner remanded, but not otherwise, and in any case of proceedings for or upon a Writ of Mandamus, and in any case in which a by-law of a Municipal Corporation has been quashed by rule of Court, or the rule for quashing it has been refused, after argument, whatever be the amount or value of the matter in dispute.

No other appeal. Error allowed

26. No other Appeal to the Supreme Court than as hereinbefore mentioned, from a decision of any Court of Common Law shall be allowed; but in any such civil case as is mentioned in section 17, or section 25, in which the proceedings have been according to the Court of English Common Law and in any criminal case—if the judgment, decision, or other matter appealed against appears of record, Proceedings in Error shall lie.

Error and appeals from Quebec.

27. Proceedings in Error shall lie to the Supreme Court, where the matter complained of appears of record, from all judgments of the Court of Queen's Bench in the Province of Quebec, on its appeal side in criminal cases; but in all other cases in which any judgment or order of the said Court of Queen's Bench in its appellate jurisdiction, is sought to be reversed in the said Supreme Court, the proceedings shall be by way of Appeal only, and no proceedings in Error shall lie.

Practice in such cases

28. Proceedings in Appeals from decrees, judgments, or orders in Equity, and from the Court of Queen's Bench of the Province of Quebec in civil causes, shall, when not otherwise provided for by this Act, or by

the general rules and orders to be made in pursuance hereof, be as nearly as possible in conformity with the *present* practice of the Judicial Committee of Her Majesty's Privy Council.

29. Proceedings in Error shall, where not otherwise provided for by this Act, or by the general rules and orders to be made in pursuance hereof, be as nearly as possible in conformity to the practice of the Court of Exchequer Chamber in England. Proceedings in Error.

30. No Appeal or Proceedings in Error shall be brought from any final judgment, decree, or decretal order, unless the same be allowed by the Court appealed from, within days from the signing or pronouncing thereof; and no appeal shall be brought from an interlocutory order or rule, unless the same be allowed by the Court appealed from within days from the making or granting thereof; and no appeal shall be allowed from the final judgment of a Court or Judge whereby an election petition has been decided unless the same be brought within *thirty days* from the rendering thereof. Limitation of time for Appeal or Error.

31. No Appeal shall be allowed from any preliminary decree, or decretal order, or from any interlocutory order or rule, which can be remedied by the final judgment in the case. No appeal if remediable by final judgment.

32. Provided always, that the Court proposed to be appealed from, or any Judge thereof, may allow an Appeal under special circumstances, notwithstanding that the same may not be applied for within the time or manner hereinbefore prescribed in that respect, *or that the same may not be within the provisions of the next preceding section*; but in such case, the Court or Judge shall impose such terms as to security or otherwise as shall seem proper under the circumstances. Allowance of appeal in special cases.

33. No Writ of Error or of Appeal shall be required or issued for bringing any appeal or proceedings in Error in any case to or into the Supreme Court, but it shall be sufficient that the party desiring so to appeal or proceed in Error, shall within the delay hereinbefore limited in the case, have given the security required, and obtained the allowance of the appeal or proceedings in Error, and the Clerk or other proper officer of the Court appealed from, shall upon payment to him of the proper fees and the expenses of transmission, transmit forthwith after such allowance, the record in the case to the Registrar of the Supreme Court, and further proceedings shall be had thereupon according to the practice of that Court.

34. No Appeal or Proceedings in Error shall be allowed, (except only the case of appeal in proceedings for or upon a Writ of Habeas Corpus) until the Appellant or Plaintiff in Error has given proper security to the extent of *five hundred* dollars to the satisfaction of the Court, from whose judgment, order, or decree, he is about to bring Error or Appeal, or a Judge thereof, that he will effectually prosecute his Appeal, and pay such costs and damages as may be awarded in case the judgment or decree appealed from be affirmed. Provided that this section shall not apply to appeals in Election cases, for which special provision is hereinafter made. Security in Appeal or Error, \$500.

35. Upon the perfecting of such security, execution shall be stayed in the original cause, except in the following cases:— Execution stayed.

1. If the judgment, decree, or order, appealed from, or upon which Error is brought, directs an assignment or delivery of documents, or personal property, the execution of the decree or judgment shall not be stayed until the things directed to be assigned or delivered have been brought into Court, or placed in the custody of such officer or receiver as the Court appoints, nor until security has been given to the satisfaction of the Court whose Exceptions and conditions.

judgment, decree, or order, has been appealed from, or from which Error is brought, or of a Judge thereof, in such sum as the Court or Judge may direct, that the Appellant will obey the order or judgment of the Supreme Court.

2. If the judgment, decree, or order, appealed from, or upon which Error is brought, directs the execution of a conveyance or any other instrument, the execution of the decree, order, or judgment, shall not be stayed until the instrument has been executed and deposited with the proper officer of the Court below, to abide the order or judgment of the Supreme Court. 10

3. Provided, that if the Court appealed from be itself a Court of Appeal, and such assignment or conveyance, document, instrument, property or thing, as aforesaid, has been deposited in the custody of the proper officer of the Court in which the cause originated, the consent of the party desiring to appeal to the Supreme Court, that it shall so remain to abide the judgment of the Supreme Court, shall be binding on him, and shall be deemed a compliance with the foregoing requirements of this section. 15

4. If the judgment, decree, or order, appealed from, directs the sale or delivery of possession of real property, chattels real or immovables, the execution of the judgment, decree, or order, shall not be stayed until security has been entered into, to the satisfaction of the Court appealed from, or a Judge thereof, and in such sum as the said last mentioned Court or Judge directs, that during the possession of the property by the Appellant or Plaintiff in Error, he will not commit, or suffer to be committed, any waste on the property; and that if the judgment, decree, or order, be affirmed, he will pay the value of the use and occupation of the property from the time the appeal or proceedings in error is or are brought, until delivery of possession thereof; and also in case the judgment, decree, or order, is for the sale of property, and the payment of a deficiency arising upon the sale, that the Appellant or Plaintiff in Error will pay the deficiency. 20 25 30

5. If the judgment, decree, or order, appealed from, or upon which proceedings in error is or are brought, directs the payment of money either as a debt, or for damages or costs, execution thereof shall not be stayed until the Appellant or Plaintiff in error has given security to the satisfaction of the Court below, or of a Judge thereof that if the judgment, decree, or order, or any part thereof be affirmed, the Appellant or Plaintiff in Error will pay the amount thereby directed to be paid, or the part thereof as to which the judgment may be affirmed, if it be affirmed only as to part, and all damages awarded against the Appellant on appeal. 35 40

Fiat to
Sheriff.

36. When the security has been perfected and allowed, any Judge of the Court appealed from, or upon the judgment of which Error is brought, may issue his fiat to the Sheriff to whom any execution on the decree, order or judgment has issued to stay the execution, and the execution shall be thereby stayed whether a levy has been made under it or not; and if the Court appealed from is itself a Court of Appeal, and execution has been already stayed in the case, such stay of execution shall continue without any new fiat, until the decision of the case by the Supreme Court. 50

Interest.

37. When, on proceedings in error or in appeal against any judgment, decree, or order, the Supreme Court affirms such judgment, decree, or order, interest shall be allowed by the Court for such time as execution has been delayed by the appeal or proceedings in error. 55

38. If at the time of the receipt by the Sheriff of the fiat, or of a copy thereof, the money has been made or received by him, but not paid over to the party who issued the execution, the party appealing may demand back from the Sheriff the amount made or received under the execution, or so much thereof as is in his hands not paid over, and in default of payment by the Sheriff, upon such demand, the party appealing may recover the same from him in an action for money had and received, or by means of an order or rule of the Court appealed from. Money levied to be repaid by Sheriff.
39. If the judgment, decree, or order, appealed from, or upon which Error is brought, directs the delivery of perishable property, the Court appealed from, or a Judge thereof, may order the property to be sold, and the proceeds to be paid into Court, to abide the order or judgment of the Supreme Court. Perishable property.
40. The Supreme Court shall have power to quash proceedings in cases brought before it, in which Error or Appeal does not lie, or where such proceeding are taken against good faith, or in which proceedings in Error may be quashed according to the law and practice of the Court of Exchequer Chamber in England. Power to quash proceedings in certain cases.
41. The Supreme Court shall have power to dismiss an Appeal, or to give the judgment or decree, and to award the process or other proceedings, which the Court whose decision is appealed against ought to have given or awarded; and the Supreme Court may in its discretion, order the payment of the costs of the Court below, and also of the Appeal or proceedings in Error, or any part thereof, and as well when the judgment or decree appealed from is reversed, as where it is affirmed. Power to dismiss Appeal or give the judgment which ought to have been given. Costs.
42. An Appellant or Plaintiff in Error may discontinue his proceedings by giving to the Respondent a notice entitled in the Supreme Court and cause and signed by the Appellant or Plaintiff in error, his Attorney or Solicitor, stating that he discontinues such proceedings, and thereupon the Respondent or Defendant in Error shall be at once entitled to the costs of and occasioned by the proceedings in Appeal or Error, and may in the Court of original jurisdiction either sign judgment for such costs, or obtain an order from such Court or a Judge thereof for their payment, and may take all further proceedings in that Court as if no Appeal or Proceeding in Error had been brought. Discontinuing proceedings.
43. A Respondent or Defendant in Error may consent to the reversal of the judgment, decree, or order appealed against, by giving to the Appellant or Plaintiff in Error, a notice entitled in the Supreme Court and cause, and signed by the Respondent or Defendant in Error, his Attorney or Solicitor, stating that he consents to the reversal of the judgment, decree, or order, and thereupon the Court or any Judge thereof shall pronounce judgment of reversal, as of course. Consent to reversal.
44. In case an Appellant or Plaintiff in Error unduly delays to prosecute his appeal, or proceedings in Error, or fails to bring the appeal or proceeding in Error on to be heard at the first Term of the Supreme Court, after the appeal or proceeding in Error is ripe for hearing, the Respondent or Defendant in Error may, on notice to the Appellant or Plaintiff in Error, move the Supreme Court, or a Judge thereof in Chambers, for the dismissal of the Appeal, or that the Writ of Error be quashed, and such order shall thereupon be made as the said Court or Judge shall deem just. Motion for dismissal if case be not proceeded with.
45. In the case of the death of one of several Appellants or Plaintiffs in Error pending the appeal to the Supreme Court, a suggestion may be filed of his death, and the proceedings may thereupon be continued at Case of death of one of several appellants.

the suit of, and against the surviving Appellant or Plaintiff in Error, as if he were the sole Appellant or Plaintiff in Error; but such suggestion, if untrue, may be set aside on motion made to the Supreme Court, or Judge thereof in Chambers.

Or of sole appellant or of all the appellants. 46. In the case of the death of a sole Appellant, or Plaintiff in Error, or of all the Appellants, or Plaintiffs in Error, the legal representative of the sole Appellant or Plaintiff in Error, or of the last surviving Appellant, or Plaintiff in Error, may, by leave of the Court, or a Judge, file a suggestion of the death, and that he is such legal representative, and the proceedings may thereupon be continued at the suit of, and against such legal representative as the Appellant, or Plaintiff in Error, and if no such suggestion be made, the respondent may proceed to an affirmance of the judgment, according to the practice of the Court, or take such other proceedings as he may be entitled to, and such suggestion, if untrue, may be set aside on motion by the Court or a Judge thereof.

One of several respondents. 47. In the case of the death of one of several respondents, or defendants in error, a suggestion may be filed of such death, and the proceedings may be continued against the surviving respondent or defendant in error; but such suggestion, if untrue, may be set aside on motion by the Court, or a judge thereof.

Of sole respondent, or of all. 48. In the case of the death of a sole respondent or defendant in error, or of all the respondents or defendants in error, the appellant may proceed, upon giving one month's notice of the appeal and of his intention to continue the same, to the representative of the deceased party, or if no such notice can be given, then upon such notice to the parties interested as a Judge of the said Supreme Court may direct.

Judgment, &c., to be carried out by Court below. 49. The judgment, decree, or order, of the Supreme Court, in Appeal or Error, shall be certified by the Registrar of the said Court to the proper officer of the Court appealed from, and all subsequent proceedings may be taken thereupon as if the judgment, decree, or order, had been given or pronounced in the said last mentioned Court.

APPEAL IN CONTROVERTED ELECTION CASES.

50. When the Supreme Court is organized and in the exercise of its appellate jurisdiction, the thirty-third, thirty-fourth, and thirty-fifth sections of the Act passed in the thirty-seventh year of Her Majesty's Reign, and intitled "*An Act to make better provision for the trial of Controverted Elections of Members of the House of Commons, and respecting matters connected therewith,*" shall be repealed, except as hereinafter provided with respect to proceedings then pending, and thereafter any party to an election petition under the said Act, who may be dissatisfied with the decision of the Judge who has tried such petition, on any question of law or of fact, and desires to appeal against the same, may within eight days from the day on which the Judge has given his decision, deposit with the Clerk or other proper officer of the Court of which the Judge is a member, for receiving moneys paid into such Court, at the place where the petition was tried if in the Province of Quebec, and at the Chief Office of the Court in any other province, the sum of one hundred dollars as security for costs, and a further sum of ten dollars, as a fee for making up and transmitting the record; and thereupon the Clerk or other proper officer of the Court shall make up and transmit the record in the case to the Registrar of the Supreme Court, who shall set down the matter of the said petition for hearing by the said Court at the nearest convenient time, and according to any rules made in that behalf under this Act, and the party so appealing shall thereupon within three days or such further time as the Judge who tried the petition may allow, give to the other parties to the said petition affected by the said appeal, or the respective Attorneys or Agents by whom

such parties were represented at the trial of the petition, notice in writing that the matter of the petition has been so set down for hearing in appeal as aforesaid, in and by which notice the said party so appealing may, if he desires, limit the subject of the said appeal to any special and defined question or questions; and the appeal shall thereupon be heard and determined by the Supreme Court, which shall pronounce such judgment upon questions of law, or of fact or both, as in the opinion of the said Court ought to have been given by the Judge whose decision is appealed from, and the Supreme Court may make such order as to the money deposited as aforesaid, and as to the costs of the appeal as it may think just; and the Registrar shall thereupon certify to the Speaker of the House of Commons, the judgment and decision of the Court upon the several questions as well of fact as of law upon which the Judge appealed from might otherwise have determined and certified his decision in pursuance of the said Act, in the same manner as the said Judge should otherwise have done, and with the same effect, and the judgment and decision of the Supreme Court shall be final to all intents and purposes.

Cases to be heard and determined, and report made to the Speaker.

CRIMINAL APPEALS.

51. Any person convicted of treason, felony, or misdemeanour, before any Court of Oyer and Terminer or Gaol Delivery, or before the Court of Queen's Bench in the Province of Quebec on its Crown side, whose conviction has been affirmed by any Court of last resort, or in the Province of Quebec by the Court of Queen's Bench on its appeal side, or any person in custody within the Dominion of Canada, whose extradition is claimed in pursuance of any treaty and whose application for discharge on a writ of Habeas Corpus *ad subjiciendum* has been refused, may appeal to the Supreme Court against the affirmation of such conviction or the refusal of such application, and the said Court shall make such rule or order therein, either in affirmance of the conviction, or for granting a new trial, or otherwise, as the justice of the case requires, and shall make all other necessary rules and orders for carrying such rule or order into effect, anything in the eightieth section of the Act, passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter twenty-nine, to the contrary, notwithstanding: Provided that no such Appeal shall be allowed where the Court affirming the conviction is unanimous, nor unless notice of Appeal in writing has been served on the Attorney General for the proper Province, within fifteen days after such affirmance or refusal.

In what criminal cases an appeal shall lie, and powers of the Court in such cases.

Proviso.

52. Unless the Appeal is brought on for hearing by the appellant at the term of the Supreme Court, during which such affirmance or refusal takes place, or the term next thereafter if the said Court be not then sitting in term, the Appeal shall be held to have been abandoned, unless otherwise ordered by the Supreme Court.

When appeal must be brought to hearing.

53. The judgment of the Supreme Court, in such cases, shall be final and conclusive.

Judgment conclusive.

JURISDICTION IN HABEAS CORPUS AD SUBJICIENDUM.

54. Any Judge of the Supreme Court shall have concurrent jurisdiction with the Courts or Judges of the several Provinces, to issue the writ of Habeas Corpus *ad subjiciendum*, for the purpose of an enquiry into the cause of commitment, in any criminal case under any Act of the Parliament of Canada, or in any case of demand for extradition.

JUDGES TO HAVE CONCURRENT JURISDICTION IN SUCH CASES.

SPECIAL CASE ON CONSTITUTIONAL MATTERS.

55. The Governor by, and with, the advice and consent of

Special case as to Acts or Bills.

the Privy Council, may direct a special case to be laid before the Supreme Court, in which special case there may be set forth any Act or Bill passed by or brought into the Parliament of Canada or the Legislature of any Province of the Dominion of Canada, and thereupon there may be stated, for the opinion of the said Supreme Court, such questions as to the constitutionality of such Act or Bill, or of any provision or provisions thereof, as the Governor in Council may order.

Proceedings thereon, and certificate of opinion.

56. The said Supreme Court after hearing counsel for the Dominion of Canada, and for any Province whose Act or Bill shall be in question or which may be interested in questioning the constitutionality of the Act or Bill in question, (if the respective Governments of the Dominion and of such Province think fit to appear,) and also after hearing counsel for any person or persons whose interests may be affected by the Act in question, who may desire to be heard touching the questions submitted for the opinion of the said Court, and who shall have obtained leave to appear and be so heard on application to a Judge of the said Court in Chambers, shall certify its opinion upon the said special case to the Governor in Council.

Other questions may be referred.

57. It shall be lawful for the Governor in Council, to refer to the Supreme Court, for hearing or consideration, any question respecting the interpretation of *The British North America Act, 1867*, or of any Treaty with any foreign State, and such other matters whatsoever as he may think fit, and the Court shall thereupon hear or consider the same, and certify its opinion thereon to the Governor in Council. Provided that any Judge or Judges of the said Court who may differ from the opinion of the majority, may in like manner certify his or their opinion or opinions to the Governor in Council.

SPECIAL JURISDICTION.

Powers to be exercised with consent of Local Legislatures.

58 When the Legislature of any Province forming part of Canada shall have passed an Act agreeing and providing that the Supreme Court shall have jurisdiction in the following cases, viz. :—(1st) Of controversies between the Dominion of Canada and such Province; (2nd) Of controversies between such Province and any other Province or Provinces; (3rd) Of suits, actions, or proceedings in which the parties thereto by their pleadings shall have raised the question of the validity of a Provincial or Dominion Act (4th) In any case in which any Superior Court of original jurisdiction in Common Law or Equity in any Province, or any Judge of such Court sitting alone in such case, after having heard the parties, declares that in the opinion of such Court or Judge, the proper decision in such case cannot be given, without considering some Dominion or Provincial Act or some part thereof to be unconstitutional; then this section and the three following sections of this Act shall be in force to all intents and purposes.

Procedure in cases mentioned in S. 58, 1st and 2nd, to be in Exchequer Court.

59. The procedure in the cases firstly and secondly mentioned in the next preceding section shall be in the Exchequer Court, and shall, unless otherwise provided for by general rules made in pursuance of this Act, be regulated by the present practice of Her Majesty's Court of Exchequer, at Westminster, as far as the same may be consistent with the provisions of this Act, and an appeal shall lie in any such case to the Supreme Court.

In cases thirdly mentioned, in S. 58, to be in Supreme Court.

60. In the case thirdly mentioned in the next preceding section but one, the parties shall, notwithstanding, proceed to hearing and trial, according to the ordinary rules of procedure in the Province wherein the case is pending; and if the trial is before a jury, the verdict shall be taken; but no final judgment will be rendered in such case by the Court or Judge before whom it is pending, whose duty it shall then be, on the application of either of the parties, to order that the case be removed to the Supreme Court, to be heard and decided upon the question so raised, and

it shall be so removed accordingly ; and after the decision of the Supreme Court, the said case shall be sent back, with a copy of the judgment on the question raised, to the Court or Judge whence it came, to be then and there finally adjudicated upon as to justice may appertain.

5 **61.** In the case fourthly mentioned in the next preceding section but two, where the validity of a Dominion or a Provincial Statute shall not have been raised by the parties, but in which the Court or Judge is of opinion that the proper decision cannot be given without considering a Dominion or a Provincial Act to be unconstitutional, it shall be the duty of the said Court or Judge to make and file of record a declaration in writing, stating the reasons for considering such law as unconstitutional; and after the filing of such declaration, the case, at the diligence of either party to the suit, shall be removed to the Supreme Court, to be there heard upon the question raised; and after the decision of the Supreme Court, the said case shall be sent back, with a copy of the judgment, to the Court or Judge whence it came, to be then and there finally adjudicated upon as to justice may appertain.

Procedure in cases fourthly mentioned in Sect. 52.

10 **62.** The next three preceding sections apply only to cases of a civil nature and shall take effect in the cases therein provided for respectively, whatever may be the value of the matter in dispute, and there shall be no further appeal to the Supreme Court on any point decided by it in any such case, nor on any other point unless the value of the matter in dispute exceeds one thousand dollars.

To what cases Secs. 58, 59, 60 and 61, shall apply.

EXCHEQUER COURT.

15 **63.** The Exchequer Court of Canada, shall have and possess exclusive original jurisdiction in the Dominion of Canada, except the Provinces of British Columbia and Manitoba, to which the jurisdiction of the said Court shall not extend, in all cases in which it shall be sought to enforce any law of the Dominion of Canada relating to the revenue, including actions, suits, and proceedings, by way of information, to enforce penalties, and proceedings by way of information *in rem*, (and as well in *qui tam* suits for penalties or forfeitures as where the suit is on behalf of the Crown alone,) or in which demand shall be made or relief sought in respect of any matter which might in England be the subject of a suit or action in the Court of Exchequer on its Revenue side by or against the Crown, or any officer of the Crown, provided the sum or the amount of the penalty, or the value of the forfeiture of the matter in question in the case exceeds and if the same does not exceed that sum then the said Court shall have concurrent jurisdiction in the case with the Courts of the several Provinces, (except British Columbia and Manitoba) respectively, but any such case may nevertheless (at any stage of the proceedings before judgment, and on payment of the costs then incurred by the opposite party,) be evoked in a summary manner by Her Majesty's Attorney General for the Dominion, from the Provincial Court to the Exchequer Court and the proceedings therein commenced *de novo* in the last mentioned Court.

Exclusive jurisdiction of the Court.

Concurrent jurisdiction.

45 **64.** The said Court shall also have concurrent jurisdiction with the Courts of the several Provinces except as aforesaid, in all other suits of a civil nature at common law or equity in which the Crown in the interest of the *Dominion of Canada* is plaintiff or petitioner.

When the Dominion is a party interested

Judges.

50 **65.** The Chief Justice and the Judges of the Supreme Court shall previously to their executing the duties of their office, as Judges of the Exchequer Court, take the oath mentioned in section nine of this Act.

Oath of Office.

66. The procedure in suits and actions within the jurisdiction of the said Court, shall, unless it be otherwise provided for by general rules made in pursuance of this Act, be regulated by the practice and procedure of

Rules of practice.

taken by, and the rights and duties of the practitioners and officers of the said Courts, and may, from time to time, alter, and amend any of the existing rules, or any rules made under the authority of this Act, and make other rules instead thereof; and such rules may extend to any matter of procedure or otherwise 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 not being inconsistent with the express provisions of this Act, shall have force and effect as if herein enacted: Provided that copies of all such rules shall be laid before both Houses of the Parliament of Canada at the next session thereof.

Provisc.

Commencement of Act.

83. This Act shall come into force immediately after its passing in so far only as respects the appointment of Judges and Officers of the said Courts, and the organization thereof, the Barristers' Roll and the Roll of 15 Attorneys and Solicitors, and the making of general rules and orders under the next preceding section; and the other provisions thereof, and the judicial functions of the said Courts respectively, shall take effect and be exercised only at and after such time or times as shall be appointed by proclamation under order of the Governor in Council, and 20 subject as to the commencement of their application in and to the several classes of cases mentioned in this Act, to such limitations and conditions as shall be set forth in such proclamation.

Short Title.

84. This Act may be cited as "The Supreme and Exchequer Court Act."

An Act to amend the Act relating to the Provincial Insurance Company of Canada.

WHEREAS the Provincial Insurance Company of Canada was incorporated under the Act relating to the Provincial Insurance Company of Canada, 1873, and it is expedient that the said Act should be amended in certain particulars, and that a petition should be presented to the Parliament of the Dominion praying that the

said Act should be amended in the following particulars, to-wit: That the said Act should be amended so as to read as follows:—

1. The Provincial Insurance Company of Canada shall be deemed to be a corporation of the Dominion of Canada, and shall have the same rights, powers and liabilities as if it were a corporation of the Dominion of Canada.

2. The Provincial Insurance Company of Canada shall be deemed to be a corporation of the Dominion of Canada, and shall have the same rights, powers and liabilities as if it were a corporation of the Dominion of Canada.

3. The capital stock of the said Company shall not exceed the sum of one million dollars, and all stock subscribed and unpaid for by the said Company under the said Act shall be deemed to be paid up for all purposes and liabilities thereunder.

4. The Board of Directors of the said Company shall have power from time to time to call on or pay to any member of the said capital stock the amount of any share which may be forfeited or unpaid, and to apply such amount to such purposes as they may think proper.

5. The Board of Directors of the said Company shall have power from time to time to call on or pay to any member of the said capital stock the amount of any share which may be forfeited or unpaid, and to apply such amount to such purposes as they may think proper.

Printed by C. W. Mitchell
OTTAWA

How Mr. Mitchell

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No. 31.

2nd Session 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to establish a Supreme Court, and a
Court of Exchequer, for the Dominion of
Canada.

Received and Read 1st time, Tuesday, 23rd
February, 1875.

Second Reading, Friday, 26th February, 1875.

HON. MR. FOURNIER

OTTAWA :
Printed by C. W. Mitchell.

An Act to consolidate and amend the Acts relating to
The Provincial Insurance Company of Canada.

WHEREAS the Provincial Insurance Company of Canada Preamble.
at their annual meeting held on the thirty-first day
of August, in the year of Our Lord one thousand eight
hundred and seventy-four, resolved that a petition should be
5 presented to the Parliament of the Dominion praying that the
various statutes relating to the incorporation of the Company
should be consolidated, with the amendments hereinafter
mentioned, and whereas the said Provincial Insurance Com-
pany of Canada have by their petition prayed that such con-
10 solidation and amendment may be made, 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 :—

1. All Acts of the Parliament of the late Province of Certain Acts
repealed.
15 Canada, relating to the Provincial Insurance Company of
Canada, by whatever name the said Company may be called
in any of such Acts shall be and the same are hereby repealed,
but all Acts, matters and things done by the said Company
shall stand, and be affirmed as if this Act had not been
20 passed.

2. The Provincial Insurance Company of Canada shall be Corporation
continued.
and remain a corporation under that name, and all claims
and liabilities either in favor of or against the Provincial
Insurance Company of Canada, under all or any of the said
25 repealed Acts, shall enure to or against the Provincial In-
surance Company of Canada as incorporated under this Act,
as fully and effectually to all intents and purposes as they
would have enured to or against the Provincial Insurance
Company of Canada, under all or any of the said repealed
30 Acts.

CAPITAL STOCK.

3. The capital stock of the said Company shall not exceed Capital stock
and shares.
the sum of *one million and twenty dollars*, in shares of *sixty*
dollars each, and all stock subscribed and existing in the
said Company under the said repealed Acts shall be stock in
35 the said Company under this Act with all payments and
liabilities thereon, as fully, effectually and to the same
extent as if such subscriptions, payments and liabilities
thereon had been made or incurred under this Act.

4. The Directors of the said Company shall have power Issue of stock.
40 from time to time to issue all or any portion of the said
capital stock unsubscribed for, or which may at any time be
forfeited or surrendered to the Company in such manner, to
such amounts, and payable in such way as they shall think
proper.

Liability limited.

5. The shareholders of the said Company shall not be liable for any claims for losses or payments beyond the amount of stock which they may respectively hold.

Transfer of shares

6. The capital stock shall be assignable on the books of the Company, but no shareholder indebted to the Company shall be permitted to make a transfer until such debt is paid, or security given for it to the satisfaction of the Directors, nor shall any transfer of stock be made, nor be valid, while any sum of money is due and unpaid upon the said stock, nor, if such stock be not paid in full, without the consent of the Directors.

Calls on stock

7. Five per cent. on each share of stock shall be paid at the time of subscribing, and the remainder shall be paid as the Directors for the time being shall appoint, and if any shareholder do not pay any money due upon the shares held by him, the Directors may declare such shares forfeited, together with any amount already paid thereon, and may sell such shares as forfeited and appropriate the proceeds of such sale, with such moneys already paid, to the general fund, or they may re-issue such stock to any person or persons, and appropriate any moneys already paid thereon to the general fund.

Forfeiture for non-payment.

Calls may be recovered.

8. Instead of declaring such shares forfeited the Company may sue for and recover from any shareholder any money which shall be called in on any shares of stock, and which shall be due and unpaid, 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 Company, 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 shares, and the sum of money that is due and unpaid thereon.

POWERS OF THE COMPANY.

Business of the Company.

9. The Company shall have power and authority to make and effect contracts of insurance against loss or damage by fire on any property, real or personal, wheresoever situate, whether within or without the Dominion of Canada, and upon any ships or vessels whatever, or wheresoever proceeding, against loss or damage by fire or water or any other risk whatever, and to make and effect insurance on lives, and to grant annuities or endowments, and to make re-assurances against any loss or risk they may insure, and generally to do and perform all other matters and things connected with or incident to all or any of these objects.

Real estate.

10. The Company shall be capable of purchasing and holding such estate, real or personal, or mixed, as may be requisite to the convenient transaction of their business, and may take, hold, and proceed upon any property, real or personal, that may be *bonâ fide* mortgaged, transferred or conveyed to them in the way of their business, or to secure

or satisfy moneys due to them, and may purchase any property mortgaged or assigned to them under any decree, execution or otherwise, and may sell the same whenever they may consider it advisable to do so.

5 11. The Company may become parties to promissory notes, bills or bonds, and may purchase and hold any stocks, Government securities or stocks or securities of Public Companies, and may lend money on bond or mortgage, or on any such stocks or securities aforesaid. Investment of funds.

10 12. The Company may have, hold, use and employ any vessel or vessels (not exceeding two), boat or boats that they may hold, charter, purchase or obtain for salvage and towage purposes, and may sue for and recover for any services performed by such vessels or boats, and may make such contracts Vessels for salvage purposes.

15 in reference to such vessels and boats as they may think proper.

13. The Manager of the Company may make and subscribe any declaration required by any Act to secure the right of property of the Company in any vessels navigating the inland waters of the Dominion, for the purpose of obtaining the certificate of ownership of such vessel, and thereupon, without further proof, a certificate of ownership shall be granted to, and the vessel duly registered in the name of, the Company, and it shall have the same effect as if registered within the provisions of any such Act. Certificate of ownership.

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DIRECTORS.

14. The property, affairs and business of the Company shall be managed and conducted by a Board of eleven Directors, each of whom shall be the holder of twenty shares of the capital stock of the Company, upon which no call is due and unpaid, and who shall be elected at the annual general meeting of the Company by such of the members thereof entitled to vote as shall be present, in person or represented by proxy, and such election, unless unanimous, shall be by ballot. The Directors so chosen shall elect one of their number to be President, and another Vice-President, and if any vacancy shall happen in the office of President, Vice-President, or Director, by death, resignation, or removal from the Dominion of Canada, ceasing to hold the necessary stock in the Company, or any other cause, such vacancy shall be filled up by a person or persons to be named by the other Directors, and such person shall hold such office until the next annual meeting; Provided always that the President, Vice-President and Directors of the said Provincial Insurance Company of Canada, elected at the last annual meeting of the said Company under the said Acts hereby repealed shall continue to hold the same positions under this Act, until the next annual meeting under this Act. Board of Directors.

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President and Vice-President. Vacancies.

Proviso.

15. Any Director absenting himself from the Board for three months, unless from ill health or by leave of the Board shall vacate his office as a Director. Absence to vacate office.

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Day of annual meeting.

16. The Directors shall determine the day for holding each annual general meeting of the Company, and public notices shall be given of it, and of all other general meetings in at least two newspapers published in the City of Toronto, at least one month prior to the holding of such meeting.

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Quorum and powers of Directors.

17. Five Directors shall be a quorum, and the Directors, or such quorum thereof, shall have full power and authority to make, prescribe and alter such by-laws, rules, regulations and ordinances as shall appear to them proper and needful touching the well ordering of the Company, the rates and amount of insurance and issue of policies, the management and disposition of the capital stock, property and effects of the Company, to enforce the payment or forfeiture of shares of stock, to declare and pay to the shareholders interest upon their stock or dividends out of profits, at such times as they shall deem expedient, to appoint a manager and other officers, and to fix their salaries and duties, and determine upon the security they shall give; but it shall not be competent for any less number of Directors to undo or alter any act done by a greater number of Directors.

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Meetings of Directors.

18. The Directors shall meet at least weekly, unless for special reasons, and any three of them shall be a quorum for transacting and managing the ordinary routine business of the Company, such business not being of the character mentioned in the two next preceding sections hereof. In all questions before them the majority shall decide, and in case of the numbers being equal, the President, Vice-President, or Chairman presiding, shall have a second or casting vote, in addition to his vote as a Director.

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Remuneration of Directors.

19. Each Director shall receive the sum of five dollars for his attendance at the meetings of the Board or any committee thereof, and the Board may direct compensation to be paid to any Director for any special service, and the President and Vice-President shall receive, in addition, any sum that may be voted to him by the shareholders at any general meeting.

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Exemption.

20. No Director shall be chargeable with or answerable for the defaults, neglects or misdeeds of any other Director.

Statement of affairs.

21. The Directors shall exhibit a full and accurate statement of the affairs of the Company at every annual general meeting of the Company, and of the funds, property and securities, showing the amount in real estate, bonds and mortgages, notes, and the securities therefor, of public debt or other stocks, and the amount of debt due to and by the Company.

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Local boards.

22. The Directors may from time to time appoint Local Boards at such places as they may deem advisable for the superintendence of the affairs and business of the Company within certain specified localities. Each such Local Board shall consist of not more than five persons, who shall hold office at the pleasure of the Directors, and act in accordance with the rules laid down for them by the Directors, who shall also decide upon the remuneration such Local Board shall receive.

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SHAREHOLDERS.

23. In addition to the annual general meeting, a special general meeting shall be called by the President, Vice-President, or manager of the Company, on the requisition of the Directors of the Company, or any six of them, or of any number of the shareholders not less than ten, holding among them one thousand shares of the capital stock of the Company, on which all calls are paid, to be held at the office of the Company in Toronto, upon such notice being given as aforesaid, in which notice shall be specified the object of such meeting, and the names of the persons by whom it is required, and such meeting shall consider no other subject than the subject or subjects specified in such notice.

Special general meetings

24. Each shareholder shall have votes as follows: one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten, and such shall be the scale of voting not only in the election of Directors, but in all questions that may be brought to the vote at any annual or special general meeting where a poll is demanded by any shareholder entitled to vote.

Votes of shareholders.

25. No shareholder shall vote upon any stock which has not stood in his name in the books of the Company for thirty days prior to such vote nor upon which any calls due are unpaid, nor if he is otherwise indebted to the Company, if such debt is due and unpaid.

Certain stock not to be voted on.

26. No agent, nor employee of the Company shall be allowed to vote, or hold any proxy to vote, at any general or special meeting of the Company for any purpose whatever, and no person who is not a shareholder and entitled to vote, shall act as proxy for any shareholder, at any such general or special meeting.

Employees not to vote.

27. During the hours of business any shareholder shall, under the direction of the manager, have free access to the stock books, and may take a copy of the names of the shareholders.

Shareholders to have access to stock books.

GENERAL PROVISIONS.

28. All policies of insurance of the Company shall be signed by the President or Vice-President, and countersigned by the Manager, and be under the seal of the Company, and being so signed and sealed shall be deemed valid and binding upon the Company, according to the tenor and meaning thereof.

Policies.

29. In case of any damage or loss by fire, happening to any property insured with the Company, immediate notice thereof shall be given by the assured to the Manager of the Company, or to the agent, should there be one in the neighborhood where the fire took place, and the assured shall as soon after as may be, furnish to the Manager a full statement of all the particulars of the fire as far as ascertainable, together with a detailed account of all damage done, which statement and account shall be verified by the oath of the parties making the same, and the Directors, if they are satisfied that

Proceedings in case of damage to property insured.

there has been a loss or damage which should be paid, either upon view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of such loss or damage, and if the party suffering shall not be satisfied with the determination of the Directors, the question shall then be submitted to three disinterested persons as referees, one of whom shall be named by the suffering party, one by the Board, and the two referees so named shall name the third, and the decision or award of a majority of them shall be binding; Provided always, that no execution shall issue against the Company upon any judgment, until the expiration of sixty days from the recovery thereof;

Proviso.

Consent to other insurance necessary.

30. If any insurance on any property shall be and subsist in the Company, and also with another Company at the same time, the insurance in and by the Company hereby incorporated shall be deemed and become void, unless such other insurance subsist with the consent of the Company, hereby incorporated, signified by indorsement on the policy, signed by the Manager or other officer authorized by the Board.

Return to Parliament.

31. It shall be the duty of the Company to make a return under the hand of the Manager, attested before a Magistrate, to the Dominion Parliament once a year, which return shall contain a full and true account of the funds and property of the Company, the amount of capital subscribed and paid in, the amount of property insured during the previous year, the amount of premiums received, and the amount which the Company have paid or are liable to pay for losses of the year, which account shall be a copy of the account laid before the shareholders at their last annual meeting.

To be subject to the Act 31 V., c. 48, as amended.

32. This Act and the Company hereby continued as a Corporation, and the exercise of the power hereby conferred, shall be subject to the provisions contained in the Act 31st Victoria, Chapter 48, and the Acts amending the same, and to such other legislation on the subject of insurance as may, from time to time, be passed.

No. 32.

2nd Session, 3rd Parliament, 38 Victo

BILL.

An Act to consolidate and amend Acts relating to the Provincial Insurance Company of Canada.

Received and read, first time, Monday February 1875.

Second reading, Wednesday, 24th February 1875.

(PRIVATE BILL.)

MR. CAMERON
(Card)

OTTAWA:

Printed by Maclean, Roger & Co., Wellington 1875.

An Act to confirm Articles of Agreement and Consolidation between the European and North American Railway Company for extension from Saint John westward and the European and North American Railway Company of Maine, and for other purposes therein set forth.

WHEREAS, in and by an Act intituled "*An Act to Incorporate the European and North American Railway Company for extension from Saint John westward,*" passed by the Legislature of the Province of New Brunswick, on the thirteenth day of April, A.D. 1864, it was provided that the said the European and North American Railway Company for extension from Saint John westward could "make such connection with other Railroad Companies within or without the Province, either by leasing their road to other Corporation or Corporations on such terms and for such length of time as may be agreed upon, or by consolidating the stock of their road with that of other Railroad Companies or Company upon such terms as may be agreed upon ;"

And whereas the said Company has, under and by virtue of the said power contained in the said Act, consolidated its stock with that of the European and North American Railway Company of Maine, by articles of agreement hereto attached (Schedule A), which articles of agreement have been confirmed and ratified by the stockholders of the said companies as provided by article sixteen of the same ;

And whereas it is considered necessary to have the said consolidation and the articles of agreement and consolidation in connection therewith ratified and confirmed ;

And whereas, also, it has become necessary to make other provisions as 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 :—

1. Subject to the provisions of this Act, the consolidation in the preamble to this Act mentioned, and the articles of agreement and consolidation in connection therewith, entered into between the European and North American Railway Company for extension from Saint John westward, and the European and North American Railway Company, of Maine,

Articles of
consolidation
confirmed.

shall be, and the same are hereby ratified and confirmed; which said articles of agreement and consolidation are set forth in the schedule to this Act, and in accordance with the said articles of agreement and consolidation, the consolidated Company shall be called and known by the name and style of the "Consolidated European and North American Railway Company." 5

Existing
rights saved.

2. All rights of creditors and all liens upon the property of either of the Corporations, the consolidation of which is hereby ratified and confirmed, shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said Corporations shall henceforth attach to the new Corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and no action or proceeding, legal or equitable, by or against the said Corporations so consolidated, or either of them, shall abate or be affected by such consolidation; but for all the purposes of such action or proceeding such Corporation may be deemed still to exist, or the new Corporation may be substituted in such action or proceeding in the place thereof. 10 15 20

Provision as
to directors.

3. Nothing in any articles of purchase or consolidation contemplated by article eleven of the said articles of consolidation, shall in any way affect or interfere with the provisions of the same, as respects the number of Directors who shall be resident in the Province of New Brunswick, or be natural-born subjects of Her Majesty, or with the provisions of article twelve of the articles aforesaid, without the consent of the Lieutenant-Governor of the Province of New Brunswick first had and obtained. 25 30

Service of
process.

4. In all cases when actions may be brought against the "Consolidated European and North American Railway Company," in the Province of New Brunswick, the service of any summons, writ or notice upon any President or Director of the said Company, in New Brunswick, shall be deemed and held to be a good and sufficient service upon the said Company. 35

SCHEDULE A

ARTICLES OF AGREEMENT AND CONSOLIDATION,

For consolidating the stock of the European and North American Railway, for extension from St. John westward (a Corporation existing under the laws of the Province of New Brunswick, and hereinafter called the New Brunswick Company), with the stock of the European and North American Railway Company, a Corporation existing under the laws of the State of Maine (hereinafter called the Maine Company), made and entered into by the said Companies this nineteenth day of October, in the year of Our Lord, one thousand eight hundred and seventy-two:

WHEREAS the Railways respectively owned by said Companies above named, constitute a continuous line of railway for the passage between the City of St. John, in said Province of New Brunswick, and the City of Bangor, in the said State of Maine, and constitute a part of a continuous line of railroad between Bangor and Halifax, and the Directors of said companies upon mature consideration, have determined that the interests of the respective stockholders of said companies and the public interest and convenience will be greatly promoted by the union of their several roads into one road and by the consolidation of the respective stocks of said companies into one common consolidated stock.

AND WHEREAS the said companies are authorised by the Act of incorporation of the said New Brunswick Company, by the Legislature of said Province of New Brunswick, and by the Act of incorporation of the said Maine Company, and Acts in addition thereto passed at various times by the Legislature of the said State of Maine, to effect such union of their respective roads and to form by purchase and consolidation of their respective rights and franchises, one company, and have agreed so to do upon the terms and conditions hereinafter mentioned and contained.

Now therefore, this agreement made by and between the Corporations above named, parties hereto, under and by virtue of authority conferred upon them by the laws of said Province and the laws of the said State.

Witnesseth, that the said New Brunswick Company and the said Maine Company do agree, and, each for itself doth severally agree that the said companies shall be consolidated and form one corporation under the name and style of the Consolidated European and North American Railway Company, and under the authority of the said Legislative Acts the said parties hereto do hereby prescribe the following terms and conditions of the said purchase and consolidation, and do respectively agree thereto, and to the mode of carrying the same into effect as herein provided for.

ART. 1. It is understood and agreed that the capital stock of the New Brunswick Company, which has been taken and certificates issued therefor, and which has been subscribed for and agreed to be taken, amounts to about five hundred and fifty thousand dollars and that the capital stock of the said Maine Company which has been taken and certificates therefor issued, amounts to the sum of five hundred and twenty-two thousand three hundred dollars.

ART. 2. The stockholders of the said respective companies who hold, or are entitled to certificates of shares in the capital stock in either of the said companies, shall upon the surrender of such certificates or rights to such certificates to the said consolidated company to be cancelled or discharged, be entitled to one hundred dollars of stock in said consolidated company for each one hundred dollars of stock held by them in either of said companies. In

all cases in which subscriptions or agreements for stock in either of said companies have been made by any person or persons, bodies politic or corporate, and said subscriptions or agreements yet remain unpaid or unfulfilled either in whole or in part, the stock of said consolidated company, shall upon payment of said subscriptions or performance of said agreements, be issued to the subscribers or parties entitled to the said stock in the same manner as the said companies or either of them would have been bound to issue their stock, respectively, had not this consolidation been made.

ART. 3. The capital stock of the Consolidated European and North American Railway Company shall not exceed ten million gold dollars, to be divided into one hundred thousand shares of one hundred dollars each; and after the payment of the existing debts of the said New Brunswick Company and said Maine Company, no further portion of said stock shall be issued until after a vote of the stockholders of the said consolidated company at a meeting duly called for that purpose and passed by a vote of two-thirds of the stockholders present and represented at said meeting, being also two-thirds in value of the stock voted at such meeting; and provided that no portion of such consolidated stock shall be sold or used in payment of the existing debts of said companies at less than its par value.

ART. 4. The said new corporation, or consolidated company, shall without delay, after this agreement of purchase and consolidation takes effect, issue to the stockholders of the respective companies, parties hereto, and entitled thereto, as aforesaid, and in proportion to their respective interests in the stock of the consolidated company, certificates of stock in said Consolidated European and North American Railway Company, to be denominated Consolidated European and North American Railway Company consolidated stock, and otherwise of such form as may be deemed advisable and prescribed by the directions of the said consolidated company.

ART. 5. If fractional shares shall be found due to stockholders when converting their present stock into the stock of the consolidated company, scrip stock shall be issued for such fractions entitling the holder to a full share of stock on payment of the difference in money, or on presentation of one hundred dollars of such scrip stock.

ART. 6. All and singular the rights, franchises, privileges, depot grounds, rights of way, road bed, railway iron, rails, engines, cars, machinery, rolling stock, debts, dues and demands, causes in action and property of every description, name and nature, whether real, personal or mixed, or where-soever situated in which the said New Brunswick Company and the said Maine Company have respectively any right, title or interest, whether in possession, reversion or remainder with the appurtenances, upon the ratification of these articles of agreement by the stockholders of said companies respectively as hereinafter provided, and from thenceforth, shall be

held, owned, controlled, possessed and enjoyed by the said Consolidated European and North American Railway Company, its successors and assigns as fully and completely to all intents and purposes, as the said several companies, parties hereto, do or can now hold, own, enjoy, use or control the same, and no further conveyance or assurance shall be required for the full and complete vesting thereof in the said Consolidated European and North American Railway Company, its successors and assigns.

ART. 7. The said Consolidated European and North American Railway Company shall assume, liquidate and pay or otherwise discharge all debts, liabilities, contracts, leases, agreements, engagements of every kind and description of and claims upon each of the said respective companies, parties hereto, and said consolidated company by taking possession of the rights, franchises and property named in article six of this agreement shall be considered as having agreed to assume, liquidate, pay or otherwise discharge, all the liabilities hereinabove enumerated.

ART. 8. All the books, vouchers, records, muniments of title and other documents pertaining to the business or properties of the said several companies, parties hereto, shall be placed in the office of the Secretary or Clerk of the said consolidated company and the said books, records and papers shall be deemed and taken as the records and books of said consolidated company and said books, records, vouchers and papers shall be subject to proper examination and inspection of all persons interested therein who shall have the same access thereto as if the same had remained in the offices of the original companies.

ART. 9. Whereas it is deemed advisable by the said companies, parties hereto, to provide in their articles of agreement for purchase and consolidation, for the redemption and payment of all the bonds respectively issued by the said companies, parties hereto, which amount in all to the sum of five million dollars, it is agreed by and between the parties hereto that the Consolidated European and North American Railway Company shall issue its consolidated bonds in the sum of six million dollars, to be secured by a mortgage of the franchise, rights, railroad equipment and property of said Consolidated Company, five million dollars of which shall be set apart and used for the redemption and payment of the said bonds of said companies, parties hereto, on such terms and at such times as may be ordered by the Directors, provided that none of said consolidated bonds shall be exchanged for any of said bonds of said companies, parties hereto, at less than dollar for dollar, the proceeds of the residue of said consolidated bonds to be used by the Directors to provide for further additional way and tracks, rolling stock, equipment and railway improvements, and to provide for the purchase of and consolidation with other connecting railroads and to pay the debts of said New Brunswick Company and said Maine Company existing at the time this agreement takes effect and for no other purpose whatsoever.

ART. 10. If at any time hereafter it shall be found expedient to increase the said consolidated debt of said consolidated company over and above said six million dollars, it shall be lawful and competent for said consolidated company to issue its bonds to such an amount and in such manner, and secure the same in such way and manner as the stockholders shall at a meeting duly called for that purpose, by a vote of two-thirds of the stockholders present, and represented at said meeting, being two-thirds in value of the stock voted at such meeting, decide to be expedient, necessary and proper, and the proceeds of any and all additional bonds so authorized and issued, shall be used and expended for the purposes named and specified in the ninth article of this agreement, excepting the debts of the New Brunswick Company and Maine Company, therein named, and for no other purpose whatsoever.

ART. 11. Said consolidated company is authorised at any time hereafter to purchase or consolidate with any railway company now existing, or hereafter created, which shall be located or established in any territory lying east, west, north or south of that occupied by said consolidated line of railroad, whenever, and in such way and manner, and upon such terms and conditions as the stockholders of said consolidated company, at a meeting duly called for that purpose, shall by vote declare to be expedient and proper. But nothing in such terms and conditions shall without the approval of the Governor in Council of the Province of New Brunswick interfere with the provisions of these articles of consolidation, so far as relates to the number of Directors who shall be resident in the Province of New Brunswick, or be natural British born subjects, or with reference to the provisions of Article twelve.

ART. 12. It is understood and agreed that the tariff rates for the transportation of freight and passengers shall be so made and fixed as not to militate or operate against the interest or business of either the Province of New Brunswick or the State of Maine. And for the protection of the interests of the people of the said Province and the said State, it is understood that the Crown and the State of Maine, respectively, shall have and exercise all the rights and powers necessary for the enforcement of the provisions of this article.

ART. 13. It is further understood and agreed that said Consolidated European and North American Railway Company shall have, possess, enjoy and exercise all the franchises, rights, powers, and privileges now held, owned, possessed and enjoyed by said New Brunswick Company, by virtue of its charter or any of the laws of New Brunswick, and subject to all liabilities imposed by the laws of the said Province, and also all the franchises, rights, powers and privileges now held, owned, possessed and enjoyed by the said Maine Company, by virtue of its charter or any of the laws of the State of Maine, and subject to all the liabilities imposed by the laws of said State.

ART. 14. The management of the business of the said consolidated company shall be vested in the Directors of the said company, the number of whom shall be thirteen, five of whom shall be residents of the Province of New Brunswick and four of the said five shall be natural British born subjects, and five of whom shall be residents of the City of Bangor. The Board of Directors of said consolidated company may choose one of their number to be President of their Board, who shall also be President of said company, and one of their number to be Vice-President of the said Board, who shall also be Vice-President of said company, and one of said officers shall always be a New Brunswick Director; may make all necessary by-laws and regulations not inconsistent with these articles of agreement; may provide for calling the annual and other meetings of the stockholders for the election of Directors and other purposes; and the said by-laws and regulations shall be and continue in force until altered by the stockholders at their annual or other meeting called for that purpose. The Board of Directors shall have authority to choose and appoint all such officers, agents and clerks as are required by the by-laws or otherwise, or which may be found necessary to carry on the business of the said consolidated company, may fix and determine the pay or salary of such officers, agents or clerks, and may dismiss them at the pleasure of said Board of Directors, and said Board of Directors shall have power to fill any vacancies which may occur in their Board, and the persons so appointed shall hold office until others are chosen in their places at an annual meeting of the stockholders of said consolidated company.

ART. 15. The following named persons shall constitute the Board of Directors of said Consolidated European and North American Railway Company until the third Tuesday in August in the year of Our Lord one thousand eight hundred and seventy-three, viz:—

Geo. K. Jewitt, Noah Woods, James W. Emery, Arad Thompson, Charles P. Stetson, M. S. Drummond, S. F. HERSHEY, William Flowers, Alex. Jardine, Thomas R. Jones, James R. Ruel, Robert Robinson, and E. R. Burpee: when the first annual meeting of the stockholders of the Consolidated European and North American Railway Company shall be holden for the election of Directors, and for such other purposes as may properly come before said meeting.

ART. 16. These articles of agreement for purchase and consolidation shall be submitted to the stockholders of each of said companies, parties hereto, at a meeting thereof called separately for the purpose of taking the same into consideration; due notice of the time and place of such meeting and the object thereof shall be given. The said meetings of stockholders shall be holden on some day prior to the first day of December in A. D. one thousand eight hundred and seventy-two, and in case these articles of agreement for purchase and consolidation of said companies, parties hereto, shall be approved, adopted and ratified by the stockholders of said companies at their several meetings,

called as above provided, then these articles of agreement shall take effect on the said first day of December, A.D. one thousand eight hundred and seventy-two, and be for ever after in force and binding upon said companies, parties hereto, and upon all persons and parties interested therein.

In witness whereof, the corporate seals of the respective companies, parties to this agreement, have been hereunto in duplicate affixed, by order and in the presence of the Directors of each of said companies duly convened, a quorum of each of the said Boards of Directors being present and assenting thereto; and on behalf and by order of said Board of Directors the President of each of said companies hath also, at the same time, and on behalf of said respective companies, hereto affixed their names, by virtue of resolutions of said several Boards of Directors passed at respective meetings thereof, and the Treasurer of the said Maine Company hath countersigned the same, and four of the Directors of the said New Brunswick Company have hereunto set their respective hands and seals on the day and year first within written.

Signed, sealed and delivered by the New Brunswick Company in presence of T. Barclay Robinson, Secretary-Treasurer.

A. JARDINE, President,	[L. S.]
THOS. R. JONES,	[L. S.]
JAS. R. RUEL,	[L. S.]
ROBERT ROBINSON,	[L. S.]
E. R. BURPEE,	[L. S.]

Signed, sealed and delivered by the Maine Company in presence of James A Purington.

European and North American Railway Company by

G. K. JEWETT, President,	[L. S.]
N. WOODS, Treasurer,	[L. S.]
JAS. W. EMERY,	[L. S.]
A. THOMPSON,	[L. S.]
GIDEON MAYO,	[L. S.]
WM. FLOWERS,	[L. S.]
CHAS. P. STETSON,	[L. S.]
SAM'L F. HERSEY,	[L. S.]
M. S. DRUMMOND,	[L. S.]

BILL.

An Act to confirm Articles of and Consolidation between pean and North American Company for extension from Westward and the Euro North American Railway Co Maine, and for other purpos set forth.

Received and read, first time, Mo
February, 1875.

Second reading, Wednesday, 24th
1875.

(PRIVATE BILL.)

MR. W

OTTAWA:

Printed by Maclean, Roger & Co., Wallin
1875.

An Act touching the true construction of the Act
respecting Inquiries concerning Public Matters.

WHEREAS it is the right and privilege of the House of Commons that the said House should itself institute and control inquiries into charges preferred in that House by members thereof against Ministers of the Crown, and
5 that such charges should not be made the ground of inquiry by any other tribunal : Preamble.

And whereas, it is not fitting that such right and privilege should be infringed, or that such charges should be made the ground of inquiry by the Executive through Com-
10 missioners nominated by the accused parties :

And whereas, such an inquiry was lately made under color of the powers conferred by an Act respecting Inquiries concerning Public Matters :

And whereas, thereby doubts have been thrown on the
15 said right and privilege, and on the true construction of the said Act, and it is expedient that such doubts should be removed :

Now, therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons, enacts and
20 declares as follows :—

1. The Act intituled, "*An Act respecting Inquiries concerning Public Matters,*" does not authorize the issue under its provisions of a Commission of Inquiry, grounded upon charges preferred in the House of Commons by members
21 thereof against Ministers of the Crown.

31 V., c. 38,
does not au-
thorize a cer-
tain commis-
sion.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act touching the true construction
of the Act respecting Inquiries concern-
ing Public Matters.

Received and read, first time, Monday, 22nd
February, 1875.

Second reading, Wednesday, 24th February,
1875.

Mr. BLAKE.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street,
1875.

An Act respecting Penitentiaries and the Inspection thereof, and for other purposes.

WHEREAS "*The British North America Act, 1867*," Preamble. places the Penitentiaries of the Provinces forming the Dominion of Canada, under the control of the Government of Canada, and it is expedient to make better provision for the proper management and maintenance of the same: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Act passed by the Legislature of the late Province of Canada, in the twenty-second year of Her Majesty's reign, being chapter one hundred and ten of the Consolidated Statutes of the said Province, intituled: "*An Act respecting Inspectors of Public Asylums, Hospitals, the Provincial Penitentiary of Canada, and of all Common Gaols and other Prisons*;" and, the Act passed by the said Legislature in the same year of Her Majesty's reign, being chapter one hundred and eleven of the Consolidated Statutes of the said Province, intituled: "*An Act respecting the Provincial Penitentiary of Canada*,"—shall remain repealed;

Cap. 110 Con.
Stat. Can.
and
Con. Stat.
Can. repealed.

And such parts of the Act passed by the Legislature of the Province of Nova Scotia, in the twenty-seventh year of Her Majesty's reign, intituled: "*An Act for revising and consolidating the Statutes and Laws of the Province*," Part one, Title five, Chapter twenty-two,—and also such parts of the Act passed by the Legislature of the Province of New Brunswick, in the seventeenth year of Her Majesty's reign, intituled: "*An Act to revise and consolidate the Public Statutes of New Brunswick*," Part one, Title sixteen, Chapter ninety-one,—as relate to the Penitentiary in each of the said last mentioned Provinces and are repealed by the Acts of the Parliament of Canada hereinafter repealed, shall remain repealed, and such other parts thereof as are inconsistent with the provisions of this Act, are hereby repealed:

N.S., 27 V. c.
22, and
N.B., 17 V. c.
91 repealed in
part.

The Act passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, chapter seventy-five, and intituled: "*An Act respecting Penitentiaries and the Directors thereof and for other purposes*;" and the Act passed by the said Parliament in the thirty-third year of Her Majesty's reign, chapter thirty, intituled: "*An Act to amend 'The Penitentiary Act of 1868*,'" are hereby repealed.

31 V., c. 75,
and 33 V.,
c. 30 repealed.

- Estimate for coming year. 4. An estimate of the expense of the Penitentiaries for the ensuing year, distinguishing the ordinary from the extraordinary.
- Special reports as to repairs, &c. 11. In case the Inspector finds at any time that any Penitentiary is out of repair, or is, or has become unsafe or unfit for the confinement of prisoners, or that the same does not afford sufficient space or room for the number of prisoners confined therein, he shall forthwith report the fact to the Minister of Justice, and shall at the same time furnish a copy of such report to the Minister of Public Works.

POWERS OF THE INSPECTOR.

- Special powers of inspector. 12. For the better enabling the Inspector efficiently to discharge the duties herein set forth, or at any time assigned to him by the Minister of Justice, he shall have power,—
- Entry and examination of papers, &c. 1. At all times to enter into, and remain within any Penitentiary or other public institution placed under his control as aforesaid, and have access to every part and portion of the same, and examine all papers, documents, vouchers, records and books of every kind belonging thereto,—
- Inquiries into conduct of officers, &c. 2. To investigate the conduct of any officer or servant employed in or about any Penitentiary, or other such public institution as aforesaid, or of any person found within the precincts thereof; and for that purpose the Inspector shall have power to summon before him any person by *subpœna* issued by him, and to examine such person upon oath, which oath the said Inspector shall have power to administer, whether the fact relate to a breach of the law of the land or of the rules of the Prison, or to any matter affecting the interests of the institution, and to compel the production of papers and writings before him; and if any person duly summoned neglects or refuses to appear at the time and place specified in the *subpœna* upon him legally served, or refuses to give evidence or to produce the papers demanded of him, the Inspector may cause the said person by warrant under his hand, to be taken into custody and to be imprisoned in the common Gaol of the locality, as for contempt of Court, for a period not exceeding fourteen days.
- Summoning of witnesses. 13. It shall be lawful for the Minister of Justice to appoint at any time when he may deem it necessary, a person or persons to make a special report on the state and management of any Penitentiary, and in such case the person or persons so appointed shall have, in order to enable him or them to make such special report, the powers given to the Inspector by the next preceding section.
- Minister of Justice may cause special reports to be made by others than Inspector.

ESTABLISHMENT OF PENITENTIARIES.

- Penitentiaries described. 14. The Penitentiary situate near the City of Kingston, in the Province of Ontario, to be known as the Kingston Penitentiary; the Penitentiary situate at St. Vincent de Paul, in the Province of Quebec, to be known as the St. Vincent de Paul

Penitentiary, the Penitentiary situated near the City of St. John, in the Province of New Brunswick, to be known as the St. John Penitentiary, and the Penitentiary situated near the City of Halifax, in the Province of Nova Scotia, to be known as the Halifax Penitentiary, together with all the land appertaining to the same respectively, according to the respective metes and bounds thereof as now known and defined, and all the buildings and property thereon belonging to the same, are all and each of them hereby declared to be Penitentiaries of Canada.

15. It shall be lawful for the Governor, in Council, at any time hereafter, if he sees fit, to declare by proclamation, to be published in the *Canada Gazette*, that any tract of land within the Dominion, of which the boundaries shall be particularly defined in the proclamation, is a Penitentiary, and is to be so held within the meaning of this Act; and it shall be lawful for the Governor in Council to annul the same by any subsequent proclamation, published as aforesaid, declaring that the tract of land so established as a Penitentiary shall cease to be so held and considered, from and after a certain day to be named in such subsequent proclamation.

Governor may annex tracts of land to penitentiaries as part thereof.

16. Every Penitentiary now established, and every Penitentiary hereafter to be established by virtue of this Act, shall be held to include all carriages, waggons, sleighs or other vehicles for land carriage, and all boats, scows or other vessels for water carriage, being property belonging to such Penitentiary, or employed by hire or otherwise in its service, and likewise any wharf at or near the such Penitentiary, although not within the limits mentioned in the Proclamation establishing the same, but used for accommodation of such craft when so employed in or about any work or labor connected with such Penitentiary.

What shall be included as part of a penitentiary.

17. Every street, highway or public thoroughfare of any kind, along or across which it may be necessary that convicts should pass in going to and returning from their work, shall, while so used, be considered as a portion of the tract of land forming the Penitentiary; and any escape, or attempt at escape, and any rescue, or aid in rescue, shall be held as if such escape or attempt at escape, and such rescue or aid in rescue had taken place within the prison walls or Penitentiary limits.

The same as to roads, &c.

18. It shall be lawful for the Inspector with the approval of the Minister of Justice, to authorize the Warden of any Penitentiary, to construct rail or tram roads to communicate between any part of the Penitentiary and another, and to carry the same across, upon or along any public road or street intervening, in such manner, however, as to cause the least possible inconvenience to passengers or carriages using such road or street; But it shall not be lawful for the Warden of such Penitentiary to break ground upon any public road or street for the purpose of constructing such rail or tram roads, in virtue of such order by the Inspector, until after the lapse of one month after a copy of such order,

Inspector may authorize the construction of tram roads.

Notice to municipality.

certified by the said Warden, shall have been served upon the officer or person charged with the care or supervision of such public road, along with a plan showing the line which such rail or tram roads are to occupy.

CONVEYANCE OF CONVICTS.

What shall be sufficient authority for conveying convicts.

19. The Sheriff or Deputy Sheriff of any County or District, or any Bailiff, Constable, or other officer, or other person, by his direction or by the direction of a Court, may convey to the Penitentiary named in the sentence, any convict sentenced or liable to be imprisoned therein, and shall deliver him to the Warden thereof, without any further warrant than a copy of the sentence taken from the minutes of the Court before which the convict has been tried, and certified by a Judge or by the Clerk or acting Clerk of such Court. 5 10

When brought from any other penitentiary or gaol.

20. In all cases where a prisoner is ordered by competent authority to be conveyed to any Penitentiary from any other Penitentiary, or from a Reformatory Prison, or from a Common Gaol, there shall be delivered to the Warden of the Penitentiary receiving such prisoner, along with all other necessary documents, a certificate signed by the medical officer of the Institution from which such prisoner has been taken, and countersigned by the Warden if the prisoner has been taken from a Penitentiary or a Reformatory Prison, or by the Sheriff or his Deputy if from a Common Gaol, declaring that such prisoner is free from any putrid, infectious, or cutaneous disease, and that he is fit to be removed. 15 20 25

CONVICTS TO BE RECEIVED.

Duty of warden.

21. The Warden shall receive into the Penitentiary every convict legally certified to him as sentenced to imprisonment therein, and shall there detain him, together with those already lawfully confined therein, subject to all the rules, regulations, and discipline thereof, until the term for which he has been sentenced be completed, or until he is otherwise discharged in due course of law. 30

REMOVAL FROM AND TO A PENITENTIARY.

Governor may authorize removal from or to any penitentiary.

Proceedings in such cases.

22. It shall be lawful for the Governor by warrant signed by the Secretary of State of Canada, or by such other officer as may be from time to time authorized by the Governor in Council, to direct the removal of any convict from any one Penitentiary to another; and the Warden of the Penitentiary having the custody of any convict so ordered to be removed, shall, when required so to do, deliver up the said convict to the constable or other officer or person who shall produce the said warrant, together with a copy, attested by the said Warden, of the sentence and date of conviction of such convict as given to him on reception of such convict into his custody; and the constable or other officer or person shall give a receipt to the Warden for the convict, and shall thereupon, with all convenient despatch, convey and deliver up 35 40 45

such convict, with the said attested copy, into the custody of the Warden of the Penitentiary mentioned in the warrant, who shall give a receipt in writing for every convict so received into his custody, to such constable or other officer or person, as his discharge; and the convict shall be kept in custody in the Penitentiary to which he has been so removed, until his removal to another Penitentiary, or until the termination of his sentence, or until his pardon or release, or discharge by law.

- 10 23. The sheriff or other officer or other person employed by competent authority, to convey any convict to any Penitentiary to which such convict is ordered to be taken, either by sentence of a Court or by order of the Secretary of State, or other officer, as in the next preceding section mentioned,
 15 may secure and convey him through any County or District through which he may have to pass in any of the Provinces of Canada; and until the convict has been delivered to the Warden of such Penitentiary, such sheriff, officer or person shall have, in all territorial divisions or parts of Canada
 20 through which it may be necessary to convey such convict, the same authority and power over and with regard to such convict, and to command the assistance of any person in preventing his escape, or in recapturing him in case of an escape, as the Sheriff of the territorial division, in which he
 25 was convicted, would himself have in conveying him from one part to another of that locality.

Powers of sheriff or officer conveying convicts to a penitentiary.

24. In any case, in which sentence of death has been passed upon any convict, by any Court in Canada, and the Governor, on behalf of Her Majesty, has been pleased to
 30 commute such sentence for imprisonment for life, or for any term of years, such commutation shall have the same effect as the judgment of a competent Court legally sentencing such convict to such imprisonment for life or other term, would have; And the Sheriff, or other officer, or other person
 35 having such convict in custody, on receipt of a letter from the Secretary of State, or such other officer as aforesaid, notifying him of the fact of such commutation, and directing him to convey such convict to a Penitentiary therein named, shall forthwith convey such convict thereto, and shall have
 40 the same rights and powers in conveying such convict to such Penitentiary, as if the conveyance took place by virtue of the sentence of a competent Court.

Power to convey a convict whose sentence has been commuted.

25. In order to commute any sentence of death as aforesaid for imprisonment for life, or for a term of years, it shall not
 45 be held to be necessary, nor to have been at any time necessary, for the purpose of commuting such sentence, or of authorizing the conveyance of a prisoner to any Penitentiary, or for his reception and detention therein for the commuted period, that a copy of any pardon should be or should have
 50 been in the possession of the Warden of such Penitentiary; a letter, signed by the Secretary of State, or such other officer as aforesaid, notifying the Warden of the fact of such commutation, and of the term of years or life term for which the sentence has been commuted, shall be and shall have

What shall be sufficient authority to the warden in such case.

been sufficient authority for the Warden to receive such convict into the Penitentiary, and to deal with him as if he had been sentenced by a competent Court to confinement therein for the period or life term in the said letter mentioned.

Escape during conveyance to be felony.

26. Every prisoner who being ordered to be detained in any Penitentiary escapes from the person or persons having the lawful custody of such prisoner, when being conveyed thereto, shall be guilty of felony, and being convicted thereof, shall have not less than two years added to the original term of his imprisonment; And any prisoner who at any time breaks prison or escapes, or attempts to escape from the custody of any officer, guard, or other servant of the Penitentiary while at work, or passing to or from work, either within or beyond the prison walls or Penitentiary limits, shall, on conviction thereof, be punished by an addition not exceeding three years to the term of his imprisonment, besides forfeiting the whole of the period of remission of sentence hereinafter mentioned, which he may have earned, and he may also be again confined in the Penal Prison or Solitary Cells, if any, attached to such Penitentiary, as in the Prison Rules may be prescribed.

Punishment of prisoners escaping or attempting to escape, while at work, &c.

Punishment for breaking prison or out of cell, &c.

27. Every prisoner in any Penitentiary, who at any time attempts to break prison, or who forcibly breaks out of his cell, or makes any breach therein with intent to escape therefrom, whether successful or not, shall, on conviction thereof, be punished by an addition, not exceeding one year, to the term of his imprisonment, besides forfeiting the whole of the period of remission of sentence earned by him, and being again confined as in the next preceding section mentioned.

For assaulting any officer.

28. If any convict, confined in any Penitentiary, assaults any officer or servant employed therein, he shall be guilty of at least an aggravated assault, and shall also forfeit the whole of the period of remission of sentence which he may have previously earned, and shall be again confined, as in the *twenty-sixth* section mentioned.

Rescuing or attempting to rescue any prisoner.

29. Every person who rescues or attempts to rescue any prisoner, while being conveyed to any Penitentiary, or while being imprisoned therein, or while passing to or from work at or near any Penitentiary, and every person who by supplying arms, tools or instruments of disguise or otherwise in any manner aids any such prisoner in any escape or attempt at escape, shall be guilty of felony.

Keepers, &c., allowing prisoners to escape;

30. Every person having the custody of any such prisoner as aforesaid, or being employed by the person having such custody, as a keeper, turnkey, guard or assistant, who carelessly allows any such convict to escape, shall be liable of a misdemeanor, and, on conviction thereof, shall be liable to fine or imprisonment or to both, at the discretion of the Court; And every such person as aforesaid, who knowingly or willingly allows any such convict to escape shall be guilty of felony.

31. Every officer, guard or servant of any Penitentiary, or any other person who brings in or carries out, or endeavours to bring in or carry out, or knowingly allows to be brought in or carried out to or from any convict, or carries to any convict while employed outside the prison walls, any money, clothing, provisions, tobacco, spirits, letters, papers or other articles whatsoever not allowed by the rules of the said prison, shall if an officer or servant of the prison, be guilty of a misdemeanor, and may, if thought fit by the Warden or Deputy Warden, be apprehended and carried before a Justice of the Peace, who is hereby empowered to hear and determine any such offence in a summary way; and every such officer, guard or servant or other person, upon conviction of such offence before a Justice of the Peace, shall be liable to pay a penalty not exceeding *one hundred dollars*, or, in the discretion of the Justice, to be imprisoned in the Common Gaol, there to be kept at hard labour for any term not exceeding three months.

Or allowing money, spirits letters, &c., to be brought into the penitentiary.

TRANSFER OF JUVENILE OFFENDERS FROM AND TO REFORMATORY PRISONS.

32. In any case where a Juvenile Offender has been ordered by competent authority to be imprisoned in any Reformatory Prison, and after his being imprisoned therein has become incorrigible, it shall be lawful for the Lieutenant-Governor of the Province in which the Reformatory Prison is situate, by a Warrant under his hand, addressed to the Warden of such Reformatory Prison, setting forth the sentence or order by which the Juvenile offender was imprisoned therein, and the fact that he is incorrigible, to direct that such Juvenile Offender be removed to any Penitentiary named in the said Warrant; And the said Warden, or any other officer of the prison, or any other person authorized by him, shall have the same powers in conveying such Juvenile Offender to such Penitentiary as are hereinbefore given to a Sheriff or other person in like cases:

Juvenile offenders may be removed from reformatory prison to penitentiary;

And it shall be lawful for the Warden of the Penitentiary therein named, to receive such Juvenile Offender and deal with him for the unexpired term of the sentence or order by which he was ordered to be imprisoned in such Reformatory Prison, as if he had been sentenced to such Penitentiary by a competent Court; Provided that along with the said offender there be delivered to the Warden of the Penitentiary a copy of the said sentence or order, attested by the Warden of the Reformatory Prison, and also an order from the Lieutenant-Governor aforesaid, directing the Warden of such Penitentiary to receive such Juvenile Offender.

And dealt with as if sentenced to the penitentiary.

33. The Governor may at any time, in his discretion, by warrant under his hand, cause any convict in a Penitentiary, whose sentence is for not less than two years, and who may appear to the Inspector to be under sixteen years of age, and susceptible of reformation, to be transferred to the Reformatory Prison, if any there be, of the Province where such convict was sentenced, for the remainder of his term of imprisonment.

Juvenile convicts may be transferred to reformatory prison.

TREATMENT OF CONVICTS.

Treatment of convicts. 34. In the treatment of convicts in a Penitentiary, the following general rules shall be observed:—

- Clothing.** 1. Every convict shall, during the term of his confinement, be clothed at the expense of the Penitentiary, in suitable prison garments; 5.
- Food.** 2. He shall be fed on a sufficient quantity of wholesome food;
- Bedding.** 3. He shall be provided with a bed and pillow with sufficient covering, varied according to the season;
- Solitary confinement when not employed.** 4. Every convict shall be kept in a cell by himself at night 10 and during the day when not employed, except in case of sickness.

35. Convict labor may be of two categories:

- Labor.** 1. Obligatory viz: Every convict, except during sickness or other incapacity, shall be kept constantly at hard 15 labor, the kind of which shall be determined by the Warden, every day not exceeding ten hours, exclusive of hours for meals, except Sunday, Good Friday and Christmas Day, and such other days as the Governor may set apart for days of fasting or thanksgiving, and such days as may be desig- 20 nated in the rules made by the Inspector in that behalf; Provided that no Roman Catholic convict shall be compelled to labor on any of the obligatory holidays of his Church; that is to say, Circumcision, Epiphany, Annunciation, Corpus Christi, Saint Peter and Saint Paul, All Saints, Conception 25 and Ascension;
- Holidays.**
- Over hours and payment therefor.** 2. Voluntary viz: A convict of exemplary conduct, may be allowed by the Warden, if he see fit, to work over hours at such work as can be conveniently done in the Institution, and at such rates as shall be fixed by the Inspector, the value 30 of which overwork, at such rates, may be paid either to the convict's family during his imprisonment, should he so desire it, or be credited to him in the books of the Institution to be paid him on his discharge, subject, however, to any general rules which the Inspector may make upon the 35 subject;
- Letting out labor of convicts.** The convicts may be employed either in labor or at trades under the control of the Government, or their labour may be let out to a company or private person, if they offer the requisite guarantees. 40

PRISON OFFENCES.

- Prison rules.** 36. The Inspector shall draw up a list of prison offences by way of general warning to the convicts as to their conduct in the prison, among which it shall specially be declared that no convict shall be permitted to speak to
- No talking allowed.**

another convict upon any pretence whatever, nor to any officer or guard, or other servant of the Institution, except with respect to the work at which he is employed, and then only in the fewest words and in a respectful manner.

PUNISHMENTS.

- 5 **37.** It shall be lawful for the Inspector, subject to the approval of the Minister of Justice, to make and from time to time to alter rules for the discipline and correction of convicts confined in any Penitentiary as hereinbefore provided; but in case any convict is accused of having committed any offence which, if proved, would be followed by the infliction of corporal punishment or a remand to the Penal Prison, where such Penal Prison is established, it shall be the duty of the Warden to make investigation upon oath into the facts of the case, before awarding such punishment or remand and to make a minute of the evidence taken by him, to be forwarded forthwith to the Inspector; Provided also that no more than sixty lashes shall be inflicted upon any prisoner for any such offence.

Inspector to make rules for discipline and correction.

Proviso.

Investigation in certain cases.

Proviso.

OFFICERS.

- 20 **38.** It shall be lawful for the Governor to appoint for any Penitentiary a Warden, a Deputy Warden, [who in the absence or incapacity of the Warden shall exercise all the functions of the Warden.] a Protestant Chaplain, an Assistant Protestant Chaplain when required, a Roman Catholic Chaplain, an Assistant Roman Catholic Chaplain when required, 25 a Surgeon, and an Accountant, all of whom shall hold their offices during pleasure; but the Inspector shall have power summarily to suspend any of the above named officers for misconduct, until the circumstances of the case, of which the Minister of Justice shall be at once notified, have been decided upon by him; and the Inspector may, until such decision has been so intimated, cause any officer so suspended to be removed beyond the precincts of the prison; and generally, the Inspector shall have power and it shall be his duty, to recommend the removal of any of the above-named 30 officers whom he may deem incapable, inefficient or negligent in the execution of his duty, or whose presence in the Penitentiary he considers detrimental to the interests thereof.

What officers the Governor may appoint for each penitentiary.

Power of Inspector to suspend any officer.

- 40 **39.** It shall be lawful for the Minister of Justice to appoint for any Penitentiary, a Schoolmaster, a Schoolmistress, a Storekeeper, a Steward, and a Chief Keeper, (who in the absence or incapacity of the Deputy Warden, shall exercise all the functions of such Deputy Warden,) a Matron, a Deputy Matron, and such and so many Trade Instructors as may from time to time be required, to hold their offices 45 during pleasure; but the Warden shall have power summarily to suspend for misconduct any of the officers named in this section, until the next visit of the Inspector, when he shall submit to him a report of the circumstances of the case, to be dealt with as to him may seem meet.

Minister of Justice to appoint certain officers.

Warden may suspend any of them.

Warden may appoint certain officers, guards, &c., and suspend or dismiss them.

40. It shall be lawful for the Warden to appoint for any Penitentiary, an Assistant Deputy Matron and a Clerk, and such and so many keepers and guards and other servants as by order of the Inspector may be authorized, for the proper protection and care of the Institution, and to suspend any of them for neglect of duty, for such time as he shall see fit, or dismiss them, without further charge than that of inefficiency in his opinion, but such suspension or dismissal shall be reported forthwith to the Inspector. 5

As to pay in case of suspension.

41. The pay of every officer so suspended by the Inspector 10 or by the Warden, shall cease during the period of his suspension, but the Minister of Justice shall nevertheless have power to direct payment of the same, if he sees fit.

Fines for neglect of duty.

42. It shall be lawful for the Warden, to impose a fine payable in money, upon any officer or servant appointed by him or the Minister of Justice, for any act of negligence or carelessness by him committed, of such reasonable amount, not exceeding one month's pay, as the said Warden under the circumstances of the case may think fit. 15

Warden to be the chief executive officer;

43. The Warden of a Penitentiary shall be the Chief Executive Officer of the same, and as such shall have the entire executive control and management of all its concerns, subject to the rules, regulations and written instructions from time to time duly made by the Inspector; and in all cases not provided for, and where the said Inspector cannot readily be consulted, the Warden shall act in such manner as he shall deem most advantageous for the Penitentiary and he may be held responsible for the faithful and efficient administration of the affairs of every department of the Institution; he shall reside in the Penitentiary, and shall receive such allowance of fuel and light as the Governor in Council may see fit to make. 20 25 30

To reside in penitentiary and be allowed fuel and light.

DISCHARGE OF CONVICTS.

Convicts not to be discharged at certain times, except by their request.

44. No convict shall be discharged from a Penitentiary on the termination of his sentence, or otherwise, if labouring under any contagious or infectious disease; nor unless at his own request during the months of November, December, January, February or March, nor if labouring under any acute or dangerous disease; But he shall be permitted to remain in the Penitentiary until he recovers from such disease, or until the first day of April following the termination of his sentence; provided always that a convict remaining from any cause in a Penitentiary after the termination of his sentence, shall be under the same discipline and control as if his sentence were still unexpired; 35 40

Proviso.

Order of discharge of convicts in April.

2. On the first day of April a list shall be made of all the prisoners whose sentences have expired during the five preceding months, and who may be still in prison, according to the dates when their sentences expired, and according to such order they shall be discharged, one convict on the said first day of April, and one on every day thereafter, until the whole shall have been discharged; 45 50

3. Whenever the term of any prisoner's sentence expires on a Sunday, he shall be discharged on the Saturday preceding, unless he desire to remain until the Monday following ;

Sentence expiring on Sunday.

4. Every convict under sentence for life or for not less than two years, upon his discharge, either by expiration of sentence, or otherwise, shall be furnished at the expense of the Penitentiary with a suit of clothing other than prison clothing, and with such sum of money as shall be sufficient to pay his travelling expenses to the place at which he received his sentence, and such other sum in addition, not exceeding *twenty dollars*, as the Warden may deem proper ; Should any sum remain at his credit for earnings for overwork, such sum shall be paid to him at such times, and in such amounts, as the Prison Rules may direct.

Clothing and money to convicts discharged.

PRISONER'S EFFECTS.

15 45. Every article found upon the person of a convict at the time of his reception into the Penitentiary, which may be considered worthy of preservation, shall be taken from him and a description thereof entered in a book to be kept for that purpose, and if the convict does not see fit otherwise to dispose of it at the time, it shall be carefully put away until the day of his discharge, when it shall be delivered up to him again in the state in which it may then be, but the Warden shall not be liable for any deterioration which may have taken place in such article in the interval. If at the time of his reception the convict desires to dispose of any such article and it is so disposed of, a memorandum of the fact shall be noted in the said book, and signed by the proper officer having charge of the said book, and also by the convict, and the money received therefor shall be placed to his credit.

Articles found on convict on entry to be kept for him.

PRIVILEGED VISITORS.

46. The following persons, other than the Inspector or person or persons specially appointed by the Minister of Justice, may visit any Penitentiary at pleasure, namely, the Governor General of Canada, the Lieutenant-Governor of any of the Provinces composing the Dominion of Canada, any Member of the Privy Council of Canada, any Member of the Executive Council of any of the said Provinces, any Member of the Parliament of Canada or of any of the Local Legislatures, any Judge of any Court of Record in Canada or in any of the said Provinces, and any Queen's Counsel ; but no other person shall be permitted to enter within the walls where the prisoners are confined, except by the special permission of the Warden, and under such regulations as the Inspector may prescribe.

Who shall have the right of visiting.

47. Any person who is found trespassing upon any grounds, buildings, yards, offices or other premises whatsoever belonging or pertaining to any Penitentiary, or who enters the same, not being an officer or servant of the said prison, or authorized by leave of the Warden, shall, upon conviction thereof before a Justice of the Peace for the city, county or

Punishment of persons trespassing on penitentiary grounds.

district in which such Penitentiary may be situate, be adjudged to pay a fine not exceeding for the first offence *ten dollars*, to be recovered in the usual way, or in default of payment, the offender may be sent to the common gaol, with or without hard labor, for any period not exceeding one month; and for a second or subsequent offence, the offender may be fined in any sum not exceeding *fifty dollars*, to be recovered in the same usual way, or in default shall be liable to imprisonment, with or without hard labor, for a period not exceeding three calendar months.

CORONER'S INQUESTS.

Inquests on convicts dying in a penitentiary.

48. Whenever a convict dies in a Penitentiary, and the Inspector or the Warden, or the Surgeon, or a Chaplain, have, or any one of them has reason to believe, that the death of such convict arose from any other than ordinary causes, it shall be their or his duty to call upon a Coroner having jurisdiction, to hold an inquest upon the body of such deceased convict, and upon such requisition by one or more of the officers above named, the said Coroner shall hold such inquest, and, for that end, he and the jury and all other persons necessarily attending such inquest, shall have admittance to the prison for that purpose.

DECEASED CONVICTS.

How the body shall be disposed of.

49. The body of every convict who dies in a Penitentiary shall, if claimed by the relatives of the deceased, be given up to and shall be taken away by them, but, if not so claimed, the body may be delivered up to an Inspector of Anatomy, duly appointed under any Act authorizing such appointment, or to the Professor of Anatomy in any College wherein medical science is taught, or if not so delivered shall be decently interred at the expense of the institution.

FEMALE PRISON AND PRISONERS.

Female convicts.

50. The female convicts shall be kept distinct and secluded from the male convicts, and shall be under the charge of a matron, with such and so many female officers as the Inspector may, from time to time, see fit to order to be employed, reference being had to the number of such convicts, and the kinds of work in which they may be engaged.

MISCELLANEOUS PROVISIONS.

Exemption of officers, &c., from certain services.

51. The Warden and every officer and servant employed permanently in a Penitentiary shall, during his continuance in office, be exempt from serving as a militiaman, except within the bounds of the Penitentiary.

Security to be given by officers, &c.

52. Every Warden, every Accountant, every Storekeeper, and every Steward, shall severally execute bonds to Her Majesty, with sufficient sureties, that is to say, the Warden in the penal sum of eight thousand dollars, the Accountant in the penal sum of four thousand dollars, and the Storekeeper

in the penal sum of two thousand dollars, and the Steward in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of their respective offices, according to law, which bonds shall be filed in the office of
 5 the Secretary of State of Canada.

53. Every Warden, and every other officer and servant employed permanently in a Penitentiary, shall severally take and subscribe in a Book to be kept for that purpose by the Accountant in his office, the oath of allegiance to Her
 10 Majesty, and the following oath of office, viz.:

Oath of allegiance to be taken by them.

“I (A. B.) do promise and swear that I will faithfully, Form.
 diligently and justly serve and perform the office and duties of
 of in the Penitentiary, to the best of my abilities; and that I will carefully observe and carry
 15 out all the regulations of the prison. So help me God.”

Which oaths the Inspector is hereby authorized to ad- Before whom.
 minister.

54. No Inspector, Warden, or other officer or servant employed in a penitentiary, shall either in his own name or
 20 in the name of, or in connection with any other person, provide, furnish or supply any materials, goods or provisions for the use of any penitentiary, nor shall be concerned directly or indirectly in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting the sum of
 25 *five hundred dollars*, with full costs of suit, to any person who may sue for the same in any of Her Majesty's Courts in the Province in which such penitentiary is situated.

Inspector, warden, &c., not to be contractors.

Penalty.

55. No Warden, officer, or servant, excepting the Surgeon, shall be allowed to carry on any trade or calling of profit or
 30 emolument other than his office in the penitentiary; nor shall any officer buy from or sell to or for any convict, any thing whatever; or take or receive for his or her own use, or for that of any other person, any fee or gratuity or emolument from any convict or visitor or any other person; nor shall he
 35 employ any convict in working for him.

Warden, &c., not to exercise any other calling.

56. It shall be lawful for the Governor in Council, from time to time to fix the sums to be annually paid to the Warden and the other officers and servants of any penitentiary established under the provisions of this Act, regard being
 40 had to the number of convicts confined therein, and the consequent responsibility attaching to their offices respectively, and to the length of service and amount of labour devolved upon them; but such salaries shall not exceed the sums specified in the Schedule B. hereto annexed.

Governor to fix remuneration, not exceeding sums in the schedule;

45 57. The Warden shall be a corporation sole known by the name of the “Warden of the Penitentiary,” (designating the place as named in this Act, or named in any proclamation establishing it as a penitentiary), and by that name he and his successors shall have perpetual succession, and may sue and

Warden to be a corporation sole, &c.

be sued, may plead and be pleaded unto in any of Her Majesty's Courts.

Contracts,
&c., to be in
his name.

58. All dealings and transactions on account of any penitentiary, and all contracts for goods, wares, or merchandise necessary for maintaining and carrying on the institution, or for the sale of goods prepared or manufactured in or by the institution, shall be entered into and carried out in the corporate name of the Warden, and all personal property belonging to the same shall be held in the corporate name of the Warden for behoof of Her Majesty. 5 10

Real property
how vested
and managed.

59. The real property of every penitentiary, as well as all the other property thereto belonging shall remain vested in Her Majesty, but the Warden and his successors in office shall have the custody and care thereof under the provisions of this Act, and all such property, real and personal, shall be 15 exempt from all taxes.

Construction
and repairs of
buildings.

60. From the time this Act takes effect the construction and repairs of buildings and other works in the penitentiaries shall take place under the control of the Department of Public Works. 20

ARBITRATORS.

Arbitration
in case of
difference
between war-
den and con-
tractors, &c.

61. Whenever any difference may arise between the Warden, and any person having dealings with him on account of the penitentiary, such difference may, by order of the Inspector and the consent of the party in difference, be referred either to one Arbitrator, selected by the Warden and the party in difference, whose decision shall be final, or to three Arbitrators, one of whom shall be named by the Warden, and another by such other person, and a third by the two so named as aforesaid, and the award of any two of them shall be final. 25 30

Warden to
collect debts,
&c.

62. The Warden of a penitentiary shall exercise due diligence in enforcing the payment of debts due to the penitentiary, and with as little expense as possible to the institution, but he may, on the report of the Inspector, sanctioned by the Governor in Council, accept of such 35 security from any debtor on granting time, or such composition in full settlement, as may be thought conducive to the interests of the institution.

Books, ac-
counts, &c.,
to be property
of the institu-
tion.

63. All Books of Account and other Books, Bills, Registers, Returns, Receipts, Bills of Parcels and Vouchers, and all 40 other papers and documents of every kind relating to the affairs of the penitentiary, shall be considered the property of the institution, and shall remain therein; and the Warden shall preserve therein at least one set of copies of all official Reports made to the Parliament respecting the 45 same, for which purpose, and for the purpose of enabling him to distribute such official Reports in exchange for like documents from other similar institutions abroad, he shall be furnished by the Clerk of the House of Commons with

Reports.

fifty copies of such Reports as printed by Order of the House, and so soon as they are printed.

- 64.** No raft, boat, vessel or craft of any kind, shall moor or anchor within three hundred feet of the shore or wharf bounding the lands of any Penitentiary towards any lake, arm of the sea, bay or river, without the permission of the Warden thereof, being first had and obtained; and any person violating the provisions of this section shall upon conviction thereof, before a Justice of the Peace, be subject to a penalty of *twenty dollars*, to be levied in the usual manner upon such raft, boat, vessel or craft in whomsoever the property thereof may be, as well as on the offender's own goods and chattels, and in default of payment of the same with the costs of suit, he shall be imprisoned at hard labor for a period not exceeding two months.

Penalty on vessels mooring, &c., on penitentiary wharves, &c.

LIQUORS.

- 65.** No spirituous or fermented liquors shall on any pretence whatever, be brought into the Penitentiary for the use of any officer or person in the institution, (except the Warden or Deputy Warden if the latter shall be resident therein) or for the use of any convict confined therein, except under the rules of the institution; and any person giving any spirituous or fermented liquor, or tobacco, or snuff, or cigars to any convict, except under the rules of the institution, or conveying the same to any convict, shall forfeit and pay the sum of *forty dollars* to the Warden to be by him recovered for the use of the Prison, in any Court of competent jurisdiction.

No spirits or tobacco allowed.

Penalty.

PENAL CELLS.

- 66.** Whereas no system of discipline in a Penitentiary can be effectual for punishment, or for reformation of the criminal, unless it be combined with strict separate confinement during some period of the time for which the Court has sentenced him to be imprisoned, and it is therefore expedient that provision should be made in all the Penitentiaries named in this Act, and in all others hereafter to be established by virtue of this Act, for the separate confinement of every convict for a certain period of the time mentioned in the sentence of the Court by which he has been tried; therefore:

- It shall be lawful for the Governor, whenever he shall deem it expedient, to order that such and so many Penal Cells shall be constructed from time to time at any Penitentiary, as he may see fit.

Penal cells may be constructed.

SHORTENING OF SENTENCE.

- 67.** In order to encourage convicts to good behaviour, diligence and industry, and to reward them for the same, it shall and may be lawful for the Inspector of Penitentiaries to make rules and regulations, under which a correct record may be kept of the daily conduct of every convict in any

Notes of behaviour of convicts to be kept, and for what purpose.

Penitentiary, noting his industry, diligence and faithfulness in the performance of his work, and the strictness with which he observes the prison rules; with a view to permit such convict, under the prison rules, to earn a remission of a portion of the time for which he is sentenced to be confined, not exceeding five days for every month during which he shall have been exemplary in industry, diligence and faithfulness in his work, and shall not have violated any of the Prison Rules. 5

Case of sickness provided for.

If any convict be prevented from labour by sickness or any other infirmity, not intentionally produced by himself, he shall be entitled, by good conduct, to two and a half days remission from his sentence every month. 10

ROCKWOOD LUNATIC ASYLUM.

Rockwood Asylum to be part of the Penitentiary;

68. It is hereby declared, that the Lunatic Asylum situate at Rockwood, near Kingston, in the County of Frontenac, in the Province of Ontario, together with all the tract and parcel of land belonging thereto, as now known to be measured and bounded, and all buildings on the said piece of land erected, or hereafter to be erected, shall be, and form part of the Kingston Penitentiary, and be called "Rockwood Asylum." 15 20

And any further ground acquired for it.

69. Every piece or parcel of land hereafter to be acquired by Her Majesty, for the uses and purposes of Rockwood Asylum, upon proclamation by the Governor, published in manner herein above set forth, defining the limits and boundaries thereof, shall also form part of the Kingston Penitentiary. 25

Duties and powers of inspector as to asylum.

70. It shall be lawful for the Inspector to have, use and exercise all the privileges and powers granted to him by this Act, and he shall perform all the duties made incumbent upon him hereby, with respect to the government, management and maintenance of Rockwood Asylum, and of the lunatics confined therein, as are conferred or rendered obligatory upon him with respect to the Penitentiaries, subject to such instructions as shall be from time to time by him received from the Minister of Justice. 30 35

Removal of insane convicts to the asylum; how to be determined and effected.

71. Should it at any time appear to the Surgeon of the Kingston Penitentiary, that any convict confined therein is insane, and that it is desirable that such convict should be removed to Rockwood Asylum, he shall report the fact to the Warden of the Penitentiary, who upon receipt of such report, shall immediately desire the Medical Superintendent of Rockwood Asylum to meet the said Surgeon of the Penitentiary, at the said Penitentiary, at an early day by the Warden fixed for the purpose, and the Surgeon and the Medical Superintendent shall consult together, and determine as to the sanity or insanity of such convict, either at their first or at any subsequent consultation as they may see fit, and should they be jointly of opinion that such convict is of unsound mind and ought to be removed to Rockwood Asylum, they shall report the same in writing to the Warden of the 40 45 50

Penitentiary, on which report the said Warden shall forthwith remove such convict to Rockwood Asylum, and shall report the whole proceedings taken in the case to the Inspector without delay, and such convict shall be received into Rockwood Asylum, and be there safely kept, until he is remanded back to the Penitentiary, or until the expiration of his sentence, or until he is otherwise discharged, as hereinafter provided.

72. If at any time before the termination of the sentence of such convict, it be certified to the said Warden by the Medical Superintendent of Rockwood Asylum, that such convict has recovered his reason, and is in a fit state to be sent back to the Penitentiary, the said Warden shall desire the Surgeon of the Penitentiary to meet the said Medical Superintendent at Rockwood Asylum, and after examination of such convict by the said Surgeon and Medical Superintendent, if they are jointly of opinion that such convict has again become of sound mind, they shall make report of the same to the Warden, who thereupon shall convey such convict back to the Penitentiary, therein to be detained until the expiration of his sentence.

Case of recovery of convict before the expiration of his sentence.

73. If the term of imprisonment of any convict expires while such convict is detained in Rockwood Asylum as insane, he may nevertheless continue to be detained therein, but the fact of and reason for his detention shall be notified in writing by the Medical Superintendent to the Secretary of State, and to the Warden.

Expiration thereof while still in the Asylum.

74. Should the said convict at any time after the termination of his sentence become of sound mind, it shall be the duty of the Medical Superintendent, thereupon, to discharge him and to report the fact to the Secretary of State, or if at any time after the termination of his sentence and before his recovery, it seems fit to the Governor to order his being given up to any person or persons named in a warrant signed by the Secretary of State, the Medical Superintendent shall, upon receipt thereof, deliver the said convict to such person or persons, and the receipt of such person or persons for the body of such convict, shall be sufficient discharge to the said Medical Superintendent.

Convict becoming sane after expiration of his sentence.

75. It shall be lawful for the Governor, by Order in Council, to direct that the Rockwood Asylum may be used as the Asylum or place for the safe keeping and treatment of any lunatic or class of lunatics (in addition to the Insane Convicts from the Kingston Penitentiary), to be named or specially designated in such Order in Council, and upon such terms and conditions as shall be therein set forth; and a certified copy of such Order in Council shall be communicated by the Secretary of State to the Medical Superintendent of the Asylum and to the Minister of Justice.

Governor may authorize the use of asylum for insane persons other than convicts.

76. It shall be lawful for the Governor in Council to appoint the following officers of Rockwood Asylum, to wit;

Officers of
Rockwood
Asylum.

The Medical Superintendent, the Assistant Medical Superintendent (whenever there shall be a sufficient number of lunatic patients in the Asylum as, in the opinion of the Governor, to render the services of such an officer required) and an Accountant ; and it shall be lawful for the Inspector to suspend from office any one of the officers named in this section for misconduct, incapacity or inefficiency, but he shall make immediate report of such suspension and the cause thereof to the Secretary of State, for the information of the Governor in Council, and such officer shall be and remain so suspended until the pleasure of the Governor shall be made known to the Minister of Justice. 5 10

Steward.

77. It shall be lawful for the Inspector to appoint a Steward for said Asylum, who may for cause be suspended from office by the Medical Superintendent, by whom a report of the facts of the case shall be made to the Inspector for his consideration and decision. 15

Matron, &c.

78. It shall be lawful for the Medical Superintendent to appoint a Matron and such and so many other male and female officers, with the consent in writing of the Inspector, as the Inspector may consider necessary for the service of the Institution, any of whom may be removed by the Medical Superintendent at pleasure, or by the Inspector for cause. 20

Salary of
medical superintendent.

79. The salary of the Medical Superintendent shall be as set forth in Schedule to this Act annexed, and he shall receive such allowance for fuel and light as to the Governor in Council may seem fit. 25

Other
salaries, &c.

80. It shall be lawful for the Governor in Council, to fix such salaries and allowances to the officers of the Rockwood Asylum other than the Medical Superintendent, as the Governor may from time to time think reasonable, regard being had to the number of insane persons confined in the Asylum, and to the officer's length of service. 30

Short title.

81. This Act may be cited as "*The Penitentiary Act of 1875.*" 35

SCHEDULE.

The sums in this Schedule are intended to be moved in Committee of the Whole.

<i>Warden</i> , not exceeding	\$2,600
and not less than	\$1,000
<i>Deputy Warden</i> , not exceeding.....	1,400
and not less than.....	600
<i>Chief Keeper</i> , not exceeding.....	800
and not less than.....	500
<i>Chaplains</i> , each, not exceeding	1,200
and not less than.....	400
<i>Assistant Chaplains</i> , not exceeding	500
and not less than.....	300
<i>Surgeon</i> , not exceeding.....	1,200
and not less than.....	400

<i>Accountant</i> , not exceeding.....	1,000
and not less than.....	500
<i>Architect</i> , for the Penitentiaries	1,200
<i>Schoolmaster</i> , not exceeding	600
and not less than.....	250
<i>Storekeeper</i> , not exceeding.....	700
and not less than.....	400
<i>Steward</i> , not exceeding	650
and not less than.....	400
(If the above two offices be combined, the salary may be that of the Storekeeper.)	
<i>Trade Instructor</i> , not exceeding.....	700
and not less than.....	500
<i>Keeper</i> , not exceeding.....	\$500
and not less than.....	400
<i>Guard</i> , not exceeding.....	450
and not less than.....	350
<i>Other Male Servants</i> , not exceeding per day.....	1
<i>Matron</i> , not exceeding.....	500
and not less than.....	250
<i>Deputy Matron</i> , not exceeding.....	300
and not less than.....	200
<i>Assistant Deputy Matron</i> , not exceeding.....	250
and not less than.....	175
<i>School Mistress</i> , not exceeding.....	250
and not less than.....	120

Officers of Rockwood Asylum.

<i>The Medical Superintendent</i> , not exceeding.....	2,000
and not less than.....	1,600

No. 35.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act respecting Penitentiaries and
the Inspection thereof, and for other
purposes.

Received and read, first time, Wednesday,
24th February, 1875.

Second reading, Friday, 26th February, 1875.

Hon. Mr. FOURNIER.

OTTAWA :
Printed by MacLean, Roger & Co., Wellington Street.
1875.

An Act to incorporate The Royal Mutual Life Assurance
Company of Canada.

WHEREAS the persons hereinafter mentioned have, by Preamble.
their petition, prayed to be incorporated under the
name and style of "The Royal Mutual Life Assurance Com-
pany of Canada," with all the powers, rights and privileges
5 necessary to enable them to carry on the business of Life and
Accident Insurance in all its branches within the Dominion 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 fol-
10 lows:—

1. Robert Lees, Joseph M. Currier, Alexander Russell, the Certain persons incor-
porated.
Hon. Malcolm Cameron, the Hon. James Skead, L. A. Jetté,
H. Lapierre, Joseph Ryan, S. Shibley, J. B. A. Béique,
Edward Griffin, P. A. Egleson, Wilfrid Laurier, Joseph
15 Aumond, and Henry T. Corbett, M. D., together with all
such persons as shall become members of the Company
hereby incorporated, and their respective executors, adminis-
trators and assigns, shall be and are hereby constituted
and declared to be a corporation, body politic and corporate,
20 under the name of "The Royal Mutual Life Assurance Com- Corporate
name.
pany of Canada," and the head office of the said Company
shall be in the City of Ottawa.

2. The said Company shall have a common seal, and may Powers.
sue and be sued, contract and be contracted with in the cor-
25 porate name aforesaid.

3. The capital stock of the said Company shall be Capital stock
and shares.
dollars, divided into shares of *one hundred* dollars
each, which shall be personal property, and vested in the
several persons in whose names the same shall be subscribed,
30 their legal representatives and assigns, subject to the pro-
visions of this Act, with power to the General Board of
Directors to increase the amount of the capital stock at any Increase.
time or from time to time, to any amount not exceeding in all
one million of dollars: Provided that no such increase of Provide.
45 stock shall be made or new stock issued, until the resolution
of the General Board authorizing the same shall be sub-
mitted to and confirmed by the shareholders, either at a
general annual meeting, or at a special meeting called for
that purpose.

Who shall be
members.

4. The members of the said Company shall be the holders of stock therein, and the holders of policies from the said Company for not less than *one hundred* dollars each (whether the holders of such policies be holders of shares or not) who shall by the terms of their respective policies be entitled to participate in the profits of the said Company (hereinafter called "participating policy holders.")

Board of
Directors.

5. The affairs and business of the said Company shall be managed by the Board of Directors at Ottawa to be known as "the General Board of Directors," which shall be composed of not less than fifteen nor more than twenty of the members of the said Company, not less than seven of whom shall have their usual residence at or near the City of Ottawa, and of whom five shall form a quorum for the transaction of business.

Provisional
Directors.

6. Until the first election hereinafter provided for, the said General Board of Directors shall consist of Robert Lees, Alexander Russell, the Hon. Malcolm Cameron, the Hon. James Skead, L. A. Jette, H. Lapierre, Joseph Ryan, S. Shibley, J. B. A. Béique, Edward Griffin, P. A. Egleson, Wilfrid Laurier, Joseph Aumond and Henry T. Corbett, M.D., who shall, while they continue in office, have all the powers of this Act vested in the said General Board of Directors.

Election of
Directors.

7. The General Board of Directors shall be elected annually by the members of the said Company from among the qualified members at a general meeting of the members to be holden at the City of Ottawa on the _____ in the month of _____ in each year, unless some other day be fixed by by-law of the said Board for that purpose.

Scale of votes

8. In all matters to be voted upon by the members of the said Company, every stockholder shall be entitled to one vote for every share held by him in the capital stock of the said Company, on which all calls have been paid up, and every participating policy holder shall be entitled to one vote for every five hundred dollars for which he holds a participating policy, or policies of the said Company, and such votes may be given by proxy if the voter be not present.

Qualification
of Directors.

9. The members qualified to be elected Directors of the said Company shall be the holders of at least five shares of the capital stock of the said Company in their own right, and participating policy holders to at least the amount of one thousand dollars.

Business of
the Company.

10. The said Company shall have full power, right and authority to make and issue policies of insurance on life and lives and against accidents to the person, and to make and effect contracts of insurance with any person or persons, bodies politic or corporate, upon life or lives, and against accidents to the person, either for a period or the whole of any life or lives, or other period, and to buy, sell, grant and otherwise acquire and dispose of any such policies and to buy, sell, grant and otherwise acquire and dispose of

annuities and endowments of every description for life or lives of adults or children, or other periods, and on survivorships, and to purchase and acquire contingent rights, whether of reversion, remainder, annuities, life policies or otherwise, and generally to carry on the business of life insurance and insurance against accidents to the person in all their several forms and branches, including the power to re-insure in any other Company or Companies, and to do, perform and execute all acts, deeds, matters and things necessary for the purposes aforesaid: Provided that the said Company shall not issue any such policy until at least one hundred thousand dollars of the capital stock of the said Company shall be subscribed, and ten per cent. thereon paid in to the Treasurer of the said Company, of which his receipt shall be *prima facie* evidence.

11. It shall be lawful for the said Company to acquire and hold real estate in the name of the Company or otherwise in the City of Ottawa to the amount of fifty thousand dollars, and in the City of Montreal to the amount of fifty thousand dollars, and in such other places in which it shall desire to establish agencies, to such amounts not exceeding in the whole one hundred thousand dollars, as shall be deemed necessary for the purposes of offices and buildings for carrying on the business of the said Company, and from time to time to sell, dispose of and convey or exchange the same, and to acquire other property in place thereof as may be deemed expedient.

12. It shall also be lawful for the said Company to purchase, acquire and hold for the purpose of making investments of the funds of the said Company therein, and of securing and obtaining repayment of such investments and interest thereon, any real estate, and any title or interest, present or future, existing, expectant, in remainder or otherwise whatsoever, in or to any real estate, and either for term or terms of years in fee or otherwise, and either by way of mortgage, hypothec, foreclosure, release or otherwise, and to bargain, sell, transfer, release and convey the same; Provided that all real estate obtained for the purposes in this section mentioned shall be brought to sale by the said Company within ten years next after they shall have acquired the absolute title thereto.

13. It shall also be lawful for the said Company to purchase, acquire and hold for the purpose of investing therein any part or parts of the funds or moneys thereof, any of the public securities of the Dominion or of any of the Provinces of the Dominion, the bonds and debentures of any incorporated city or town, or municipal corporation, or joint stock or other incorporated Company within the Dominion, and also so much of any of the public securities of the United States or of any State or States thereof as shall be required to enable the said Company to do business in such United States, or such State, or States thereof, where the said Company shall resolve to do business, and also to sell, transfer, and dispose of the same or any part thereof, and the moneys therefrom coming and arising, and other moneys of the said Company,

or any part thereof, from time to time acquire to invest or re-invest, or to loan on any of the securities aforesaid or on bond or note, or on mortgage on any real or personal estate.

Calls on stock 14. The General Board of Directors of the said Company shall have power to require not more than five per cent. of the capital stock subscribed to be paid at the time of subscribing for the same, and from time to time thereafter, to make calls upon the said capital stock as the same shall be required, and to enforce payment of such calls by suit or otherwise; Provided, that no calls shall be for a greater amount than ten per cent. of the stock subscribed, nor shall any payment thereof be fixed for a period less than three months from the time fixed for the payment of the next preceding call nor until thirty days after the same shall have been advertised in the English and French language in the *Canada Gazette*, and in at least one newspaper in the City of Ottawa and one in the City of Montreal. And if the holder of any share or shares shall neglect or refuse to pay any call thereon for _____ months after the same shall become payable, the General Board of Directors may by resolution declare such share or shares, and all amounts previously paid thereon to be forfeited to the said Company, and the same shall thereupon be so forfeited and become and be the property of the said Company, and may be sold and assigned to the purchaser thereof, and the proceeds thereof shall go into and form part of the funds of the said Company.

Agent in Quebec. 15. The said Company shall have an agent for the Province of Quebec who shall be able to speak both the English and French languages, and shall keep an office in the City of Montreal, and the said Company shall also appoint a committee of not less than three nor more than seven of its stockholders or participating policy holders, resident in the City of Montreal, to be called The Advisory Committee of Quebec, whose duty it shall be to assist and advise the said agent, and to perform such other duties and in such manner as the General Board of Directors shall by by-law in that behalf prescribe; and the members thereof shall hold office for one year, and until their successors shall be appointed.

Other Agents 16. The said Company may also appoint an agent and a advisory committee for each or any of the Provinces of the Dominion, and such other agents and officers as they shall think necessary or expedient for the carrying on of the business of the said Company, either within or without the Dominion, and from time to time remove or dismiss any such agents or officers, or any of them, and appoint another or others in his or their place.

Election of officers. 17. It shall be the duty of the General Board of Directors at their first meeting next after the general annual meeting of the said Company, to elect from among their number, one President and two Vice-Presidents of the said Company, and until the first general annual meeting the Provisional Board named in this Act shall elect from among their number such

President and Vice-Presidents, and such President and Vice-Presidents shall hold office until the next general annual meeting, and until their successors shall be elected, and the said President, and in his absence the senior of the said Vice-Presidents then present shall preside at all meetings of the said Company and of the said board, and shall preserve decorum, and decide all questions of order, and in case of a tie on any vote, shall, besides his usual vote, have a casting vote on the question on which there shall be such tie.

10 **18.** The said General Board of Directors shall also have full power, right and authority to appoint all other officers and agents and servants of the said Company, and from time to time to remove or dismiss the same, and to re-appoint or appoint others in their place, and to fill all
 15 vacancies that may occur among such officers, agents, or servants, and to fix the salaries or rate of remuneration; to fill by appointment from among the members qualified to be chosen Directors, any vacancies which may occur by death or otherwise, until the next annual election; to appropriate
 20 and pay to the holders of capital stock in the said Company, out of the profits thereof, interest not exceeding ten per centum per annum, on the amount actually paid in, of such stock, and after payment of such interest to appropriate and pay to such stockholders and to participating policy holders
 25 in proportion to the amounts actually paid in on the stock and policies held by them respectively, such amount of the net profits as they shall deem safe and expedient, as dividends or bonuses; but not at any time to exceed four-fifths of such net profits; Provided, that no such interest, dividend, or bonuses shall be paid until at least one hundred thousand
 30 dollars shall have been set aside as a guarantee fund by the said Company; and also, to charge participating policy holders with losses to the amount of any bonuses or dividends appropriated in their favor, and apply the same to the
 35 payment of such losses if deemed necessary.

Appointment
of officials.

Further
powers of
Directors.

Proviso:
Guarantee
fund.

40 **19.** The General Board of Directors shall also have power and authority to make, and from time to time to alter, amend and repeal all such by-laws, rules and regulations as they shall deem necessary for the government and guidance of their own body, and all committees, officers and servants thereof;

By-Laws.

For calling and holding annual and special general meetings of the members of the Company, and regulating the conduct of all business thereat;

45 For the appointment of General and Provincial Agents and Advisory Committees and such other officers and servants of the Company as they shall deem requisite, and for prescribing and regulating their respective duties and conduct;

50 For regulating elections, and the manner of voting thereat;

For regulating the forms, terms and conditions of all policies to be issued by the said Company, and the mode of executing such policies and all other contracts, deeds and instruments of the said Company ;

For regulating the assignment and transfer of stock and policies, and the authentication thereof. And generally for the management, guidance, direction and regulation of the business and affairs of the said Company. 5

All such by-laws, rules and regulations, and the several clauses thereof shall have force and effect from the making thereof, until the next general annual meeting, and unless disallowed at such meeting until the same shall be repealed, or others substituted in their place. 10

Chief office. 20. The meetings of the General Board of Directors, and the annual and special general meetings of the members of the said Company shall be held at the City of Ottawa. 15

What it shall suffice to allege in suits for calls. 21. In any action for calls or arrears on calls of stock, it shall be sufficient for the Company to allege that the defendant being an owner of shares therein is indebted to the Company in respect of so many shares, in the sum due, whereby an action hath accrued to the Company by virtue of this Act. And at the trial it shall only to be necessary to prove that the defendant was owner of shares in the Company, and that such calls were made according to this Act, or the by-laws or rules of the Company : and it shall not be necessary to prove the appointment of the Directors who made such calls, or any other matter whatever, except what is before declared, 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 or a Vice President, or the Manager or Secretary, and sealed with the corporate seal of the Company, shall be received in all Courts and proceedings as evidence of such by-law, rule, regulation, minute or entry, without further proof thereof, and without proof of the official character, appointment or signature of the officer signing the same, or of the corporate seal. 20 25 30 35

Company not bound to see to trusts. 22. 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, or any of its policies shall be subject, and the receipt of the person in whose name any share stands, or by whom any policy appears to be held in the books of the Company, shall be a sufficient discharge to the Company for any money paid on account of any such share or policy, notwithstanding any trust to which such share or policy may be held subject, and whether or not, the Company shall have had notice of such trust. 40 45

Liability limited. 23. No stockholder shall be liable in any event or for any purpose whatever, beyond the amount unpaid on any shares held by him, and any share of profits allotted to him in respect of such shares and interest thereon from the time the same became payable. And no policy holder shall be liable 50

in any event, or for any purpose whatever, beyond the unpaid amount of any premiums payable, and profits allotted in respect of any policy or policies held by him, and interest thereon from the time the same became payable.

5 24. No stock or policy of the said Company shall be assignable until all amounts and arrears payable thereon up to the time of the assignment thereof, shall have been fully paid up. Assignment of stock.

10 25. This Act and the Company hereby incorporated, shall be subject to the provisions contained in the Act thirty-first Victoria, chapter forty-eight, intituled "*An Act respecting Insurance Companies*," and any amendments thereof, except in so far as the same shall be found inconsistent with the provisions of this Act. To be subject to 31 V., c. 48 as amended.

No. 36.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to incorporate the Royal Mutual
Life Assurance Company of Canada.

Received and read, first time, Tuesday, 23rd
February, 1875.

Second reading, Thursday, 25th February,
1875.

[PRIVATE BILL.]

MR. JETTÉ.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1875.

An Act respecting the International Bridge Company.

WHEREAS a Company was incorporated by an Act of Preamble.
the Legislature of the State of New York, one of the
United States of America, under the name of the Inter-
national Bridge Company, for the construction and main-
5 tenance of a Bridge across the Niagara River from the City
of Buffalo to some point near Fort Erie in Canada, and in
the said Act it was provided that the "said Bridge may be
"constructed as well for the passage of persons on foot and
"in carriages and otherwise, as for the passage of railroad
10 "trains;"

And whereas, by the statute of the late Province of
Canada, passed in the twentieth year of Her Majesty's reign
and chaptered two hundred and twenty-seven, a Company
was incorporated under the name of the International
15 Bridge Company, for the purpose of constructing, maintain-
ing, working and managing a Bridge across the Niagara
River, from some point at or near the Village of Waterloo,
known as Fort Erie, in the Township of Bertie, to the City
of Buffalo, and in the said Act it was provided amongst
20 other things that "the said Bridge shall be as well for the
"passage of persons on foot and in carriages and otherwise,
"as for the passage of railway trains;"

And whereas afterwards by an Act of the Legislature of
the said State of New York, and by an Act of the Parlia-
25 ment of the Dominion of Canada, the said two Companies
were authorized to amalgamate and consolidate their respec-
tive stocks, property and franchises in the manner in the
said Acts provided;

And whereas afterwards the said two Companies did
30 amalgamate and become one Company; and whereas in
and by the agreements of amalgamation it is provided that
the several clauses of the several statutes of the State of
New York and of the United States of America, and, also
of the late Province of Canada, and of the Dominion of Canada,
35 relating to the said Companies, should to the extent in
the said agreement mentioned, apply to the said new
Company formed by the said amalgamation; and whereas
the said new Company so formed have constructed a Bridge
across the said Niagara River and Black Rock Harbor and
40 the Erie Canal, which Bridge is now in use as a railway
bridge;

And whereas the Congress of the United States of America did pass an Act, declaring the said Bridge a lawful structure and a mail road of the said United States;

And whereas the said Company have by their petition prayed that an Act may be passed, making the laws of the Dominion of Canada relating to the said Bridge, and the kind of structure to be erected and maintained, in all respects the same as the laws of the State of New York and of the United States of America aforesaid, and that the said Bridge now constructed may be declared a lawful structure, and that the powers with respect to the construction of a foot and carriage way or bridge may be declared permissive only, and in that respect that the laws relating to the said Bridge, as aforesaid, may be assimilated; and whereas it is proper that the prayer of 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:—

Bridge
declared to
be a lawful
structure.

1. The Bridge built by the International Bridge Company, so formed as aforesaid, across the Niagara River, and now in use as a Railway Bridge is hereby declared a lawful structure.

Power to
build pas-
senger bridge
declared to
be permissive

2. The said Act of the late Province of Canada in so far as it relates to the construction of the said Bridge for the passage of persons on foot and in carriages and otherwise, is hereby declared to be permissive only.

No. 38.]

BILL.

[1875

An Act to amend the Act therein mentioned, respecting
Banks and Banking.

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

1- The item numbered ten in the form prescribed by the 36 V., c. 43,
5 first section of the Act of the Parliament of Canada, passed amended.
in the 36th year of Her Majesty's reign, and entitled "*An Act
further to amend an Act relating to Banks and Banking,*"
under the heading "LIABILITIES," is hereby so amended
as to read as follows:—

10 "10. Due to Agencies of the Bank or to other Banks or
"Agencies in the United Kingdom."

No. 38.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the Act therein mentioned, respecting Banks and Banking.

Received and read, first time, Tuesday, 23rd
February, 1875.

Second reading, Wednesday, 24th February,
1875.

Mr. CARTWRIGHT.

OTTAWA:
Printed by Maclean, Roger & Co., Wellington Street.
1875.

An Act to amend the several Acts incorporating, or relating to the Richelieu Company, and to change its Corporate Name.

WHEREAS the Richelieu Company has represented that it has become necessary to increase the amount of its capital stock, and the number of its docks, wharves and warehouses, and otherwise to amend its Act of incorporation, and the Acts amending the same; and whereas it is in the interest of navigation 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.

10 **1.** The Richelieu Company shall continue to be a body politic and corporate by the name of "The Richelieu and Ontario Navigation Company;" and all the movable and immovable property of the said Richelieu Company shall be vested in the Richelieu and Ontario Navigation Com-
15 pany.

Corporation continued.

2. The capital of the said company shall be *two millions* of dollars, divided in *twenty thousand* shares of *one hundred* dollars each.

Capital stock and shares.

3. The Company may hold real estate of the yearly value of *sixty thousand* dollars for the purposes of the said Company, and for such other purposes in connection therewith as the Directors of the said Company may deem expedient.

Real estate.

4. The Directors with the approbation of the stockholders, shall have power to acquire and take into the stock of the Company, steamers, or other personal and real estate owned by any person or corporation, and to assign shares of the Company in payment thereof, and all past acquisitions made as aforesaid, and approved of at any general meeting of the shareholders duly called for the purpose, are hereby declared valid and binding on the Company.

Real and other property may be paid for in shares.

5. The number of Directors shall not be less than seven nor more than eleven, and no person shall be elected, or hold office as a Director, unless he shall possess in his own name fifty shares of the capital stock of the Company. The Directors, at present in office, having the above qualification shall remain in office, and shall appoint, for the current year only, the increased number of Directors.

Directors.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the several Acts incorporating or relating to the Richelieu Company and to change its Corporate Name.

Received and read, first time, Tuesday, 23rd
February, 1875.

Second reading, Thursday, 25th February,
1875.

(PRIVATE BILL.)

Mr. JETTE.

OTTAWA,
Printed by MacLean, Roger & Co., Wellington Street.
1875.

An Act further to amend the Acts regulating the Issue of Dominion Notes.

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

1. Whenever the amount of Dominion Notes issued and
5 outstanding shall at any time exceed *twelve millions of* Amount of
dollars, the Receiver General shall hold specie to the full gold to be
amount of such excess, for the redemption of such notes ; held for
and whenever the amount of the said Notes shall fall below redemption of
twelve millions of dollars, and exceed *nine millions of dollars*, Dominion
10 the Receiver General shall hold in specie not less than fifty Notes.
per cent. of the amount of such Notes above *nine millions of*
dollars, for the redemption of such Notes.

2. So much of the Act passed in the thirty-fifth year of
Her Majesty's reign and intituled, "*An Act to amend the*
15 *Act regulating the issue of Dominion Notes,*" or any other Inconsistent
Act as may be inconsistent with the above enactment, is enactments of
hereby repealed. 35 V., c. 7,
&c., repealed.

MR. O'NEILL BRIGHT

AMANTO
1875

2nd Session, 3rd Parliament, 38 Victoria, 1875

BILL.

**An Act to amend the Act regulating the
Issue of Dominion Notes**

Received and read, first time, Wednesday,
24th February, 1875.

Second reading, Thursday, 25th February,
1875.

MR. CARTWRIGHT.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1875.

An Act to amend the Act passed by the Parliament of the late Province of Canada, intituled "An Act to incorporate The Montreal Board of Trade."

WHEREAS it is expedient to amend the Act passed by the Parliament of the late Province of Canada, in the Session held in the fourth and fifth years of Her Majesty's reign, intituled "*An Act to Incorporate the Montreal Board of Trade*"; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The sixth, eighth, ninth and tenth sections of the said Act intituled "*An Act to Incorporate the Montreal Board of Trade*" are hereby repealed, except only as respects all rights acquired and things done under the said sections or any of them, before the coming into force of this Act.

2. The members of the said Corporation shall meet annually at some place within the City of Montreal (of which due notice will be given by the Council for the time being as hereinafter provided) on the second Tuesday, in the month of January of each year, and if the same be not a juridical day, then on the next following juridical day, and the members of the said Corporation or a majority of them then present shall at the next annual meeting, after the coming into force of this Act, choose by separate ballot, or in such other way as may have been or may be fixed by the by-laws of the Corporation from among the members thereof, one President, one Vice-President, one Treasurer and twelve other persons, who with the said President, Vice-President and Treasurer shall form the Council of the said Corporation, until the next annual meeting, when six of the ordinary members of the said Council standing lowest on the said ballot shall retire, and there shall then and there be chosen by separate ballot, or in such other way as may be fixed from among the members of the said Corporation, six other persons to be members of the said Council, in the room and place of those retiring.

3. The President, Vice-President, Treasurer and members of the said Council, save the six ordinary members thereof retiring as aforesaid, shall hold office until others be elected in their stead, at the second annual meeting after their respective elections or until they shall be removed from office or shall vacate the same under the provisions of the said Act, of this Act, or of the by-laws of the said Corporation.

Quorum of
Corporation.

4. At any annual or other general meeting of the said Corporation whether for the purpose of electing members of the Council, or for any other purpose, any thirty or more members of the said Corporation shall form a quorum, and shall be competent to do and perform all acts which either 5 by the said Act, this Act, or by any by-law of the said Corporation, are or shall be directed to be done at any such general meeting, and all general meetings of the Corporation shall be held at the place then appointed by the by-laws thereof, for the annual meeting aforesaid. 10

Quorum of
Council.

5. At any meeting of the Council of the said Corporation, any six or more of the members thereof shall form a quorum, and shall be competent to do and perform all acts which can be done at any such meeting of the said Council.

Mode of
electing mem-
bers of Cor-
poration.

6. Each and every person then resident in the City of 15 Montreal, and carrying on banking, trade or commerce of any kind therein, and having so resided continuously for not less than six months, shall be eligible to become a member of the said Corporation, and at any general meeting of the Corporation, it shall be lawful for any member thereof, to 20 propose any such person as aforesaid, as a candidate for membership therein, and if such proposition shall be seconded by any other member of the corporation then present, such candidate shall be again proposed and balloted for at the next general meeting, not being less than one week after he 25 shall be so proposed, and in the meantime the name of the person proposed and of his proposer and seconder, shall be posted in a conspicuous part of the usual place of meeting of the said Corporation; and if at the meeting at which such candidate shall be balloted for, not less than three-fifths of 30 the members present shall vote for his admission, he shall thenceforth be a member of the Corporation, and shall have all the rights, and be subject to all the obligations which the other members possess or are subject to, and shall be bound by all the by-laws of the said Corporation. 35

Meetings how
called.

7. Notice of all meetings of the said Corporation shall be given by publishing the same for one week, immediately preceding the day fixed for such meeting, in such news- 40 paper, published in the City of Montreal, as may be ordered by the Council of the said Corporation, and in the event of the said meeting being a special meeting, the object or objects of such meeting shall be mentioned in the notice thereof, and at such meeting no other matters shall be discussed or passed upon than those specified in the notice of such meeting. 45

Power of
Council to
call general
meeting.

8. The Council of the said Corporation, or a majority of the members thereof, may at any time call a general meeting of the Corporation.

Election of
delegates to
Dominion
Board of
Trade.

9. The delegates from the said Corporation to the Dominion Board of Trade, shall be elected by ballot at the annual 50 meeting in each year, or at any special general meeting, and shall continue to be such delegates until their successors

shall be appointed at the next annual meeting following their election: Provided always that in the event of the resignation, removal or death of any of the said delegates, the vacancy so created shall be filled up by the Council of the said Corporation nominating some member of the Corporation to replace such delegate.

10. Notwithstanding anything contained in the said Act, the clear annual value of the real and personal property held by the said Corporation at any one time may exceed eight thousand dollars currency; provided that such clear annual value shall not at any one time exceed sixteen thousand dollars currency.

Annual value of property not to exceed \$16,000.

No. 41.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the Act passed by the
Parliament of the late Province of
Canada, intituled, "An Act to incor-
porate The Montreal Board of Trade."

Received and read, 1st time. Wednesday
24th February, 1875.

Second reading, Thursday, 25th February,
1875.

(PRIVATE BILL.)

MR. DEVLIN.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1875.

42

An Act relating to the Upper Ottawa Improvement Company.

WHEREAS the Upper Ottawa Improvement Company have petitioned to have their charter, which was granted under the Act entitled "*An Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams,*" and being chapter sixty-eight of the Consolidated Statutes of the late Province of Canada, confirmed by a separate Act of the Parliament of Canada, and the said Company have also petitioned to have powers conferred on them, to save drifted or escaped timber, logs and lumber, and to secure the same for the rightful owners, and to construct such dams, piers and booms as may be found necessary to accomplish their said object, 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:—

1. The said "The Upper Ottawa Improvement Company" shall continue to be a body corporate, and by that name shall have perpetual succession and a common seal, with all the powers, privileges, and obligations conferred and imposed upon them by the said chapter sixty-eight of the Consolidated Statutes of the late Province of Canada, which powers, privileges, and obligations are hereby continued to and upon them, and in addition thereto, with power to purchase, acquire and hold such real estate as they may deem necessary for their purposes, and the same again to sell, convey or exchange, as they shall see fit, and also, by their corporate name to sue and be sued, and to acquire and hold all such booms, piers, vessels, boats, matters and things as may be deemed by them necessary to use and employ in and about the salvage of timber, lumber and saw logs on the River Ottawa.

2. The Company shall, over that part of the river line between Des Joachim Rapids and Dechesne Rapids and the lands adjoining, have power at ten separate and distinct points on the River Ottawa, at which it may be necessary to attach the said booms to the shores of or islands in the said river, to acquire at each of such points a parcel of land extending for a distance for any works to be constructed, not exceeding five hundred feet along the margin of the river, and extending back from the said river for a distance not exceeding fifty feet from high water mark, and in case the owner or owners of the said parcel and the said Company shall be unable to agree upon the price or consideration to be paid or given therefor, then all questions between the said parties, touching compensation or damages, shall be

No. 41.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the Act passed by the
Parliament of the late Province of
Canada, intituled, "An Act to incor-
porate The Montreal Board of Trade."

Received and read, 1st time. Wednesday
24th February, 1875.

Second reading, Thursday, 25th February,
1875.

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10 lumber, and to secure the same for the rightful owners, and to construct such dams, piers and booms as may be found necessary to accomplish their said object, 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
15 House of Commons of Canada, enacts as follows:—

1. The said "The Upper Ottawa Improvement Company" shall continue to be a body corporate, and by that name shall have perpetual succession and a common seal, with all the powers, privileges, and obligations conferred and imposed
20 upon them by the said chapter sixty-eight of the Consolidated Statutes of the late Province of Canada, which powers, privileges, and obligations are hereby continued to and upon them, and in addition thereto, with power to purchase, acquire and hold such real estate as they may deem necessary
25 for their purposes, and the same again to sell, convey or exchange, as they shall see fit, and also, by their corporate name to sue and be sued, and to acquire and hold all such booms, piers, vessels, boats, matters and things as may be deemed
30 by them necessary to use and employ in and about the salvage of timber, lumber and saw logs on the River Ottawa.

2. The Company shall, over that part of the river line between Des Joachim Rapids and Dechesne Rapids and the lands adjoining, have power at ten separate and distinct points on the River Ottawa, at which it may be necessary to
35 attach the said booms to the shores of or islands in the said river, to acquire at each of such points a parcel of land extending for a distance for any works to be constructed, not exceeding five hundred feet along the margin of the river, and extending back from the said river for a distance not
40 exceeding fifty feet from high water mark, and in case the owner or owners of the said parcel and the said Company shall be unable to agree upon the price or consideration to be paid or given therefor, then all questions between the said parties, touching compensation or damages, shall be

settled and determined by arbitration in the manner provided by "*The Railway Act, 1868*," for the appropriation of lands by Railways; and the powers and provisions contained in the clauses of the said Railway Act, 1868, relating to lands and their valuation, shall, so far as applicable, extend 5 to the Company, in order to enable them to acquire in a compulsory manner such parcels of land as aforesaid; Provided always, that the compulsory powers herein granted shall be exercised within three years from the passing of this Act, and not after, and the Company shall have power to hold, 10 maintain, use and enjoy all the works, booms and piers constructed by them on the south side of the River Ottawa, between Little Chaudiere Falls and the upper end of Coffin Island as indicated on the plans in the Department of Public Works, and to construct other works of a similar description, 15 subject to all the powers, privileges and conditions in this Act contained: Subject, nevertheless, as to all the aforesaid works, that they or any or either of them shall be removed by the Company immediately after notice by the Department, that such removal is ordered by the Minister of Pub- 20 lic Works.

3. Before the said Company shall proceed with the construction of their booms, piers and works, and of any future alterations or enlargement thereof, plans and specifications of the same, and of any such proposed amendments thereof, 25 shall be made and submitted to and approved of by the Minister of Public Works for the time being.

4. The capital stock of the Company shall be one hundred and thirty thousand dollars, divided into six thousand five hundred shares of twenty dollars each, and shall be com- 30 posed of the stock already paid or subscribed and such new stock as may be required to make up the above amount, and the unpaid stock may be sued for by the Company against any subscriber and recovered in an action of debt; and the said Company shall have power hereby to increase the capi- 35 tal stock from one hundred and thirty thousand dollars to two hundred thousand dollars.

5. The affairs of the Company shall be managed by a Board of five Directors, who shall choose one of their number to be President of the Company, who as Chairman shall 40 have the casting vote at all meetings of the Board in case of an equality of votes, in addition to his individual vote as a Director.

6. The present President and Directors of the Company shall remain in office until their successors are appointed in 45 accordance with the by-laws passed, or to be passed by the shareholders.

7. The shareholders shall have power at a general meeting to enact by-laws to provide for and regulate the

payment of calls on capital stock, the manner of voting for and the election of the Directors, the transfer of shares in the capital stock, the forfeiture or sale of the same in case of non-payment of calls, the increase of the capital stock, if
5 need be, and the appropriation of the new shares among the present shareholders, or for opening new subscription lists as may seem advisable, and for such other purposes as they shall deem proper, and to alter, amend and repeal such by-laws as they shall see fit.

10 8. The chief office of the Company shall be in the City of Ottawa.

9. The Company shall have power to levy and collect tolls, dues and charges on all saw logs, timber and lumber which may have come into their possession by reason of the
15 existence of the Company's works, or the exercise of any of the powers under this Act, upon such tolls, dues and charges being first approved by the Governor in Council, and upon publication thereof in the *Canada Gazette*; and the Governor in Council may from time to time, alter and amend such
20 tariff of dues, tolls and charges; and the Company shall hold a lien for such tolls, dues and charges on the timber, lumber and saw logs, in respect of which the same are chargeable; Provided always, that in case of rafts or cribs of timber breaking
25 away from their moorings by storm or stress of weather or other cause, and lodging in the booms or works of the Company, the owners of such rafts or cribs shall be at liberty to remove the same from the said works without charge, save and except for damages to the Company's works; but the owners thereof shall be obliged to remove such cribs or rafts
30 with all due diligence within the working season after such lodging, failing which the said timber shall be subject to the tolls, dues and charges authorized by the said Order in Council.

10. The Company shall not hereafter prevent the owner
35 or owners of a raft or rafts from snubbing or mooring his or their raft or rafts to any pier or piers owned or belonging to the Company.

1. The Board of Directors of the Company shall have the right to elect and remove the members of the Board of Directors and to fill any vacancies that may occur.

2. The Board of Directors shall have the right to elect and remove the officers and directors of the Company and to fill any vacancies that may occur.

3. The Board of Directors shall have the right to elect and remove the members of the Board of Directors and to fill any vacancies that may occur.

4. The Board of Directors shall have the right to elect and remove the officers and directors of the Company and to fill any vacancies that may occur.

An Act to amend the Acts of Incorporation of The
Great Western Railway Company.

WHEREAS The Great Western Railway Company have Preamble.
represented by their petition that it will be more satis-

5 factory to the shareholders to have power to reduce or
increase the number of their Directors within certain limits,
that the qualification of Directors should be increased, and
that the right to hold shares and stocks, of which they may
be possessed, should be exercised either in the name of the
Company or of trustees, with power to such trustees to exer-
cise all the rights of ordinary shareholders, and they have
10 also petitioned that their corporate powers may be increased,
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 fol-
lows:—

15 **1.** It shall be lawful for the Great Western Railway Com- Number of
directors.
pany, hereinafter called the Company, from time to time, in
special general meeting, to reduce or to increase the number
of the Directors of the Company, so that such number shall
not be less than seven nor more than eleven, and to deter-
20 mine the order of rotation in which such reduced or increased
number shall go out of office, and what number shall be a
quorum at the meetings of the Directors.

2. From and after the general meeting in the month of Qualification.
October next after the passing of this Act, no person shall be
25 capable of being a Director of the Company unless he be a
shareholder to the amount of at least one hundred shares
duly registered in his name; and if any Director at any time
cease to be a holder of at least one hundred shares duly regis-
tered in his name; the office of such Director shall become
30 vacant, and thenceforth he shall cease from voting or acting
as a Director.

3. And for the more clearly defining the powers of the Powers of
directors.
Directors and the powers of the Company to be exercised
only in general meeting, it is enacted that the Directors shall
35 have the management and superintendence of the affairs of
the Company, and they may lawfully exercise all the powers
of the Company except as to such matters as are or may be
directed by this or any Act or Acts relating to the Company,
to be transacted by a general meeting of the Company,
40 special or ordinary, but all the powers so to be exercised shall
be exercised in accordance with and subject to the provisions

of this and other Acts relating to the Company; and the exercise of all such powers shall be subject also to the control and regulation of any general meeting specially convened for the purpose, but not so as to render invalid any act done by the Directors prior to any resolution passed at such general meeting. 5

Shares of other companies, how held.

4. All shares and stocks possessed or which may be lawfully acquired by the Company, and which they are authorized to hold in the capital stocks of other Companies, may be held by the Company, either in its own name or in the name of trustees, and such trustees shall have all the rights, powers and privileges of ordinary shareholders. 10

Lands, &c., how acquired and held for certain purposes.

5. For the purpose of taking, acquiring and holding lands and rights of way thereto, under and by virtue of the fifth section of "*The Great Western Railway Act, 1873*," the Company shall have and may exercise all the rights, privileges and powers given them with respect to their main line of railway by the Acts relating to the Company, and all the provisions of the said Acts relating to the taking or acquiring of lands by, or the conveyance thereof to, or the vesting of the same in the Company, shall apply to and for such purposes: and such lands and rights of way may be so acquired in fee simple, or for a term of years, as the Company may think proper, and notwithstanding anything in the seventh section of the said Act contained, it shall not be necessary to obtain the consent of the shareholders before exercising such powers. 15 20 25

Branch lines.

6. For the purpose of connecting any city, town, village, manufactory, or manufactories, mine or mines, or any quarry or quarries of stone or slate, or any well or spring with the main line of the railway of the Company, or with any branch thereof, or with any railway worked or leased by the Company, and for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, it shall be lawful for the Company to build, make and construct, and to work and use sidings, switches or branch lines of railway, not to exceed in any one case six miles in length, and for any and every such purpose the Company shall have and may exercise all the powers given them with respect to their main line by the Act incorporating the Company, and the Acts amending the same, or relating to the Company, and each and all the provisions of the said Acts, which are susceptible of such extension shall extend and apply to every such siding, switch or branch line; Provided always that the Company shall not proceed to locate or build any branch line of more than one quarter of a mile in length, under this section of this Act, until public notice shall have been given for six weeks in some newspaper published in the county or counties through or in which such branch line is to be made; that it is the intention of the Company to apply to the Governor in Council to sanction the building of such branch line, and to appropriate the necessary lands for that purpose, under the compulsory powers given them by 30 35 40 45 50

Powers in respect thereof.

Proviso: Notice to be given.

the said Acts, nor unless the Company shall, prior to the first publication of such notice, have deposited in the Registry Office of any city, county or part of a county in which the line or any part thereof is to be constructed, the maps and plans 5 indicating the location of the line, nor until the Company shall have submitted the same to, and such maps and plans shall have been approved by the Governor in Council after the expiration of the notice, and provided further that the order of the Governor in Council approving of the said maps 10 and plans, shall limit the time not exceeding two years from the date of such order within which the Company may construct the said branch line.

Plans deposited.

And approval of Governor obtained.

No. 48.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the Acts of Incorporation of the Great Western Railway Company.

Received and read, first time, Wednesday,
24th February, 1875.

Second reading, Friday, 26th February, 1875.

(PRIVATE BILL.)

Mr. Moss.

OTTAWA :

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

1875.

An Act to amend the Act respecting Trade Marks and Industrial Designs.

WHEREAS it is expedient to amend 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*," as 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:—

Preamble.
31 V., c. 55.

1. The thirteenth section of the Act mentioned in the preamble to this Act is hereby repealed, and the following substituted therefor:—

Sec. 13
repealed.

10 "13. The copyright acquired for an industrial design by the registration of the same as aforesaid shall be valid for the term of five, ten or fifteen years at the option of the applicant; but at or before the expiration of the first five or ten years, the proprietor of the design may obtain an extension
15 of the registration thereof for a term of five or ten years, if the first registration thereof was for five years, or of five years if in the first instance the registration was for a term of ten years, the entire term of registration not in any case to exceed a total period of fifteen years
20 in all. The renewal of registration shall be made upon application by petition to the Minister of Agriculture, and the instrument of extension or renewal shall be in the form which may be from time to time prescribed by the said Minister and shall be attached to the first certificate of
25 registration of the design, and shall bear the signature of the Minister or of his Deputy or of the person discharging the duties of that office for the time being.

New section.
Copyright of
registered
design.

"2. The provisions of this section shall apply to all designs registered during the five years preceding the passing of this Act, and the exclusive copyright of which has not expired at the time when the application for an extension of the registration is made in accordance with the foregoing provisions."

To apply
to certain
existing
copyrights.

2. The fourteenth section of the said Act is hereby repealed and the following substituted therefor:—

Sec. 14
repealed.

14. Every design to be protected must be registered before publication or within months after it has come into general use in Canada; and, after registration, the

New section.
Registration
of design,
how made.

name of the proprietor shall appear upon the article to which his design applies ; if the manufacture be a woven fabric, by printing upon one end ; if another substance, at the edge or upon any convenient part, the letters Rd., with the mention of the year of the Registration ; the mark may be put upon the manufacture by marking it on the material itself, or by attaching thereto a label containing the proper marks." 5

Sec. 28 amended.

3. The twenty-eighth section of the said Act is hereby amended by striking out the words : " On every application to register a design or trade mark, including certificate, \$5.00," 10 and substituting the following in lieu thereof :—

Scale of fees.

" On every application to register a trade mark	\$5 00	
" On every application to register an industrial design for five years	5 00	
" On every application to register a design for ten years.....	10 00	15
" On every application to register a design for fifteen years.....	15 00	
" On every application for an extension of registration for five years.....	5 00	20
" On every application for an extension of registration for ten years.....	10 00	
" The certificate of registration being included in every case."		

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the Act respecting Trade Marks and Industrial Designs.

Received and read, first time, Thursday, 5th February, 1875.

Second reading, Monday, 1st March, 1875.

MR. BERNIER.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street, 1875.

An Act for the Prevention of Accidents entailing loss of life in Breweries and Distilleries.

WHEREAS human life is constantly imperilled and frequently sacrificed by neglect to adopt precautionary means to prevent the accidental falling into mash-tubs and slop-vats in Breweries and Distilleries of persons employed therein, and to facilitate their escape, 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:—

Preamble.

1. Every corporation or individual owning, controlling or having the management of a brewery or distillery shall, within months from and after the passing of this Act cause a good and sufficient iron railing to be constructed around the upper margin of every mash-tub or slop-vat in such brewery or distillery; and such railing shall project at least six inches upwards from the woodwork to which it is attached, and shall further be so constructed as to be readily grasped by any person falling into the tub or vat.

Railing to be placed round tubs and vats

2. Any corporation or individual owning, controlling, or having the management of a brewery or distillery in which the requirements of this Act are not complied with, 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.

Penalty for non-compliance.

No. 45.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act for the Prevention of Accidents
entailing loss of life in Breweries and
Distilleries.

Received and read, first time, Thursday, 25th
February, 1875.

Second reading, Monday, 1st March, 1875.

MR. BROUSE.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street,
1875.

An Act to define and settle the duties, rights and responsibility of Carriers by Land and Water.

WHEREAS it is expedient that the duties, rights and responsibility of carriers by land, and of carriers by water should be settled and defined: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In the construction of this Act, the word "traffic" shall include all goods, wares, merchandize, money, valuable securities, animals, or other moveable property.

Preamble.

Interpretation clause.
Traffic.

The words "carrier by land" shall include all railway companies, companies or persons undertaking in the Dominion of Canada the carriage by land of traffic for hire.

Carrier by land.

The words "carrier by water" shall include all ship, steamboat, canal boat, and barge owners, and masters, and the masters and proprietors of vessels undertaking in the Dominion of Canada the carriage of traffic for hire.

Carrier by water.

The words "common carrier" shall include every carrier by land, every carrier by water as hereinbefore defined, and all carriers of traffic for hire by land and water.

Common carrier.

The expression "railway company" shall include any body corporate, or person being the owner or lessee of or any contractor working any railway.

Railway company.

The word "railway" shall include every station, depot, store or shed of or belonging to such railway used for the purposes of receiving traffic.

Railway.

The word "report" shall mean the report required by the Customs Laws to be made by the master of any importing ship.

Report.

The word "entry" shall mean the entry required by the Customs Laws to be made for the loading or discharge of goods from an importing ship.

Entry.

The word "wharf" shall include all wharves, quays, locks, and premises in or upon which any goods when landed from ships may be lawfully placed.

Wharf.

- Warehouse.** The word "warehouse" shall include all warehouses, buildings and premises in which goods when landed from ships may be lawfully placed.
- Wharf owner.** The word "wharf owner" shall mean the occupier of any wharf as hereinbefore defined. 5
- Ship owner.** The word "ship owner" shall include the master of the ship and every other person authorized to act as agent for the owner or entitled to receive the freight demurrage or other charges payable in respect of such ship.
- Owner of traffic.** The expression "owner of traffic" shall include every person who is for the time being entitled, either as owner or agent for the owner, to the possession of traffic, subject in the case of a lien, if any, to such lien. 10
- Carriers to afford reasonable facilities, and equally to all.** 2. Every common carrier shall, according to his respective powers, afford all reasonable facilities for the receiving and forwarding and delivering of traffic offered to him for transportation, and no such carrier by land shall make or give any undue or unreasonable preference or advantage to or in favor of any particular person or Company, or any particular description of traffic in any respect whatsoever, nor shall any such common carrier subject any particular person or company, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever. 15 20
- Penalty for contravention** 3. Every common carrier who shall refuse to receive traffic offered for transportation of the same species or kind as that which he is in the habit of transporting without a reasonable and sufficient cause, shall be liable to a penalty of for every such refusal, which said penalty and costs may be recovered on summary information by the owner of such traffic before any Court having jurisdiction in civil suits at the place where the goods were tendered for transportation: Provided always that no such common carrier shall be liable to the said penalty unless at the time of the offer of the said traffic a tender be made of the freight of the same to the place of its destination. 25 30 35
- Proviso: tender of freight.**

CARRIERS BY LAND.

- Common carriers to be insurers.** 4. Every carrier by land shall be an insurer of the traffic by him received for transportation, and shall be liable for all loss of or damage to the said traffic while in his possession, until delivery is made; save where such loss or damage is caused by the acts of God, or the Queen's enemies, notwithstanding any notice, condition, declaration or special contract made, given or entered into by such carrier by land contrary thereto, or in anywise limiting such liability, every such notice, condition, declaration or special contract being hereby declared to be null and void. 40 55
- Exception.**
- Liabilities limited as to certain articles.** 5. No carrier by land shall be liable for the loss of or injury to money, bills, notes, or other securities, domestic or foreign, gold, silver, precious stones, jewelry, watches, clocks, 50

or time pieces of any description, trinkets, stamps, maps, writings, title deeds, paintings, engravings, pictures, gold or silver plate, or plated articles, glass, china, silks, furs, or any of them contained in any parcel or package which shall
 5 have been delivered either to be carried for hire, or to accompany the person of any passenger in any railway train or other public conveyance, when the value of such article or articles of property aforesaid contained in such parcel or package shall exceed the sum of *one hundred dollars*, unless at
 10 the time of or previous to the delivery thereof at the office, warehouse, receiving house, freight or passenger depôt or railway station, or on board cars or other vehicles of such carrier by land, or to his clerk, servant, employee or agent, for the purpose of being carried, or of accompanying the
 15 person of such passenger as aforesaid, the value and nature of such article or articles or property shall have been declared and made known by the person or persons sending or delivering the same, and such increased charge as hereinafter mentioned or an engagement to pay the same, be accepted by
 20 the person receiving such parcel or packages.

Unless value declared and extra rate paid.

6. When any parcel or package containing any of the articles specified in the preceding section shall be so delivered, and its value and contents declared as aforesaid, and such value exceeds the sum of *one hundred dollars*,
 25 it shall be lawful for such carrier by land to demand and receive an increased rate of charge, to be notified by some notice affixed in legible characters in some public and conspicuous part of the office, warehouse, depôt or other receiving house, where such parcels or packages are received by
 30 such carrier for the purpose of conveyance, stating the increased rates of charges required to be paid over and above the ordinary rate of freight or carriage, as a compensation for the greater risk and care to be taken for the safe conveyance of such valuable articles; and all persons sending
 35 or delivering parcels or packages containing such valuable articles as aforesaid at such office, shall be bound by such notice without further proof of the same having come to their knowledge.

Increased rate if value found to exceed that declared.

Notice of increase of rate.

7. When the value shall have been so declared, and the
 40 increased rate of charge paid, or an engagement to pay the same shall have been accepted as hereinabove mentioned, the person receiving such rate of charge, or accepting such agreement, shall, if thereto required, sign a receipt for the package or parcel, acknowledging the same to have been
 45 insured; and if such receipt shall not be given when required, or such notice as aforesaid shall not have been affixed, the carrier by land as aforesaid shall not have or be entitled to any benefit or advantage under the
 50 section of this Act, but shall be liable and responsible as under the section of this Act, and be required to refund the increased rate of charge.

Receipt to be given for increased rate.

If not given.

8. Where any parcel or package shall have been delivered
 55 at any such office, warehouse, receiving house, freight or passenger depôt or railway station, or on board cars or other

Increased rate not recoverable by the payer in case of loss.

vehicles, and the value and contents declared as aforesaid, and the increased rate of charges has been paid, and the parcel or packages shall have been lost or damaged, the party entitled to recover damages in respect of such loss or damage shall not be entitled to recover back such increased charges so paid as aforesaid. 5

Carrier to continue liable for acts of his servants. 9. Nothing in this Act shall be deemed to protect any carrier by land from liability to answer for loss or injury to any goods or articles whatsoever, arising from the felonious acts of any of his employees, clerks, or servants, nor to protect any such employee, clerk or servant from liability for any loss or injury occasioned by his or their own personal neglect or misconduct. 10

May prove declared value to be excessive. 10. Such carrier by land shall not be concluded as to the value of any such parcel or package by the value so declared as aforesaid, but he or they shall in all cases be entitled to require from the party suing in respect of any loss or injury, proof of the actual value of the contents by the ordinary legal evidence, and the carrier by land shall be liable to such damages only as shall be so proved as aforesaid, not exceeding the declared value. 15 20

CARRIERS BY WATER.

Carriers by water to be insurers. Exception. 11. Every carrier by water shall be an insurer of the traffic by him received for transportation, and shall be liable for all loss or damage to the said traffic while in his possession and until delivery is made, save where such loss or damage is caused by the acts of God, the Queen's enemies, fire, and all and every other dangers and accidents of the seas, rivers and navigation, of whatever nature and kind soever, notwithstanding any notice, condition, declaration or special contract made, given or entered into by such carrier by water, contrary thereto, or in anywise limiting such liability; every such notice, condition, declaration or special contract being hereby declared to be null and void. 25 30

Ship owner may make entry in default of traffic owner. 12. Where the owner of any traffic imported in any ship from foreign parts into the Dominion of Canada fails to make entry thereof or having made entry thereof to land the same or take delivery thereof, and to proceed therewith with all convenient speed, by the times severally hereinafter mentioned, the ship-owner may make entry of and land or unship the said traffic at the times in the manner and subject to the conditions following: (that is to say:) 35 40

And when and where. 1. If a time for the delivery of the traffic is expressed in the charter-party, bill of lading, or agreement, then at any time, after the time so expressed; 45

When. 2. If no time for the delivery of the traffic is expressed in the charter party, bill of lading, or agreement, then at any time after the expiration of seventy-two hours, exclusive of Sundays or holidays, after the report of the ship;

3. If any wharf or warehouse is named in the charter-party, bill of lading, or agreement as the wharf or warehouse where the traffic is to be placed, and if it can conveniently be there received, the shipowner in landing it by virtue of this enactment shall cause it to be placed on such wharf or in such warehouse ;

Where.

4. In other cases the shipowner in landing traffic by virtue of this enactment shall place it in or on some wharf or warehouse, on or in which traffic of a like nature is usually placed ; such wharf or warehouse being, if the traffic is dutiable, a wharf or warehouse duly approved by the Customs authorities for the landing of dutiable traffic :

Where.

5. If at any time before the traffic is landed or unshipped, the owner of the traffic is ready and offers to land or take delivery of the same, he shall be allowed so to do, and his entry shall in such case be preferred to any entry which may have been made by the shipowner ;

Right of owner to make entry.

6. If any traffic is, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the traffic at the time of such landing has made entry, and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, such traffic shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment, and the expense of and consequent on such landing and assortment shall be borne by the shipowner :

Delivery of traffic to owner after entry.

7. If at any time before the traffic is landed or unshipped the owner thereof has made entry for the landing and warehousing thereof at any particular wharf or warehouse other than that at which the ship is discharging, and has offered and been ready to take delivery thereof, and the shipowner has failed to make such delivery, and has also failed at the time of such offer, to give the owner of the traffic correct information of the time at which such traffic can be delivered, then the shipowner shall, before landing or unshipping such traffic, under the power hereby given him, give to the owner of the traffic, or of such wharf or warehouse as last aforesaid, twenty-four hours' notice in writing of his readiness to deliver the traffic, and shall, if he lands or unships the same without such notice, do so at his own risk and expense :

As to landing traffic at particular wharf, &c., after entry and notice.

8. If at the time when any traffic is landed from any ship and placed in the custody of any person as a wharf or warehouse owner, the shipowner gives to the wharf or warehouse owner notice in writing that the traffic is to remain subject to a lien for freight or other charges payable to the shipowner to an amount to be mentioned in such notice. The traffic so landed shall, in the hands of the wharf or warehouse owner, continue liable to the same lien, if any, and the wharf or warehouse owner receiving such traffic shall

As to lien for freight on traffic landed.

retain it until the lien is discharged, as hereinafter mentioned, and shall, if he fails so to do, make good to the ship owner any loss thereby occasioned to him :

How lien may be discharged.

9. Upon the production to the wharf or warehouse owner of a receipt for the amount claimed as due, and delivery to the wharf or warehouse owner of a copy thereof, or of a release of freight from the shipowner, the said lien shall be discharged: 5

Deposit of amount of lien.

10. The owner of the traffic may deposit with the wharf or warehouse owner a sum of money equal in amount to the sum so claimed as aforesaid by the ship owner, and thereupon the lien shall be discharged ; but without prejudice to any other remedy which the ship owner may have for the recovery of the freight : 10

When the amount may be paid over to ship owner. Notice to be given.

11. If such deposit as aforesaid is made with the wharf or warehouse owner, and the person making the same does not within fifteen days after making it give to the wharf or warehouse owner notice in writing to retain it, stating in such notice the sum, if any, which he admits to be payable to the ship owner, or, as the case may be, that he does not admit any sum to be so payable, the wharf or warehouse owner may, at the expiration of such fifteen days, pay the sum so deposited over to the ship owner, and shall by such payment be discharged from all liability in respect thereof : 15 20

If such notice is given.

12. If such deposit as aforesaid is made with the wharf or warehouse owner, and the person making the same does not within fifteen days after making it give to the wharf or warehouse owner such notice in writing as aforesaid, the wharf or warehouse owner shall immediately apprise the ship owner of such notice, and shall pay and tender to him out of the sum deposited, the sum, if any, admitted by such notice to be payable, and shall retain the remainder or balance, or if no sum is admitted to be payable, the whole of the sum for thirty days from the date of the said notice, and at the expiration of such thirty days, unless legal proceedings have in the meantime been instituted by the ship owner against the owner of the traffic to recover the said balance or sum, or otherwise for the settlement of any disputes which may have arisen between them concerning such freight or other charges as aforesaid, and notice in writing of such proceedings has been served on him, the wharf or warehouse owner shall pay the said balance or sum over to the owner of the traffic, and shall by such payment be discharged from all liability in respect thereof : 25 30 35 40

Duty of wharf owner.

If the lien is not discharged and no deposit is made.

13. If the lien is not discharged, and no deposit is made as hereinbefore mentioned, the wharf or warehouse owner may, and if required by the ship-owner, shall, at the expiration of ninety days from the time when the traffic was placed in his custody, or if the traffic is of a perishable nature, at such earlier period as he in his discretion thinks fit, sell by public auction, either for home use or exportation, the said traffic or so much thereof as may be necessary to satisfy the charges hereinafter mentioned : 45 50

Sale of traffic.

14. Before making such sale the wharf or warehouse owner shall give notice thereof by advertisement in two newspapers, circulating in the neighborhood, or in one daily newspaper published in _____ and in one local newspaper, and also, if the address of the owner of the traffic has been stated on the manifest of the cargo, or on any of the documents which have come into the possession of the wharf or warehouse owner, or is otherwise known to him, give notice of the sale to the owner of the traffic by letter sent by the post, but the title of a *bonâ fide* purchaser of such traffic shall not be invalidated by reason of the omission to send notice as hereinbefore mentioned, nor shall any such purchaser be bound to enquire whether any such notice has been sent.
15. **13.** In every case of any such sale as aforesaid, the wharf or warehouse owner shall apply the monies received from the sale as follows, and in the following order:—
1. If the traffic is sold for home use in payment of any customs or excise duties owing in respect thereof;
 2. In payment of the expenses of the sale;
 3. In the absence of any agreement between the wharf or warehouse owner, and the shipowner concerning the priority of their respective charges, in payment of the rent, rates, and other charges due to the wharf or warehouse owner in respect of the said traffic;
 4. In payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said traffic;
 5. But in case of any agreement between the wharf or warehouse owner and the shipowner concerning the priority of their respective charges, then such charges shall have priority according to the terms of such agreement, and the surplus, if any, shall be paid to the owner of the traffic.
14. Whenever traffic is placed in the custody of a wharf or warehouse owner under the authority of this Act, the said wharf or warehouse owner shall be entitled to rent in respect of the same, and shall also have power from time to time, at the expense of the owner of the traffic, to do all such reasonable acts as in the judgment of the said wharf or warehouse owner are necessary for the proper custody and preservation of the said traffic, and shall have a lien on the said traffic for the said rent and expenses.
15. Nothing in this Act contained shall compel any wharf or warehouse owner to take charge of any traffic which he would not be liable to take charge of, if this Act had not passed; nor shall he be bound to see to the validity of any lien claimed by any shipowner under this Act.

Advertisement of such sale.

Purchaser's title.

Application of money received on such sale.

Rent on traffic and acts for safe keeping.

Wharfowner's obligation limited.

Saving rights of harbor trusts, &c.

16. Nothing in this Act contained shall take away or abridge any powers given by any local Act to any harbor trust, body corporate, or persons whereby they are enabled to expedite the discharge of ships or the landing or delivery of traffic; nor shall anything in this Act contained take away or diminish any rights or remedies given to any shipowner or wharf or warehouse owner by any local Act. 5

CARRIERS BY LAND AND WATER.

Responsibility.

Proviso.

17. Every common carrier who undertakes in the Dominion of Canada the carriage of traffic partly by land and partly by water, shall, for all loss of or damage to the traffic by him received for transportation, be as a carrier by land; Provided always, that on proof that the loss of or damage to such traffic occurred whilst the same was being transported by water, such common carrier shall only be liable as a carrier by water. 10 15

Repeal of inconsistent laws.

18. Every Act or Law now in force in the Dominion of Canada, or in any Province thereof, which is inconsistent with this Act, or makes any provision in any matter provided for by this Act is hereby repealed, except only as respects rights accrued, contracts made, liabilities incurred, or things done before the passing of this Act, with respect to which they shall remain in force. 20

2nd Session, 3rd Parliament, 38 Victoria, 1875.

No. 46.

BILL.

An Act to define and settle the duties, rights, and responsibilities of Carriers by land and water.

Received and read, first time, Thursday, 25th February, 1875.

Second reading, Friday, 26th February, 1875.

MR. DEVLIN.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street, 1875.

An Act to amend the Act incorporating the Canadian
Navigation Company.

WHEREAS doubts have arisen as to whether the Canadian Navigation Company can dispose of its stock for shares of the capital of another incorporated Company; Therefore, to remove the said doubts, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:

Preamble.

1. The Directors of the Canadian Navigation Company, with the approbation of the shareholders thereof, have, under the Act of incorporating the said Company, and shall continue to have power to dispose of all and any of the steamers and other personal or real property or rights of the Company in favor of any person or corporation, to accept in payment thereof shares of the capital stock of any such corporation, and distribute the same among the shareholders, *pro rata* to the amount of the capital stock held by each of them in the said Canadian Navigation Company, and all past sales made as aforesaid, and approved of at any general meeting of the shareholders duly called for the purpose, are hereby declared valid and binding on the said Company.

Company may sell property for shares of other companies.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the Act incorporating
the Canadian Navigation Company.

Received and read, first time, Friday, 26th
February, 1875.

Second reading, Monday, 1st March, 1875.

(PRIVATE BILL)

Mr. MACKENZIE,
(Montreal.)

OTTAWA :
Printed by MacLean, Roger & Co., Wellington Street.
1875.

An Act to incorporate the European and American Express and Agency Company.

WHEREAS T. James Claxton, Robert James Reekie, John Preamble.
Molson, Alexander W. Ogilvie, and Robert W. Shepherd, have by their petition prayed to be incorporated for the purpose of doing business as a forwarding, express
5 and agency Company in the Dominion of Canada, and between the Dominion and other parts of the world; 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
10 follows:—

1. The said persons and all other person and persons, body Incorporation.
and bodies politic as shall from time to time be possessed of any share or shares of the stock of the Company are hereby constituted, and shall be one body politic and corporate by
15 the name of "The European and American Express and Agency Company;" and by that name shall have perpetual Corporate name.
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.

20 2. The capital stock of the said Company shall be *two hundred thousand* dollars, divided into *two thousand* shares of *one hundred* dollars each, and books of subscription shall be opened therefor at Montreal, of which notice shall be
25 given by such person or persons, and under such regulations as the majority of the Provisional Directors shall direct: Provided always, that the said corporation may increase its
Increase.
capital stock, from time to time, to a sum not exceeding one million dollars, as the majority of the stockholders shall determine at any meeting convened for that purpose.

30 3. The Company shall have power and authority to carry Business of the company.
on business as a general forwarding, express and agency Company, in like manner as has been customary with forwarding and express companies, such agency business to be
35 such only as shall be incidental or accessory to the forwarding and express business, together with power and authority to store, receive, control and manage all property and effects committed to them for transmission or required to be transmitted between any two of the places from which they shall undertake contracts of transportation; with power also to
40 insure such property, and recover in their own names such

insurance, and to take all lawful means for the protection, safe keeping, management and disposition thereof as if such property belonged to them; and in respect of all such property and effects the said Company shall have a right to take all manner of suits and proceedings for the protection thereof, and for reparation of any damage or injury thereto, or for indemnity for the destruction thereof in their own name as such Company, subject to their legal obligation to account to the owners or consignees thereof, and subject also to all such defences as would be available against the real owners or consignees thereof.

Ships and vessels.

4. The Company may acquire and hold any ships, steamers or vessels for the purposes of their said business, or may hire, lease or charter the same.

Directors.

5. The Directors of the Company shall be seven in number, and until such Directors shall be elected in the manner hereinafter provided, T. James Claxton, Alexander W. Ogilvie, Charles J. Brydges, John Molson, Robert J. Reekie, George N. Torrance and Robert W. Shepherd, shall be the Provisional Directors of the Company.

Head office and agencies.

6. The principal office of the Company shall be in the City of Montreal, in the Province of Quebec, but the Company may establish agencies or branch offices in any part of the world; and the said Company shall have a right to acquire and hold sufficient real estate in the City of Montreal for the purposes of its business, and shall be at liberty, from time to time, to sell the same, and acquire other similar property for the same purposes, in the same place and stead thereof.

First meeting of shareholders.

7. When and so soon as forty thousand dollars of the stock of the Company shall be subscribed, and ten per cent. thereon paid up, the said Provisional Directors shall call a meeting of the shareholders at some place in the City of Montreal, after such notice as they shall determine, at which general meeting the Directors of the Company shall be elected.

By-laws.

8. If the said Company at the first general meeting thereof, shall pass by-laws for the regulation and good government of the affairs thereof, such by-laws shall not be amended or altered except at a meeting of shareholders, of which three months' notice shall be given by letter addressed to each shareholder through the post office, which notice shall contain the language of the intended amendments or alterations; unless every shareholder shall give his written consent to such amendment or alteration.

32, 33 V., c. 12 to apply.

9. In so far as the same is not inconsistent with this Act, the "*Canada Joint Stock Clauses Act, 1869*," save and except sections eighteen and thirty-nine thereof, shall be incorporated with and form part of this Act.

An Act to incorporate the Manitoba and North-West
Permanent Building Society.

WHEREAS ordinary building materials are scarce and expensive in Manitoba and the adjacent North-West Territories, and much difficulty is experienced by the many immigrants in overcoming the obstacles in the way of their providing themselves with convenient and necessary dwellings and other buildings and improvements, and it is desirable that means of relief should be provided, and the settlers aided and encouraged: and whereas the persons hereinafter named, owners of real estate in the City of Winnipeg and elsewhere in Canada, have petitioned for an Act of incorporation to establish a Society to be called "The Manitoba and North-West Permanent Building Society," whereby powers may be conferred on the said Society or association for the purpose of buying, leasing, or selling landed property, buildings, and appurtenances thereof, for the purchase of building materials, and to make, construct, and build an improved class of homesteads, cottages, dwelling-houses, warehouses, barns, halls, and other buildings and improvements, and to sell or let the same, and for the purpose of establishing a building or subscription fund to which persons may subscribe or pay in money for investment or for building purposes, and from which payments may be made for said purposes, and also to act as an agency; 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:—

1. The Honorable Alexander Morris, Edmund Burke Wood, Gilbert McMicken, John Farquhar Bain, Alexander McMicken, Frederick J. Hoskens, Andrew G. B. Bannatyne, James McKay, and James H. Rowan (who shall be Provisional Directors), and all other persons and bodies corporate, and who shall from time to time be possessed of any share or shares in the Society, shall form, and are hereby constituted an incorporated association by the name of "The Manitoba and North-West Permanent Building Society," with all the rights and powers hereinafter named and declared, necessary to carry out properly the objects of the association and incident to such corporation.

2. The capital stock of the Society shall be *five hundred thousand* dollars, divided into shares of *one hundred* dollars each, and may be increased to *two millions* of dollars by a

Preamble.

Certain persons incorporated.

Corporate name and powers.

Capital stock and shares.

vote of two-thirds of the shareholders present at any meeting called for that purpose ; Provided the said two-thirds of the shareholders shall represent at least one-half of the paid-up stock of the Society ; and before the Society shall go into operation, one-fourth of the stock shall be taken up and ten per cent. thereon paid in. 5

Issue and
classes of
shares.

3. The Directors may issue the shares of the capital stock or such number thereof as they may see fit from time to time, and may issue the shares in one or more classes or denominations, and distinguish the same as may be convenient ; and may determine out of what profits dividends shall be declared and paid upon the whole stock, or upon such class or classes respectively ; and upon their so doing the profits derived or losses arising from investments or transactions under one class of stock shall not be participated in or borne by the owners of any other class of stock as such ; Provided that the Directors may in an equitable manner apportion the expenses of management among all classes of stock, should there be more than one class thereof. 10 15

Proviso.

Power to hold
real estate.

Business of
the Company.

4. The Society shall have power to acquire and hold by purchase, lease or other legal title, any real estate necessary or requisite for the carrying out of the undertakings of such Society, lands, houses, buildings, premises and 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 said property or such part thereof as the Society may deem for its advantage and the public convenience, and also shall have power to acquire and use or dispose of every description of material for building purposes, and shall have power to lend money on security by mortgage on real estate, or on Dominion or Provincial Government bonds, stocks, or other securities or on the stocks of chartered banks in the Dominion. The Society may acquire, hold and dispose of public securities, stocks, bonds or debentures of any corporate bodies, the bonds and debentures and other evidences of debt of the Dominion or Provincial Governments, Municipal debentures or debentures issued by the Government in exchange for those of any town or city or municipality, ground rents and any moneys secured by privilege, mortgage, pledge or otherwise and on the titles or evidences thereof ; and shall by the acquisition thereof be substituted in, and have all the rights of the parties from whom the same or any of them shall be acquired ; and for the foregoing purposes they may execute and be parties to such assignments or other instruments as may be necessary for carrying the same into effect. The Society may effect or cause to be effected such insurances as may be necessary to protect all its interests, and shall be invested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act, and which by law are incident to such corporations ; Provided the association shall sell the property so acquired within five years from the date of the purchase thereof, and that any lease made according to the provisions of the thirty-third section of this Act shall be held to be a sale within the 20 25 30 35 40 45 50 55

Insurance.

Proviso.

meaning of this section and of the sixth section of this Act.

5. The Society may act as an agency and trust company, and may hold, invest and deal in its own name or otherwise with such real estate, moneys, mortgages, securities or evidences of debt as shall from time to time be transferred or delivered to the Society 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 society may give such guarantee as may be agreed on for the repayment of principal or interest, or both, of any such moneys, mortgages, securities or evidences of debt.

May act as Agency and Trust Company.

6. The Society may hold such real estate 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 the Society shall sell such real estate within five years after so acquiring it.

Real estate mortgaged may be acquired.

7. The Directors may obtain money for the purposes of the Society from time to time, and receive deposits, at such rates of interest and upon such terms as may be agreed upon, and for that purpose may make, or cause to be made, bonds or other instruments under the common seal of the Society for sums of not less than *one hundred dollars*, which may be payable at any place, and either to order or to bearer, and may have interest coupons attached; Provided that the Society shall not exercise the powers conferred by this section until at least *fifty thousand dollars* of their capital stock shall have been paid up; and provided, also that the aggregate of the sum or sums so obtained shall not at any time exceed the amount of paid-up capital of the Society for the time being; and provided also that the shareholders shall by by-law or resolution regularly passed at a meeting of the Society authorize the Directors to the foregoing effect, and no lender or lenders shall be bound to enquire into the validity of any resolution or by-law authorizing the same, or the purpose for which such sum or sums are required or obtained.

Deposits and loans of money.

Proviso.

Proviso.

8. The affairs of the Society shall be managed by a Board of not less than three nor more than nine Directors, and the persons named in section one of this Act shall be the Directors of the Society until replaced by others duly elected in their stead.

Board of Directors.

9. No person shall hereafter be appointed a Director unless he be a shareholder owning stock to the amount of at least *twenty-five shares* or *two thousand five hundred dollars* in his own right, and not in arrear in respect of any call thereon; and the major part of the Directors must be residents within the Dominion of Canada.

Qualification

10. The Directors to be hereafter appointed shall be elected by ballot or by acclamation without a ballot if so agreed upon, by the shareholders in a general meeting of the

Election.

association assembled at such time, in such manner and for such term as the by-laws of the Society may prescribe; and until a by-law shall be made for the purpose, the election shall take place annually.

Chief and
branch offices

11. The chief offices of the Society shall be held in the City of Winnipeg in Manitoba. Branch offices or agencies may be established in London, England, in New York in the United States of America, and in any city or town in Canada for such purposes as the Directors may determine in accordance with this Act, and the bonds, coupons, dividends, or other payments of the Society may be made payable at any of the said offices or agencies, and in sterling or currency. **5**
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Powers of
Directors.

12. The Directors of the Society shall have full power in all things to administer the affairs of the Society, and may make or cause to be made for the Society any description of contract which the Society 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 declaration and payment of dividends, the number of Directors, their term of service, time and manner of their election, and the quorum necessary for the transaction of business, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers and servants of the Society, the security to be given by them to the Society, their remuneration, the time at which, and place where the annual meetings of the Society shall be held, the calling of meetings, regular and special, of the Board of Directors and of the Society, the requirements as to proxies, and the proceedings in all things at such meetings, the allowance of discount or additions for prepayment of moneys becoming due and payable to the Society, 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 Society; and may from time to time repeal, amend or re-enact the same; and every such by-law, and every repeal, amendment or re-enactment thereof shall remain in force until rescinded at a general meeting of the Society duly called for that purpose, or at the annual general meeting of the Society: Provided always that one third part in value of the shareholders of the Society shall at all times have the right to require the President to call a special meeting thereof for the transaction of any lawful business specified in such written requisition and in such notice as they may require to have issued to that effect. **15**
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By-laws.

Proviso.

Copy of
by-law to be
evidence.

13. A copy of any by-law of the Society under its seal and purporting to be signed by the President or Vice-President and Secretary, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in Canada. **50**

Stock to be
personal
estate.

14. The stock of the Society shall be deemed personal estate, and shall be transferable in such manner only and

subject to all such conditions and restrictions as by the by-laws of the Society shall be prescribed.

15. The capital stock shall be allotted when and as the Directors by by-law or otherwise may ordain, and the Directors of the Society 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 or instalments as this Act may require or allow, and interest shall accrue and fall due upon the amount of any unpaid call from the day appointed for the payment of such call.

Allotment of
and calls on
stock.

16. The Society may enforce payment of all calls and interest thereon, by any action in a 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 arrear amount, in respect to 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 association under this Act; and a certificate under their seal and purporting to be signed by any officer of the Society, 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 evidence to that effect.

Enforcements
of calls.

17. No share shall be transferable otherwise than in the manner and at the time or times which may be provided for in a by-law to be passed by the Society, as provided for in section fourteen of this Act, and until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

Transfer of
stock.

18. No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the Society.

Shareholder
in arrear not
to vote.

19. 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.

Proof of
transfer
otherwise
than by sale.

20. If the Directors of the Society shall entertain doubts as to the legality of any claim to and upon any share or shares of stock, it shall be lawful for the Society to make and file in the Court of Queen's Bench 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 Society 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;

Avoidance of
doubts.

- Proviso. 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 share or shares referred to in such petition, and the rules in regard to pleading before the court shall be as the said court may 5
- Costs. order, prescribe, or direct, and provided that unless the court shall otherwise order and direct the costs and expenses incurred in procuring such order and adjudication shall be paid by the party to whom the said share or shares shall be declared lawfully to belong; and such shares shall not be 10 transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right other than the said Society.
- Votes. **21.** Every shareholder shall be entitled to as many votes as he owns shares in the Society, and may vote by proxy 15 under such arrangement as may be agreed on, or provided for in the by-laws.
- Vacancies. **22.** Vacancies occurring in the Board of Directors may be filled for the unexpired term, by the Board, from among the qualified shareholders. 20
- Officers. **23.** The Directors shall from time to time, elect from among themselves a President and Vice-President of the Society, and shall also appoint, and may remove at pleasure all the other officers thereof.
- Failure of election not to dissolve. **24.** If at any time an election of Directors be not made or 25 do not take effect at the proper time, the Society shall not be held to be thereby dissolved; but such election may take place at any general meeting of the Society duly called for that purpose, and the retiring Directors shall continue in office until their successors are elected. 30
- Books to be kept. **25.** The Society 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 recorded :—
 1st. The names, alphabetically arranged, of all persons who are or have been stockholders; 35
 2nd. The address and calling of every such person while such shareholder;
 3rd. The number of shares of stock held by each shareholder;
 4th. The amount paid in and remaining unpaid respect- 40 ively on the stock of each shareholder;
 5th. All transfers of stock in their order as presented to the Society for entry, with the date and other particulars of each transfer, and the date of entry thereof—and,
 6th. The names, addresses and calling of all persons who 45 are or have been Directors of the Society, with the several dates at which each became or ceased to be such Director.
- Company not bound to see to trusts. **26.** The Society 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 50 whose name the same may stand in the books of the Society

shall be a valid and binding discharge to the Society 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 Society, and the Society shall not be bound to see to the application of the money paid upon such receipt.

27. 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 Society, by any agent, officer or servant of the Society, in general accordance with his powers as such, under the by-laws of the Society, shall be binding upon the Society; and in no case shall it be necessary to have the seal of the association affixed to any such contract, agreement, 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 Society be thereby subjected individually to any liability whatever, to any third party therefor; Provided always, that nothing in this section shall be construed to authorize the Society to issue any promissory note payable to bearer or intended to be circulated as money or as the note of a bank.

Acts of Agent to be binding on Company.

Proviso.

28. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Society to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor, before an execution against the Society has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against such shareholder to the extent of his liability on his shares.

Liability of shareholders defined.

29. The shareholders of the Society shall not, as such, be held responsible for any act, default or liability whatsoever of the Society, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the Society beyond the amount of their respective shares in the capital stock thereof.

Liability limited.

30. No person holding stock in the Society as an executor, administrator, tutor, curator, guardian or trustee shall be personally liable 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 the minor, ward, or interdicted person, or the person interested in such fund, or trust fund would be, if living and competent to act and hold such stock in his own name, and no person holding such stock as collateral security shall be subject personally to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly.

As to executors, trustees, &c.

31. Every such executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his hands at

Representation of stock in trust.

all meetings of the association, and may vote accordingly as a stockholder.

Building fund **32.** The Society may establish and provide 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 withdrawals, in the manner, at the times, at the rate of interest, and on the conditions established by order or by-law of the Directors, or as may be agreed upon between the said subscribers and the Directors. 5

Lease of property and promise of sale. **33.** Upon an agreement being made by the said Society for the sale of any house or other real estate held thereby, it shall be lawful for the Society to execute in favor of the intending purchaser thereof, a lease thereof for the time stipulated in such agreement of sale as the limit of the delay thereby fixed for the payment of the last instalment of the price therein agreed upon, at a rental corresponding in the amount and in the terms of payment thereof with such price and with the terms of payment of such price. And if such lease appear by its terms to have been made under the provisions of this Act, it shall not be held to convey to such intending purchaser any right in or to the property intended to be sold or any real right therein whatever, nor shall the possession thereof by the intending purchaser be held to be a possession as proprietor, nor shall any legal lien be created or attached thereon, notwithstanding that such lease shall contain a direct promise of sale of such property so soon as the conditions thereof shall have been performed, until the sum of money in such lease stipulated for, and every part and portion thereof shall have been fully paid with all interest due thereon, nor until all charges, conditions and obligations created by or due under such lease shall have been fully paid, performed and fulfilled. 10 15 20 25 30

Sale if payments are regularly made. **34.** If the intending purchaser or lessee having accepted a lease under this Act of the property intended to be acquired by him from the Society, shall make all the payments and perform all the conditions stipulated for by such lease, and shall fulfil all the obligations thereby imposed upon him, the said lease shall thereupon and thereafter be held to be and shall be equivalent to a promise of sale of such property with possession, and shall vest the same in such intending purchaser in the same manner and to the same extent as if it were an ordinary agreement of sale, and shall give the right to the holder thereof to demand and have from the Society a valid deed of sale of the property mentioned therein, free from all incumbrances other than those stated in the said lease. 35 40 45

Company may resume property in certain cases. **35.** If at any time six months arrears of the instalments stipulated for in any such lease shall become due, and shall remain unpaid, the said Society shall have the right to retake possession of the property intended to be sold, upon giving to the intending purchaser or lessee ten days notice to vacate and deliver back the same, and tendering to him the amount by him actually paid on account of the instalments 50

agreed upon in the said lease, after the deduction therefrom of such rate of interest as may be agreed upon and stipulated for in said lease on the price agreed upon remaining unpaid each year for the time during which the premises agreed to
 5 be sold remained in the occupation of the intending purchaser or lessee, by way of rent for the use and occupation of such premises, and of ten per centum of the amount actually paid in to be retained as a forfeiture and penalty for non-performance of the agreement to purchase, of the cost of such
 10 tender, of the expense of repairs and restoring all injuries and deteriorations suffered by the premises so intended to be sold, reasonable wear and tear excepted, and of all taxes, charges and assessments which attached thereto by the occupation thereof by the intending purchaser or lessee, and
 15 which shall then remain unpaid; all which charges and deductions shall be a first and privileged charge upon the amounts so actually paid in by him. But if the instalments payable annually under such lease shall amount to less than ten per centum upon such price, then and in that case, the
 20 amount to be deducted for rental shall be the amount of instalments stipulated for in such lease.

36. Any tender made by the Society shall be held to be sufficiently made if the Society shall have *bonâ fide* used diligence to ascertain the amounts which they shall be
 25 entitled to retain out of the purchase money paid in by the intending purchaser, notwithstanding that the amount tendered may not be precisely that which would have been so tendered according to the provisions hereof; and in such case the Society and the intending purchaser shall have the
 30 right to recover, each from the other, the amount which may have been over or under tendered.

What shall be sufficient tender.

37. In the event of the surrender of any property so leased as aforesaid, and of the sum of money actually paid in by the intending purchaser being insufficient to meet all the charges
 35 thereon and deducted therefrom herein provided for, the said Society shall have the same lien, privilege and remedies as an ordinary lessor upon the effects of the intending purchaser or lessee for the balance remaining due; Provided always that such balance does not exceed in amount the sum
 40 chargeable against such intending purchaser by way of rental for the use and occupation of the premises intended to be sold.

Recovery of moneys remaining due.
Proviso.

38. The service of all manner of summons or writ whatever upon the Society may be made by leaving a copy thereof at the office or chief place of business of the Society,
 45 with any grown up person in charge thereof, or elsewhere with the President, Vice-President, or Secretary thereof, or if the Society have no known office or chief place of business, and have no known President, Vice-President, or Secretary, then upon return to that effect duly made, the Court of
 50 Queen's Bench or any Judge thereof, shall order such publication as it or he 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 Society.

Service of process

Suits with
shareholders.

39. Any description of action may be prosecuted and maintained between the Society and any shareholders therein, and any shareholder not being himself a party to such suit shall be competent as a witness therein.

Winding up
Company.

40. If any time the Directors consider it expedient to cease carrying on the business of the association and to wind up and close it, they shall have power to do so in such manner as they shall deem best for the interests of the shareholders; Provided that the consent of a majority of the stockholders present at any meeting thereof be obtained thereto, in the notices for the calling of which the intention of considering the winding up thereof shall have been mentioned; provided always, that such majority of stockholders shall be *bonâ fide* owners of at least one-half of the subscribed stock of the Society.

Private.

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No. 49.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to incorporate the Manitoba and North-West Permanent Building Society.

Received and read, first time, Friday, 26th February, 1875.

Second reading, Monday, 1st March, 1875.

(PRIVATE BILL.)

MR. IRVING.

OTAWA:

Printed by MacLean, Roger & Co., Wellington Street, 1875.

25

An Act respecting the Montreal Northern Colonization
Railway Company.

WHEREAS the Montreal Northern Colonization Railway
Company have, by their petition, prayed for more
convenient provisions for the issuing and securing their
debentures for such loans as they are now authorized to bor-
5 row, and for the change of the name of the Company, and
it is expedient that their said prayer be granted: Therefore
Her Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as fol-
lows:—

10 1. The Company is hereby authorized to issue upon and
in respect of their line of Railway from Montreal to Aylmer
and the branch to St. Jerome, first mortgage debentures in
any convenient form, to the total amount of three million
15 eight hundred and fifty thousand dollars currency, or seven
hundred and seventy thousand pounds sterling, and no more,
and may sell and dispose of the same at such prices as they may
agree upon; and may secure the due payment of the princi-
pal and interest of the said debentures, by mortgage or
20 hypothec of their said line of railway, and the lands, build-
ings, equipments and other property and the revenues
thereof, and of all or any parts of the lands granted or to be
granted by the Province of Quebec, in aid of the said railway,
from Montreal to Aylmer, and of the said branch, in pursu-
25 ance of any Act of the Legislature of the said Province;
and the said Company may, and shall be bound from time
to time, to execute any deed or other instrument that may
be requisite to perfect the charge intended to be created by
such mortgage or hypothec, and to perfect the security there-
30 by intended to be given, and to enable such charge to be
made completely effectual by registration thereof, in accord-
ance with the laws of the Province of Quebec; the whole,
however, without prejudice to the rights of any un-
paid proprietor of land taken or to be taken for the right of
of way or for stations.

35 2. Any such mortgage or hypothec may be made to any cor-
poration or to any person or persons in the United Kingdom or
in the Dominion of Canada, as trustees for the holders from
time to time of the said debentures; which debentures shall
40 refer to such mortgage or hypothec, and shall be coun-
tersigned by the trustees, or one of them, or by some person
on their behalf duly authorized by them in that behalf, for
the purpose of identifying such debentures as those which
are to be secured by such mortgage or hypothec. And
any Bank or Company incorporated for financial purposes

may be thereby appointed trustees, and are hereby authorized to accept such appointment and perform the duties connected therewith as described in such mortgage or hypothec.

3. Any such mortgage or hypothec may contain an authority to the trustees to take possession of, work, and sell the railway, lands, and other property therein comprised, upon default by the Company to pay the principal and interest of the debentures to be secured thereby or any part thereof, within such delays respectively and upon such terms and conditions as the Company shall agree upon, and as shall be expressed in such mortgage or hypothec. 5 10

4. Any such mortgage or hypothec upon being duly registered in accordance with the laws of the Province of Quebec, by the registration thereof or of authentic notarial copies thereof, in the registry offices for all the registration divisions in which shall be situate any part of the railway, land, or other property intended to be affected thereby, and without the registration of any of the debentures to be issued thereunder, shall, for the purposes of this Act and the loan to be made in virtue thereof, take effect in priority from the date of its registration without reference to the date or dates at which the debentures to be secured thereby shall be issued, and at whatever subsequent date or dates they shall be so issued; and except as otherwise provided in the mortgage or hypothec, all the debentures to be issued upon the security thereof shall be secured thereby *pari passu* and without any preference of one over the other, in consequence of the respective dates of issue thereof, or for any other reason; the whole also without prejudice to the rights of unpaid proprietors as above mentioned. 15 20 25 30

5. The trustees may at all times, in their own names, and without the necessity for any concurrence or co-operation of any of the debenture-holders, enforce all the rights which such mortgage or hypothec shall purport to confer upon them, and any contracts into which for the purpose of benefiting or protecting the debenture-holders, they may enter with the contractors for the construction of the railway or with any other persons, in precisely the same way as if such contracts and such mortgage or hypothec had been made to them for their own benefit, and they were the holders of all the debentures issued thereunder and intended to be secured thereby; and for that purpose may, if necessary, bring or defend in their own names any actions or suits in any Court in the Dominion of Canada. 35 40 45

6. Should such a course be deemed expedient to facilitate the negotiation of the said debentures, the shareholders of the Company may, at any time or times, by a by-law passed at a meeting duly convened for that purpose, decide upon and establish such conditions as shall be expressed in such 50

by-law, to the effect that if any of the said debentures or the interest coupons thereto attached, or any of them shall not be paid within a period of not less than three months after they shall respectively become due, they being first
5 duly presented for payment, the right conferred on the shareholders of the Company to vote at general meetings shall cease, and that thenceforth the holders of the said debentures then outstanding, whether due and payable or not, shall have the exclusive right to vote at all meetings of the Company,
10 and shall also enjoy all the other powers conferred on the shareholders of the Company by its Act of incorporation, or any Act amending the same, or by "*The Railway Act 1868*," in the place and stead of such shareholders; and that the said debenture holders shall have one vote for every two hundred
15 pounds debenture held by them respectively; and that the said debenture holders, by vote of a general meeting duly convened for the purpose, shall have the power to remove all or any of the Directors then in office (other than *ex-officio* Directors) and appoint others in their stead; but that the debenture holders' right to vote shall cease, and that of the shareholders be restored, upon the payment by the Company to the trustees of the amount of all debentures and coupons which shall have become due, and all expenses incurred by the trustees in or about enforcing payment: and such by-
20 law shall neither be revoked nor modified while any of the said debentures shall be outstanding without the consent of the trustees for the holders of the said mortgage or hypothec for the time being.

7. It may be a condition of such by-law that upon assum-
30 ing the right to vote, the debenture holders, or the board of directors, as constituted or completed by their vote, shall render periodical accounts to the shareholders not represented on such Board, or to the Committee elected by the private shareholders, or to any person or persons named or
35 indicated in such condition, upon such penalty as shall be therein provided; and it may also provide that the private shareholders shall be represented upon such Board by one or more members with or without the right to vote thereat; and such conditions shall be valid and binding, and such
40 shareholders or committee, or the person or persons so named or indicated, may enforce such conditions and penalty, and may take proceedings in his or their own names before any Court of Justice for that purpose.

8. In the event of the control of the private shareholders over the said railway being lost in consequence of any default either under and by virtue of any by-law of the Company, or of the proceedings of any trustee under any deed of mortgage or hypothec, and if so provided in such by-law, or agreed to in such deed of mortgage or hypothec,
50 the shareholders of the Company who are not represented by *ex-officio* Directors, shall have the right to remain organized for the protection of their interests, and for that

purpose may from time to time elect a committee of five persons which shall be known as the Shareholders' Committee; and the private shareholders may maintain and keep up such committee by annual elections in the same manner in all respects as the ordinary Directors of the Company have been hitherto elected. And such committee shall have power to exercise such rights and remedies as are not inconsistent with the powers of the Board of Directors as then constituted and with the rights of the trustees, and of the holders of the debentures of the Company, and as are necessary for the enforcement of the rights of the shareholders subject to those of the trustees and debenture holders, and may for that purpose sue and take legal proceedings in any Court of Justice in the Dominion.

9. The name of the said Company is hereby changed to the "*Montreal, Ottawa and Western Railway Company*," and the said Company, by the said new name thereof, shall remain vested with all the estate, real and personal, movable and immovable, land grants, subsidies, rights and privileges, debts and obligations, accrued or to accrue, due or to become due to it, and shall continue and be liable for all obligations of every kind and nature whatsoever, due or to become due by it, and all actions, suits, claims, or demands that might be lawfully brought or made against the said Montreal Northern Colonization Railway Company; and no action, suit or proceeding now pending against the said Montreal Northern Colonization Railway Company shall be abated, but may be continued against the said Company as if this Act had not been passed. And all the statutes, enactments, provisions, grants, deeds, instruments, contracts, agreements and obligations existing respecting the said Company, or made, executed or due thereby, or made, executed or due thereto, by the said name of *The Montreal Northern Colonization Railway Company*, shall, as the case may be, apply to and be due by or to, or shall be capable of enforcement by or against the said Company by the name of the *Montreal, Ottawa and Western Railway Company*, as fully, validly and effectually as if the said Company had always been known and called by the said last-mentioned name, and as if all such statutes, enactments, provisions, grants, deeds, instruments, contracts, agreements and obligations had been so passed, made and executed, or were contracted or due in respect of, by, with or to the said Company, under the said last-mentioned name.

10. All the provisions of any Act relating to the said Company inconsistent with the provisions hereof, are hereby repealed.

An Act to incorporate the "St. Lawrence Bridge Company."

WHEREAS it has been represented that a bridge over Preamble.
 the River St. Lawrence, at or near St. Helen's Island, near the City of Montreal, has become an absolute necessity, both to establish a connection between the railways on the
 5 north of said River St. Lawrence, and the railway system on the south of 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
 10 persons hereinafter named (amongst others) 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
 15 follows:—

1. The St. Lawrence Bridge Company is hereby declared Declaratory.
 to be a work for the general advantage of Canada.

2. The "*Railway Act 1868*," is hereby incorporated, Railway Act to apply.
 except as hereinafter mentioned, with this Act, and shall
 20 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*
 25 *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.

3. Sir Hugh Allan, Hon. John Young, Andrew Allan, Certain persons incorporated.
 Hon. John J. C. Abbott, Hon. Gédéon Ouimet, Hon. J. A. Chapleau, L. A. Jetté, R. Laflamme, William Workman, Charles J. Coursol, Ashley Hibbard, Aldis Bernard, Louis Beaubien, Henry Mulholland, Peter S. Murphy, Jean Baptiste
 35 Beaudry, Edouard Laf. de Bellefeuille, L. O. Loranger, of the City and District of Montreal, Esquires, Phillip H. Moore, Esquire, Samuel J. Anderson, of Portland, in the State of Maine, Esquire, A. B. Jewett, Esquire, Waldo Brigham, Esquire, J. Henry Pangman, of Mascouche,
 40 Esquire, Samuel Thomas Willett, Esquire, together with such persons and corporations as shall, under this Act,

Corporate
name and
powers.

become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the "St. Lawrence 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. 5

Company may
build a bridge.

4. The Company shall have full power and authority to build, construct, maintain, work and manage a bridge across the River St. Lawrence, from a point at or near the island called *Isle Ronde*, or at or near the St. Helen's Island, near the City of Montreal, to or near the Parish of Longueuil, or St. Lambert, in the County of Chambly, and may purchase, acquire and hold real and personal property for the purposes thereof, and may sell and dispose of the same and acquire others in lieu thereof, as may be requisite for the object aforesaid, according to the provisions of "The Railway Act, 1868." 10 15

Capital stock
and shares.

5. The capital of the Company shall be *five million* dollars, divided into *fifty thousand* shares, of *one hundred* dollars each. 20

Provisional
directors.

6. The said Sir Hugh Allan, Hon. John Young, Andrew Allan, Hon. J. J. C. Abbott, Hon. Gédéon Ouimet, Hon. J. A. Chapleau, L. A. Jetté, R. Laflamme, William Workman, Charles J. Coursol, Ashley Hibbard, Louis Beaubien, Aldis Bernard, Henry Mulholland, P. S. Murphy, Jean-Baptiste Beaudry, Edouard Lef. de Bellefeuille, L. O. Loranger, Phillip H. Moore, Samuel J. Anderson, A. B. Jewett, Waldo Brigham, J. Henry Pangman, and Samuel Thomas Willett, are hereby constituted the Board of Provisional Directors of the Company. 25 30

Powers.

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 four weeks previous notice in the *Canada Gazette*, and in one newspaper published in the City of Montreal, of the time and place of their meeting 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. 35 40

All share-
holders 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. 45

First meeting
of share-
holders.

9. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, the Directors, or a majority of them, shall call a meeting of the shareholders of the Company at such time and place as they 50

- may think proper; giving at least two weeks notice in the *Canada Gazette*, or in one newspaper published in the City of Montreal; at which meeting the shareholders shall elect seven Directors from the shareholders, possessing the qualifications hereinafter mentioned; which Directors shall hold office until the next annual meeting of the shareholders, as hereinafter provided; and any Provisional Director may vote by proxy; and every Provisional Director shall be eligible as a Director; and six shall be the quorum of the Board of Directors.
- 10 10. Any Railway Company whose road 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 road 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, 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.
11. The annual general meeting of the shareholders for the election of Directors and other general purposes, shall be held on the second Wednesday in June, in each year, at the City of Montreal or elsewhere, as may be appointed by by-law; and two weeks previous notice thereof shall be given by publication as provided in the seventh section, or by by-law.
12. No person shall be elected a Director of the Company unless he shall be the holder and owner of at least fifty shares in the stock of the Company, and shall have paid up all calls made thereon.
13. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital; and no stockholder shall be liable for the debts or obligations of the Company beyond the unpaid amount of any stock held by him.
14. The power to borrow money conferred by the twelfth sub-section of the seventh section of "*The Railway Act, 1868*," may be exercised by the Company in the issue of bonds under the seal of the Company and made and signed by the President and 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 or pledge, or filing or registration, be and be taken as an hypothec, mortgage and pledge, according to the rank and
- Assistance from railway companies.
- Annual general meeting.
- Qualification of directors.
- Calls.
- Power to borrow money and issue bonds.

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, be first obtained at a special general meeting called for carrying into effect the powers in this section contained.

And to become parties to promissory notes, &c.

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.

Plans to be submitted for approval.

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; Provided always, that the said bridge shall be constructed so as not materially to obstruct the navigation of the River St. Lawrence.

Preliminary notice to be published.

17. The Company shall, three 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 land marks, 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 office of the Clerk of Peace of the District of Montreal.

- 5 **18.** The Company shall have power to use any of the public highways for the construction and maintenance of the bridge or the works authorized by this Act, with the consent of the Municipal Council having jurisdiction over such highway; and the Company may enter upon and take beaches of the River St. Lawrence, and land 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; 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 said bridge, as well as when the said bridge is completed and open, and during all times 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 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.

Certain lands may be entered upon.

Lights to be maintained.

Proviso.

- 19.** Whenever it shall become necessary for the purpose of procuring sufficient lands for any purpose connected with the constructing, maintaining and using the said bridge, to purchase more land than is required for purposes, 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 manner, and for such purposes connected with the constructing, maintenance or use of the said bridge, as they may deem expedient, and shall sell and convey the same, or parts thereof, not permanently required for use of the said bridge.

As to purchase of lands for general purposes.

- 20.** It shall be lawful for the company to enter into any agreement with any railway company or companies in Canada, or in the United States of America, for leasing the said bridge or the use thereof, at any time or times, or for any period, to such railway 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 moveable 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 moveable property of either, or of any of them, or any

Arrangements with railway companies.

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 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.

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 favor 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 the majority of them, shall be final: Provided that the terms of the said award shall not be binding for a longer period than five 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 passengers on foot or on horseback or in vehicles, and by vehicles of all kinds, as the Directors may think proper, and the tolls or charges therefor.

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 Penalty.
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 more-
5 over 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. ~~_____~~

25. At all the meetings of the shareholders of the Com-
pany hereby incorporated, each shareholder shall be entitled
10 to one vote for each share of stock held by him, and may
vote either in person or by proxy; and the Directors of the
Company may also, at any meeting of the Board, vote by
proxy, such proxy to be held by another director; Provided
15 that no more than two proxies be held by one Director, and
not less than six Directors shall be present in person at any
meeting of the Board of Directors for the transaction of
business.

Votes on
shares.

Proxy.

Proviso.

26. The work shall be commenced within four years, and
completed within seven years from the passing of this Act.

Time for con-
struction
limited.

No. 51.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to incorporate the St. Lawrence
Bridge Company.

Received and read first time, Friday, 26th
February, 1875.

Second reading, Monday, 1st March, 1875.

Mr. DESJARDINS.

OTTAWA :
Printed by Maclean, Roger & Co., Wellington Street.
1875.

An Act to incorporate a Company to construct, own and operate a Railway from Red River, in the Province of Manitoba, to a point in British Columbia, on the Pacific Ocean.

WHEREAS the construction of a line of railway through
 British Territory, from Red River, in the Province of
 Manitoba, to a point in British Columbia, on the Pacific
 Ocean, would be a work of great importance to the interests
 5 of the Dominion; and whereas the persons hereinafter
 named have formed themselves into an association for the
 purpose of constructing the said line of Railway, and have
 prayed by petition to be incorporated as a Company, and to
 be invested with the powers necessary for the purpose, and
 10 it is expedient to grant the prayer of their petition: There-
 fore Her Majesty, by and with the advice and consent of the
 Senate and House of Commons of Canada, enacts as
 follows:—

Preamble.

1. Edwin Russel, I. W. Powell, Henry Failing, Ebenezer
 15 Brown, M. T. Johnson, Hans Thielsen, J. H. Brodie, J. A.
 Raymur, Donald Macleay, F. J. Barnard, R. P. Rithet, Bern-
 ard Goldsmith, Thomas A. Bulkley, John Trutch, J. D. Pem-
 berton, Wm. Meyer, J. A. Mara, and W. C. Ward, with all
 such other persons and corporations as shall become share-
 20 holders in the Company hereby incorporated, shall be and
 are hereby constituted and declared to be a body corporate
 and politic, by the name of "The Canadian Pacific Railway
 Company;" and the words "The Company" when used in
 this Act shall mean the Canadian Pacific Railway Company
 25 hereby incorporated; and also they and their successors by
 the same name of the Canadian Pacific Railway Company
 shall be in law capable of taking, purchasing and holding to
 them and their successors any estate real, personal or mixed
 to and for the use of the Company, and of letting, selling,
 30 conveying or otherwise departing therewith for the benefit
 and on the account of the Company from time to time as
 they shall deem expedient or necessary, and shall have all
 the powers incident to Railway corporations in general.

Certain persons incorporated.

Corporate name and general powers.

2. "The Railway Act, 1868," so far as the provisions con-
 35 tained therein are applicable to the undertaking authorized
 by this Act, and in so far as they are not inconsistent with
 or contrary to the provisions of this Act, are hereby incor-
 porated with this Act.

Railway Act to apply.

Line of railway and works of the company.

3. The said Company and their agents and servants may lay out, construct, equip, maintain and work a continuous double or single track iron or steel railway, with a gauge of four feet eight inches and a half, and also a telegraph line throughout the entire length of the said Railway, with the proper appurtenances, from Red River in the Province of Manitoba to some point in British Columbia, on the Pacific Ocean, and the said Company shall also have power and authority to build, own and operate steam and other vessels on all waters lying between Red River and the Pacific Ocean, and on the water of the Pacific Ocean, and to build wharves and harbors thereon. 5 10

Lines to be approved by Governor in Council.

4. The course and line of the said Railway and the termini thereof shall be fixed and determined by the Company subject to the approval of the Governor in Council. 15

Materials from public lands, and extra width of lands.

5. It shall be lawful for the Company to take from any public lands adjacent to or near the line of the said Railway all stone, timber, gravel and other material which may be necessary or useful for the construction of the Railway, and also to lay out and appropriate to the use of the Company a greater extent of lands for stations, depots, workshops, buildings, side-tracks, wharves, harbors, and road-way, and for establishing screens against snow, than the breadth and quantity mentioned in "*The Railway Act, 1868*," but such land shall only be taken by the Company, under grant of the Governor in Council as hereinafter provided. 20 25

Proviso.

As to taxation on property of company.

6. The buildings, right of way, permanent ways, rolling stock and earnings of the Company and all property thereof, except the land granted, or to be granted by any Government in aid of the said Railway, shall be exempt from taxation in any Province hereafter to be constituted from the Territory of the Dominion for fifty years after the completion of the said Railway under any law, ordinance or by-law of any provincial, local or municipal authority to any other or greater extent than if the same were the property of the Dominion; the said Railway being in fact a public work, constructed mainly at the expense of the Dominion for the benefit of all the Provinces thereof. 30 35

Railway Act altered as to plans and surveys.

7. And as respects the said Railway, the eighth section of "*The Railway 1868*," relating to plans and surveys, shall be subject to the following provisions:— 40

It shall be sufficient that the map or plan and book of reference for any portion of the main line, or of any supplemental line of the said Railway, not being within any district or county for which there is then a Clerk of the Peace, be deposited in the office of the Minister of Public Works of Canada, and any omission, mistatement or erroneous description of any lands therein, may be corrected by the Company, with the consent of the Minister and certified by him; and the Company may then make the Railway in accordance with such certified correction. 45 50

The eleventh sub-section of the said eighth section of the Railway Act shall not apply to any portion of the Railway passing over ungranted lands of the Crown, or lands not within any surveyed township in any Province; and in
 5 such places deviations not exceeding twenty-five miles from the line shown on the deposited map or plan shall be allowed without any formal correction or certificate; and any further deviation that may be found expedient may be authorized by order of the Governor in Council, and the Company may
 10 then make their Railway in accordance with such authorized deviation.

The map or plan and book of reference made and deposited in accordance with this section shall avail as if made and deposited as required by the said "*Railway Act*
 15 1868" for all the purposes of the said Act, and of this Act, and any copy of, or extract therefrom, certified by the said Minister, or his deputy, shall be received as evidence in any court of law in Canada.

It shall be sufficient that a map or profile of any part of
 20 the completed Railway, which shall not lie within any county or district having a registry office, be filed in the office of the said Minister of Public Works.

The Company may in making the map or plan of any portion of the Railway adopt and use for the purposes of this
 25 Act, that survey and plan of such part made by the Government of Canada in the years one thousand eight hundred and seventy-one, and one thousand eight hundred and seventy-two, and the levels and other particulars ascertained by such survey without making any new survey and plan
 30 of such portion.

The Governor in Council may in his discretion grant to the said Company the right of way (of such width as he may think fit) over any unimproved lands of the Dominion, or any lands required for stations or other necessary purposes of
 35 the Company in the Province of Manitoba or British Columbia or in the North-West Territories.

Governor
may grant
right of way.

§. It shall be lawful for the Company to take, receive and hold a grant or grants of public lands, along the line of railway, and also in the territories of the Dominion, or from
 40 the Government of any Province, or from any municipality in Canada, in aid of the construction of the railway, and to survey and sub-divide the same in such manner as they shall see fit, and to lease, mortgage, sell or grant the said lands or any part thereof upon such terms and conditions,
 45 and for such price in money, bonds, stock of the Company, or other securities as the Directors of the Company may from time to time determine, subject to any agreement which may be made between the Company and the Government of Canada, or any Provincial Government, or any municipality
 50 in Canada respecting the said grant or grants of land.

Aid to the
company by
grants of
lands.

Company
may receive
grants from
Government,
&c., on con-
ditions to be
agreed upon.

9. It shall be lawful for the Company to accept and receive from the Government of Canada, or from the Government of any Province, or from any municipality in Canada, a subsidy or aid in money or bonds, or securities, payable in such manner, at such times, on such conditions, and at such places in Canada or elsewhere as may be agreed upon between the Company and the Government of Canada, or the Government of any Province, or any municipality in Canada, or as may be prescribed and directed by any Act of Parliament authorizing the Government to grant a subsidy, or as may be provided in any agreement between the Company and the Government which may be lawfully made respecting the said subsidy and the provisions of "*The Canadian Pacific Railway Act, 1874*," shall apply to this Act and to the railway thereby authorized to be constructed so far as shall be necessary to enable the Company to make any such agreement with the Government of Canada as shall be authorized by such Act, and to carry out and perform all the terms and conditions of such agreement, and all the provisions, terms and conditions contained in the said Act, in so far as they apply to the said railway, either in its construction or working. And the said Company and the Board of Directors thereof for the time being, whether provisional or elected, are hereby authorized to make and execute such agreement, depositing to the credit of the Receiver General such sum of money or securities as may be required under the said Act, and in the event of being unable to agree with the Government of Canada in respect of such construction and working, such Directors shall have the right to receive from the Receiver General of Canada the said deposit therein provided for.

Company may
amalgamate
with other
companies.

10. The Company may at any time with the approval of the Governor in Council enter into an agreement of amalgamation with any other incorporated Railway Company or Companies authorized to construct and work a railway between the points or termini specified herein, or between intermediate points, and they may after such agreement of amalgamation approved, as aforesaid, continue and act according to the terms thereof as one company, and shall thereafter be and be recognized and known as one company, and shall be liable for all the debts, and shall do and perform all the contracts, stipulations and agreements which any or either of the amalgamated companies would have been liable to pay or compellable to perform if no such amalgamation had taken place, and the said amalgamated company may have and exercise all the rights, privileges, powers and franchises, and may take and hold all grants of land, and may receive all subsidies or money in aid, which it shall be lawful for the Government of Canada, or for the Government of any Province, or for any municipality, to give and grant, or which any or either of the amalgamated companies could or might have used, exercised, taken, held or received under their separate Act or Acts of incorporation.

Provisional
directors and
powers.

11. The persons named in the first section of this Act with power to add to their number shall be and are hereby

constituted Provisional Directors of the said Company, of whom five shall be a quorum, and shall hold office as such until the first election of Directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking, and to receive for the Company any grant, loan, bonus or gift made to it in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under "*The Railway Act, 1868*," are vested in ordinary Directors.

12. The capital stock of the said Company shall be ten millions of dollars to be held in shares of one hundred dollars each, which shall in all respects be deemed personal property, and the shares of the said capital stock shall, after the first instalment thereon shall have been paid, be transferable by the respective persons subscribing or holding the same to any other person or persons; but no assignment or transfer shall be valid and effectual, unless it be made with the consent of the Directors and registered in the books to be kept by the said Company for that purpose. But the Company shall afterwards have power by a by-law duly approved by the shareholders at a special meeting thereof, called for the purpose to increase the capital stock of the Company until the same shall amount to fifty millions of dollars, such increase to be effected in the manner and upon the terms prescribed by such by-law.

Capital stock
and shares.

Increase.

13. When and so soon as shares to the amount of one million of dollars in the capital stock of the said Company shall have been subscribed and allotted, and ten per cent. paid thereon, the Provisional Directors shall call a general meeting of the subscribers to the said capital stock, at the City of Victoria, British Columbia, for the purpose of electing Directors of the Company, giving at least four weeks notice by public advertisement in one newspaper published at Victoria, British Columbia, and in one newspaper published at New Westminster, British Columbia, of the time, place and purpose of the said meeting.

First meeting
of share-
holders.

14. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall elect not less than five nor more than eleven Directors, of whom the majority shall be a quorum, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and "*The Railway Act, 1868*."

Election of
directors.

- Qualification. **15.** No person shall be qualified to be elected as such Director by the shareholders, unless he be a shareholder holding at least _____ shares of stock in the Company, and unless he has paid up all calls thereon.
- Annual general meetings. **16.** Hereafter the general annual meeting of the shareholders of the said Company shall be held at such place in the City of Victoria, British Columbia, and on such days and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more newspapers published at the City of Victoria, British Columbia. 5 10
- Directors may make by-laws subject to confirmation. **17.** The Directors elected by the shareholders under this Act shall have power to make such by-laws and rules for government of the Company not inconsistent with law or with the provisions of this Act; as they may think most expedient, and to alter the same at their pleasure; but such by-laws shall only have force and effect until the next annual meeting of shareholders unless they are confirmed at such meeting. 15 20
- Chief Office. **18.** The chief place of business of the Company shall be at the City of Victoria, British Columbia, but other places at which the Directors, or Committees of the Directors may meet and transact business, may be fixed by the by-laws of the Company. 25
- Special general meetings. **19.** Whenever it shall be deemed expedient by the Board of Directors that a special general meeting of the shareholders shall be convened for any other purpose, the Directors may convene such meeting by advertisement in manner hereinbefore mentioned, in which advertisement the business to be transacted at such meeting shall be expressly stated, and such meeting may be held at the Company's Office in Canada, or such other place in Canada as the Directors shall appoint. 30
- Votes, proxies, ties, &c. **20.** In the election of Directors under this Act, and in the transaction of all business at general meetings of shareholders, each shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up, and which he shall have held in his own name two weeks prior to the time of voting, and he shall be entitled to vote either in person or proxy, but no person but a shareholder shall be permitted to vote or act as such proxy: and no officer of the Company, except he be a Director, shall hold a proxy for that purpose. All questions proposed for the consideration of the shareholders shall be determined by the majority of votes. The chairman elected to preside at any such meeting of the said shareholders shall vote as a shareholder only, unless there be a tie, in which case (except as to the election of a Director) he shall have a casting vote, and where two or more persons are joint holders of shares, one only of such joint holders shall be empowered by letter of attorney from the other joint holder or holders, or a majority of them to represent the said shares and vote accordingly. 35 40 45 50

21. Whenever a vacancy shall happen in the Board of Directors by death or resignation, or by reason of any Director declining or neglecting without the consent of the Board to act for a period of three months after his election, 5 such vacancy may be filled up by the majority of Directors, for the time being, appointing some shareholders duly qualified under the seventeenth section of this Act to supply the vacancy so occurring; nevertheless, any acts done by the surviving Directors or the majority of the acting 10 Directors without having the vacancy filled up shall not be deemed invalid; and a majority of the Directors present in person or represented by proxy held by another Director shall form a quorum of the Board, and may exercise all the powers of the Directors; and the Directors shall have power to dispose 15 of such part of the stock of the said Company as may remain to be disposed of or may from time to time be added to or fall to the general stock, either by forfeiture or otherwise, on such terms and conditions and to such parties as they may think most likely to promote the interests of the said 20 Company.

Vacancies among directors, how filled.

22. The Directors may, at any time, call upon the shareholders for such instalments upon each share which they or any of them hold in the capital stock of the Company, and in such proportion as they may see fit; except that no 25 such instalment shall exceed ten per cent. on the subscribed capital, and that sixty day's notice of each call shall be given in such manner as the Directors shall think fit, and such calls shall not be made more frequently than once in sixty days.

Calls, when and how to be made.

23. The owner or owners of one or more shares in the said Company shall pay his, her, or their shares and proportion of the moneys to be called for as aforesaid to such person or persons, and at such time and place as the said Directors shall from time to time appoint and direct, of which 35 sixty days notice, at least, shall be given as aforesaid, or in such other manner as the said proprietors or their successors shall by any by-law direct or appoint.

Payment of calls.

24. The Directors may use and affix, or cause to be used and affixed, the common seal of the said Company to any 40 document which, in their judgment, may require the same; and any act or deed bearing such seal, and signed by the President or Vice-President, and countersigned by the Secretary, shall be held to be the act and deed of the Company. The Directors shall have power to appoint or discharge all 45 and every officer and servant of the Company; and they shall require from the Treasurer to be appointed such bonds as may be deemed proper, and from time to time may increase the amount thereof, and shall have power to make by-laws for the government and control of the officers and servants of 50 the Company; and to fix the salary or allowance to be made to them respectively, and to make and frame all their by-laws, rules and regulations for the management of the affairs of the Company in all its details and particulars, also for establishing the rule of voting for the Directors of the Company,

Common seal.

Officers and servants.

By-laws, and for what purposes.

Proof of by-laws.

and the same also to change at any time, modify or repeal; which by-laws, rules and regulations shall be submitted for approval, rejection, or alteration by the shareholders at the next general meeting, or at a special meeting to be called by the said Directors for such said special purpose, and in conformity with any by-law providing for such special meeting; and any copy of the by-laws of the said corporation, or of any of them, purporting to be under the hand of the Clerk, Secretary, or other officer of the said Company, and having the seal of the said Corporation affixed to it, shall be received as *prima facie* evidence of such by-law in all Courts in the Dominion of Canada. 5 10

How the company may become parties to promissory notes.

25. The Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and all such promissory notes made or endorsed, or such bills of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary or Treasurer of the Company, under the authority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange so made, may be made redeemable in the stock of the Company, or in lands, or in both, at the option of the Company; and for this purpose the Directors shall have power to increase the capital stock of the Company as may be required to redeem such notes or bills of exchange, and in no case shall it be necessary to have the seal of the Company affixed to any promissory note or bill of exchange; nor shall the President or Vice-President or Secretary or Treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein required: Provided, however, that nothing in this section shall be construed to authorize the Company to issue any notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. 15 20 25 30 35

Company may issue debentures, and make them a charge on lands.

26. The Directors of the Company are hereby authorized and empowered to issue bonds or debentures which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or on any, either or all of them, or upon any of the various sections of the road, and the appurtenances, tolls and revenues thereof; and whether the lands expressed in general terms to be mortgaged thereby shall then be in possession of the Company or not (as may be expressed by said bonds or debentures), without the necessity for any registration thereof and such bonds or debentures shall be in such form and for such amount, and payable at such times and places as the Directors from time to time may appoint and direct; and until the appointment of a Board of Trustees as hereinafter appointed, the payment to the Treasurer of the Company, or to any other person appointed for the purpose by any *bona fide* purchaser of any lands appertaining to the Company, of the purchase money thereof, and the acquittance by such Treasurer or other person so appointed of such purchase money, shall operate as a 40 45 50 55

Discharge of lands sold.

discharge of such mortgage in respect of the lands so paid for ; and until other provisions be made therefor, the Treasurer of the Company or other person so authorized shall keep all moneys so received separate and apart from the ordinary funds of the Company ; and the moneys so received shall be used in buying or purchasing all or any of the outstanding bonds or debentures of the Company. Provided that the same can be obtained at a rate not exceeding ten per cent premium ; but in case the same cannot be obtained at such rate, the said money so received shall be invested from time to time in the Government securities of Canada, Great Britain or the United States, for the formation of a fund for the redemption of the bonds or debentures at maturity. The bonds or debentures shall be signed by the President or Vice-President and Secretary, and shall have the corporate seal of the Company affixed thereto. Provided that the amount of such bonds or debentures shall not exceed forty thousand dollars per mile, to be issued in proportion to the length of railway under contract, or to be constructed under and by virtue of this Act.

Provision for redemption.

How bonds shall be executed.

27. The Company may by by-law, duly passed as herein enacted, provide for the creation of a Board of Trustees (of whom one may be appointed by the Governor in Council) such Board to be formed (with that exception) from the bondholders and shareholders of the Company, in such number and with such powers as to the general management and disposition of the lands of the Company, and of any subsidies, moneys or securities that may be vested in them as hereinafter enacted, as shall be provided by such by-law. But such by-law shall have no force or effect till approved by the Governor in Council.

Board of Trustees for management of lands.

28. The Company may with the approval of the Governor in Council (or it may be part of their agreement with the Government that they shall) transfer to the said Board of Trustees all public lands granted to the Company for the purpose of aiding them in their undertaking (or the grants of such lands may, with the consent of the Company, be made directly to such Trustees) to be held and disposed of by such trustees, for the benefit and assurance of the holders of the bonds or debentures of the Company upon such trusts, and with such powers of sale, investment and application of proceeds, and otherwise as the Company may think best adapted to secure the due payment of the interest and principal of such bonds and debentures, and as the Governor in Council may approve as being so.

Lands may be transferred to such trustees.

29. The Company may further, with the approval of the Governor in Council vest with the said Board of Trustees for the general purposes of the Company, the whole or any part of the subsidies to be received in money or securities, or the capital to be obtained from the shareholders, and may in the deed of assignment for such purpose provide specifically for any of the engagements of the Company in addition to the security otherwise provided ; and may also settle the mode of investment of any such funds, and the interest accruing

Money subsidies may also be vested in trustees.

thereon, and may direct such Trustees to hold the whole or any part of the funds so arising as security for the fulfilment of the engagements of the Company with the Government ;
Proviso: Provided always that the proceeds derived from lands sold shall in no case be diverted from the redemption of the mortgage bonds of the Company as hereinbefore provided. 5

Issue of new bonds in place of those redeemed. 30. As the bonds of the Company are from time to time redeemed by the proceeds of the lands sold, it shall be lawful for the Company, by and with the consent of a majority of the Board of Trustees, to reissue an equivalent amount of 10 bonds subject to such limitation and with such rank as may be settled in the assignment to the trustees, having regard to the value of the lands remaining unsold.

Majority of trustees to represent board. 31. The decision and action of a majority of the said Board of Trustees shall be held to be the decision and action 15 of the Board, and such majority may lawfully do whatever the said Board could do.

Management of lands if not vested in trustees. 32. In case of the lands not being vested in trustees as hereinbefore provided, the Company shall have the management of the lands granted by any Government in aid of 20 their undertaking, and of the sale thereof, and matters therewith connected, and may retain *twenty* per cent of the gross proceeds thereof to cover the expenses of such management and sale.

Arrangements with other companies. 33. The Directors of the Company elected by the shareholders in accordance with the provisions of this Act shall have power and authority to enter into and conclude any arrangements with any other incorporated railway company for the purpose of making any branch or branches to facilitate a connection between the Company and such other incorporated 30 railway company of Canada or the United States, and they may enter into arrangements for the mutual interchange of traffic with all railway companies completing their lines to the lines of the Company ; may lease such railway or railways or amalgamate therewith, or make running 35 arrangements, and generally may enter into such agreements as will secure uniform and complete railway connection with the system of railways now or hereafter existing in Canada or the United States.

Detailed accounts to be laid before Parliament. 34. The Company after the opening of the road or any 40 part thereof to the public shall annually submit to the Parliament of Canada, within thirty days after the opening of each section thereof, a detailed and particular account attested by the President and Secretary of the Company of all moneys by them received and expended under and by virtue of this 45 Act, with a classified statement of the tonnage of freight and the number of passengers conveyed over the said road ; and no further provisions which Parliament may hereafter make with regard to the form or details of such account or the mode of attesting or rendering the same shall be deemed 50 an infringement of the privileges hereby granted to the Company.

35. The Directors of the Company may, subject to regulations to be from time to time made by by-law, appoint an agent or agents in the City of London, England, with power to pay dividends, to open and keep books of transfer for the 5 shares of the Company; and to issue scrip and stock certificates; and through such agency shares may be transferred from the Canada office to the London office, or from the London office to the Canada office in the names of the transferees, in like manner as shares may be transferred in the 10 principal office; and shares originally taken and subscribed for in Great Britain may be entered in the books at the London office and scrip certificates for the same may be issued by such agent addressed to the Secretary or other officer of the Company in Canada, who shall make the requisite entries 15 respecting such transfers and scrip certificates in the register kept in Canada; and thereupon the same shall be binding on the Company as to all the rights and privileges of the subscribers, as though the scrip certificates had been issued by the Secretary of the Company in Canada; and such agent 20 or agents may exercise such other powers as the Directors under any by-law of the Company may entrust to them, except the power of making by-laws.

Directors may
appoint
agent in
London for
transfer of
shares, &c.

36. Whenever any transfer of any share of stock of the Company is made in England, the delivery of the transfer 25 duly executed to the agent of the Company for the time being in London, or to the Secretary of the London Board, if formed, shall be sufficient to constitute the transferee a shareholder in the Company, in respect of the share so transferred, and the agent shall transmit an accurate list of 30 all such transfers to the Secretary of the Company in Canada, who shall thereupon make the requisite entries in the register, and the Directors may from time to time make such regulations as they think fit for facilitating the transfer and registration of shares of stock, as well in Canada as else- 35 where, and as to the closing of the register of transfer for the purpose of dividends; and all such regulations not being inconsistent with the provisions of this Act, shall be valid and binding, and no transfer shall be valid unless made in conformity with them.

Provisions re-
specting such
transfers.

40 37. The Company shall, from time to time, cause the names of the several parties interested in the stock or debentures of the Company, and the amount of interest therein of such parties respectively, to be entered in books to be called "The Stock Register" and the "Debenture Register" 45 respectively, and duplicates of all registers of shares, debentures and stock of the Company and of the shareholders thereof, kept at the principal office of the Company in Canada (such duplicates being authenticated by the signature of the Secretary of the Company), may be transmitted to 50 and kept by the agent for the time being of the Company in London, or in case of the formation of a London Board, by the Secretary to such Board.

Stock and de-
benture regis-
ters to be
kept by the
company.

38. The Company may undertake the transmission of 55 messages for the public by any line of telegraph they may

Provisions
with respect
to telegraphs

constructed
by the com-
pany.

construct on the line of their railway, and collect tolls for so doing; and if they think proper to undertake such transactions, they shall be bound to transmit such messages in the order in which they are received, on pain of all damages sustained by any person by the non-transmission of his message in such order, except that any message in relation to the administration of justice, the arrest of any criminal, or the discovery or prevention of crime, shall always be transmitted in preference to any other message or despatch, if required by any person employed in the administration of justice, or in the police, or thereunto authorized by the Minister of Justice: and any operator on any such line of telegraph divulging the contents of any private message shall be held guilty of a misdemeanor, and shall be liable to be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding three weeks, or both, in the discretion of the court before whom the conviction is had.

Penalty on
operators de-
vulging mes-
sages.

As to provi-
sions of Rail-
way Act re-
specting in-
cumbrances.

39 The provisions made in sub-sections thirty, thirty-one and thirty-two, of section nine of "*The Railway Act, 1868*," as to incumbrances on land acquired by a company shall apply to lands acquired by the Company in the Provinces of Manitoba and British Columbia, and as respects lands in places where there is no court into which the compensation can be paid, the payment thereof to the party from whom the lands are taken shall discharge the incumbrances (if any) upon such lands or compensation, as if paid into court.

Certain offi-
cials to act as
county judges.

40. In the Province of British Columbia and Manitoba, any judge of a county court, or of the supreme court, shall have all the powers given by the said Act to a county judge, and in any place where there is no such judge, or county judge, or no judge who can act in the case, any Justice of the Peace shall have all the said powers.

Notices.

41. As respects places not within any Province, any notice required by the said Act to be given in the *Official Gazette* of the Province, may be dispensed with.

Materials
from wild
lands of the
Crown.

42. The Company may take from wild lands of the Dominion adjacent to, or near the line of the said railway, all stone, timber, gravel and other materials necessary or useful for the construction of their railway; and may lay out and appropriate to their use, a greater extent of land, whether public or private, for stations, depots, workshops, buildings, side-tracks, wharves, harbours and roadway, than that mentioned in "*The Railway Act of 1868*," such greater extent taken in any case being allowed by the Governor in Council and shewn on the maps or plans deposited with the Minister of Public Works.

Land for
gravel pits,
quarries, &c.

43. And whereas it may be necessary for the Company to possess gravel pits and quarries and lands containing deposits of gravel, stone, or brick clay, as well as lands for stations and other purposes at convenient places along their line of railway, for constructing and keeping in repair, and

for carrying on the business of their railway ; and as such gravel pits, quarries or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found : therefore the said Company may
 5 purchase, have, hold, take, receive, use and enjoy, along the line of the said railway, or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty, or any person or persons, or bodies
 10 politic, to give, grant, sell or convey unto, and to the use of or in trust for the said Company, their successors and assigns ; and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and, from time to time, by deed of bargain and sale
 15 or otherwise, to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, quarries, sidings, branches, wood-yards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage the said railway and other
 20 works connected therewith.

Stations and workshops.

Sale of lands not required.

44. Deeds and conveyances of lands to the Company for the purpose of this Act (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form of Schedule A. to this Act subjoined, or in any other
 25 form to the like effect ; and for the purposes of due enregistration of the same, all Registrars of deeds in their respective counties, districts or localities, shall register in their registry books such deeds and conveyances at length upon the production and proof of the due execution thereof, without
 30 any memorial or duplicate, and shall minute the enregistration or entry on any such deed ; and the Registrar shall receive from the Company, for all fees on such enregistration and for a certificate of the same, fifty cents and no more ; and such enregistration shall be valid in law, any statute or provision of law to the contrary notwithstanding.
 35

Form of conveyance to the company and registration thereof.

45. The Justices of the Peace for any county or district in British Columbia, assembled in general or quarter sessions, shall have the powers vested by section forty-nine of "*The Railway Act, 1868*," in the Justices so assembled in the
 40 Province of Ontario, as to the appointment of Railway Constables, and in places where there are no such sessions, any two Justices of the Peace in the said Province, or in any place not within any Province, shall have the powers given by the said section to any two Justices of the
 45 Peace in Ontario, for the dismissal of any such constables ; and when there is no Clerk of the Peace, the record of the appointment of a constable shall be dispensed with.

Appointment of special constables.

46. Any felony, or misdemeanor in contravention of the "Penal Clauses" of the "*Railway Act, 1868*" committed in
 50 the Provinces of Manitoba or British Columbia, shall be tried, punished and dealt with in such Province, by and before the court or tribunal having cognizance of felonies or misdemeanors respectively, as the case may be, and punished in the manner provided by the said Act ; and if

Trial and punishment of offenders against penal clauses of Railway Act.

committed in any place not within any Province, may be tried, punished and dealt with by any court having like jurisdiction in British Columbia or Manitoba, in either of which Provinces the offender may be arrested and dealt with as if the offence had been committed there, or he may be arrested in the territory where the offence is committed, and committed by any Justice of the Peace for such territory for trial at such court, and in such county, district or place, in either of the said Provinces as the Justice may think most convenient, and to the common gaol whereof he may commit such offender, and authorize his being conveyed by any constable; and if the punishment to which he is sentenced be imprisonment in the penitentiary, and there be no penitentiary in the Province, such imprisonment shall be in the common gaol for the place where he is convicted; and any offence against the said "Penal Clauses," or any other section of the said Act, thereby cognizable before a Justice or Justices of the Peace, shall be cognizable before a Justice or Justices of the Peace for the place where the offence is committed; and if any pecuniary penalty is imposed, and there be no party entitled to receive it under the said Act, it shall be paid to the Receiver General to the credit of the Railway Inspection Fund.

Company not to commence construction until after proclamation.

47. The Company shall not have power to acquire any land, or to commence the construction of the railway hereby authorized until after such day as shall be fixed by Proclamation of the Governor in Council.

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men by these presents, that I, A.B., in consideration of _____ paid to me by the Canadian Pacific Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said "The Canadian Pacific Railway Company" their successors and assigns all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company their successors and assigns for ever.

Witness my hand and seal this _____ day of _____ one thousand eight hundred and _____
 Signed, sealed and delivered, } A. B. L. S.
 in presence of {
 C. D.
 E. F.

No. 52

2nd Session, 3rd Parliament, 38 Victoria

BILL.

An Act to incorporate a Company to construct, own and operate a line of railway from Red River, in the Province of Manitoba, to a point in British Columbia on the Pacific Ocean.

Received and read, first time, Friday, February, 1875.

Second reading, Monday, 1st March,

(PRIVATE BILL.)

MR. DEW

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street, 1875.

An Act to incorporate "The Canadian Steam-Users Association."

WHEREAS the persons whose names are hereinafter mentioned, have by their petition prayed that they may be incorporated for the purpose of establishing a Company to carry on the business of insuring stationary, marine and locomotive steam boilers, and have represented that such a Company would be a public benefit, and whereas it is desirable 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:—

Preamble.

10 **1.** The Hon. Alexander Campbell, David Galbraith, William Barclay McMurich, of the City of Toronto; James Watson, of the City of Hamilton; Benjamin Batson, of the City of Ottawa, and Edward Wilkes Rathbun, of the Village of Millpoint, and such other persons as may become shareholders
15 in the Company to be by this Act created, shall be and they are hereby created, constituted and declared to be a corporation, body corporate and politic, under the name of "The Canadian Steam-Users Association," having the head office of the said Company at the City of Toronto, and shall have
20 perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may by such name sue and be sued, implead and be impleaded in all courts of law and equity.

Certain persons incorporated.

Corporate name and powers.

25 **2.** The said Company shall have power in the Dominion of Canada, or in Great Britain and Ireland, or in any of the dependencies thereof, or in foreign countries, to transact and carry on the business of insurance and re-insurance against loss or damage from explosion to stationary, marine and locomotive boilers, the machinery connected therewith, and the heads or
30 stocks in which the same are placed; and for said purposes, or any or either of them, at any and all times and places, to make and execute written or printed, or partly printed and partly written policies, contracts, agreements or undertakings according to the exigency of the particular case and
35 cases, and generally to do and perform all the necessary matters and things connected with and proper to promote those objects.

Business of the company.

3. The Directors of the said Association may appoint local Boards of Directors, and establish agencies for carrying on the business of the said Association in any of the countries or at any of the ports or places where it is permitted to do business as aforesaid.

Agencies.

- Capital stock and shares.** 4. The capital stock of the said Association shall be three hundred thousand dollars, and shall be divided into three thousand shares of one hundred dollars each, which shares shall be and are hereby vested in the several persons who shall subscribe for the same: Provided always that it shall and may be lawful for the said Association to increase its capital stock to a sum not exceeding five hundred thousand dollars, as a majority of the shareholders, at a special general meeting to be expressly convened for that purpose, shall agree upon. 5 10
- Proviso: as to increase.**
- Provisional directors.** 4. For the purpose of organizing the said Association, the persons named in the first section of this Act shall be Provisional Directors thereof, and they, or a majority of them, may cause a stock book or books to be opened, upon which stock book or books shall be received the subscriptions of such persons as desire to become shareholders in the said Association, and such book or books shall be opened in the City of Toronto or elsewhere, at the discretion of the Provisional Directors, and shall remain open so long as they deem necessary. 15 20
- First meeting of shareholders.** 5. When, and so soon as fifty thousand dollars of the said capital stock shall have been subscribed as aforesaid, and not less than ten per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of shareholders at some place to be named in the City of Toronto, giving at least fifteen days continuous notice thereof in a daily newspaper published in the said city, at which meeting the shareholders present in person or represented by proxy, shall elect six directors in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors and shall hold office as hereinafter provided: Provided always that no person shall be eligible to be or continue a Director, unless he shall hold in his own name, and for his own use, at least ten shares of the capital stock of the Association, and shall have paid all calls thereon and all liabilities incurred by him to the Association; and the shareholders shall have power to increase the number of Directors at any general meeting, to any number not exceeding fifteen. 25 30 35
- Calls on stock.** 6. The shares of the 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 instalment shall exceed ten per cent., and not less than thirty days notice shall be given, and the said Association shall not begin the business of insurance until at least fifty thousand dollars of its capital have been subscribed, and not less than twenty per cent. of the amount subscribed has been paid in. 40 45
- Directors.** 7. The stock, property, affairs and concerns of the said Association, shall be managed and conducted by the said Directors, one of whom shall be chosen President, and one Vice-President. Three of the said Directors shall, in rotation, retire each year, and the three who first retire shall be determined by the Directors, by lot, and so in rotation, but 50

any retiring Director shall be eligible for re-election of otherwise qualified : If any vacancy should at any time happen amongst the said Directors during the term of office of any Director, such vacancy shall be filled for the remainder of the term by the remaining Directors or a majority of them, electing in such place or places a shareholder or shareholders eligible for such office; all elections of Directors shall be made and take place at the annual general meeting of the shareholders to be holden at the head office of the Association, or elsewhere in the City of Toronto, on the first Wednesday in April in each year, or such other day as may be appointed by by-law, not less than fifteen days notice of such meeting being given as provided in section five; 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 persons who shall have the greatest number of votes shall be Directors; and if two or more persons have an equal number of votes, in such manner that a greater number of persons shall appear to be chosen as Directors than should have been chosen, then a second vote on the names of such persons shall be taken, and so on until the proper number of persons shall be elected; 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.

Vacancies.

Elections.

Officers.

8. In case it should at any time happen that an election of Directors of the said Association should not be made on any day, when pursuant to this Act it should have been made, the said Association 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 corporation.

9. At all general meetings of the said Association each shareholder shall be entitled to give one vote for every share held by him for not less than two months prior to the time of voting, upon which all calls then due shall have been paid; such votes may be given either in person or by proxy the holder of 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.

Votes.

10. 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 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 if the money realized by any sale of

Forfeiture of shares.

Proviso.

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 shall be deemed necessary to pay such arrears, interest and expenses. 5

Share to revert to owner in case of payment.

Evidence in suits.

11. If the 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 Association to allege that the defendant being the owner of such shares is indebted to the said Association in such sums of money as the calls in arrears amount to for such and so many shares, whereby an action hath accrued to the Association by virtue of this Act, and on the trial it shall not be necessary to prove the appointment of the Directors who made such calls or any other matters whatsoever other than what is hereinbefore mentioned. A copy of any by-law, rule, regulation, or minute, or of any entry in any book of the Association, certified to be a true copy or extract under the hand of the President, Vice-President, or the manager of the Association, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima 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. 10 15 20 25

Quorum.

12. At all meetings of the Directors, four shall constitute a quorum for the transaction of business, of whom the President or Vice-President shall be one, and shall preside at such meeting except in case of illness or absence, when the Directors present may choose one of their number to be chairman of such meeting. 30

Annual meeting.

13. At the annual meeting of the shareholders, the election of Directors shall be held, and all business transacted, and a general balance sheet and statement of the affairs of the Association with a list of all the shareholders thereof, and all such further information as shall 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, and in case of an equality of votes shall give the casting vote in addition to his vote as a shareholder. 35 40 45

Directors may make by-laws.

14. 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 Association, the management and disposition of its stock, property, estate, and effects, the calling of special general meetings, the re- 50

gulation of the meetings of the Board of Directors, the appointment of a manager and of sub-boards to facilitate the details of business, and the definition of the duties and powers of such sub-boards, the making of calls upon the subscribed capital, the appointment and removal of officers and agents of the Association, the regulation of their powers and duties and the salaries and allowances 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: Provided that such by-laws do not contravene the provisions of this Act and are not contrary to law; Provided also that such by-laws shall have force until the next general meeting of shareholders, but no longer unless approved at such meeting.

15 **15.** The Association shall have power to acquire and hold such real estate as it may require for the purposes of its business within the Dominion of Canada or elsewhere, 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 and immoveable 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 cause of its dealings, or otherwise obtained, and the Association may invest its funds, or any part thereof, in Dominion or Provincial stock or debentures or in municipal debentures or in the stock of chartered banks, or building societies, or in mortgage or real estate, or in any of the public securities of Great Britain and Ireland, or the United States of America to such an amount as may be required to be deposited with the National Governments of the said countries or either of them, or the Governments of any of the different States of the said United States for the purpose of doing business in the said countries or States.

Real estate.

Investment of funds.

16. No transfer of any share of the said Association shall be valid until entered upon the books of the said Association 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 such share 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 Association shall be permitted to make a transfer, or receive a dividend until such debt is paid or secured to the satisfaction of the Board of Directors by a vote which shall not be less in number than that of the majority of the whole number of the said Directors, and no transfer of stock shall at any time be made until all calls thereon have been paid.

Transfer of shares.

Proviso.

17. No larger dividend shall be made in any one year than twenty per cent on the paid-up capital, and any larger amount earned shall be appropriated to a rest until such rest shall be equal to twenty-five per cent of the amount of the capital for the time being.

Dividends.

18. In the event of the property and assets of the said Association being insufficient to liquidate its debts, liability limited.

Liability limited.

ties and engagements, the shareholders shall be liable for the deficiency, but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock.

- Agencies.** **19.** It shall be lawful for the said Association to have 5
offices, maintain agencies and transact business in any part
of the United Kingdom of Great Britain and Ireland, and in
any part of the United States of America, should a majority
of the shareholders at a special general meeting to be ex-
pressly convened for that purpose so determine. 10
- Qualification
of director.** **20.** No person shall be elected as a Director of the said
Association unless he is a registered shareholder, owning
absolutely, and in his own right and not in trust, not less
than *one hundred* shares of the capital stock of the Associa-
tion and be not in arrear in respect of any call thereon. 15
- Rights of
Aliens in the
company.** **21.** Aliens, whether resident in Canada or elsewhere, shall
have the same rights as British subjects to take and hold
stocks or shares in the Association, and to vote either as prin-
cipals or proxies, and shall be eligible to office as Directors or
otherwise; Provided always that the President, Vice Presi- 20
dent, and a majority of the Directors shall reside in Canada
and be subjects of Her Majesty.
- 31 V., c. 48,
and amend-
ments, to
apply.** **22.** The Act thirty-first Victoria, chapter forty-eight, in-
titled "*An Act respecting Insurance Companies*," and the
Acts amending the same shall apply to this Act, and to the 25
Company hereby incorporated.

No. 53.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to incorporate "The Canadian
Steam-Users Association."

Received and read, first time, Friday, 26th
February, 1875.

Second reading: Monday, 1st March, 1875.

(PRIVATE BILL.)

MR. MACLENNAN.

OTTAWA:

Printed by Macleann, Roger & Co., Wellington Street

1875.

An Act relating to Interest and Usury in the Province
of New Brunswick.

WHEREAS it is expedient to repeal a portion of the laws Preamble.
at present in force in the Province of New Brunswick
relating to usury : Therefore Her Majesty, by and with the
advice and consent of the Senate and House of Commons,
5 enacts as follows :—

1. From and after the passing of this Act, any person or Any rate
agreed on
shall be
lawful.
persons may stipulate for, allow and exact on any contract or
agreement whatsoever made or to be performed in the Pro-
vince of New Brunswick, any rate of interest or discount
10 which may be agreed upon.

2. None of the provisions of this Act shall apply to any Exception as
to Banks, &c.
bank or incorporated company, but all laws at present in
force in the said Province relating to interest or usury shall
remain in full force in relation to all transactions of such
15 banks or incorporated companies.

3. Nothing herein contained shall prejudice or affect the Acquired
rights saved.
rights or remedies of any person, or diminish or alter the
liabilities of any person, in respect to any act done before the
passing of this Act.]

20 4. All Acts and parts of Acts of the General Assembly of Inconsistent
laws repealed.
the Province of New Brunswick inconsistent with the pro-
visions of this Act are hereby repealed.

No. 54.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL

An Act relating to Interest and Usury
in the Province of New Brunswick.

Received and read, first time, Monday, 1st
March, 1875.

Second reading, Tuesday, 2nd March, 1875.

MR. PALMER.

OTTAWA :
Printed by Maclean, Roger & Co., Wellington Street.
1875.

An Act to amend an Act to incorporate the Board of
Trade of the Town of Lévis.

WHEREAS the Board of Trade of the Town of Lévis has ^{Preamble.}
by petition represented that it is expedient that their ^{35 V., c. 48.}
Act of Incorporation should be amended, in such
way that their powers in relation to the election of members
5 should be increased, 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 :—

1. The eleventh section of the Act thirty-fifth Victoria, ^{Section 11}
10 chapter forty-eight, is hereby amended by adding after the ^{amended.}
word "Lévis," where it occurs in the first line of the said
section, the words "and in the following municipalities, that
" is to say :—St. Romuald, the Parish of Notre Dame de la
" Victoire, the Village of Bienville, the Village of Lauzon,
15 " and the Parish of St. Joseph, or having an interest in the
" Town of Lévis or in the said municipalities."

No. 55.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend an Act to incorporate
the Board of Trade of the Town of
Lévis.

Received and read, first time, Monday, 1st
March, 1875.

Second reading, Tuesday, 2nd March, 1875.

(PRIVATE BILL.)

MR. FRÉCHETTE,

OTTAWA:
Printed by MacLean, Reger & Co., Wellington Street,
1875.

54
An Act to re-arrange the Capital of the Northern Railway Company of Canada, to consolidate the enactments relating to the said Company, to enable the said Company to change the gauge of its Railway, and to amalgamate with the Northern Extension Railways Company, and for other purposes.

WHEREAS, for the proper accommodation and development of the traffic of the district served by the Northern Railway Company of Canada, it is necessary to change the gauge of the said railway from five feet six inches to four feet eight and one-half inches, and that additional rolling stock and other equipments should be provided, and additional works and improvements executed on the said railway, and new expenditure on capital account will thereby have to be incurred :

10 And whereas the present share and loan capital of the Northern Railway Company of Canada, hereinafter called "The Company," consists of the following particulars (that is to say) :—

15 (a) First preference bonds to the amount of £250,000 sterling, in bonds of £100 sterling each :

(b) Second preference bonds to the amount of £283,900 sterling, in bonds of £100 sterling each :

(c) Class A, third preference bonds to the amount of £50,000 sterling, in bonds of £100 sterling each :

20 (d) Class B, third preference bonds to the amount of £100,000 sterling, in bonds of £100 sterling each :

(e) The lien of the Dominion, amounting to £475,000 sterling :

25 (f) The share capital of the Company, amounting to £203,800 currency, divided into 40,760 shares of £5 currency each :

And whereas besides the lien, the Government holds £50,000 in amount, of the said second preference bonds, and £50,000 in amount, of the said Class B, third preference bonds :

And whereas by an Act of the present session provision is made for the discharge of the lien of the Dominion upon

certain conditions and payments to be made by the Company :

And whereas to enable the Company to comply with the said conditions and to make such payments to the Government of the Dominion for the discharge of the lien it is necessary to re-adjust the Company's share capital : 5

And whereas, the Company and the Northern Extension-Railways Company, hereinafter called "the Extension Company," have presented petitions praying that the railways of the Northern Extension Railways Company may be declared to be works for the general advantage of Canada, and that powers may be granted for the amalgamation of the said companies :

And it is expedient that the prayers of the said respective petitions should be granted : 15

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

PART I.

1. The Directors of the Company shall call a special general meeting of the Company, to be held at Toronto within six months after the passing of this Act, to consider the question of the extinguishment of the existing ordinary share capital of the Company, for a price to be paid out of money to be raised by the issue of new stock under this Act, or the commutation of the said ordinary shares into such new stock as aforesaid, such price or such new stock to be accepted by the shareholders in full satisfaction and extinguishment of their respective holdings of original shares: And provided such extinguishment of the present ordinary shares for a price stated, or commutation, at a rate and on terms stated, into new stock, be sanctioned by resolution of the Company and affirmed by two-thirds of the votes of the shareholders present or represented at such special general meeting of the Company, to be duly called and held at Toronto within the time aforesaid, the resolution to that effect agreed to and passed as aforesaid, shall be binding upon all the holders of the present share capital of the Company, and upon the company: And for the purpose of the separate vote of the shareholders among themselves upon the said question of extinguishment or commutation, each and every share in the capital stock of the Company represented at such meeting, shall entitle the holders thereof, to one vote for every such share. Provided always that it shall be lawful for the Company to agree separately with any one or more of the shareholders for the extinguishment or commutation of his or their shares, and in the event of such

agreement or agreements taking effect the shareholder or shareholders so agreeing shall not have any vote at the special general meeting to be held under this section; but such agreement or agreements shall not take effect unless or
5 until the same shall have been sanctioned at the special general meeting by resolution of the Company and affirmed by two-thirds of the votes of the shareholders as aforesaid present or represented as aforesaid, excepting the shareholder or shareholders so agreeing as aforesaid.

10 **2.** When and so soon as such resolution as in the last preceding section mentioned, has been duly agreed to and passed as aforesaid, there is hereby created, and the Company may issue, pursuant to the provisions in that behalf hereinafter contained, new ordinary stock of the amount of five
15 hundred thousand pounds sterling, the holders of which shall be entitled to participate rateably one with another in the net profits of the Company, and the said ordinary stock hereby created shall hold, with regard to the bonds of the Company, the same rank and position as the share
20 capital of the Company held before the passing of this Act.

3. It shall be lawful for the Directors of the Company to raise by the issue of new ordinary stock, part of that hereby created, at such prices as shall be obtainable for the same, so much money as shall be necessary for discharging the Govern-
25 ment lien, and, if such extinguishment shall have been agreed upon, for paying off and extinguishing the existing share capital, pursuant to the provisions in that behalf hereinbefore contained; or, in the event of the shareholders having agreed upon the commutation of the original share
30 capital by the exchange thereof for a portion of the new ordinary stock hereby created as hereinbefore provided, it shall be lawful for the Directors, in addition to the issue for discharging the Government lien, to issue a sufficient portion of the said new ordinary stock hereby created, for the pur-
35 pose of such commutation of the original share capital.

4. It shall be lawful for the Directors of the Company to issue for the benefit of the Company, the residue of the new ordinary stock hereby created, at such prices as shall be from time to time obtainable for the same, and in such amounts
40 and on such terms and conditions as the Directors may think proper, and to apply the proceeds of such issues to the general purposes of the Company properly chargeable to capital account: Provided that no new ordinary stock in excess of the amount required for discharging the Govern-
45 ment lien, and extinguishing or commuting the original share capital as herein provided, shall be issued without the previous sanction of a special general meeting of the Company.

5. The said new ordinary stock shall be, and shall have

all the incidents of personal estate, and shall be transmissible and transferable in any quantities not involving fractions of a pound sterling, as nearly as may be in the same manner, and subject to the same regulations, as the share capital of the Company has hitherto been.

5

6. When and so soon as the payment shall have been made, as hereinbefore provided in discharge of the lien of the Government, and the aforesaid agreement for purchase or commutation of the original share capital shall have been carried out by the Company, the share capital of the Company 10 heretofore existing shall be extinguished.

7. In the event of no arrangement being made and agreed to by the holders of the present share capital for the extinguishment or commutation thereof under the provisions of and within the time limited by the first section of this Act, 15 then and thereafter the provisions hereinbefore made for the issue of new ordinary stock shall be void and of no effect, and then, but not otherwise, the six following sections shall have effect.

8. There is hereby created, and the company may issue 20 pursuant to the provisions in that behalf hereinafter contained, preferential stock to the amount of three hundred and fifty thousand pounds sterling, and the said preferential stock hereby created shall hold with regard to the bonds and ordinary share capital of the Company, the same rank 25 and position as the lien of the Dominion held at the time of the passing of this Act; and the holders of the preferential stock hereby created, or of so much thereof as may from time to time be issued under the provisions herein contained, shall be entitled to receive out of the net profits of the 30 Company interest at the rate of six per cent. per annum upon such preferential stock, before any dividends or interest whatever shall become payable out of the profits of the Company upon the said existing ordinary share capital, and if at any time hereafter, any surplus revenue applicable 35 to dividend shall remain after the said ordinary stock has received six per cent dividend, then such surplus shall be divided rateably between the holders of the said preferential and ordinary stock.

9. It shall be lawful for the Directors of the Company to 40 raise by the issue of preferential stock, part of that hereby created, at such prices as shall be obtainable for the same, so much money as shall be necessary for discharging the Government lien pursuant to the provisions in that behalf hereinbefore contained, and the first charge upon the proceeds of 45 such preferential stock shall be the payment to the Government of the Dominion of the amount required for the discharge of the Government lien.

10. It shall be lawful for the Directors of the Company to issue for the benefit of the Company the residue of the preferential stock hereby created, at such prices as shall be from time to time obtainable for the same, and in such amounts
5 as the Directors may think proper, and to apply the proceeds of such issues to the general purposes of the Company properly chargeable to capital account; Provided, that no preferential stock in excess of the amount required for discharging the Government lien, as herein provided, shall be issued
10 without the previous sanction of a special general meeting of the Company.

11. The said preferential stock shall be and shall have all the incidents of personal estate, and shall be transmissible and transferable in any quantities, not involving fractions of
15 a pound sterling, as nearly as may be in the same manner and subject to the same regulations as the share capital of the Company has hitherto been.

12. No share heretofore existing in the capital of the Company shall be transferred after the thirtieth June or thirty-first
20 December next following the date when the payment to extinguish the lien of the Dominion shall have been made, but immediately after such thirtieth June or thirty-first December, all currency scrip issued in respect of such share capital shall be cancelled, and every corporation or person registered as a
25 shareholder at that date, or then entitled to be so registered by virtue of a transfer previously executed, shall be registered for an amount of sterling stock, at the rate of four pounds sterling for every existing registered share of five pounds currency, the certificates for which sterling stock shall be issued
30 in exchange for the surrender of the certificates or scrip of the currency shares; and upon such exchange being effected, and from the date thereof, the said sterling stock shall stand in all respects in the rank and position of the said currency shares for which it shall have been exchanged.

13. The benefit of the exchange provided by the next
35 preceding section shall not extend to any share in respect of which no claim to it, which shall ultimately be found to be valid, shall have been made within two years, from the thirtieth June or the thirty-first December (as the case may
40 be) next following the passing of this Act, at the office of the Company either at Toronto or in London, England; but at the expiration of the said time all such shares shall be extinguished for the benefit of the Company, and all dividends accrued, due or payable on the stock which was
45 issuable in respect thereof, shall be forfeited to the Company.

14. In case the Corporation of the said City of Toronto, or of the County of Simcoe, do in proper form of law effectually release to the Company their said shares in the Capital Stock of the said Company, the said shares shall no longer

be included in the shares of the Capital Stock dealt with in the preceding provisions of this Act, but this shall not affect the right of the said Corporations to be represented upon the Board under the forty-fourth section of this Act.

15. The Company shall have power to change the gauge 5 of its railway, or any line of railway leased to the Company or belonging to a Company amalgamated with it, to the width of four feet and eight and one-half inches.

PART II.

16. The railways of the Northern Extension Railways Company, hereinafter called the Extension Company, are 10 hereby declared to be works for the general advantage of Canada; and the expression "The Company," in this Act shall mean the Northern Railway Company of Canada, as well after as before the amalgamation, and the corporate name of the Company shall remain what it now is. 15

17. It shall be lawful for the Company and the Extension Company, at any time after the passing of this Act, to enter into an agreement for amalgamation upon such terms, conditions, and stipulations as may be therein set forth, and sealed with their respective common seals, and approved in 20 extraordinary general meetings of the respective Companies, specially called for the purpose, by resolution, for which not less than two-thirds of the votes of the persons present or represented at such respective meetings shall have been given in the affirmative, but so that such agreement shall 25 contain provisions to the following effect:—

1. The franchise or charter of the Extension Company, with all its powers, authorities, rights, and privileges, and all its railways, plant and undertaking, with all its property, real and personal, shall be transferred to and vested in the 30 Company, and the members of the Extension Company shall thenceforth be members of the body corporate of the Company: Provided always, that the Company, and the undertaking and works thereof shall continue liable upon all covenants and agreements in respect of the bonds of the 35 Extension Company in the same manner and to the same extent as if such amalgamation had not taken place, and the holders of such bonds shall retain their bonds with the same charge on the undertaking and railways late of the Extension Company, and with the same rights and privileges in 40 all respects including the same conditional right in the Company of voting and qualifying as Directors, as under the twenty-eighth section of the Act of the Legislature of Ontario, thirty-five Victoria, chapter forty-three, as if the amalgamation had not taken place, and as if this Act had not been 45 passed; and any debt due to the Company from the Extension

sion Company, or from the Extension Company to the Company, shall merge and be extinguished.

2. The benefit of the franchise or charter of the Extension Company, with all its powers, authorities, rights, and privileges to be transferred under the powers of this Act, and the railways, plant and undertaking, and all the property, real and personal, of the Extension Company shall be deemed and taken to be worth when cleared of all debts and other liabilities in any way whatever embraced in the capital and construction accounts of the Extension Company, and when cleared of its debenture debt, a sum not exceeding four thousand one hundred and nine pounds sterling for every mile of the railways of the Extension Company from Barrie to Gravenhurst in the one direction, and from Collingwood to Meaford in the other direction; and such mileage shall be ascertained by the result of an actual survey and admeasurement of the railways when completed; and from the sum agreed to as the sum (not exceeding four thousand one hundred and nine pounds sterling per mile) for which the said Extension Railway may be purchased by the Company, all such debts and liabilities including the said debenture debt and the amount necessary for completing the said railway to Gravenhurst, shall be deducted, and the balance only shall be payable to the shareholders of the Extension Company in the new ordinary or preferential stock of the Company, as the case may be, and thereupon after such amalgamation and payment the share capital of the Extension Company shall be extinguished. Provided that in no event shall the amount so to be paid by the Company to the shareholders of the Extension Company for the purchase and extinguishment of their shares exceed in the aggregate the amount of the share capital of the Extension Company actually and, *bona fide*, paid up in cash before the commencement of the session of the Parliament of Canada held in the year one thousand eight hundred and seventy-five, with interest thereon at the rate of ten per centum per annum, from the date of the respective payments, and a premium not exceeding twelve and one half per centum upon such paid up stock.

3. All debts due from, liabilities of, and contracts subsisting with the Extension Company, shall become debts due from, liabilities of, and contracts subsisting with the Company, and all rights of action and suit which shall have accrued to or against the Extension Company shall enure and subsist for the benefit of and against the Company, and there shall be no abatement of any action or suit which shall have been commenced by or against the Extension Company; but any such action or suit may, upon a suggestion of the amalgamation effected under the provisions of this Act, be continued and prosecuted by or against the

Company in the same way as it would have been continued and prosecuted by or against the Extension Company if such amalgamation had not been effected.

18. The Company shall be empowered to issue for the purposes of amalgamation on the terms limited by this Act, and so far as not required for that purpose for any object within the charters of either of the amalgamated Companies, additional, new ordinary or preferential stock, as the case may be, to an amount not exceeding fifty thousand pounds sterling beyond the amounts, hereinbefore limited as to such stocks respectively, irrespective of amalgamation.

19. After such amalgamation the Company may advance and expend, on account of and as part of the compensation to be made to the Extension Company, in consideration and as one of the terms of amalgamation, such sum of money as may be necessary for completing the line and works of the said Company from Severn River Bridge to Gravenhurst, and for such other services as the Extension Company might, before such amalgamation have and legally properly performed under their charter.

20. After such amalgamation the loan capital of the Extension Company shall be added to and form part of the loan capital of the Company, and the Company shall have the same powers from time to time of issuing, selling, or pledging bonds of the Company, and to the same extent and with the same privileges or priorities as to the undertaking and property belonging before the amalgamation to the Extension Company, as the Extension Company would have had as to bonds of that Company, if such amalgamation had not been effected, and may upon the maturity of any bonds the Extension Company issued previously to the amalgamation, or of any further bonds issued under the authority of this section, raise the sums required for paying off the matured bonds or any part of such sums, either out of any fund of the Company applicable to capital services (whether arising from the issue of ordinary or preferential stock under the powers herein contained, or arising otherwise,) or by issuing, selling, or pledging other bonds of the Company bearing interest at any rate not exceeding six per cent. per annum at such price and upon such terms and conditions as the Directors of the Company may think fit; and the bonds upon the security of which any sums required for paying off the respective matured bonds shall be raised, may to the amount of the respective matured bonds, but not further or otherwise, be so issued as to take the place of and be entitled to the respective privileges and priorities attached to the respective matured bonds for or towards paying off which such sums respectively shall have been raised, or may be issued, with such other privileges and priorities not limiting, restricting, or prejudicially affecting the rights of hold-

ers of then existing bonds, or without any preference or priority, as the Directors of the Company shall think fit.

21. Until the first general meeting of the Company, held after the date of the amalgamation, three of the Directors of the Extension Company, to be nominated by the Board of the Extension Company as existing at the date of the amalgamation, shall act as Interim Directors of the Company, in addition to the other Directors of the Company under this Act.

22. Upon and after such amalgamation, chapter thirty of the Statutes passed by the Legislature of the Province of Ontario in the thirty-third year of Her present Majesty; Chapter thirty-six of the statutes passed by the same Legislature, in the thirty-fourth year of Her present Majesty; chapter forty-five of the Statutes passed by the Parliament of Canada, in the thirty-fourth year of Her present Majesty; chapter forty-three of the Statutes passed by the Legislature of the Province of Ontario, in the thirty-fifth year of Her present Majesty; and chapter sixty-six of the Statutes passed by the Parliament of Canada, in the thirty-fifth year of Her present Majesty, shall stand repealed and be of no further force or effect as to anything thereafter to be done, except only section three and the sections numbered from thirteen to seventeen, both inclusive, of the Act of the Legislature of the Province of Ontario, thirty-five Victoria, chapter forty-three, hereinbefore referred to, which said sections shall have the same force as if they were re-enacted in this Act, with the substitution of the Company for the new Company in the said last mentioned Act referred to;

30 Provided, that every right acquired and every obligation or liability undertaken or incurred previous to the repeal hereby made, shall be saved, nor shall such repeal affect the validity of anything done previous thereto pursuant to any of the repealed enactments, or of anything of which the validity depends on its having been confirmed by any of the repealed enactments.

23. Upon such amalgamation with the Company, the railways of the Extension Company as the same now exist, or may be completed or extended before the expiration of six years from the second day of March, one thousand eight hundred and seventy-two within the meaning of section three of chapter forty-three of the Act passed by the Legislature of the Province of Ontario in the thirty-fifth year of Her Majesty's reign shall form part of the undertaking of the Company.

PART III.

And whereas, the Loan Capital of the Northern Railway Company of Canada consists of several classes of bonds :

And whereas the statutory enactments and regulations affecting the said Company are contained in the statutes of many years :

And whereas the said Company has petitioned that provisions may be made for the consolidation of the said Loan Capital, and that the various statutory provisions applicable to the said Company may be consolidated into one enactment :

And whereas the Toronto, Simcoe and Huron Railroad Union Company was incorporated by an Act, being chapter one hundred and ninety-six of the statutes passed in the twelfth year of Her present Majesty, by the Legislature of the Province of Canada :

And whereas the name of the said Company was changed to the Ontario, Simcoe and Huron Railroad Union Company, and the limits of the authorized railway of the said Company were extended by an Act, being chapter one hundred and thirty-one of the statutes passed by the same Legislature in the thirteenth and fourteenth years of Her present Majesty :

And whereas by an Act, being chapter eighty-one of the statutes passed by the same Legislature in the last-mentioned years, the municipal corporations through whose jurisdictions the railway of the said Company might pass, were empowered to assist in its construction, and to appoint Directors of the said Company in case they should so assist as therein mentioned :

And whereas, in pursuance of the power so conferred, the municipal corporations of the City of Toronto and of the County of Simcoe assisted in the construction of the said railway, and became entitled to appoint Directors of the said Company :

And whereas by an Act, being chapter fifty-one of the statutes passed by the said Legislature in the sixteenth year of Her present Majesty, the said Company was empowered to construct a harbor at or near the terminus of its railway on Lake Huron :

And whereas by an Act, being chapter two hundred and forty-four of the statutes passed by the same Legislature in the last-mentioned year, the limits of the authorized railway of the said Company were again extended, and the said Company was empowered to construct other harbors on Lake Huron :

And whereas by an Act, being chapter seventy-three of the statutes passed by the said Legislature, in the nineteenth and twentieth years of Her present Majesty, the said Company was empowered to have and employ steamers on Lake Simcoe, and to make arrangements with the proprietors of steamers on other lakes for running vessels in connection with its railway :

And whereas various other provisions relating to the said Company were contained in all the aforesaid Acts, and in an Act, being chapter one hundred and forty-three of the statutes passed by the said Legislature in the twentieth year of Her present Majesty :

5 And whereas by an Act, being chapter one hundred and seventeen of the statutes passed by the said Legislature in the twenty-second year of Her present Majesty and the year of Our Lord one thousand eight hundred and fifty-eight, the name of the said Company was changed to "The Northern Railway of Canada," and various other
10 provisions were made concerning the said Company ; but ever since the passing of that Act the said Company has, both in subsequent statutes and otherwise, been always in fact called "The Northern Railway Company of Canada," and its railway is called the "Northern Railway of Canada."

15 And whereas by an Act, being chapter eighty-nine of the statutes passed by the said Legislature in the twenty-second year of Her present Majesty, and the year of our Lord, one thousand eight hundred and fifty-nine, the railway, property and corporate rights of the said Company were vested in the Crown, for the purposes therein
20 mentioned, and the Governor in Council was empowered to transfer the same to such parties, and upon such terms, and to make such provisions relating to the said Company as therein mentioned :

And whereas by an order in Council made pursuant to the last-mentioned Act on twelfth May, one thousand eight hundred and
25 fifty-nine, it was ordered that the said Railway property and rights should be re-vested in the said Company on the conditions therein mentioned, and in the said order various other provisions relating to the said Company were contained.

And whereas by an Act, being chapter one hundred and five
30 of the statutes passed by the said Legislature in the twenty-third year of Her present Majesty, it was declared that the said Company had, up to that time, complied with all the requirements of the last-mentioned Act and of the said Order in Council, and the said Order in Council was confirmed :

35 And whereas by an Act, being chapter fifty-five of the statutes passed by the said Legislature in the twenty-seventh year of Her present Majesty, provision was made for the construction of a branch from the Railway of the said Company to the town of Barrie and it was enacted that such branch, when so constructed (which it has
40 since been), should form part of the Railway of the said Company :

And whereas by an Act of the Parliament of Canada, being chapter eighty-six of the statutes passed by that Parliament in the
thirty-first year of Her present Majesty, it was declared that the Northern Railway of Canada is a work for the general advantage of
45 Canada, and various other provisions were made concerning the said Company :

And whereas by this Act various provisions are made concerning the Company and the Extension Company, including a declaration that

the Railways of the last mentioned Company are works for the general advantage of Canada, and a provision that under certain conditions therein set forth the said Companies may be amalgamated.

And whereas, of the provisions contained in the hereinbefore-mentioned Acts and order in Council, many have been repealed or amended by others of the said provisions, many were enacted for temporary purposes which have been fulfilled, and many have been incorporated, and sometimes with amendments in "*The Railway Act, 1868.*"

And whereas, if the amalgamation of the Northern Extension Railways Company with the Northern Railway Company of Canada, contemplated by this Act, should take effect many further changes will be introduced into the system of the Company:

And whereas under these circumstances a consolidation of the statutory and other regulations affecting the said Company will greatly assist in the understanding of its affairs, and will therefore be very beneficial:

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

24 On and from the coming of this Act into operation, all the Acts of the Legislature of the former Province of Canada, and of the Parliament of Canada, and the Order in Council in this Act recited, shall stand repealed, and be of no further force or effect as to any thing thereafter to be done; except only the declaration that the Northern Railway of Canada is a work for the general advantage of Canada; and except also such portions of the said Acts as authorise the construction and completion of the works in this Act mentioned, and which works have not been constructed or completed, and the time for the completion whereof has not expired before the passing of this Act: Provided, that every right acquired and every obligation or liability undertaken or incurred previous to the repeal hereby made shall be saved, nor shall such repeal affect the validity of anything done previous thereto, pursuant to any of the repealed enactments, order in Council, or of anything of which the validity depends on its having been confirmed by any of the repealed enactments, or of any by-law of the Company, whether fixing any tariff of tolls or otherwise.

25 The Company shall continue to be a body corporate by the name of the Northern Railway Company of Canada, with perpetual succession and a common seal, and all other the usual powers and rights of bodies corporate, not inconsistent with this Act, and especially with the power of purchasing, holding, letting, and conveying real estate without incurring any penalty or forfeiture.

26 The undertaking of the Company shall consist of:

First. Its main line of railway, as the same now exists, or may be completed or extended within the meaning of the fol-

lowing words, that is to say, from some place in the city of Toronto to some place on the southerly shore of Lake Huron touching at the town of Barrie, or at some point or place on the shore of Lake Simcoe.

5 Second. Its Barrie branch railway, as the same now exists, or
may be completed or extended to a place known, or known
in the year one thousand eight hundred and sixty-three, as
"McWatt's Wharf" in the town of Barrie, including the
10 requisite station ground and buildings at or near the said
wharf, together with such borrowing pits as may be requisite,
the whole as laid down on a diagram, filed in the year one
thousand eight hundred and sixty-three, with the Secretary
of the Railway Commissioners at Quebec, marked with the
15 letter A, and signed by Frederick Cumberland and T. D.
McConkey, or in substantial conformity with the said
diagram.

20 Third. All such extensions and branches as may be made by the
Company within the meaning of the following words, that is
to say: "It shall be lawful for the said Company to extend
"the line of their railway, or to branch from any point or
"place on the line thereof which has been or may be adopted
"by the Directors of the said Company, to such point or
"places lying between the easterly limit of the Georgian
"Bay and a point on the east main shore of Lake Huron,
25 "not further south than the southerly limit of the Town-
"ship of Saugeen, as the Directors of the said Company
"may fix."

30 Fourth. All such works as have been or may hereafter be con-
structed by the Company within the following authority
(that is to say), to construct at or near the northern terminus
of its railway on Lake Huron, and at or near any or every
point at which its railway may touch on the said lake or any
intervening bay between the easterly limit of the Georgian
35 Bay and a point on the east main shore of Lake Huron not
further south than the southerly limit of the Township of
Saugeen, a harbor which shall be accessible to, and fit, safe
and commodious for the reception of such description and
burden of vessels as commonly navigate Lake Huron; and
to erect such needful moles, piers, breakwater, wharves,
40 buildings, erections and constructions whatsoever, as shall be
necessary, useful and proper for the protection of every such
harbor, and for the accommodation and convenience of
vessels entering, lying, loading and unloading within the
same, and to alter, amend, repair, enlarge, deepen and dredge
45 the said harbor from time to time as may be found necessary
or expedient, and to construct a dry dock or railway calcu-
lated for refitting and repairing all shipping, at every such
harbor.

50 Fifth, All such works as have been or may hereafter be construct-
ed by the Company within the following authority (that is to

say), to construct one or more station or stations, depot or depots, wharves, warehouses and other buildings and works, at any one or more point or points on the shores of the lakes, bays and navigable waters, at or near to any of the termini of or stations on the Company's railways.

27 The Company shall also have power to purchase, build, fit out, 5 charter, sell, dispose of, work, control and keep in repair steam vessels on Lake Simcoe, to ply on that lake in connection with its railway, and all such steam vessels shall be deemed to belong to the undertaking of the Company, and also to make arrangements and agreements with the proprietors of steamboats or vessels on other lakes by chartering or otherwise, to run vessels in connection with 10 their said line of railway.

28 The fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and fourteenth sections of "*The Railway Act, 1868*," except the twelfth and nineteenth sub-sections of the said seventh section, and also sub- 15 sections four and twenty-one of said section fourteen shall be incorporated herewith, and shall apply to the Company, and this Act shall be deemed to be the special Act mentioned as well in the said sections as in any other portions of "*The Railway Act, 1868*," hereinafter incorporated herewith, and the Company shall further 20 have power to make use, for the purpose of its railway, of the water of any stream or water-course over or near which its railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course: Provided always, that in every case in which the owner of any lands, or other person or 25 persons authorized and capacitated to convey, shall in their arrangements with the Company have received or agreed to receive compensation for gates, stiles, bridges, arches, or culverts, instead of the same being erected or found by the Company for the purpose of facilitating the passage to or from either side of the land severed or 30 divided by the Company's railway, it shall not be lawful for any such owner, or those claiming under him, to pass, and they shall ever be prevented from passing or crossing the said railway from one part to the other part of their lands so severed and divided otherwise than by a gate, stile, bridge, arch, or culvert to be erected and maintained 35 at the charge of such owners, under the inspection and direction of, and according to plans and specifications to be furnished and approved by the engineer of the Company.

29 The loan capital of the Company shall consist of its existing first, second, and third preference bonds.

30 All bonds forming part of the loan capital of the Company 40 for the time being, and all coupons attached thereto respectively, shall carry the same priorities and the same rights in all other respects as if this Act had not been passed, and the Directors shall keep registers in which they shall cause to be entered all particulars which shall come to their knowledge concerning transfers of any such 45 bonds, or the names and addresses of the holders thereof.

31 The Company may, upon the maturity of any bonds forming part of the loan capital of the Company for the time being, raise the

sums required for paying off the matured bonds or any part of such sums, either out of any funds of the Company applicable to capital services, whether arising from the issue of ordinary stock or arising otherwise, or by issuing, selling or pledging other bonds of the Company, bearing interest at any rate not exceeding six per cent. per annum, at such price and upon such terms and conditions as the directors of the Company may think fit, and the bonds upon the security of which any sum required for paying off the respective matured bonds shall be raised, may, to the amount of the respective matured bonds but not further or otherwise, be so issued as to take the place of and be entitled to the respective privileges and priorities attached to the respective matured bonds for or towards paying off which such sums respectively shall have been raised, or may be issued with such other privileges or priorities not limiting, restricting, or prejudicially affecting the rights of holders of then existing bonds, or without any preference or priority, as the Directors of the Company shall think fit.

32 It shall be lawful for the Company to create a general consolidation mortgage upon and over all its properties, real and personal, tolls and revenues, and to secure the same upon such trusts as to the Company may seem expedient, and thereupon to consolidate into one or more ranks or classes any of the now existing bonds of the Company, or of the bonds of any other Company or Companies with which the Company may hereafter be amalgamated by the issue of the security of such mortgage general mortgage bonds to the holders of the existing bonds and in exchange therefor: provided always that the general mortgage hereby authorized and the consolidation and issue of the bonds to be made thereupon shall not increase the aggregate bonded debt of the Company beyond the aggregate amount at par of all the said existing bonds, and the said mortgage shall provide for the voting powers upon such consolidated bonds, but the aggregate votes of the consolidated bonds shall not exceed the votes to which the holders of said existing bonds are now entitled: and provided that such consolidation and exchange be sanctioned and approved by resolutions affirmed by not less than two-thirds of the separate holders in the amounts of each of the said respective ranks or classes of the said existing bonds, present in person or by proxy, at a special meeting to be held in London, England, of which meeting not less than two weeks special and continuous notice shall have been previously given by advertisement in the *London Times*, *Standard*, *Observer* and *Herepath's Journal*; such resolution or resolutions so agreed to shall be binding upon all the holders of each of the said respective ranks or classes of bonds by whom the same shall have been passed, and in the event of such consolidation and exchange not being approved as aforesaid, the creation of the general mortgage and the consolidation into one or more ranks thereunder of any of the said existing bonds herein referred to, shall in no way alter, impair, or prejudicially affect the rights, privileges and priorities now attached to the said existing bonds, which shall subsist and continue in full force until such time as with the individual consent of their owners they shall have been consolidated. And provided further that the creation of the general mortgage, and the terms of the trust securing the same shall be subject to the approval of the Company in special general meeting duly convened.

49 The quorum for any general meeting of the Company shall be the presence, either in person or by proxy, of the holders of stock or bondholders entitled to vote to the amount of one hundred thousand pounds sterling.

50 Every hundred pounds sterling of stock shall entitle the holder thereof to one vote at general meetings. 5-

51 The holders of all outstanding bonds of the Company heretofore entitled to vote, and upon amalgamation of the Extension Company with the Company under the provisions of this Act, such holders of bonds (if any) as may for the time being be entitled to vote and qualify as Directors under the twenty-eighth section of the Act of the Legislature of the Province of Ontario, thirty-fifth Victoria, chapter forty-three, shall be deemed to be stockholders within the meaning of the thirteenth and fourteenth sections of "*The Railway Act, 1868*," as incorporated herewith, and of the forty-first, forty-third, fiftieth and fifty-second sections hereof, the amounts of stock deemed to be held by them being equal to the nominal amounts of their bonds respectively. 10 15

52 The appointment of a proxy need not be under seal, but no such appointment shall be valid unless in favor of a person being himself, and at the time of exercising the powers of the appointment, a Stockholder of the Company. 20

53 It shall be lawful for any Director to give and at his pleasure 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. 25

54 The Directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Unless and until the Directors otherwise determine, the quorum for a meeting of the Board shall be four, present in person or represented by proxy. 30

55 The Board may from time to time appoint any Directors in England 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. 35

56 The Board may cause a special common seal of the Company to be made for use in England, and may commit the use of such seal to a committee composed of Directors being from time to time in England. 40

57 It shall be lawful for the Board to give and at its pleasure revoke a general proxy or power of attorney under seal of the Company, to any Director or to the General Manager for the time being of the Company, to act in England on behalf of such Board, and for such purpose to delegate to such Director or General Manager all such of its powers as the said Board may see fit. 45

58 Subject to the other provisions hereof, the nineteenth and twenty-first sections and sub-sections eleven, twelve, thirteen, fourteen and fifteen of section twenty, and the first, second, fourth, seventh, eighth, ninth and tenth sub-sections of the twenty-second section of "*The Railway Act*," 1868, and the whole of Part Second of the same Act, and also the sections of the Act amending the said Railway Act, shall be incorporated herewith, and 50

shall apply to the Company; but the sections and parts of sections included in Part First of the said Act, and not herein expressly incorporated, shall be excepted from incorporation herewith, and shall not apply to the Company; and in addition to the powers conferred by the said Act, the Company shall also have power to enter into contracts with the Postmaster General on behalf of the Dominion for the carriage of mails to any district or territory tributary to its railway.

59 It shall and may be lawful for the Directors of the Company from time to time to regulate, fix and establish the rates of wharfage, tolls, dues, or duties payable by persons navigating or using rafts, vessels, boats, or other craft on Lakes Ontario, Huron, Simcoe, Muskoka, Rousseau and Joseph, and who may from time to time partake of the benefits and advantages of any harbor, wharves, docks or railway forming part of the Company's undertaking, or of the storehouses or other protections and erections for the safe keeping, repairing and refitting of all vessels, boats, crafts or rafts of any description, and of goods, wares and merchandize shipped or unloaded within any such harbor, and to alter the said tolls, dues, duties and demands as they may deem proper and expedient, a copy of which tolls, rates and dues shall be affixed up in not less than three places at or near to every such harbor respectively; Provided always that such tolls, rates and dues shall be subject to the approval of the Governor General in Council,

60 The Company shall have power to draw, make, accept, and endorse all bills of exchange and promissory notes in sums of not less than one hundred dollars necessary for the carrying on of the business of its railways, and the Directors may, from time to time, by instrument under the seal of the Company, appoint any agent or agents to make, draw, accept and endorse such bills and notes on behalf of the Company, and every such bill or note so made, drawn, or accepted or endorsed, shall be binding upon the Company, and in no case shall it be necessary that the seal of the Company be affixed to any such bill or note, nor shall the agent making, drawing, accepting or endorsing the same on behalf of the Company, be individually responsible therefor: provided that nothing in this section shall be construed to authorize the Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

61 The Company may enter into any arrangements with any other Railway Company or Companies for the working of their Railways on such terms and conditions as the Directors of the several Companies may agree on or for leasing or hiring from such other Company or Companies any portion of their Railway, or the use thereof, or for the leasing or hiring any locomotives or other movable property from such companies or persons, and generally to make any agreement or agreements with any other Company touching the use by one or the other, or by both Companies of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one Company to the other and the compensation therefor; and any such agreement shall be valid and binding according to the terms and tenor thereof: provided that the assent of at least two-thirds of the shareholders present at a general special meeting of the respective companies to be called for the purpose shall be first obtained.

62 The Company shall pay, as working expenses, in priority to any payment of principal or interest on any bonds forming part of the loan capital of the Company other than any interest already made a charge in the nature of a rental upon the earnings of any railway of the Company,

which interest is still to be recognized and included in the working expenses of the railway upon the earnings of which the same is charged, the expenses following, that is to say, all expenses of maintenance of its railways, and of its stations, sidings, buildings, works, warehouses, elevators, appliances and conveniences belonging thereto, and of the rolling and other stock and movable plant used in the working of its railways, and also such rents or annual sums as may be paid in respect of warehouses, wharves, or other property, including land leased to or held by the Company, and also all expenses of and incident to working the railways of the Company, and the traffic thereon, including stores or consumable articles; also rates, taxes, insurance, and compensation for accidents or losses: also all salaries and wages of persons employed in or about or for the working of the said railways and traffic, and all secretarial and establishment expenses, including Directors' fees, agency, legal, and all other incidental working expenses whatsoever; Provided always, that nothing herein contained shall limit, restrict, or prejudicially affect the rights of any holders of bonds charged upon any separate part of the undertaking of the Company.

63 All ships and vessels owned by or belonging to, or in the use of Her Majesty, or the Government of the Dominion, shall from time to time have free access and privilege of occupancy and sheltering under, and using the privileges, safeties, wharves and dry-docks or railways forming part of the Company's undertaking, under the fourth and fifth heads of the twenty-sixth section hereof, free of all tolls or duties whatsoever.

64 Upon the opening for traffic of any line of Railway extending northwards from Gravenhurst for the purpose of establishing a connection with the Pacific Railway or the Georgian Bay branch thereof, the Company shall grant through running powers over its line as far as Gravenhurst to the Midland Railway and to the Grand Junction Railway Company, from the point of intersection of the Midland Railway, at or near Atherley, for the benefit of the said respective Companies, and for the working of their through traffic from and to all points south of such point of intersection; provided that such running powers shall not include any right to the said respective Companies, or either of them, to engage or participate in or to operate upon or over the line of the Company, any local traffic served by, collected at, or belonging to the at or for which the Company shall have established stations on any part of the line of the Company, including Atherley and Gravenhurst; and provided also, that the terms and conditions of such running powers, and the tolls and compensations to be paid for the same, shall be mutually agreed upon between the Company and each of the other Companies respectively, and in the event of disagreement, such terms and conditions, tolls and compensations, shall be settled by three arbitrators, one arbitrator to be appointed by each Company, and the third by the Governor General in Council, and the award in writing of such arbitrators, or of the majority of them, shall be binding upon the said Companies: and provided also that this Act shall not prejudice or interfere with any running powers to which any Railway Company may now be entitled under any Order in Council made by the Lieutenant Governor of Ontario.

65 Nothing herein contained shall be construed to exempt the Company or its undertaking from the provisions of any general Act relating to railways which may be passed during the present or any future session of Parliament.

66 This Act may be cited as "*The Northern Railway Company Act, 1875.*"

An Act to incorporate the Anglo-French Steamship
Company.

WHEREAS the persons whose names are hereinafter mentioned have, by their petition, prayed that they may be incorporated for the purpose of running a Steamer or Steamers to and from Ports in Nova Scotia, the Islands of St. Pierre and Miquelon, Newfoundland and elsewhere; and have represented that such a Company would be a public benefit, 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:—

1. Robert Boak, junior, William P. West, Joseph S. Belcher, John P. Frecker, Richard A. Guildford, H. H. Fuller, Emile Levilly, and such other persons as are or shall become shareholders in the Company hereby established shall be a body corporate, under the name of the "Anglo-French Steamship Company," for the purpose of running a Steamer or Steamers to and from Ports in Nova Scotia, the Islands of St. Pierre and Miquelon, Newfoundland and elsewhere.

2. The capital stock of the Company shall be *forty thousand* dollars, to be divided into shares of *one hundred* dollars each, which shall be personal property, transmissible and assignable as such; and the Company shall have power to increase their capital stock to one hundred thousand dollars by the issue of new shares; but the Company shall not go into operation until fifty per cent of the capital stock is actually paid in.

3. No member of the Corporation shall be liable in his person or separate estate for the debts of the Company to a greater amount in the whole than the amount of the stock held by him, deducting therefrom the amount actually paid to the Company on account of such stock, unless he shall have rendered himself liable for a greater sum, by becoming surety for the debts of the Company; but no shareholder who may have transferred his interest in the stock of the Company shall cease to be liable for any contract of the Company entered into before the date of such transfer, provided any action in respect of such liability shall be brought within six months after such transfer.

4. The transfer of shares in the Company shall be valid and effectual for all purposes from the time such transfer is made and entered in the books of the Company.

Preamble.

Incorporation.

Corporate name and powers.

Capital stock and shares.

Liability of shareholders limited and defined.

Transfer of shares.

First meeting
of share-
holders.

5. The first meeting of the Company shall be held in the City of Halifax, in the Province of Nova Scotia, at such time and place as the persons hereinbefore mentioned, or any three of them shall determine, and a written notice of such meeting shall be given to each of the shareholders residing in the said Province at least seven days before the meeting, at which or any subsequent meeting the Company may establish by-laws and elect the necessary officers. 5

Certain
documents to
be filed.

6. A copy of the by-laws with a list of the shareholders, certified by the President and Secretary of the Company, shall be filed with the Registrar of Deeds of the County of Halifax within a month after the first meeting of the Company, and a list of the stockholders and the number of shares held by each of them respectively shall, on the first day of May in each year, be filed with such Registrar of Deeds, and it shall not be necessary to file any other certificate of transfer or copy thereof. 10 15

Dissolution of
the company.

7. The Company may be dissolved on the extent of their losses becoming equal to the available capital stock of the Company, or upon the vote of the proprietors holding three-fourths of the shares of the Company. 20

Accounts and
books may be
inspected.

8. The books and accounts of the Company shall at all times be open to the examination of such persons as the Governor General in Council shall appoint to inspect the same. 25

No. 57.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to incorporate the Anglo-French
Steamship Company.

Received and read, first time, Tuesday, 2nd
March, 1875.
Second reading, Wednesday, 3rd March, 1875.

(PRIVATE BILL.)

Mr. JONES (Halifax.)

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street,
1875.

An Act to incorporate the "Canada Land Investment Guarantee Company (Limited.)"

WHEREAS the persons hereinafter named have by their petition represented that advantage would result to the public from the formation of a Company with ample capital for the making of loans upon mortgage of real and personal estate and upon other securities and for investment otherwise, not only upon its own account, but as agents for others as hereinafter mentioned, and have prayed for the passing of an Act of incorporation of such a Company, and 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:—

Preamble.

1. Edwin Fox, Sir Harry P. Burrard, Baronet, George A. Drummond, Gilbert Scott, William Darling and John Cassie Hatton, and all and every other person and 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 "Canada Land Investment Guarantee 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.

Certain persons incorporated.

Corporate name and

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.

Provisional directors.

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 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 period 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 there-

Powers and business of the company.

Loans and security.

Powers
in respect
thereof.

of, or on security of the bonds or debentures of any corporation issued under or in pursuance of any statutory authority, or of the stock or shares of any incorporated bank, and upon such terms and conditions as to the Company shall seem satisfactory and expedient; and may 5
acquire, by purchase or otherwise, mortgages on real estate, and real and personal securities, and evidences of debt, and debentures of municipal or other corporations issued under any statutory authority, and may re-sell the same as they 10
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 15
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 20
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 25
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, 30
requisite or expedient to be done or exercised in relation thereto.

Capital may
be applied.

Loans by the
company for
themselves or
agents.

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, 35
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 40
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 45
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 50
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 55
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,

Repayment
may be
guaranteed.

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
 5 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
 10 to be done in regard thereto.

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 or other instruments, under the common seal
 15 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,
 20 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 (except when security is given) exceed the paid up capital of the Company for the time being; and no lender
 25 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

Borrowing powers of the company and security.

Lender not bound to certain enquiries.

6. The Company may hold such real estate as may be necessary for the transaction of their business, or as being
 30 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
 35 of any debt within five years after so acquiring it.

Power to hold real estate.

7. The Company, when acting as an intermediary or agent, 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
 40 them.

Commission may be charged to both parties.

8. The Company may stipulate for, take, reserve 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
 45 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.

Company may recover any lawful rate of interest agreed for.

9. A register of all securities held by the Company shall be kept, and within fourteen days after the taking of
 50 any security an entry or memorial specifying the nature

Register of securities: what to show.

and amount of such security, and the names of the parties thereto, with their proper additions, shall be made in the 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 *five hundred thousand* dollars shall be subscribed, and ten 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 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 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.

Power to increase, and how.

Shares to be personally.

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

Liability of shareholders limited.

12. No member of the Company shall be liable for or charged with the payment of any debt or any 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 to be kept.

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.

Stock register to be evidence.

15. The stock register shall be *prima facie* evidence of any matter by this Act directed or authorized to be inserted therein.

Notices of trusts not to affect company.

16. 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: 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.

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.

Certificates of shares.

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, 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.

As to joint shareholders.

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.

Calls on shares.

Notice.

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 authorising 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.

Interest payable on calls overdue.

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 as the members paying such sum in advance and the Directors shall agree upon.

Payment in advance on shares.

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.

Consent to transfers.

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

Execution of transfers.

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 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. 5

Form of transfer.

27. The Directors of the Company shall have power to prescribe the form of the transfer of shares. 10

Arrears to be first paid.

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

Shares of deceased members.

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. 15

Transmission of shares otherwise than by transfer.

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. 20 25

Notice of 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. 30 35

Forfeiture of shares.

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. 40

Disposal of forfeited shares.

33. 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. 45

- 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. Liability for payment of arrears.
- 5 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. Reservation of shares.
- 10 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 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. Offer of reserved shares to members.
Disposal of reserved shares not accepted by members.
- 25 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 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 receive money on deposit.
Proviso: as to amount.
- 30 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 subscription 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 as long as they deem necessary. Opening of stock books, and where.
- 35 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 London, England, or in Montreal, Canada, giving at least two weeks notice of the time and place for holding such meeting, by publishing the same in some daily newspaper published in London aforesaid, or Montreal aforesaid, 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. First general meeting of shareholders.
Notice.
Election of directors.

- Number and qualification of directors. **40.** 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.
- Directors may be increased to fifteen. **41.** 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. 5
- Division of profits of the company. **42.** The profits of the Company, so far as the same shall extend, shall be divided and disposed of in manner following, *videlicet*:—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, and in such manner as the Directors shall determine. 10 15
- Dividend not to reduce capital. **43.** The Company shall not make any dividend whereby their capital stock will be in any degree reduced.
- Deductions from dividends. **44.** 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. 20
- Notice of dividends. **45.** Notice of any dividend that may have been declared shall be given to each member, and no dividend shall bear interest against the Company. 25
- Chief and other offices and agencies. **46.** The chief place of business of the said Company in Canada shall be at the City of Montreal, which shall be the legal domicile of the Company, but the said Company shall from time to time, and at all times hereafter, have power and authority, and they are hereby authorized to establish such and so many offices and agencies in any part of the Dominion of Canada, or in any part of the United Kingdom of Great Britain and Ireland, and under such regulations for the management thereof, and to remove the same, as the Directors of the Company may deem expedient. 30 35
- Notices to joint shareholders. **47.** 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 post in prepaid letters, addressed to the members at their registered place of abode. 40
- Service of notices upon members. **48.** 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 shares. 45
- Certain matters may be regulated by by-laws. **49.** The appointment or election of Directors and Officers, and the times, place and mode of calling and holding ordi-

nary 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.

10 **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
15 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
20 presiding at such meeting having the casting vote in case of an equality of votes.●

Votes and proxies.

All calls to be paid before voting.
Majority to decide.

51. 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
25 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
30 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
35 case shall the Company be bound to disclose the names or private affairs of any person who may have dealings with them.

Annual statement to Minister of Finance, and what it must show.

52. In this Act the following words and expressions shall have the several meanings hereby assigned to them,
40 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 heredita-
45 ments of any tenure; the expression "the Company" shall mean the "Canada Land Investment Guarantee Company (Limited);" in this Act mentioned and described, the expressions "the Directors" and "the Manager" shall mean
59 the Directors and the Manager respectively, for the time being, of the said Company.

Interpretation.

"Manager."

"Lands."

"The Company."

"The Directors."

No. 58.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to incorporate the Canada Land
Investment Guarantee Company.

Received and read, first time, Tuesday, 2nd
March, 1875.

Second reading, Wednesday, 3rd March, 1875.

(PRIVATE BILL.)

M. JETTÉ.

OTTAWA

Printed by Maclean, Roger & Co., Wellington Street,
1875

An Act to incorporate the "Metropolitan Insurance Company of Canada."

WHEREAS the persons whose names are hereinafter mentioned have, by their petition, prayed that they may be incorporated with others as a Company, for the purpose of carrying on the business of Fire and Marine Insurance, and have represented that it will afford facilities to the public at present much wanted, 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.

10 **1.** William H. Hingston, Michael P. Ryan, Thomas Mussen, Thomas Wilson, James Crathern, S. H. May, Cornelius C. Snowdon, Henry Mulholland, John Cassie Hatton, and Thomas A. Evans, and such other persons as may become shareholders in the Company to be by this Act created, shall be and they are by this Act created, constituted and declared to be a corporation, body corporate and politic, under the name of "Metropolitan Insurance Company of Canada," and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may by such name sue and be sued, implead and be impleaded in all courts of law and equity.

Incorporation.

Corporate name.

2. The Company shall have power and authority to make and effect contracts of insurance with any person or persons, firm, body politic or corporate, against loss or damage by fire on any houses, dwellings, stores or other buildings whatsoever, and in like manner 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 insured; and the said Company in like manner shall have power and authority to make and effect with any person or persons, body politic or corporate, all contracts of insurance connected with marine risks of navigation and transportation by water, against loss or damage either by fire or by peril of navigation of or to any vessel, steamer, boat or other craft, either sea-going or navigating upon lakes, rivers, or navigable waters; and of or to any cargo, goods, merchandise, specie, bullion, jewels, bank notes, bills of exchange, and other evidences of debt therein, or on any railway or stored in any warehouse or railway station while in transit; and of and to any timber or other property of any de-

Business of the company.

scription borne or carried by water; and of and to any freight, profit, commission, bottomry, or respondentia interest; and to cause themselves to be re-insured when deemed expedient against any loss or risks upon which they may have made or may make insurance; and generally to do and perform all other matters and things necessary to such objects. 5

Capital stock and share. 3. The capital stock of the said Company shall be four million dollars, and shall be divided into forty thousand shares of one hundred dollars each; which shares shall be and are hereby vested in the several persons who shall subscribe for the same: Provided always that it shall and may be lawful for the said Company to increase its capital to a sum not exceeding six million dollars, as a majority of the shareholders at a special general meeting to be expressly convened for that purpose shall agree upon. 10 15

Provisional directors and subscription of stock. 4. For the purpose of organizing the said Company, the persons named in the first section of this Act shall be Provisional Directors thereof; and they, or a majority of them, may cause a stock book or books to be opened, upon which stock book or books shall be recorded the subscriptions of such persons as desire to become shareholders in said Company, and such book or books shall be opened in the City of Montreal and elsewhere, at the discretion of the said Provisional Directors, and shall remain open so long as they shall deem necessary. 20 25

First meeting of shareholders. 5. When, and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and not less than ten per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of the shareholders, at some place to be named, in the City of Montreal, giving at least fifteen days continuous notice thereof in two daily newspapers published in the said city; at which general meeting the shareholders present in person or represented by proxy, shall elect nine Directors, in the manner, and qualified as hereinafter provided, who shall constitute a Board of Directors, and shall hold office as hereinafter provided: Provided always that no person shall be eligible to be or continue a Director, unless he shall hold in his own name and for his own use at least thirty shares of the capital stock of the Company, and shall have paid all calls thereon, and all liabilities incurred by him to the Company; and the shareholders shall have power to increase the number of Directors at the first or any general meeting, to any number not exceeding thirteen, or to reduce them to any number not less than seven. 30 35 40 45

Calls on shares. 6. The shares of the 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 instalment shall exceed ten per cent., and not less than thirty days notice shall be given: Provided the said Company shall not commence the business of insurance until a sum not less than fifty thousand dollars shall have been actually paid in on the subscribed capital, 50

7. The stock, property, affairs and concerns of the said Company shall be managed and conducted by the said Directors, one of whom shall be chosen President and one Vice-President, who shall hold office for one year, excepting as hereinbefore provided for, but all retiring Directors shall be eligible for re-election : If any vacancy should at any time happen amongst the said Directors, during the term of office of any Director, such vacancy shall be filled for the remainder of the term by the remaining Directors, or the majority of them, electing in such place or places a shareholder or shareholders eligible for such office ; all elections of Directors shall be made and take place at the annual general meeting of the shareholders, to be holden at the head office of the Company, or elsewhere, in Montreal, on the second Wednesday in January in each year, or on such other day as may be appointed by by-law, not less than fifteen days notice of such meeting being given as provided in section five, 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 persons who have the greatest number of votes shall be Directors ; and if two or more persons have an equal number of votes, in such manner that a greater number of persons shall appear to be chosen as Directors than should have been chosen, then a second vote on the names of such persons shall be taken, and so on until the proper number of persons shall be elected ; 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.

Board 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 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 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 shall have been paid ; such votes may be given either in person or by proxy, the holder of 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.

Scale of votes.

10. 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

Forfeiture of shares for non-payment.

Proviso: 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 if the money realized by any sale of shares be more than sufficient to pay all arrears and interest together 5 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 shall be deemed necessary to pay such arrears, interest and expenses.

Enforcement of calls. 11. If payment of such arrears of calls, interest and 10 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 15 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 not be necessary to prove the appoint- 20 ment of the Directors who made such calls or any other matter whatsoever than has hereinbefore been 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- 25 President, Managing Director or the Manager of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law; rule, regulation, minute or entry, without further proof thereof, and without proof of the official character or signa- 30 ture of the officer signing the same or of the corporate seal.

Quorum. 12. At all meetings of the Directors, five shall constitute a quorum for the transaction of business, of whom the President or Vice President shall be one, and shall preside at 35 such meetings; except in case of illness or absence, when the Directors present may choose one of their number to be Chairman of such meeting.

Annual general meeting. 13. At the annual meeting of the shareholders, the election of Directors shall be held and all business transacted 40 and 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 45 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, and, in case of an equality of votes, shall give the casting vote in 50 addition to his vote as a shareholder.

By-laws may be made. 14. 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 managing and disposition of its stock, property, estate and effects; the calling of special general meetings, the
 5 regulation of the meetings of the Board of Directors, the appointment of a Managing Director or Manager and of sub-boards and other officers, to facilitate the details of business, and the definition of the duties and powers of such sub-boards; the making of calls upon the subscribed capital;
 10 the appointment and removal of officers and agents of the Company, the regulation of their powers and duties, and the salaries and allowances to be paid to them; the regulation of the transfer of stock and form thereof, the compensation of Directors, and the establishment of agencies: Provided
 15 that such by-laws do not contravene the provisions of this Act and are not contrary to law: Provided also, that such by-laws shall have force until the next general meeting of
 20 modified at such meeting.

Proviso.

Proviso.

15. The Company shall have power to lay out and invest
 its capital in the first place in paying and discharging all
 costs, charges and expenses incurred in applying for and ob-
 taining this Act, and all other expenses preparatory or relat-
 25 ing thereto, and shall have power to acquire and hold such
 real estate as it may require for the purposes of its business
 within the Dominion of Canada or elsewhere; 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
 30 acquire other property in its place as may be deemed expedi-
 ent, and to take, hold and acquire all such lands and tene-
 ments, real and moveable 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
 35 its dealings or otherwise obtained; and the Company may in-
 vest its funds or any part thereof in the public securities of the
 Dominion of Canada, or any of the Provinces thereof, or in
 the stocks of any banks or building societies, or in the bonds
 and debentures of any incorporated city, town or municipi-
 40 pality, authorized to issue bonds or debentures, or in mort-
 gages on real estate.

Application
of funds.

16. No transfer of any share of the said Company shall
 be valid until entered on the books of the said Company,
 according to such form as may from time to time be fixed
 45 by the by-laws; and until the whole of such share is paid
 up, it shall be necessary to obtain the consent of the Direc-
 tors 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,
 50 or secured to the satisfaction of the Board of Directors ex-
 pressed by a vote, which shall not be less in number than
 that of the majority of the whole number of the said Di-
 rectors; and no transfer of stock shall at any time be made
 until all calls thereon have been paid in.

Transfers.

Proviso.

Dividends.

17. The Directors may from time to time declare and pay such dividends or bonuses on the capital stock of the Company as they shall deem justified by its business: Provided always, that no part of the capital be appropriated to such dividends or bonuses.

Proviso.

5

Liability of shareholders limited.

18. In the event of the property and assets of the said Company being insufficient to liquidate its debts, liabilities, and engagements, the shareholders shall be liable for the deficiency; but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock.

Offices and agencies.

19. It shall be lawful for the said Company to have offices, maintain agencies, and transact business in any part of the United Kingdom of Great Britain and Ireland, and in any part of the United States of America, should a majority of the shareholders, at a special general meeting to be expressly convened for that purpose, so determine.

General Act to apply.

20. 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-first Victoria, chapter forty-eight, intituled, "*An Act respecting Insurance Companies,*" and in any Act amending the same.

No. 59.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to incorporate the "Metropolitan Insurance Company of Canada."

Received and read, first time, Tuesday, 2nd March, 1875.
Second reading, Friday, 3rd March, 1875.

(PRIVATE BILL.)

MR. JETTÉ.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street, 1875.

An Act to further amend the Act fourteenth and fifteenth Victoria, chapter thirty-six, incorporating "The Canada Guarantee Company."

WHEREAS the Canada Guarantee Company have by their petition prayed for an Act to further amend the Act incorporating the said Company to wit: fourteenth and fifteenth Victoria, chapter thirty-six, 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.

14, 15 V., c. 36

S. 1 amended.

Proviso:
Separate
accounts to
be kept.Section 16
repealed.

New section.

1. Section one of the said Act is hereby amended by adding thereto immediately after the termination of the said section the words following:—"And the said Company shall have power and authority to grant insurances and continue the same upon the lives of persons whose fidelity or faithful accounting shall at any time be or be intended to be guaranteed by the said Company, or for, or on account of whom the said Company shall at any time be, or have been, liable by reason of any guarantee or bond issued by the said Company, upon such plan, in such manner and subject to such terms and conditions, and upon the payment of such premiums as the Directors shall from time to time determine and direct, and the Directors shall have power and authority generally to administer the affairs of the said life branch as they shall think fit; Provided that separate books of account shall be kept for all transactions of the Company connected with the business of such life insurance; and the funds pertaining to that branch of the business shall be kept distinct and separate from those pertaining to the guarantee business of the Company, and the funds derived from the said life branch shall not be applicable to, nor liable for any losses or claims whatsoever that may happen in the guarantee branch: and in like manner the accounts in the guarantee branch shall be kept separate and distinct from those of the life branch, and the funds of the same shall not be applicable to, nor liable for any losses or claims whatsoever arising in the life branch."

2. Section sixteen of the said Act is hereby repealed, and the following substituted in lieu thereof:—

"16. The Company shall have power to acquire and hold such real estate as it may require for the purposes of its business within the Dominion of Canada or elsewhere, 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 and immoveable

estate as shall have been *boná fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealing or otherwise obtained."

General acts
to apply.

3. The Act thirty-first Victoria, chapter forty-eight intitled "*An Act respecting Insurance Companies*," and the Acts amending the same shall apply to this Act, and to the Company to which this Act refers. 5

No. 60.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to further amend the Act 14th and 15th Victoria, chapter 36 incorporating "The Canada Guarantee Company."

Received and read, first time, Tuesday, 2nd March, 1875.

Second reading, Wednesday, 3rd March, 1875.

(PRIVATE BILL.)

MR. JETTÉ.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street,
18.3.

An Act to incorporate the National Insurance Company.

WHEREAS the persons whose names are hereinafter mentioned, have, by their petition, prayed that they may be incorporated for the purpose of establishing a Company to carry on the business of Insurance against fire, and have represented that such a Company would be a public benefit, 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.

10 1. The Honorable Matthew H. Cochrane, Alphonse Desjardins, Edward H. Goff, William Angus, Alexander A. Stevenson, Antoine C. De Lotbiniere Harwood, Alexander W. Ogilvie, Thomas E. Foster, P. D. Brown, John Cassie Hatton, and such other persons as may become shareholders
15 in the Company, to be by this Act created, shall be, and they are hereby created, constituted and declared to be a corporation, body corporate and politic, under the name of the "National Insurance Company," and shall have perpetual succession and a corporate seal, with the power to alter and
20 change the same at pleasure, and may by such name sue and be sued, plead and be impleaded in all Courts of Law and Equity.

Certain persons incorporated.

Corporate name and powers.

2. The said Company shall have power and authority to make and effect contracts of insurance with any person or
25 persons, firm, body politic or corporate, against loss or damage by fire or lightning, in any houses, dwellings or stores, or other buildings whatsoever, and in like manner any goods, chattels or personal estate whatsoever, for such time or times and for such premiums or considerations and under
30 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 insured

Business of the company.

3. The capital stock of the said Company shall be *two million* dollars, and shall be divided into *twenty thousand*
35 shares of *one hundred* dollars each, which shares shall be and are hereby vested in the several persons who shall subscribe for the same; Provided always, that it shall and may be lawful for the said Company to increase its capital to a sum not exceeding *five million* dollars, as a majority of
40 the shareholders at a special general meeting to be expressly convened for that purpose shall agree upon.

Capital stock and shares.

Increase.

4. For the purpose of organizing the said Company, the persons named in the first section of this Act shall be Pro-

Provisional directors.

visional Directors thereof; and they, or a majority of them, may cause a stock book or books to be opened, upon which stock book or books shall be recorded the subscriptions of such persons as desire to become shareholders in the said Company; and such book or books shall be opened in the City of Montreal and elsewhere, at the discretion of the said Provisional Directors, and shall remain open so long as they shall deem necessary. 5

First meeting of shareholders. 5. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and not less than ten per cent of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of the shareholders at some place to be named in the City of Montreal, giving at least fifteen days continuous notice thereof in two daily newspapers in the said City, at which general meeting the shareholders present in person or represented by proxy, shall elect nine Directors in the manner, and qualified as hereinafter provided, who shall constitute a Board of Directors, and shall hold office as hereinafter provided; Provided always, that no person shall be eligible to be or continue a Director, unless he shall hold in his own name and for his own use at least fifty shares of the capital stock of the Company, and shall have paid all calls thereon and all liabilities incurred by him to the Company; and the shareholders shall have power to increase the number of Directors at the first or any general meeting, to any number not exceeding thirteen, or to reduce them to any number not less than seven. 10 15 20 25

Directors;

Proviso.

Calls on stock. 6. The shares of the 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 instalment shall exceed ten per cent., and not less than thirty days' notice thereof shall be given; Provided always, that the said Company shall not commence the business of insurance until the sum of not less than fifty thousand dollars shall have been actually paid in on the subscribed capital. 30 35

Powers of directors. 7. The stock, property, affairs and concerns of the said Company shall be managed and conducted by the said Directors, one of whom shall be chosen President and two Vice-Presidents, who shall hold office for one year, excepting as hereinbefore provided for, but all retiring Directors shall be eligible for re-election. If any vacancy should at any time happen amongst the said Directors, during the term of office of any Director, such vacancy shall be filled for the remainder of the term by the remaining Directors, or the majority of them, electing in such place or places a shareholder or shareholders eligible for such office. All elections of Directors shall be made and take place at the annual meeting of shareholders, to be holden at the head office of the Company, or elsewhere, in Montreal, on the second Wednesday in January in each year, or such other day as may be appointed by by-law, not less than fifteen days notice of such meeting being given, as provided for in section five; and the said election shall be held and made by such of the shareholders 40 45 50

Vacancies.

Elections.

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 persons who shall have the greatest number of votes shall be Directors; and if two or 5 or more persons have an equal number of votes, in such manner that a greater number of persons shall appear to be chosen as Directors than should have been chosen, then a second vote on the names of such persons shall be taken, and so on until the proper number of persons shall be elected; 10 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.

8. In case it should at any time happen that an election 15 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, 20 directed and appointed by the Directors for the time being; and the Directors in office shall so continue until a new election is made.

9. At all general meetings of the said Company each share- 25 holder 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 shall have been paid; such votes may be given either in person or by proxy, the 30 holder of 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 meetings having the casting vote in case of an equality of votes.

10. If any shareholder shall refuse or neglect to pay the 35 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 public sale by the Directors, after 40 such notice as they may direct; and the moneys arising therefrom shall be applied for the purposes of this Act; Provided always, that if 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 45 money shall be paid on demand to the owner; and no more shares shall be sold than shall be deemed necessary to pay such arrears, interest and expenses.

11. If payment of such arrears of calls, interest and expenses 50 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 sum

Failure of election not to dissolve corporation.

Scale of votes.

Proxy.

Casting vote.

Enforcement of calls.

Forfeiture.

Proviso.

Payment to annul forfeiture.

What may be alleged in suits.

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 not be necessary to prove the appointment of the Directors who made such calls, or any other matter whatsoever other than what is hereinbefore mentioned. A copy of any by-law, rule, regulation or minute, or any entry in any book of the Company certified to be a true copy or extract under the hand of the President, either of the Vice-Presidents, Managing Director or Manager of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima 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.

12. At all meetings of the Directors five shall constitute a quorum for the transaction of business, of whom the President or one of the Vice-Presidents shall be one, and shall preside at such meetings; except in cases of illness or absence, when the Directors present may choose one of their number to be chairman of such meeting.

Annual and special general meetings.

13. At the annual meeting of the shareholders the election of Directors shall be held and all business transacted, and 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 shall 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 shareholders the President or, in his absence, one of the Vice-Presidents, or in their absence a Director, to be chosen by the shareholders, shall preside, and, in case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder.

By laws may be made.

14. 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 appointment of a Managing Director or Manager, and of sub-boards and other officers to facilitate the details of business and the definition of the duties and powers of such sub-boards; 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 and allowances 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: Provided that such by-laws do not contravene the provisions of this Act and are not contrary to law; provided also, that such by-laws shall have force until the next general meeting of shareholders, but no longer unless approved at such meeting,

Proviso.

and shall thereafter have force and effect as approved or modified at such meeting.

15. The Company shall have power to lay out and invest its 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 shall have power to acquire and hold such real estate as may be required for the purposes of its business, within the Dominion of Canada or elsewhere; and to sell and dispose of the same and to acquire other property in its place, as may be deemed expedient, and to take, hold, and acquire all such lands and tenements, real and 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 otherwise obtained; and the company may invest its funds, or any part thereof, in the public securities in the Dominion of Canada, or any of the Provinces thereof, or in the stocks of any banks or building societies, or in the bonds and debentures of any incorporated city, town, or municipality, authorized to issue bonds or debentures, or in mortgages on real estate.

Investment of funds.

Real estate.

Public securities

16. No transfer of any share of the said Company shall be valid until entered on 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 such share 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 Board of Directors, by a vote which shall not be less in number than that of the majority of the whole number of the said Directors; and no transfer of stock shall at any time be made until all calls thereon have been paid in.

Transfer of shares.

Proviso

17. The Directors may, from time to time, declare and pay such dividends or bonuses on the capital of the Company as they shall deem justified by its business: Provided always that no part of the capital be appropriated to such dividends or bonuses.

Dividends

18. In the event of the property and assets of the said Company being insufficient to liquidate its debts, liabilities, and engagements, the shareholders shall be liable for the deficiency, but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock.

Liability limited.

19. It shall be lawful for the said Company to have offices, maintain agencies, and transact business in any part of the United Kingdom of Great Britain and Ireland, and in any part of the United States of America, should a majority of the shareholders, at a special general meeting to be expressly convened for that purpose, so determine.

Agencies.

General Act and amendments to apply.

20. 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-first Victoria, chapter forty-eight, intituled "An Act respecting Insurance Companies," and the Acts amending the same.

No. 61.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to incorporate the National Insurance Company.

Received and read, first time, Tuesday, 2nd March, 1875.

Second reading: Wednesday, 3rd March, 1875.

(PRIVATE BILL.)

MR. DESJARDINS.

OTL.VVA:

Printed by Maclean, Roger & Co., Wellington Street, 1875.

An Act further to amend "An Act respecting the Administration of Justice, and for the establishment of a Police Force in the North-West Territories."

IN amendment of the Act cited in the title to this Act (36 Victoria, Preamble, chapter 35) as the same is amended by an Act passed in the thirty-seventh year of Her Majesty's reign, chaptered twenty-two, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. The section substituted by the last mentioned Act, in lieu of section twenty-two of the first mentioned Act, is hereby repealed, and the following section is substituted in lieu thereof, and shall be read as if originally enacted as section twenty-two of the Act first above-mentioned :

22. "Any member of the Force convicted of, —
 Disobeying the lawful command of, or striking his Superior, — or
 Oppressive or tyrannical conduct towards his Inferior, — or
 Intoxication, however slight, — or
 Having intoxicating liquor in his possession or concealed, — or
 Directly or indirectly receiving any gratuity without the Commissioner's sanction, or any bribe, — or
 Wearing any party emblem, — or
 Otherwise manifesting political partizanship, — or
 Overholding any complaint, or
 Mutinous or insubordinate conduct, — or
 Unduly overholding any allowances or any other public money entrusted to him, — or
 Misapplying any money or goods levied under any warrant or taken from any prisoner, — or
 Divulging any matter or thing which it may be his duty to keep secret, — or
 Making any anonymous complaint to the Government or the Commissioner, — or
 Communicating without the Commissioner's authority, either directly or indirectly, to the public press, any matter or thing touching the force, — or
 Wilfully or through negligence or connivance allowing any prisoner to escape, — or
 Using any cruel, harsh, or unnecessary violence towards any prisoner or other person, — or
 Leaving any post on which he has been placed as a sentry or on other duty, — or
 Deserting or absenting himself from his duties or quarters without leave, — or
 Scandalous or infamous behavior, — or
 Disgraceful, profane or grossly immoral conduct, — or
 Violating any standing order, rule or regulation, or any order, rule or regulation hereafter to be made, — or
 Any disorder or neglect to the prejudice of morality or discipline, though not specified in this Act, or in any lawful rules or regulations, —
 Shall be held to have committed a breach of discipline, — and
 The Commissioner, Assistant Commissioner, or the Inspector commanding at any post, or a Stipendiary Magistrate, shall, forthwith, on a charge in writing for any one or more of the foregoing offences being preferred against any member of the Force, other than a commissioned officer,

New section,
 substituted
 for section 22,
 of 36 Vic., c.
 35.

Trial and
 punishment
 for the same.

cause the party so charged to be brought before him, and he shall then, and there, in a summary way investigate the said charge or charges on oath, and if proved to his satisfaction, shall thereof convict the offender, who shall suffer such punishment, either by fine not exceeding one month's pay, or imprisonment not exceeding six months in any gaol at hard labor, or both, as the convicting officer or Magistrate shall, in his discretion order, in addition to and besides any punishment to which the offender may be liable under any law in force in the North-West Territories, or in any Province in which the offence may be committed, in respect of such offence."

2. Section 25 of the Act firstly above-mentioned is hereby repealed, and the following substituted therefor:—

25. "If any person unlawfully disposes of, receives, buys or sells, or has in his possession without lawful cause, or refuses to deliver up when thereunto lawfully required, any horse, vehicle, harness, arms, accoutrements, clothing, or other thing used for police purposes, such person shall thereby incur a penalty of double the value thereof, and be subject to a fine not exceeding \$, and in default of payment forthwith, to imprisonment for any period not exceeding months."

2.—"If any constable or sub-constable during his engagement in the said Force, having deserted, absented himself from his duties without leave, or refused to do duty therein, be found in any part of Canada, other than the North West Territories, and on being served with a notice signed by any commissioned officer of the Force, requiring him to return to his duty, or being orally so required by such officer, neglects or refuses to return to his duty; such offender shall on conviction thereof be liable to forfeit and pay for every such offence, any sum not exceeding, \$100 or to be imprisoned and kept to hard labor for any period not exceeding 12 months, or both; and upon the trial of any offender under this section it shall not be necessary to produce or give in evidence the original engagement or agreement to serve in the force, signed by such offender, but such engagement may be proved by parol evidence, or by a certificate purporting to be signed by the Commissioner, Assistant Commissioner, or any Inspector of the force, giving the date and period of such engagement; and it shall not be necessary *prima facie* to prove the signature to such certificate, which shall be held to be genuine, unless it be expressly alleged by the offender not to be so."

3. "Offenders under this section may be prosecuted before the Commissioner, or a Stipendiary Magistrate, or any Justice of the Peace in any part of Canada, and the several provisions of the laws in force respecting the duties of Justices of the Peace, out of sessions, in relation to summary convictions and orders, shall apply to such prosecutions."

New section substituted for section 25 of the said Act Refusing to deliver arms, &c.

Deserting or refusing to do duty.

Punishment for such offence.

Prosecution under 32, 33 Vic., cap. 31.

cause the party so charged to be brought before him, and he shall then, and there, in a summary way investigate the said charge or charges on oath, and if proved to his satisfaction, shall thereupon convict the offender who shall suffer such punishment, either by fine not exceeding one month's pay or imprisonment not exceeding six months in any gaol as hereinafter provided, or both as the convicting officer or Magistrate shall, in his discretion, think fit, in addition to and besides any punishment to which the offender may be liable under any law in force in the North-West Territory or in any Province in which the offence may be committed, in respect of such offence."

Section 25 of the Act first above-mentioned is hereby repealed, and the following substituted therefor:—

24. "If any person unlawfully disposes of, receives, buys or sells, or has in his possession without lawful cause, or refuses to deliver up when thereto lawfully required, any horse, vehicle, harness, arms, accoutrements, clothing or other thing used for police purposes, such person shall thereby incur a penalty of double the value thereof, and be subject to imprisonment for any period not exceeding six months."

25. "If any constable or sub-constable during his engagement in the said Force, having deserted, absented himself from his duties without leave, or refused to do duty therein, be found in any part of Canada, other than the North-West Territories, and on being served with a notice signed by any commissioned officer of the Force, requiring him to return to his duty, or being orally so required by such officer, neglects or refuses to return to his duty; such offender shall on conviction thereof be liable to forfeit and pay for every such offence, any sum not exceeding \$100 or to be imprisoned and kept to hard labor for any period not exceeding 12 months, or both; and upon the trial of any offender under this section it shall not be necessary to produce or give in evidence the original engagement or agreement to serve in the force, signed by such offender, but such engagement may be proved by parol evidence, or by a certificate purporting to be signed by the Commissioner, Assistant Commissioner, or any Inspector of the force, giving the date and period of such engagement; and it shall not be necessary to prove the signature to such certificate, which shall be held to be genuine, unless it be expressly alleged by the offender not to be so."

26. "Offenders under this section may be prosecuted before the Commissioner or a Stipendiary Magistrate, or any Justice of the Peace in any part of Canada, and the several provisions of the laws in force respecting the duties of Justices of the Peace, out of sessions, in relation to summary convictions and orders, shall apply to such prosecutions."

New section substituted for section 25 of the said Act relating to delivery of arms, accoutrements, clothing or other thing used for police purposes, such person shall thereby incur a penalty of double the value thereof, and be subject to imprisonment for any period not exceeding six months.

Deserting or refusing to do duty.

Punishment for such offence.

BILL.

An Act further to amend "An Act respecting the Administration of Justice, and for the establishment of a Police Force in the North-West Territories."

Received and Read 1st time, Tuesday, 2nd March, 1875.

Second Reading, Wednesday, 3rd March, 1875.

HON. MR. FOURNIER.

OTTAWA :
Printed by C. W. Mitchell.

An Act to incorporate the North Western Manufacturing Company.

WHEREAS Hon. John Schultz, M.P., Hon. Amor de Cosmos, M.P., William McGregor, M.P., and Hon. Walter R. Bown, have by their petition represented, that by the settlement of the Province of Manitoba, and the opening of
 5 the North West Territory, a prospect is afforded of developing a greatly increasing trade with other parts of the Dominion and foreign countries, and that they are desirous of forming a Joint Stock Company, having its chief place of business in the vicinity of Fort Garry, with trading posts at
 10 other points in the interior, for the purpose of trading in furs, and other products of the country, and of manufacturing furs and other products and generally carrying on trade and commerce throughout the Dominion; and it is expedient to grant their prayer: Therefore Her Majesty, by and
 15 with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said persons hereinbefore mentioned and all others, being subjects of her Majesty, who shall become shareholders in the said Company, are hereby constituted a body
 20 politic and corporate by the name of "The North Western Manufacturing Company."

2. The said Company are hereby empowered to manufacture furs, and other products of the North West Territories, British Columbia and Manitoba, and for that purpose to
 25 establish trading posts and manufactories at different points in the Provinces of Manitoba and British Columbia and the North West Territory, and also to manufacture furs and other products of the said Provinces and territory, and to carry on trade and commerce generally, with all business and
 30 affairs incident thereto, including the construction, owning, maintaining, hiring, leasing, chartering, employing and navigating, selling and disposing of all kinds of vessels, boats, ships and other craft used for navigation, trade or other purposes, with their appurtenances, and the purchase
 35 and sale of goods as cargoes for such vessels: Provided always that the rules and regulations of the Governor in Council touching trading and intercourse with Indians shall be obligatory upon and be obeyed and complied with by the said Company, its officers and servants.

Preamble.

Certain persons incorporated.

Powers and objects of the Company.

Proviso.

3. The Company may acquire by purchase, lease or otherwise, for the purposes of the Company, and may hold, absolutely or conditionally, any lands, tenements, real or immovable estate, for the convenient conduct and management of their business, not exceeding the yearly value of twenty thousand dollars, and may sell, alienate, and dispose of the same from time to time, and may acquire others in their stead, not exceeding at any time the value aforesaid. 5

Capital. 4. The capital of the Company shall be two hundred thousand dollars, with power to increase the same as occasion may require to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. 10

Provisional Directors. 5. The said John Schultz, and Walter R. Bown, and Finlay P. Roblin, Andrew Robertson and Richard Fuller, and two others, to be named by them, shall be Provisional Directors of the said Company until a choice of Directors by election of the shareholders shall take place in the manner hereinafter prescribed, and the said Directors and their successors or any three of them, shall have power to open books for the subscription of shares, receive subscriptions to the stock of the Company, and allot shares to the several subscribers; and no person shall thereafter be qualified to be a Director who does not hold in his own right, ten shares of the capital stock of the said Company. 15 20

Annual meeting. 6. An annual meeting of the shareholders of the Company for the transaction of the general business of the Company, and for the election of Directors from among the shareholders for the management of the affairs of the Company, shall be held at the Town of Winnipeg, or such other place as may be appointed by by-law, at such time and place, and under such regulations with regard to notice, as may be determined by the by-laws of the Company; and the holding of such other meetings as may be found necessary or expedient, may also be provided for by such by-laws; and a first meeting for the putting into force of this Act, the election of Directors and the transaction of business generally shall be held within three months next after the passing of this Act; and four weeks' previous notice of the time and place of the holding of the said first meeting shall be given in one or more public newspapers by three of the Directors; and of subsequent annual meetings a like notice shall be given under the hand of the Secretary of the Company unless and until otherwise regulated by the by-laws thereof; and all or any of the Directors may be removed at any meeting of the shareholders called for the purpose, or for that purpose together with any other object or business. 25 30 35 40 45

Votes. 7. Each share shall entitle the holder thereof to one vote at all meetings of the Company, either personally or by proxy, such proxy being also a shareholder, and having a written authority; and all questions shall be determined by the majority of votes given in respect thereof. 50

8. The Company shall have a President and Vice-President who shall be elected by the Directors from among themselves; the President shall also be managing Director, and may be paid for his services; the Directors shall also appoint one of their number to be Secretary, and may appoint such other officers and employ such agents, traders and managers as they may from time to time judge expedient, and may require such officers and secretary, agents, traders and managers to give such security for the faithful performance of their duties as the Directors may see fit to exact, and may pay and allow their secretary and officers, agents, traders and managers, such salaries as may be agreed upon.

Election of officers.

9. The Directors may make such calls upon the respective shareholders in respect to the shares subscribed or held by them respectively, as they may from time to time deem expedient, and may require the same to be paid, with or without interest, and likewise, subject to such rules and conditions as may be imposed by by-law, may declare forfeited all such shares as may be in arrear in respect of any call or calls, or interest, and such shares shall, upon such declaration, be and become forfeited in favor of the Company, as well as the amounts paid thereon, and may thereupon be sold and disposed of in such manner as the Directors may see fit and the net proceeds applied in reduction of the claims of the Company against the shareholders in default; or the Directors may in their discretion, should they see fit, proceed by suit or action, for the recovery of any sum or sums due for a call or calls on such shares, with or without interest, and may afterwards, if the same be not recovered in full, proceed by forfeiture as above directed, without prejudice to their recourse by suit in any case until the shares shall have been paid for in full.

Calls on stock

10. In any action or proceeding which may be brought by the Company against any shareholder for the recovery of any sum due on any call or calls, or for interest thereon, 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 in the capital stock of the Company, and is indebted in the sum to which the arrears on the call or calls made on such share or shares amount (together with interest, if any), and it shall only be necessary to prove that the defendant was proprietor of such share or shares, and that a call or calls had been made thereon.

Recovery of calls.

11. The Directors may make by-laws, and may from time to time, alter, repeal, amend or wholly substitute others, for the government of the said Company, its affairs, business, managers, agents, officers and servants, which by-laws shall be subject to approval or disallowance by the shareholders, and shall not be in force until approved of, either at the annual or any special general meeting of the shareholders, and shall be accessible, at all seasonable hours, to all parties interested, and the same may, among other things, besides comprehending all matters hereinbefore referred to as the subject of by-laws, be made, subject to the special provisions of this Act, for the following objects and purposes, viz :

Directors may make by-laws

1. To fix and determine the manner of filling up vacancies that may occur in the Board of Directors prior to the annual election, how many Directors shall constitute a quorum, and generally the manner in which their power shall be exercised, including the establishment of agencies or trading posts. 5

2. The manner of calling meetings as well of the Directors as of the shareholders, and fixing the time for annual meetings.

3. The forfeiture of shares in arrear in respect of a call or calls, and the conditions and manner on or in which such forfeiture shall be declared. 10

4. The keeping of registers and transfer books and shares, prescribing the manner in which such transfers shall be made, and the conditions, in respect to the previous payments of calls or unpaid balance of stock, on which transfers shall be allowed, also the vouchers and evidence required to be lodged with the Company in case of transmission of shares by marriage, bequest, inheritance, bankruptcy, or otherwise than by sale, and the forfeiture of shares for non-payment of anything due thereon, or in respect thereof. 15 20

5. The keeping of minutes of the proceedings, and the accounts of the said Company, and rectifying any errors which may be therein, the auditing of accounts and appointment of auditors. 25

6. The declaration and payment of profits of the said Company, and dividends in respect thereof.

7. The remuneration of Directors.

8. The borrowing or advancing of money for promoting the purposes and interests of the Company, and the securities to be given by or to the said Company for the same, such borrowing not to exceed the limit hereinafter stated. 30

9. The times and manner of proposing and voting for increasing the capital stock of the Company, the mode of taking subscriptions for, and allotting shares for such increase, and making calls thereon and collecting the same. 35

10. Generally the transaction and management of the affairs and business of the Company, and the carrying into effect all the powers and all the duties conferred or imposed on the Company, its shareholders and Directors by this Act. 40
Proviso. Provided that no such by-law shall be valid if its provisions conflict with those of the Canada Joint Stock Companies Clauses Act 1869, in any respect wherein expressed changes are not herein enacted.

Power to borrow money.

12. The Company are authorized to borrow money at any time to the amount and extent of one half their paid up capital, at such rate of interest as may be agreed upon. 45

- 13.** The Company may become a party to promissory notes and bills of exchange, cheques, agreements, deeds, mortgages, pledges, bottomry and other bonds, and may pledge and mortgage their property in the same manner as individuals may do, but no such promissory note, or bill of exchange, shall be for a less sum than one hundred dollars, or be payable to bearer, or be intended to be circulated as money or as the note or bill of a bank. Promissory notes.
- 14.** It shall not be lawful for the said Company to proceed with their operations under this Act, until one half the capital stock shall have been subscribed, and ten per cent shall have been *bona fide* paid thereon. When operations may be commenced.
- 15.** The liability of Directors and shareholders in the said Company shall be the same as and no other than that of Directors and shareholders in other incorporated companies to which the Canada Joint Stock Companies Clauses Act, 1869, applies. Liability.
- 16.** No failure to elect Directors, nor to hold the first meeting or any annual meeting, shall operate as a dissolution of the Company, but anything omitted to be done may be afterwards performed at a meeting called in conformity with the by-laws, or at a meeting called for the purpose by the Secretary, or by any three Directors, but this charter shall nevertheless lapse and be void unless business thereunder is *bona fide* undertaken within two years from the time of the passing of this Act, and continuously carried on thereafter. Failure to elect Directors not to dissolve corporation.
- 17.** The provisions of the "Canada Joint Stock Companies Clauses Act, 1869," shall, except so far as the same may be inconsistent with the provisions hereof, apply to the Company hereby incorporated. 32 & 33 V., c. 12, to apply.
- 18.** No shareholder shall be allowed to transfer his stock in the Company without having previously obtained the consent of the Directors of the Company, unless such stock shall have been paid in full. Transfers.

No. 63.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to incorporate the North Western
Manufacturing Company.

Received and read, first time, Wednesday,
3rd March, 1875.

Second reading, Monday, 8th March, 1875.

(PRIVATE BILL.)

MR. SCHULEZ.

OTTAWA :
Printed by MacLean, Roger & Co., Wellington Street,
1875

An Act for granting further powers to the Montreal, Chambly and Sorel Railway Company, and to change its name.

WHEREAS the Montreal, Chambly and Sorel Railway Company, a body corporate, incorporated under an Act of the Legislature of the Province of Quebec, have by their petition prayed for a change of name and for power to issue consolidated bonds with foreign railway companies, 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. The name of the said Montreal, Chambly and Sorel Railway Company is hereby changed to the name of "The Montreal, Portland and Boston Railway Company," which name shall be and subsist in lieu of the one heretofore appertaining to the said Company, but such change of name shall not be construed in any way to abrogate or affect any of the rights which the said Company had or has, nor in any way to affect its liabilities, or any suit, action or proceeding pending at the time when this Act shall come into force, but the same shall continue as if this Act had not been passed; but any new proceeding which may hereafter be adopted against the said Company shall be had by the name hereby assigned to it.

Name of company changed.

2. The said Company shall have power and authority to loan its credit to any foreign or Canadian Railway Company or Companies, or may subscribe to or become the owner of the whole or a part of the capital stock of the said Company or Companies in like manner and with the like rights as individuals.

Loan of credit to other companies, &c.

3. The said Company shall have power and authority to enter into any agreement or agreements or arrangement with any foreign or Canadian Railway Company or Companies for issuing jointly, with the said Company or Companies, consolidated bonds or debentures to an amount not exceeding *ten millions* of dollars, provided always that such issue of bonds does not exceed the sum of *thirty-five thousand* dollars per mile on the whole distance comprised by such Companies constructed or under contract for construction, which said bonds or debentures may be issued under the name of one or more or all of the said Companies parties to the said debentures; but the issuing of said consolidated or joint debentures shall not in any way prejudice

Arrangements with other railway companies for issuing bonds

Rights of present bondholders saved.

or affect the rights of holders of debentures previously issued by the said Montreal, Chambly and Sorel Railway Company, and such bonds or debentures shall constitute a lien, privilege or hypothec on the property, tolls and revenues of the said Company, and it shall be so expressed on their face: 5
 Provided always, that all the said agreements and arrangements have been first respectively sanctioned by a majority of votes at a special general or annual meeting of the shareholders of the said Company duly called for that purpose according to law. 10

Proviso:
 Arrangement
 to be sanctioned by
 shareholders.

No. 64

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act for granting further powers to the Montreal, Chambly and Sorel Railway Company, and to change its name.

Received and read, first time, Wednesday 3rd March, 1875.

Second reading, Monday, 8th March, 1875.

(PRIVATE BILL.)

Mr. JETTÉ.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street.
 1875.

An Act to amend the Act respecting the Public Debt,
and the raising of Loans authorized by Parliament.

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

1. The Governor in Council may authorize the creation, Four per cent.
stock author-
ized.
issue and sale of Dominion Stock, bearing interest at the
rate of four per centum per annum, under the same provi-
sions under which he may authorize the creation, issue and
sale of such stock bearing interest at the rate of five per
centum per annum; and wherever in the Act, thirty-five Act 35 V.,
c. 6, amended.
Victoria, chapter six, cited in the title of this Act the words
“ five per cent. Dominion Stock,” or the words “ five per cent.
Stock” occur, the words “ four per cent. Dominion Stock,”
or “ four per cent. Stock,” shall be understood as inserted
before them, and the provisions of the said Act shall apply
equally to Dominion Stock bearing either rate of interest.

No. 65.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the Acts respecting
the Public Debt, and the raising of
Loans authorized by Parliament.

Received and read, first time, Wednesday, 3rd
March, 1875.

Second reading, Thursday, 4th March, 1875.

MR. CARTWRIGHT.

OTTAWA :
Printed by Maclean, Roger & Co., Wellington Street.
1875.

An Act to legalize and confirm certain agreements made between The Niagara Falls International Bridge Company, The Niagara Falls Suspension Bridge Company and the Great Western Railway Company.

WHEREAS The Niagara Falls International Bridge Com- Preamble.
pany incorporated by an Act of the State of New York, The Niagara Falls Suspension Bridge Company, and the Great Western Railway Company, did on the first
5 day of October, in the year of Our Lord one thousand eight hundred and fifty-three, execute and enter into a certain indenture and agreement bearing that date, whereby the said two Bridge Companies did demise and lease to the said
10 Railway Company the railroad floor and structure of the Suspension Bridge across the Niagara River at or near the Town of Clifton, then the Village of Elgin, including all its supports, fixtures and gates excepting the sidewalks and their gates, for and during the continuance of the said Railway Company's Charter which said indenture and agree-
15 ment is set out in Schedule A to this Act ;

And whereas the said three Companies have entered into two agreements, bearing date respectively the eighteenth day of January in the year of Our Lord one thousand eight hundred and seventy-two, and the twenty-seventh day of Feb-
20 ruary in the year of Our Lord one thousand eight hundred and seventy-five in amendment and explanation of the said indenture of the first day of October in the year of Our Lord one thousand eight hundred and fifty-three, which said two agreements are respectively set out in Schedules B and C to
25 this Act ;

And whereas shortly after the first day of October in the year of Our Lord one thousand eight hundred and fifty-three, the said Railway Company did under and in pursuance of the said indenture of that date, enter into possession
30 of the said railroad floor and its said appurtenances and have ever since remained in possession thereof and have performed all the terms and conditions of the said lease, as so amended, on their part ;

And whereas doubts have been raised as to the power of
35 the said Niagara Falls Suspension Bridge Company to enter into the said indenture, or demise the said railroad floor as in the said indentures and agreements mentioned, and the said Companies have by their petition prayed that all doubts as to the validity of the said indenture and agreements may
40 be removed, and that the same may be declared legal, 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 indentures and agreements confirmed and declared valid.

1. The said indenture and agreement bearing date the first day of October, in the year of Our Lord one thousand eight hundred and fifty-three, the said agreement bearing date the eighteenth day of January, in the year of Our Lord one thousand eight hundred and seventy-two, and the said agreement bearing date the twenty-seventh day of February, in the year of Our Lord one thousand eight hundred and seventy-five, and which form respectively the Schedules A, B and C to this Act are and each of them is hereby confirmed and declared to be and to have been legal and valid, and all and singular the provisions, stipulations, covenants, and agreements, and all and singular other the matters in the said indenture and agreement set out in Schedule A to this Act as amended and explained by the said agreements set out in Schedule B and C to this Act shall be valid and binding upon each of the said Companies and in favor of the said two Bridge Companies and of the said Railway Company respectively, and shall in all respects have the same force and effect as though the same were and every of them was expressly embodied in this Act.

Agreements as to tolls may be made.

2. It shall be lawful for The Great Western Railway Company to agree with any Company, corporation, or persons using or proposing to use the said railroad floor of the said Bridge as to the amount of tolls, rates or other remuneration to be paid to the Great Western Railway Company for such use, and to commute the same at any fixed or variable amount, or for a payment or payments in gross or for recurrent payments at fixed or variable periods.

Use of railroad floor may be restricted.

3. It shall be lawful for the Great Western Railway Company to confine the use of the said railroad floor of the said bridge to railway traffic, and at their option to transport upon and across the said railroad floor of the said bridge with their own servants and motive power, the cars and traffic of all such companies, corporations, and persons, as may use or propose to use the said railroad floor of the said bridge and to agree with any such company, corporation or person, as to the amount of tolls, rates, or other remuneration to be paid to the Great Western Railway Company for such service, and to commute the same at any fixed or variable amount, or for a payment or payments in gross, or for recurrent payments at fixed or variable periods.

SCHEDULE A.

THIS INDENTURE, made and concluded this first day of October, in the year one thousand eight hundred and fifty-three,

Between the Niagara Falls International Bridge Company and the Niagara Falls Suspension Bridge Company jointly party of the first part, and the Great Western Railway Company in Canada West, party of the second part.

WHEREAS, the parties of the first part are now constructing a Suspension Bridge across Niagara River, extending from the Village of Bellevue, in the State of New York, to the Village of Elgin, in Canada West, with two floors, the upper floor thereof being designed to pass railroad trains with locomotives; and the lower floor thereof for carriages, foot passengers and animals; the upper floor to have side walks for foot passengers, and gates to control the entrance upon the railroad floor and the side walks, and railing or lattice work on the inner margin of the side walks, so as to separate them from the railroad passway, and to have the entrance to the side walks separate from the entrance to the railway, in such a manner as to prevent foot passengers from going on to the railroad track.

And whereas, the parties of the first part are erecting said railroad bridge of such strength and stability, as to render it entirely safe and sufficient for the passage of heavy trains with locomotives, and purpose laying down rails with a gauge of four feet eight and one-half inches; one of five feet and six inches, and one of six feet, and to complete the whole at the earliest period which the safety of the structure will permit.

NOW THIS INDENTURE witnesseth, that the said parties of the first part in consideration of the rents, covenants and agreements of the party of the second part hereinafter contained, covenant and agree to, and with the party of the second part, that they will with all convenient speed complete the structure above mentioned, and submit the same to proper tests, and the inspection of the Hon. H. H. Killaly, and in case of his inability to act, or declining to do so, to some other engineer competent, to be mutually agreed upon between the parties; in the event of the parties being unable to agree upon an engineer, each party to appoint one and the persons so appointed to select an umpire, who shall be satisfied of its capacity to carry engines, passenger and freight cars, at a moderate velocity, not exceeding five miles an hour; and when so finished and satisfactorily tested, to lease and let, and the said parties of the first part, do hereby lease and let to the said party of the second part, the railroad floor and structure, including all its supports, fixtures and gates, excepting the side walks and their gates, to be for their entire use and under their control, for, and during the continuance of their Charter, yielding and praying therefor, to the party of the first part the sum of forty-five thousand dollars for each year, payable half-yearly, on the first days of June and December, from and after the time the same shall be tested and approved as aforesaid.

And the said parties of the second part, covenant and agree to, and with the parties of the first part, that they will forever hereafter, during the continuance of their charter, except as hereinafter mentioned, yield and pay to the parties of the first part, forty-five thousand dollars rent in each year, payable half-yearly on the first days of June and December, and keep the said floor, railway tracks, and all structures and approaches appertaining to the same and so rented, in good order, repair and condition, except the foot walks and the gates approaching the same—accidents arising

from defect in the strength or structure of said bridge, and accidents by fire also excepted. And it is expressly understood that the strength and stability of the structure for railway purposes as herein stated and described, shall be at the risk of the said parties of the first part, and that the conditions herein imposed upon the parties of the second part, to keep the said floor in repair shall not apply to the cables, nor any other part of the bridge, affecting or pertaining to its stability as a railway structure.

The parties of the second part may from time to time, and as often as they may deem necessary at their own cost and charges, (provided the bridge should be reported on as safe,) require that the said bridge or any part of the same be examined and reported upon by competent engineers, which engineers, if not mutually agreed upon, shall be selected, one by each party, and the two so selected shall choose a third; and should the said engineers or a majority of them on examination, report that the said bridge cannot with safety be used for railroad purposes, then the rent hereby reserved shall cease from such time as said engineers shall decide the same to be unsafe, until the said bridge shall be strengthened and made safe, and be so determined by competent engineers selected and chosen in the manner above described, and when so determined the rent shall be again resumed, and that during the period such rent shall cease and be discontinued. All the passengers, baggage, freight, &c., of the parties of the second part crossing said bridge, shall be subject to such reasonable rates of toll as shall be agreed upon between the parties. And if at any time hereafter the rent herein reserved or any part thereof, shall be unpaid or remain due and unpaid to the parties of the first part, for the space of thirty days after the same ought to be paid, the parties of the first part shall be at liberty to end this lease, and re-enter and take possession of the structure and all its approaches and appendages, or may at their option suffer this Indenture to continue in force and proceed by action to recover arrears of rent. But nothing in this clause shall be construed to prevent the parties of the first part from proceeding by action or otherwise to recover arrears of rent at any time when due, and in case of re-entry they shall not be prevented from prosecuting for arrears that may remain due at the time of such re-entry.

For the purpose of making this covenant and agreement more explicit and better understood, the following explanations, provisions and stipulations are to become part of this agreement, and each of the parties hereto covenant and agree to the same as follows:—

Article First.—The lower or carriage way of the bridge and its approaches, and the sidewalks of the upper railroad floor and their approaches, are to be under the control and for the use of the parties of the first part, but are not to be used in any manner to the hindrance or free and uncontrolled use of the railroad floor and its approaches by the parties of the second part for railroad purposes.

Second.—The upper railroad floor of the bridge and structure, including all support, fixtures and gates, excepting the side walks and their gates and approaches, are to be under

the control and for the use of the parties of the second part for railroad purposes; said support and fixtures properly belonging to, and sustaining the upper structure thereof.

Third.—The possession and use of said railroad structure by the parties of the second part, is to carry with it the exclusive right to extend to other companies and persons, the privilege of crossing said railroad bridge with locomotives, trains and cars carrying passengers and freight on such terms as they may agree to, subject, however, to the conditions and restrictions prescribed in this Indenture to the parties of the second part.

Fourth.—It is understood that the privilege hereby conveyed to the parties of the second part, is for the purpose of passing locomotives and cars with freight and passengers, in the prosecution of legitimate railroad business, and that they are not to afford the means to any other person or persons, except railroad passengers of crossing or evading the payment of toll to the parties of the first part.

Fifth.—The parties of the second part to be responsible to the parties of the first part, that the companies or individuals to whom they shall underlet, shall keep within the restrictions and conditions contained in this Indenture, and the parties of the second part shall have all the profits accruing therefrom.

Sixth.—As it is believed that many of the railroad passengers will prefer walking over said bridge, or going in omnibuses or other carriages, to passing over in the cars, the parties of the first part agree to permit them so to pass over their upper side walks and lower floor free, on their producing tickets from the Railroad Company, showing that they are regular railroad passengers, and have come from, or are going a distance of at least five miles east or west, to or from the bridge; but this permission is not to prevent the parties of the first part from charging the regular tolls upon the omnibuses or carriages carrying such railroad passengers. The meaning of this article, is, that the parties of the second part shall not carry passengers who are only passing from one side of the river to the other, and that they, and those to whom they underlet, shall not carry passengers over said bridge, nor give tickets to passengers, to pass the bridge who have not come, or are going, at least five miles to or from the bridge, and shall not give tickets to, nor carry persons who intend merely to pass the bridge, and are not thus traveling in their cars; but shall at all times adopt such reasonable regulations as may be necessary to prevent such evasions of the rights of the parties of the first part, to take tolls from all except legitimate railway passengers. And if at any time the agents or employés of the parties of the second part, or those to whom they shall underlet, shall in any manner collude with persons to afford them the means of evading the rights of the parties of the first part, to take tolls; the parties of the second part, or those exercising the right under them, shall, on such collusion or evasion being made known to them, dismiss such agents or employés.

Seventh.—The parties of the second part agree to keep in good condition and repair the said railroad floor, railway tracks, and all approaches and structures appertaining to

the same herein leased to them as aforesaid ; but the stability and sufficiency of the bridge when completed, as a railway structure is guaranteed by the parties of the first part. And the parties of the first part also agree to keep the floor of the upper side walks and their approaches and the entire lower floor and its approaches and appendages in good condition and repair.

Eighth.—The parties of the second part are to permit under regulations made by them, of the running of a light car with locomotive or horse power, to convey omnibus passengers between the village of Niagara Falls and Table Rock, by the parties of the first part, but in a manner that shall not interfere with the rights above granted, to the parties of the second part, or any other Railroad Company having rights to pass said bridge under them.

Ninth.—The short railroad from Niagara, Canada West, to the Falls, and from Port Dalhousie to St. Catharines, which could not be expected to arrange with the parties of the second part, for transit across the bridge, upon a principal of per centage, to have it in their power to arrange with the parties of the second part at five cents per head for their railroad passengers, and a proportionately moderate fare for freight.

(The above ninth article abrogated by agreement of 18th January, 1872.)

Tenth.—No railroad locomotive or train to cross the bridge at a greater velocity than at the rate of five miles per hour ; and no locomotive or cars to stop or remain on the bridge in passing over.

Eleventh.—The parties of the first part to allow the Directors and employés of the parties of the second part, and such other Railway Companies as they shall make arrangements with, free tickets to pass their bridge, and the parties of the second part shall allow from their own, and procure from the railroad companies with whom they shall arrange for the use of the bridge as aforesaid, free tickets for the Directors and officers of the parties of the first part to pass over their respective railways.

Twelfth.—It is believed that the carriage way of said bridge will be finished before the railway floor shall be completed, and in that case the parties of the first part are to allow the passengers and their baggage coming in the trains of the parties of the second part, to pass such new and present carriage bridge, at ten cents each, and freight at a reasonable rate to be agreed upon between the parties.

Thirteenth.—The parties of the second part shall not do, nor suffer any act or thing under this agreement contrary to the charter of incorporation of either of the bridge companies aforesaid.

Fourteenth.—All taxes of every description and kind whatever, both upon the American and Canadian sides, to be paid by the parties of the first part.

In witness whereof, the parties of these presents have hereunto caused the seals of the respective companies to be

affixed, and the same to be executed by their proper officers the day and year first above mentioned.

Signed, sealed and delivered
in presence of

W. O. BUCHANAN.	LOT CLARK, [Seal] President Niagara Falls International Bridge Co.
W. O. BUCHANAN.	W. HAMILTON MERRITT. [Seal] President Niagara Falls Suspension Bridge Co.
<i>Witness</i> Q. M. KENDRICK.	C. J. BRYDGES, [Seal.] Vice-President.

SCHEDULE B.

WHEREAS, differences of opinion have arisen between the parties of the first part and the parties of the second part in the annexed agreement as to the extent and nature of the repairs to be made under the seventh or other clauses of said agreement and by whom the said are to be made and borne:—

1st. For explanation thereof, it is hereby mutually understood and agreed upon that the parties of the second part shall, at their own expense, assume and make, and pay, and bear the cost of repairs of the track girders above and below the upper floor beams and also of the upper floor planking and of the covering thereof between the suspenders and within the towers extending about three feet from outside of said track girders according to that part tinted red of the plan hereunto annexed, and shall renew the said girders and upper floor planking, and covering when necessary, and shall also be at the expense of repairing and renewing when necessary one fourth of the floor beams by repaying or refunding to the parties of the first part one fourth of the cost of such repairs and renewals.

2nd. It is further mutually understood and agreed upon that all such repairs, excepting those of the rails forming the tracks, shall be made when required by the Mechanical Engineer of the parties of the first part, and under his directions and that the parties of the second part shall pay to the parties of the first part the reasonable cost of the same, on the production of the certificate of such Engineer.

3rd. All spans and approaches to the said bridge necessary for railway purposes, shall be kept and maintained at the expense of the parties of the second part except the masonry and the bridge stairs.

4th. The ninth clause in the annexed agreement is hereby abrogated and declared to be of no effect.

In witness whereof, the parties to these presents have hereunto caused the seals of their respective Companies to

be affixed, and the same to be executed by their proper officers this eighteenth day of January, one thousand eight hundred and seventy-two.

Signed, sealed and delivered	
in presence of	LORENZO BURROWS, [Seal]
WM. G. SWAN,	President Niagara Falls
As to the execution by	International Bridge Co.
LORENZO BURROWS.	
SAMUEL DICKIE,	THOMAS C. STREET, [Seal.]
As to the execution by	President Niagara Falls
THOMAS C. STREET,	Suspension Bridge Co.
By the GREAT WESTERN	THE GREAT WESTERN RAILWAY
RAILWAY	Of Canada. By [Seal.]
Of Canada. In presence of	JOSEPH PRICE,
JOHN BURTON.	Secretary Canada Board.

SCHEDULE C.

This indenture made in duplicate the twenty-seventh day of February, in the year of Our Lord one thousand eight hundred and seventy-five, between the Niagara Falls International Bridge Company, hereinafter called the New York Bridge Company of the first part; the Niagara Falls Suspension Bridge Company hereinafter called the Canadian Bridge Company of the second part, and the Great Western Railway Company of Canada, hereinafter called the Railway Company, of the third part;

WHEREAS, by an indenture bearing date the first day of October, in the year of Our Lord one thousand eight hundred and fifty-three, made between the New York Bridge Company, and the Canadian Bridge Company of the first part, and the Railway Company of the second part, the said Bridge Companies did lease to the Railway Company for and during the continuance of its charter, the railroad floor and structure of the Suspension Bridge across the Niagara River extending from the Village of Bellevue, now the town of Suspension Bridge, in the State of New York, to the Village of Elgin, now the Town of Clifton, in the Dominion of Canada, including all the supports, fixtures and gates thereof, excepting the side walks and their gates upon and according to the terms and provisions in the said indenture set forth, and reserving the yearly rent of forty-five thousand dollars, payable half yearly, on the first days of June and December, to the said Bridge Companies jointly;

And whereas, the said Bridge Companies and the said Railway Company, on the eighteenth day of January, in the year of Our Lord one thousand eight hundred and seventy-two, entered into an agreement bearing that date, in explanation and amendment of the said indenture of the first day of October, in the year of Our Lord one thousand eight hundred and fifty-three;

And whereas, doubts have been raised as to the validity of the said indenture of the first day of October, in the

year of Our Lord one thousand eight hundred and fifty-three and the Railway Company, considering it desirable that such doubts should be removed, have agreed to increase the rent reserved by the said indenture of lease, from forty-five thousand dollars a year to fifty thousand dollars a year of lawful money of Canada, such increased rent to be computed from the first day of August now last past, on condition that these presents shall be executed, and that the said indenture of lease, the said agreement, and this indenture shall be declared and made valid by Act of Parliament. And the said Bridge Companies and the said Railway Company have agreed to execute these presents in confirmation of the said recited lease and agreement, and to secure the payment of the said increased rent ;

And whereas, the parties to these presents have agreed to apply to the Parliament of the Dominion of Canada for an Act to declare and make the said lease and agreement, and this indenture valid ;

Now, THEREFORE, this indenture witnesseth, that in consideration of the premises and of the increased rent hereinafter reserved and made payable, the New York Bridge Company and the Canadian Bridge Company do, and each of them doth hereby confirm, assure, demise and lease unto the Railway Company the said railroad floor and structure of the said Suspension Bridge, including all its supports, fixtures and gates (excepting the side walks and their gates) and all the tolls, rights, powers and franchises of the said Bridge Companies, and each of them in respect thereof,

TO HAVE AND TO HOLD the same unto and to the use of the said Railway Company, and under their sole control for and during the continuance of the charter of the Railway Company upon the terms, provisions and conditions in the said indenture of the first day of October, in the year of Our Lord one thousand eight hundred and fifty-three set forth, as explained and amended by the said agreement of the eighteenth day of January, in the year of Our Lord one thousand eight hundred and seventy-two.

And the Railway Company hereby on the conditions hereinbefore recited, covenant with the said the New York Bridge Company and the Canadian Bridge Company, that hereafter when and so often as any half yearly payment of rent shall become due and payable to the said two Bridge Companies, under and by virtue of the said recited indenture of lease, they, the Railway Company, will pay to them such rent at the rate of fifty thousand dollars a year instead of at the rate in the said indenture mentioned, such increased rent to be computed from the first day of August last and be paid on the days and times in the said recited indenture mentioned.

And the said New York Bridge Company and the Canadian Bridge Company hereby jointly and severally covenant with the Railway Company, that they will join the Railway Company in an application to the Parliament of the Dominion of Canada for an Act of such Parliament to confirm and make valid the said indenture of lease, of the first day of October in the year of Our Lord one thousand eight hundred and fifty-three, the said agreement of the eighteenth

day of January, in the year of Our Lord one thousand eight hundred and seventy-two and this indenture, and that such legislation shall be applied for forthwith, and as often as the Railway Company may deem necessary, or of any avail, and that they will use their best exertions to procure the same.

And the New York Bridge Company, and the Canadian Bridge Company do, and each of them doth hereby grant, assign and transfer to the Railway Company all tolls, charges and demands of them the said Bridge Companies, and of each of them against any and every Company whatsoever, for or in respect of the use in the past and future of the railroad floor of the said bridge, and do and each of them doth hereby release and acquit the Railway Company from every demand of them the said Bridge Companies, and each of them, for or in respect of the use of the railroad floor of the said bridge, save and except the rent under the said indenture of lease from the first day of June last to the first day of August last at the rate of forty-five thousand dollars a year, and the rent since that date at the increased rate of fifty thousand dollars a year.

And it is expressly understood and agreed between the parties to these presents that nothing herein contained shall operate or be taken as a surrender of the said indenture of the first day of October, in the year of Our Lord one thousand eight hundred and fifty-three, or of the term thereby created.

And it is hereby further agreed that the said rent shall in future be payable only at the City of Hamilton, in the Dominion of Canada.

And it is hereby expressly understood and agreed by and between the parties hereto, that if the application to the Dominion Parliament to make valid the said lease, the said agreement, and this indenture shall prove abortive, then these presents and everything herein contained shall be null and void, and the several parties hereto shall be placed in *status quo ante* this agreement.

In witness whereof the said Companies have hereunto affixed their corporate seals the day and year first above written.

Signed, sealed and delivered.

(Signed,) L. BURROWS, [Seal.]
President Niagara Falls International Bridge Company.

(Signed,) JOSEPH A. WOODRUFF, [Seal.]
President Niagara Falls Suspension Bridge Company.

BILL.

An Act to legalize and confirm agreements made between the Falls International Bridge Company, the Niagara Falls Suspension Company, and the Great Railway Company.

Received and read, first time, Wednesday, March, 1875.

Second reading, Friday, 5th March,

(PRIVATE BILL.)

MR. M

OTTAWA

An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business.

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

1. The following terms and expressions whenever used in Inter-pretat. 01.
5 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 :

1. "Canadian Company" means a Company incorporated
10 in Canada, for purposes of Fire or Inland Marine Insurance
business or both in Canada, and having its head office thereon,
and entitled under the second section to receive a licence
as such.

2. "Foreign Company" means a company, incorporated or
15 duly established according to the laws of any foreign country
(including the United Kingdom,) for purposes of Fire or
Inland Marine insurance business or both, and entitled under
the second section of this Act to receive a licence as such in
the Dominion of Canada.

3. "Agent" means the principal agent of the company in
20 Canada, named as such in the power of Attorney here-
inafter referred to, by whatever name he may be desig-
nated.

4. "Chief Agency" means the principal office or place of
25 business of the company in Canada.

2. This Act shall apply only to Companies heretofore in- To what
Companies
this Act
applies.
corporated by any Act of the Legislature of the late Province
of Canada, or by any Act of the Legislature of any of
the Provinces of Canada, and which upon the first day
20 of January, in the year one thousand eight and seventy-
five, were also licensed under Act of the Parliament
of Canada to transact business of Insurance in Canada,
and also to any company heretofore or which may here-
after be incorporated by Act of Parliament of Canada, and
35 to any Foreign Insurance Company as hereinbefore defined ; None other to
be licensed.
and it shall not be lawful for the Minister of Finance to
license any other company than those in this section above

Proviso.

mentioned, and no other company than those above mentioned shall do any business of insurance throughout the Dominion of Canada ; but nothing herein contained shall prevent any company incorporated by the Legislature of any Province within its Legislative competence for business of insurance from carrying on such business within the limits of such Province only. 8

What Companies only shall transact business in Canada.

3. Except companies transacting in Canada Ocean Marine business exclusively, (the port of Montreal to be the dividing line between Ocean and Inland Marine insurance), it shall not be lawful for any insurance company to accept any risk or issue any policy of Fire or Inland Marine Insurance, or receive any premium or transact any business of Fire or Inland Marine Insurance in Canada, or to prosecute or maintain any suit, action or proceeding, either at law or equity, or to file any claim in insolvency, without first obtaining a licence (as hereinafter provided for) from the Minister of Finance to carry on business in Canada. 15

Form of licence.

4. The licence shall be in such form as may be from time to time determined by the Minister of Finance, and shall specify the business to be carried on by the company, and it shall expire on the thirty-first day of March in each year ; but shall be renewable from year to year. 20

When licence shall issue.

5. 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 licence as aforesaid. 25

Deposit to be made by Canadian and Foreign Companies respectively.

6. Canadian companies shall before the issue of such licence, deposit the sum of one hundred thousand dollars with the Receiver General in securities as hereinafter named. Foreign companies shall before the issue of said license deposit for the benefit of policy holder in Canada the sum of one hundred fifty thousand dollars with the Receiver-General in such securities as are named hereinafter. 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 Great Britain 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 to deposit by this Act. 30 35 40 45 50

In what securities.

Valuation thereof.

7. 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
 5 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
 10 part of such original deposit; and no part of such *unrequired* deposit shall be withdrawn except with the sanction of the Governor on the Report of the Treasury Board.

Company may deposit beyond the amount absolutely required.

As to withdrawal of surplus.

8. If from the annual statements, or after examination of the affairs and conditions of any Company, it appears that the
 15 re-insurance value of all its risks outstanding in Canada, together with any other liabilities in Canada, 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 at once, and
 20 on failure so to do its licence shall be cancelled.

Any deficiency of security to be made good, or licence forfeited.

9. Except in cases with respect to which it may be otherwise provided by the Treasury Board, so long as any Company's deposit is unimpaired and no notice of any final judgment or order to the contrary is served upon the Minister of
 25 Finance or Receiver-General, the interest upon the securities forming the deposit shall be handed over to the Company as it falls due.

As to interest on securities.

10. Every Company shall, before the issue of a licence to it, file in the Department of the Minister of Finance a certified
 30 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
 35 other proper officer thereof, verified by their oath, and further corroborated on oath by the Head Officer or Chief Agent of such Company, or of 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
 40 Chief Agency of the 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 Canada for any liabilities incurred by the Company therein, and must declare that service of process for or in respect of such
 45 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
 50 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.

Certain documents to be filed before licence is granted.

If changes are made in chief agency. Whenever any Company licensed under this Act 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. 5

Duplicates of such documents to be filed in Court. Duplicates of all such documents duly verified as aforesaid shall be filed in the office of either of the Superior Courts of Law or Equity in the Province in which its head office or chief agency is located; 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. 10

Process and suits. 11. 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 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. 15 20

Companies to give notice of licence. 12. Every Company obtaining such licence 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 such Company cease or notify that they intend to cease to carry on business in Canada, for the space of three calendar months. 23

And of ceasing business.

Notice by Minister of Finance. 13. 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 licence 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. 30 35

Penalty for contravention of this Act. 14. Any person who delivers any policy of Insurance or collects any premium or transact any business of Insurance on behalf of any Company as aforesaid, without such licence as aforesaid, or if such licence has been withdrawn without the renewal thereof, or without filing the copy of the Charter, Act of Incorporation, or Articles of Association of the Company, and a power of attorney or a renewal thereof in the event of any change as hereinbefore provided, 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 for 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 40 45 50

How applied and enforced.

to imprisonment in any jail or prison for a period not exceeding six months, in the discretion of the Court wherein he is convicted.

15. Whenever any Company fails to make the deposits
5 under this Act at the time required, or whenever written
notice has been served on the Minister of Finance of any
undisputed claim arising from loss insured against in
Canada, remaining unpaid for the space of sixty days after
10 being due, or of a disputed claim after final judgment in a
regular course of law and tender of a legal valid discharge,
so that the amount of securities representing the deposit of
such Company is liable to be reduced by sale of any portion
thereof, the licence of the said Company shall *ipso facto* be null
and void, and shall be deemed to be withdrawn; but such
15 licence may in the case last mentioned be renewed, and the
Company may again transact business, if within sixty days
after notice to the Minister of Finance of the Company's
failure to pay any undisputed claim, or the amount of any
final judgment as provided in *this* section, undisputed
20 claims or final judgments upon or against the Company in
Canada are paid and satisfied, and the Company's deposit is
restored to the amount required by this Act.

Licences
forfeited by
non-payment
of claims and
consequent
deficiency of
security.

Renewal on
certain con-
ditions.

16. Any Company shall be deemed insolvent upon
failure to pay any undisputed claim arising, or loss
25 insured against, in Canada, for the space of sixty days
after being due, or, if disputed, after final judgment and
tender of a legal valid discharge, and (in either case) after
notice thereof to the Minister of Finance. In case of the in-
solvency of any Company, all deposits of such Company,
30 held by the Receiver-General for policy holders in Canada,
shall be applied *pro rata* towards the payment of all claims
duly authenticated against such Company, upon, or in res-
pect of, policies issued in Canada; and the distribution of
the proceeds of such stock may, if applied for in the Pro-
35 vince of Ontario, or of Nova Scotia, or of New Brunswick,
British Columbia and Prince Edward Island, be made by
order in Chancery, or in Equity; or, if applied for in the
Province of Quebec or Manitoba, may be made by judgment or
order of distribution of the Superior Court within the district
40 where the Chief Agency is situated; Provided that in any
case when a claim for loss is by the terms of the policy pay-
able on proof of such loss, without any stipulated delay, the
notice to the Minister of Finance under this section shall not
be given until after the lapse of sixty days from the time
45 when the claim becomes due.

When Com-
pany deemed
insolvent.

Provision for
application of
deposits in
such case.

Proviso, if
term was
given for
payment of
any loss.

17. Upon the insolvency of any Company, the Court having
jurisdiction in the Province (or sitting in the District if such
Province be the Province of Quebec), where the Chief Agency
in Canada of such Company is situated, shall appoint an
50 Assignee or Assignees, who shall forthwith call upon the
Company to furnish a statement of all its outstanding policies
in Canada, and upon all policy holders to file their claims;
and upon the filing of the claims before the Assignees, the
parties interested shall have the same right of contestation,

Appointment
of assignee;
his duty.

Proceedings
in such case.

and the Assignee shall have the same powers in respect thereof, subject to the same right of appealing from their decision to the same tribunals, as may be provided for in similar cases by the Insolvent Act then in force; and in case of any Insurance Company becoming insolvent, the parties insured shall be entitled to claim for a part of the premium paid proportionate to the unexpired period of their policies respectively, and such return premium shall rank with judgments obtained and claims accrued, in the distribution of the assets; and upon the completion of the schedule to be prepared by the Assignees, of all judgments against the Company and of all claims for re-insurance or for surrender of the policy as aforesaid, the court having jurisdiction, as above provided, shall cause the securities held by the Receiver General for such Company, or any part of them, to be sold 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 ratâ* amongst the claimants according to such schedule, and the balance, if any, shall be surrendered to the Company. But if any loss is sustained or any claim arises after the statement of 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 of the securities, or if the proceeds of the securities are not sufficient to cover in full all claims recorded in the schedule, the policy holders shall not be barred from any recourse they may have either in law or equity against the Company issuing the policy, other than that for a share in distribution of the proceeds of the securities held for such Company by the Receiver General.

What may be claimed by the insured.

Sale of securities deposited.

If deposits do not cover claims.

Duty of Company ceasing business.

Conditions on which deposits may be released.

18. 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 insure, on behalf of its Canadian Policy Holders, all outstanding risks, in some Company or Companies licensed in Canada, or obtain the surrender of the policies, and its securities shall not be delivered to the Company until the same is done to the satisfaction of the Minister of Finance:

Upon making application for its securities, the Company must file with the Minister of Finance a list of all Canadian Policy Holders who have not been so re-insured or have not surrendered their policies; and it must at the same time publish in the *Canada Gazette* a notice that it has applied to Government for the release of its 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, if the Minister of Finance, with concurrence of the Treasury Board, is satisfied that the Company has ample assets to meet its liabilities, all the securities may be released to it by an Order of the Governor in Council, or a sufficient amount of them may be retained to cover the value of all risks respecting which opposition has been filed; and the remainder may be

released, and thereafter from time to time as such opposing risks may lapse, or proof may be adduced that they have been satisfied, further releases may be made on the authority aforesaid.

5 And after a Company has ceased to transact business in Canada after the notice hereby required, and its licence has in consequence been withdrawn, such Company *may* nevertheless pay the losses arising upon policies not re-insured or surrendered, as if such licence had not been withdrawn. Company still liable in certain cases.

10 19. No Canadian Company shall expose itself to any one risk exceeding five per cent of its net assets including its deposit, but exclusive of amounts placed in foreign countries for the protection of policy holders in such countries: And no Foreign Company shall expose itself to any one risk
15 over and above five per cent of its net assets in Canada including its deposit; but in the event of its having no assets in Canada, other than its deposit, then the Company shall not expose itself to any one risk over and above five per cent on its deposit, and net premiums in Canada for the
20 year preceding. No Fire Policy shall be issued for or extend over a longer period than three years. Amounts of risks limited. Fire policies.

20. It shall be the duty of the President, Vice-President, or Managing Director, and Secretary or Manager of each Canadian Company, to prepare annually under their own
25 oath, on the first day of January or within one month thereafter, a statement of the condition and affairs of such Company on the thirty-first day of December then next preceding; exhibiting the facts and items in the form given in the
30 following Schedule, and to cause such statement to be deposited in the office of the Minister of Finance. Such statement to be sworn to before some— Yearly statement, and what it must shew.

SCHEDULE. DETAILS OF ANNUAL STATEMENTS REQUIRED.

1. A list of the stockholders with the amount subscribed for and the amount paid thereon by each stockholder.

The property or assets held by the Company, specifying,—

1. The value (as nearly as may be) of the real estate held
35 by such Company.

2. The amount of cash on hand and deposited in banks to the credit of the Company, specifying in what banks the same are deposited, with amounts separately.

3. The amount of cash in the hands of Agents.

40 4. The amount of loans secured by bonds and mortgages constituting the first lien on real estate on which there is less than one year's interest due or owing, with a schedule thereof.

5. The amount of loans on which interest has not been paid within one year previous to such statement, with a schedule thereof.

6. The amounts due the company for which judgments have been obtained. 5

7. The amount of Canadian stocks held by the Company, and of any other stocks owned by the Company, specifying in detail the amount, number of shares, and par and market value of each kind of stocks owned by the Company absolutely. 10

8. The amount of stocks held thereby as collateral security for loans, with the amount loaned on each kind of stock, its par value and the market value.

9. The amount of assessments on stock and premium notes, paid and unpaid. 15

10. The amount of interest actually due and unpaid ; also the amount of interest accrued and unpaid on 31st of December last.

11. The amount of premium notes on hand on which policies are issued with amount paid thereon ; also Bills Receivable held by the Company and considered good, the amounts of each separately, and the amounts on each class of notes overdue. 20

12. The amount of all other property belonging to the Company, with a detail thereof. 25

The Liabilities of the Company, Specifying,—

1. The amount of losses due and yet unpaid.

2. Amount of losses adjusted, but not due.

3. Amount of losses incurred during the year, including those claimed, not yet adjusted, and of those reported to the Company upon which no action has been taken ; the amounts of each class separately, carrying out the totals in one sum. 30

4. Amount of claims for losses resisted by the Company.

5. Amount of dividends declared and due, and remaining unpaid. 35

6. Amount of dividends declared, but not yet due.

7. Amount of money borrowed, and security given for payment thereof ; stating each loan separately, and the interest paid therefor.

8. The amount of unearned Fire premiums, or premiums received on unexpired risks. 40

Amount of unearned Inland Marine premiums, or premiums received on unexpired risks.

Amount received for marine (ocean) premiums, not marked off.

N. B.—Amount required to re-insure all the outstanding risks of the Company in Fire and Marine on yearly policies, to be estimated at an average of fifty per cent, on Fire and Inland Marine risks. On Fire Policies issued for periods over one year, the *pro rata* premium for unearned term of risk; and 100 per cent, on Ocean Marine not written off.

5 Amount of all other claims against the Company, with a detailed statement thereof.

Aggregate amount of all unpaid losses, claims and liabilities whatsoever, except capital stock.

Income of the Company, Specifying,—

1. Amount of cash premiums received, less re-insurance.
- 10 2. Amount of notes received for premiums, less re-insurance.
3. Amount of interest money received.
4. Amount of income received from all other sources.

Expenditure of the Company, Specifying,—

- 15 1. Amount paid for losses which occurred prior to the first day of January last, deducting savings and salvage, which losses were estimated in the last statement at \$

Amount paid for losses which occurred during the year, deducting savings and salvage.

Total amount actually paid during the year for losses in 20 each branch, in separate columns.

2. Amount and rate of dividends paid during the year.
3. Amount of expenses paid during the year, including commissions and fees to agents and officers of the Company.
- 25 4. Amount of all other payments and expenditures, with details thereof.

Miscellaneous,—

- 30 1. Gross amount of risks written off, during the year, original and renewal, in each branch of the Company's business separately; deducting amount of re-insurance effected thereon in each branch separately. Net amount of risks written off during the year.

2. And amount of risks in force at end of the year in each branch of the Company's business, deducting re-insurance; and shewing at foot, in separate columns, the net amount of risks then in force.

Form of Declaration to accompany the Statement.

Province of
County of

President, and

Secretary of

Company being duly sworn, depose and say, and 5
each for himself says, that they are the above described offi-
cers of the said Company, and that on the thirty-first day of
December last all the above described assets were the abso-
lute property of the said Company, free and clear from any
liens or claims thereon, except as above stated, and that the 10
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 ex-
penditure, and of the general condition and affairs of the said
company, on the said thirty-first day of December last, and 15
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 20
A. D. 187 .

Form of
statement
may be
changed.
by Minister.

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 exhi- 25
bit of their condition in respect to the several points herein-
before enumerated.

Statement by
Foreign Com-
panies.

21. All Foreign Companies shall make Annual Statements
of their condition and affairs under oath, and furnish the
same to the Minister of Finance—of their Canada Business,
in the same form and manner as required of Canadian Com- 30
panies, in the month of January in each year up to thirty-first
December preceding; and of their general business, in a
separate schedule attached, made up to their last annual
balancing day, if not required at a later date by their own
Government. The blank forms of such statements to be fur- 35
nished in duplicate by the Finance Department.

Forms to be
furnished.

Penalty for
contraven-
tion.

22. Any violation of either of the *two next* preceding sec-
tions, shall subject the Company violating the same to a penalty
of \$500 for each violation, and of the additional sum of
\$100 for each month during which any such Company 40
shall neglect to make such publication or to file such affi-
davits and statements as are therein required. If such pen-
alties are not paid, the Minister of Finance, with the concu-
rence of the Treasury Board, may order such Company's
licence to be suspended or cancelled, as may be deemed expe- 45
dient.

Superintend-
ence of Insur-
ance.

23. For the efficient administration of the Insurance
business in the Dominion of Canada, and to enforce
strictly the provisions of this Act, with the necessary details 50
resulting therefrom, the Governor *in Council* may appoint an
officer, to be called the Superintendent of Insurance, acting
under the instructions of the Minister of Finance, whose

duty it shall be to examine and report to the said Minister of Finance, from time to time, upon all matters connected with Insurance, as carried on by the several Companies licensed to do business in Canada, or required by this Act to make returns of their affairs; The main features of his duties as to which matters shall be as follows :

1. The Superintendent of Insurance shall keep a record of the several documents required to be filed by each Company in the Superior Courts of Canada, under the *tenth* Section of this Act ; and he shall also enter in a book under the heading of each Company, the securities deposited on its account with the Receiver-General, naming in detail the several securities, their par value, and value at which they are received as deposit, and before the issue of any new licence, or the renewal of any licence, he shall in each case make a report to the Minister of Finance that the requirements of the law have been complied with, and that from the statement of the affairs of the Company it is in a condition to meet its liabilities ; and he shall keep a record of the licences as they are issued.

Duties of Superintendent.

2. The Superintendent of Insurance shall examine carefully the statements of the condition and affairs of each Company, as required under this Act, and report thereon to the Minister of Finance as to all matters requiring his attention and decision. The Superintendent of Insurance shall prepare for the Minister of Finance from the said statements an annual report, shewing the full particulars of each Company's business, together with an analysis of each branch of Insurance, with each Company's name ; giving items, classified from the statements made by each Company. The Minister of Finance shall lay the Superintendent's annual report before Parliament within thirty days after the commencement of each Session thereof.

Further duties and powers of Superintendent.

3. If the Superintendent of Insurance, after a careful examination into the condition and affairs and business of any Company licensed to transact business in Canada, from the annual or other statements furnished by such Company to the Minister of Finance, or for any other cause, deems it necessary and expedient to make a personal examination into the affairs of such Company, at its Head Office in Canada or chief agency there, and so reports to the Minister of Finance—the Minister of Finance may at his discretion instruct the Superintendent of Insurance to visit the office of such Company, to thoroughly inspect and examine into all its affairs, and to make all such inquiries as are necessary to ascertain its condition and ability to meet its engagements, and whether it has complied with all the provisions of this Act applicable to its transactions. And it shall be the duty of the officers or agents of such Company to cause their books to be open for the inspection of the Superintendent of Insurance, and otherwise to facilitate such examination so far as it may be in their power ; and for that purpose the said Superintendent shall have power to examine under oath the officers or agents of such Company relative

The same.

to its business. A report of all Companies so visited by the Superintendent shall be entered in a book kept for that purpose, with notes and memoranda showing the condition of each Company after such investigation, and a special report communicated in writing to the Minister of Finance, stating the Superintendent's opinion as to its standing and financial position, and all other matters desirable to be made known to the Minister of Finance. If it appears to the Superintendent that the assets of any Company are insufficient to justify its continuance of business on the guarantee basis of Sections *six* and *eight*, or unsafe for the public to effect insurance with it, he shall make a special report on the affairs of such Company to the Minister of Finance, whose duty it will be to refer such report to the Treasury Board; and if the Treasury Board, after full consideration of the report, and after such further inquiry and investigation (if any) as the Board may see proper to make, reports to the Governor in Council that the Board agrees with the said Superintendent in the opinion so expressed in his report, then, if the Governor in Council also concurs in such opinion, an Order in Council may issue suspending or cancelling the license of such Company, which shall then, during such suspension or cancellation, be held to be unlicensed; and after the notification of the suspension or cancelling of such licence in the *Canada Gazette*, any person delivering any policy of Insurance, or collecting any premium, or transacting any business of Insurance, on behalf of such Company, shall be liable to the penalties provided for by the *fourteenth* Section of this Act.

Superintendent not to be interested in any Company. 4. The Superintendent of Insurance, or officers under him, shall not be interested as Shareholders, directly or indirectly, with any Insurance Company doing business in Canada, or licensed under this Act.

Contribution towards expenses. 5. Towards defraying the expenses of the office of the Superintendent of Insurance, the sum of \$ shall be annually contributed by the Companies licensed under this Act, which sum shall be assessed *pro rata* upon the net premiums received by each during the preceding year, such sum to be paid upon the issue of the annual licence.

The Superintendent of Insurance shall also collect the following fees :

For recording and filing the several documents required of each Company, under the <i>tenth</i> Section of this Act.....	\$10 00
For change of attorney under the said section.....	5 00
For licence to do business.....	5 00
For every renewal of such licence.....	2 00
For annual Statements of each Company.....	5 00

Repeal of former Acts. 31 V., c. 48. 24. After the passing of this Act the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's Reign, intituled "*An Act respecting Insurance Companies*," and the Act passed in the thirty-fourth year of Her

Majesty's Reign, intituled, "*An Act to amend the Act res-* 34 V., c. 3.
pecting Insurance Companies," are hereby repealed, in so
far as they relate to Fire and Inland Marine Insurance,
saving nevertheless all licences which may have been
5 thereunder issued, until this 31st day of March, in the year
1876 (at which date they shall expire), and the right of Com-
panies 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,
10 or any proceedings commenced, or any offence committed,
or any penalty or forfeiture incurred, before the passing of
this Act, with respect to all which the said Acts shall
remain in force. Saving pro-
vision.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend and consolidate the
several Acts respecting Insurance, in
so far as regards Fire and Inland
Marine business.

Received and read, first time, Wednesday, 3rd
March, 1875.
Second reading, Thursday, 4th March, 1875.

MR. CARTWRIGHT.

OTTAWA :
Printed by MacLean, Roger & Co., Wellington Street.
1875.

An Act to amend "The Immigration Act of 1872."

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

1. In this Act the word "Ship" includes every description Interpreta-
5 of vessel used in navigation not propelled by oars. tion.

2. There shall be raised, levied and collected a duty Additional
payable in the manner hereinafter prescribed by the master duty imposed.
of every ship arriving in any port in Canada from any port
in Europe with passengers or emigrants therefrom at any
10 time when this Act is in force as hereinafter provided, in
addition to any duty payable by the master of such ship,
under the provisions of the first section of "*The Immigration*
Act of 1872;" And such duty shall be such sum not ex- Amount of
ceeding *two dollars* for every passenger or immigrant above duty.
15 the age of one year to be landed in Canada, as may have been
specified in the Proclamation giving effect to this Act, in force
for the time being in the Province in which such port is
situate.

3. The said duty shall be paid by the master of the ship, To be paid on
20 or by some person on his behalf, to the Collector of Customs entry.
at the port in Canada at which such vessel is first entered,
and at the time of making such first entry, which shall
contain on the face of it the number of passengers actually
embarked on board the ship, and the number to be landed in
25 Canada; and no such entry made at any such time, shall be
deemed validly made, or have any legal effect whatever, unless
such numbers are correctly stated and such duty has been fully
paid.

4. This Act shall take effect upon, from and after the day, Proclamation
30 and in the Province or Provinces, and for the amount of duty to fix amount
(within the limit aforesaid) specified by Proclamation in that of duty, and
behalf issued under an Order of the Governor General in when and
Council, and not before; and the Governor General where this Act
may, from time to time, by Proclamation issued under an shall or shall
35 Order in Council suspend the operation of this Act in any not be in
one or more or in all of the Provinces forming this force.
Dominion; and from and after the period specified in any
such suspending Proclamation, this Act shall be suspended
in such Province or Provinces; but nothing herein con-
40 tained shall prevent or be construed to prevent the Governor
General from again declaring by Proclamation issued under

And so from
time to time.

an Order in Council, that this Act shall again have effect in such Province or Provinces, or in any of such Provinces, and for the amount of duty (within the limit aforesaid) in such last mentioned Proclamation specified; and upon such Proclamation this Act shall be revived and have effect again accordingly; and so on, from time to time, *toties quoties*;—And every such Proclamation shall be published in the *Canada Gazette*.

No. 68.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend "The Immigration Act of 1872."

Received and read, first time, Thursday, 4th March, 1875.

Second reading, Friday, 5th March, 1875.

Mr. SMITH,
(Westmoreland.)

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street
1875.

An Act to incorporate the "Dominion Railways
Equipment Company."

WHEREAS the Honorable James Skead and William McKay Wright, of the City of Ottawa, James Saurin McMurray, James David Edgar, Thomas Richard Fuller and George Taylor Denison, of the City of Toronto, and

5 John M. Vernon, of the City of Montreal, have by their petition prayed for an Act to incorporate a Company under the name of the "Dominion Railways Equipment Company," for the purpose of buying, manufacturing, erecting, selling and leasing locomotive engines and machinery, 10 rolling stock, stations, storehouses, elevators, workshops and other buildings and erections used and required by railway companies, and for the powers necessary to carry out the undertaking, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the 15 advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said the Honorable James Skead, William McKay Wright, James Saurin McMurray, James David Edgar, Thomas Richard Fuller, George Taylor Denison and John 20 M. Vernon, and such other persons as shall become shareholders in the Company hereby incorporated shall be, and they are hereby constituted a body politic and corporate by the name of "The Dominion Railway's Equipment Company," and by that name shall have perpetual succession 25 and a common seal, with power to break and alter the same at pleasure, and by that name may sue and be sued, plead and be impleaded in all courts whatsoever.

2. The capital stock of the Company shall be *one million* dollars divided into ten thousand shares of *one hundred* 30 dollars each and may be increased by an amount not exceeding *one million* dollars in the manner hereinafter provided. When and as soon as ten per cent of the said capital stock of *one million* dollars has been subscribed and ten per cent. thereon paid into one of the chartered banks 35 in Canada the Company may go into operation.

3. The Company may buy and manufacture, or either, at any point or points in the Dominion of Canada they think best, locomotives and other steam engines, also all kinds of machinery and appliances used by railway companies; also 40 railway cars and all other kinds of rolling stock used on railways, in connection with their works, and the Company

Preamble.

Incorporation

Corporate name and general powers.

Capital and shares.

Object and business of the company.

may sell or lease any of such property in this section mentioned to any person, railway company, or corporation whatsoever, and in each and every case of a sale or lease the terms thereof as to payment of purchase money, and the interest to be paid thereon, or the rental and the times and mode of payment thereof, as the case may be, may be such as the Company and the railway company, corporation, or person making any such purchase or taking any such lease may fix and agree upon. 5

Company may acquire real property for their own use.

4. The Company shall have power from time to time to purchase any real estate in any part of Canada which they may think necessary for their business, and as often as any property so acquired ceases to be necessary for the purposes of the Company they shall sell, or otherwise dispose thereof. The Company may also from time to time and as their business may require, purchase, lease, or build, any workshops, machinery, or other works and appliances, in any part of Canada which the Company may think proper for their purposes or for the exercise of the powers by this Act conferred, and the same or any part of them when the Company find it expedient, shall be sold, or otherwise disposed of. 10 15 20

Arrangements may be made with railway companies, and others for the construction of works, buildings, &c.

5. The Company shall also have the right to enter into arrangements with any railway company or person for the construction of any station or stations, warehouses, workshops, elevators or other buildings, or erections, required by any such railway company or person for the purposes of their or his business; and the Company incorporated by this Act shall for their outlay and services have the right to take security by way of mortgage or hypothec upon the lands and tenements upon which said works may be erected, or said machinery placed, or either and on the said works and machinery, which security may be for the payment of a fixed annual sum, payable in such payments, and at such times, and for such period, and in such manner as may be agreed upon, and for the redemption or discharge of the said property at the times and in the manner in the said mortgage or hypothec mentioned, by the payment of the sum or sums of money in and by such mortgage or hypothec agreed on for that purpose; or the Company may arrange for and take a transfer or conveyance to them of the lands upon which any of the said works may be agreed to be erected and may lease the said lands so transferred or conveyed with the said works thereon to the railway company or person for whom the said works may be made or constructed, at such rental as may have been agreed upon; and such lease may contain such conditions and stipulations, as the parties thereto may agree upon, to secure the due payment of the said rental, and may also provide for the right to the railway company or person taking the said lease, to a conveyance or reconveyance, as the case may be, of the property so leased upon the payment of such sum or sums of money at such times and in such manner and on such conditions as the said parties may agree upon, and as they may consider most to their convenience. 25 30 35 40 45 50

6. Engines, rolling stock, or other moveable property, either sold or leased by the Company incorporated by this Act, shall not be subject to any mortgage or execution, or to any lien or liability whatsoever, upon any mortgage or lien given or created before or after such sale or lease by the company or person making such purchase or taking such lease, or any other company or person whomsoever, nor shall the same be liable to any seizure or distress against any such railway or person for any cause or in any manner whatever, in case of a purchase, while the purchase money or any part thereof or any interest thereon remains unpaid, unless the seizing creditor shall pay or tender such purchase money or interest to the Company previous to such seizure, a statement of which indebtedness shall be furnished to such creditor by the Company on demand; and in case of a lease while such property so leased remains under said lease and continues to be the property of the Company incorporated by this Act; and the purchase money for all such property sold to any railway company, shall be and continue a first charge upon the property so sold, and shall remain liable to such lien in the hands of any person or corporation who may obtain possession thereof until said purchase money and all unpaid interest thereon is fully paid and satisfied: Provided always, that all machinery and rolling stock so sold or leased, while the purchase money remains unpaid or the same is under lease, as the case may be, shall have painted upon each car or engine, as the case may be, the words "Dominion Railways Equipment Company," or the letters "D. Rs. E. Co."
7. Except as hereinafter provided, any mortgage or hypothec given by any Railway Company or person upon any lands, tenements, or premises, upon which any station, warehouse, workshop, or other erection, or work, has been built or erected by the Company incorporated under this Act, or for them, as the case may be, and the moneys secured by such mortgage or hypothec shall be a first charge and lien upon the lands upon which such buildings and works shall stand, for the moneys payable under the said mortgage or hypothec as therein specified, and shall have priority over all other claims upon the said premises; and in any case where the security may be taken by conveyance of the lands upon which such improvements are made and a lease is given as is above provided, the rent secured by the said lease, and the moneys payable to the Company incorporated by this Act, for a conveyance of the property as redemption or purchase-money, shall likewise be a first charge or lien upon the said premises and property so leased, and shall rank and take priority over all other liens: Provided always, that no such mortgage, hypothec, or lien, shall have priority over any existing *bailleur de fonds*, balance of purchase money or moneys specially secured on such lands, before the creation of the charge or lien authorized by this Act in favor of the said Company; and provided further, in case of any general mortgage or lien upon the lands of any such Railway Company existing before the creation of the mortgage, hypothec,

Company to have priority of claim on moveable property, sold or leased by them.

Proviso.

Company to have priority of claim on real property, in certain cases.

Proviso.

Proviso: in case of general mortgage.

or lien authorized by this Act, the said general mortgage, hypothec, or lien shall to the extent of the actual value of the land occupied by any such buildings or erections, taken as it was before the construction of such buildings, works or erections, have priority over the mortgage, hypothec, or lien, above authorized, in favor of the Company incorporated by this Act; and in case it becomes necessary to ascertain the said value, and that the said value, or the mode of ascertaining the same, cannot be agreed upon between the Company hereby incorporated and the mortgagee, in every such case the proceedings to fix the said value, shall be the same as is provided in sub-section twelve and the subsequent sub-sections of section nine of "The Railway Act, 1868:—And after the said value is ascertained, sub-section six, and the other sub-sections of the said section nine of "The Railway Act, 1868," shall apply, and the Company may avail themselves thereof for the purpose of being relieved from further responsibility in respect of the said value; and where arbitration is resorted to, and there is no person in Canada representing the said general mortgagee, the Railway Company shall be the parties upon whom the notice of arbitration may be served, and with whom the arbitration shall be had, and in respect of such arbitration the railway company shall act, and be considered as the trustee.

Company may pay off existing mortgages.

8. It shall be lawful for the Company in case it is so agreed upon, to pay the purchase money for, or to pay off any mortgage or mortgages which may be upon any land required for any such works, and the Company may on taking any such security from the Railway Company, add the same to the amount so to be secured, and in respect of which interest or a rental shall be paid as aforesaid.

Company may purchase existing works, &c.

9. The Company may enter into arrangements with any person or corporation in the Dominion of Canada engaged in any of the lines of business above mentioned, and not being a Railway Company, for the purchase from such person or corporation of any or all the estate real or personal of such person or corporation, together with all tools, plant, and material connected with the works so purchased, possessed by such person or corporation, or any part thereof, for such price, payable in such manner and at such times as may by the Company and such person or corporation be agreed upon; and in respect of said purchase may give upon the same security by way of mortgage or otherwise as may be deemed most expedient; and in case any person or persons, corporation or corporations so selling, for any part of the purchase money of any such property, are willing to accept as part payment paid up stock in the Company incorporated by this Act, the directors of said Company may, if they deem it proper to do so, issue to said person or corporation out of the unsubscribed stock of the Company, shares to the amount so agreed to be taken in such part payment, or in case the said one million dollars of stock are all subscribed for and the Company authorize an increase of the capital stock, then such shares may be issued as part of such increase, and in either case the

Payment may be made in stock.

holders of such paid up shares shall have all the rights of shareholders in the said Company, and shall be entitled to dividend thereon in the same manner as if they had subscribed for and paid up their stock in full; and any contract
 5 made by the persons by this Act incorporated, or any of them, before the passing thereof, with any Railway Company for the erection of any station or the construction of any works, may, after the passing of this Act, be assumed by the Company incorporated by this Act, and in that case
 10 all the provisions of any agreement, mortgage, or security so assumed shall enure to the benefit of the Company in all respects; and in regard to any such security the covenants, provisions and stipulations contained therein shall stand and be available to the Company in all respects, as if
 15 the same had been made with and given to the Company after the passing of this Act.

Existing contracts may be assumed by the company.

10. It shall be lawful for any Company or Corporation (not being a Railway Company) so engaged in any of the lines of business above mentioned, to sell to the Company
 20 incorporated by this Act, in the manner above mentioned, and for any and all Railway Companies desiring to lease or purchase locomotive engines, rolling stock, or machinery of any kind from the Company, or desiring to make arrangements for the erection of stations, warehouses, workshops,
 25 elevators, or any of them, to enter into and complete any of the arrangements which the Company incorporated by this Act are authorized to enter into and make, and all such arrangements so made and the acts done thereunder shall be valid and binding on all parties and persons in the
 30 manner and to the extent above expressed.

Other companies may make arrangements with the company, for purchasing or leasing engines, &c.

11. All moneys payable by any Railway Company now or hereafter to be incorporated, under any contract authorized by this Act, shall form part of the working expenses of such Railway Company, and shall be paid before any interest or other debt not by law coming under the denomination of working expenses.
 35

Money paid by railway company to be working expenses.

12. In managing the business of the Company, and in making any of the contracts above provided for, the Directors of the Company shall possess and exercise all the corporate powers of the Company.
 40

Directors to exercise powers of the company.

13. The affairs of the Company shall be managed by a Board of seven Directors.
 Directors.

14. The said Honorable James Skead, William McKay Wright, James Saurin McMurray, James David Edgar,
 45 Thomas Richard Fuller, George Taylor Denison, and John M. Vernon, shall be the Directors of the Company, until replaced by others duly elected in their stead; and the said provisional directors, until others shall be elected as hereinafter provided, shall constitute the board of directors of the
 50 company, four of whom shall be a quorum, with power to fill vacancies thereon, to open stock books, to make a call

Provisional directors and powers.

upon the shares subscribed therein, to call a meeting of the subscribers thereto, for the election of other directors as hereinafter provided, and with all such other powers as under any law are vested in such boards, and the said directors, or a majority of them, may, in their discretion, 5 exclude any persons from subscribing who in their judgment would hinder, delay, or prevent the said company from proceeding with and completing their undertaking, under the provisions of this Act.

First meeting of share-holders. 15. So soon as shares to the amount of one hundred 10 thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some of the chartered banks to be designated by the directors, which shall on no account be withdrawn therefrom, unless for the service of the company, the directors 15 shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

Qualification of Directors. 16. No person shall be elected or named as a Director 20 unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any call thereon; And the major part of the Directors of the Company shall, at all times, be persons resident in Canada, and subjects of Her Majesty by birth or naturalization. A minority may be 25 aliens.

Election of Directors. 17. The Directors of the Company shall be elected by the shareholders, in general meeting of the Company assembled, at such times, in such wise, and for such term, not exceeding one year, as the by-laws of the Company 30 may prescribe.

Special provisions as to elections, meetings, vacancies, &c. 18. In default only of other express provisions in such behalf by the by-laws of the Company;—

1. Such election shall take place yearly, all the members of the Board retiring, and (if otherwise qualified) being 35 eligible for re-election;

2. Notice of the time and place for holding general meetings of the Company shall be given for at least ten days previously thereto, in some newspaper published in the City of Toronto. 40

3. At all general meetings of the Company, every shareholder shall be entitled to as many votes as he owns shares in the Company, and may vote by proxy;

4. Elections of Directors shall be by ballot;

5. Vacancies occurring in the Board of Directors may be 45 filled for the unexpired remainder of the term, by the Board, from among the qualified shareholders of the Company

6. The Directors shall, from time to time, elect from among themselves, a President and Vice-President of the Company; and shall also appoint, and may remove at pleasure, all other officers thereof.

5 19. 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 effect at any general meeting of the Company duly called for that purpose; and the Directors shall continue in
10 office until their successors are elected.

Failure of election not dissolve company.

20. 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
15 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
20 the proceeds thereof, the transfer of stock, the declaration and payment of dividends, their term of service, the amount of their stock qualification, 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,
25 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 quorum, the requirements as to proxies, and the procedure
30 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; Provided always, that one-
35 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 Directors.

By-laws.

Proviso.

Special meetings.

40 21. A copy of any by-law of the Company, under their seal, and purporting to be signed by any officer of the Company, shall be received as *prima facie* evidence of such by-law in all Courts of Law and Equity in Canada.

Copy of by-laws to be evidence.

22. The stock of the Company shall be deemed personal
45 estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the by-laws of the Company, shall be prescribed.

Stock to be personal estate.

23. On the subscription for shares of the said capital stock, each subscriber shall within ten days thereafter pay
50 ten per centum of the amount subscribed by him into some of the chartered banks, to be designated by the directors, to the credit of the said Company.

Ten per cent to be paid on subscription.

Subsequent calls on stock. 24. Thereafter, calls may be made by the Directors for the time being as they shall see fit; provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than thirty days; and 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. 5

Enforcement of calls. 25. The payment of all calls, and interest thereon may be enforced 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 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 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. 10 15 20

Forfeiture of shares for non-payment. 26. If, after such demand or notice, any calls made upon any share or shares be not paid within such time as by such by-laws relating to the making of calls may be limited in that behalf, the Directors, in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily declare forfeited any shares whereon such payment is not made; 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. 25 30

Transfer of shares. 27. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for nonpayment of calls thereon. 35

Shareholder in arrears not to vote. 28. No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the Company.

Paid up stock may be issued in payment for certain services. 29. The directors, elected by the shareholders, may make or issue stock as paid up stock, and may pay or agree to pay in such or any paid up stock, or in the bonds of the said Company, such sums as they deem expedient, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of material, plant or rolling stock, whether such promoters or other persons be provisional directors or not. 40 45

Payment of stock in full may be accepted. 30. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at 50

any time before the making of a final call thereon, and to allow such per centage or discount thereon as they deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

5 - 31. In the event of an increase of the capital stock of the Company being deemed advisable, it shall be lawful for the shareholders, in general meeting, duly called for the purpose, by the vote of a majority of the shareholders present at such meeting in person or represented by proxy, to pass
 10 a by-law increasing the capital stock by an amount not exceeding one million dollars, in addition to the capital of one million dollars, hereinbefore provided, and thereupon all the provisions of this Act applicable or referring to the capital stock shall apply to such increased capital.

15 32. The Company shall not be bound to see to the execution of any trust, whether expressed, or implied, or constructive, in respect to any share, or in respect of any property, real or personal, purchased or acquired by the Company, and the receipt of the person in whose name any share shall
 20 stand, or where a share stands in the name of more than one person, then the receipt of one of them, for any dividend or money payable by the Company in respect of such share, whether or not notice of such trust shall have been given to the Company, shall be a complete discharge to the Com-
 25 pany for any such dividend or money, and in like manner as to the purchase money or consideration money to be paid by the Company to any person or persons, or corporation, for any property, real or personal, the receipt of the person or persons, or corporation, in whom the legal estate or right
 30 of property is vested, and in whose name it appears shall be a complete discharge to the Company in respect to the purchase money of such property.

33. The transmission of the interest in any share of the capital stock, in consequence of the marriage, death, bank-
 35 ruptcy 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;
 40 and in case the transmission of any share of 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 or shares trans-
 45 mitted 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 may 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
 50 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 case of doubtful proprietorship of shares. 34. If the Directors of the Company shall entertain doubts as to the legality of any claim to and upon such share or shares of stock, it shall be lawful for the Company to make and file in any Superior Court for the Province of Ontario, a petition in writing addressed to the said Court, or to any Judge thereof, setting forth the facts and praying for an order or judgment adjudicating or awarding the said 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 shares, or arising therefrom; Provided always, that notice of such petition shall be given to the party claiming such shares, who shall upon the filing of such petition, establish his right to the several 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 Court; Provided also, that unless the Court or Judge otherwise orders, the costs and expenses of procuring such order and adjudication, shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong; and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right. 5 10 15 20 25

Proviso.

Proviso.

Acts of agents, &c., to be acts of the company. 35. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note or 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. 30 35 40 45

Proviso.

Liabilities of shareholders limited. 36. Each shareholder, until the whole amount of his 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 has been returned unsatisfied in whole or in part; and no greater sum than the amount due on such execution shall be recoverable with costs against such shareholders. 50

37. 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.

Liabilities further limited.

38. No person holding stock in the Company as an executor, administrator, tutor, 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 the 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.

As to shares held by executors, &c.

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; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder.

Representation of shares.

Stock pledged.

40. 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, they shall be jointly and severally liable, as well to the Company as to the individual shareholders and creditors thereof, for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office respectively; 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 so to do, enter on the minutes of the Board of Directors his protest against the same, and within eight days thereafter publish such protest in at least one newspaper published at, or as near as possibly may be to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

Declaration of dividend when company is insolvent to render Directors liable.

Proviso.

41. The principal office of the Company shall be in the City of Toronto, in the Province of Ontario, but the Company's works and business may be carried on at such other place or places in the Dominion of Canada as the Directors may from time to time determine.

Principal office.

42. The Company may have an office in London, England, for such purposes as the Directors shall determine, and the bonds, coupons, or dividends of the Company may be made payable at any place in London aforesaid, and in sterling or currency.

Office in London, England.

Power to borrow money.

43. The Directors may, from time to time, with the consent of the shareholders present or represented in a general meeting, borrow money on behalf 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, bonds or other instruments under the common seal of the Company, for sums of not less than one hundred dollars, which may be payable at any place, and either to order or to bearer, and may have interest coupons attached: Provided that the aggregate of the sum or sums so borrowed shall not at any time exceed 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 authorising the same, or the purpose for which such loan is wanted.

Proviso: amount limited.

Service upon the company, how made.

44. Service of all manner of summons or writ whatever upon the Company, may be made by leaving a copy thereof at the office or chief place of business of the Company in the City of Toronto, with any grown person in charge 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.

Certain actions may be maintained.

45. Any description of action may be prosecuted and maintained between the Company and any shareholder thereof; and no shareholder shall be incompetent as a witness therein.

Subscription of stock in case all is not subscribed when books are closed.

46. In case the whole capital stock of the Company is not subscribed when the Provisional Directors close the books for the purpose of organizing the Company as above provided, the Directors may at any time, and from time to time, as they deem proper, open said stock books for new subscriptions until the whole capital stock is subscribed; but in each instance all the provisions of this Act as to the percentage to be paid on subscription of stock, the liability of the person subscribing upon and in respect of said stock, and as to the rights and liabilities of shareholders, shall apply to the persons making such new subscriptions and to the stock or shares so subscribed.

Interpretation.

47. The following words and expressions used 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:

"Company."

1. The expression "the Company" means the Company incorporated by this Act;

"Undertaking."

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 "Real all real estate, messuages, lands, tenements, and heredita- Estate." ments of any tenure;

4. The word "shareholder" means every subscriber to or "Share- holder of stock in the Company, and extends to and holder." includes the personal representatives of the shareholder.

5. The words "by-laws of the Company," or "by-law "By-laws." of the Company," mean and include all by-laws made by the Directors as well as all passed by the shareholders.

No. 69.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to incorporate the Dominion
Railways Equipment Company.

Received and read, first time, Thursday, 4th
March, 1875.
Second reading, Friday, 5th March, 1875.

(PRIVATE BILL.)

Mr. BLAIN.

OTTAWA:
Printed by Maclean, Roger & Co., Wellington Street.
1875.

No. 70.]

BILL.

[1875.

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 Preamble.
the Senate and House of Commons of Canada, enacts
as follows:—

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

“**64.** The Inspection of all pickled fish cured for market New Section.
or exportation, and of all fish oils, codfish tongue, or codfish
sounds, cured for such purpose and contained in any such
10 packages as are hereinafter mentioned, may be had by the
owners thereof, in every Province of the Dominion, at any
place where an Inspector is appointed by law.”

No. 70.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the Act to make better
provision for the inspection of certain
Staple Articles of Canadian Produce.

Received and read, first time, Friday, 5th
March, 1875.

Second reading, Monday, 8th March, 1875.

MR. FORBES.

OTTAWA :
Printed by MacLean, Roger & Co., Wellington Street,
1875

An Act to amend the Act thirty-seventh Victoria, Chapter one hundred and fifteen, incorporating "The International Express Company."

WHEREAS the International Express Company acting by certain of its Provisional Directors have, by petition, prayed for certain amendments to their Act of incorporation, to wit: thirty-seventh Victoria, chapter one hundred and fifteen, and 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. Section six of the said Act is hereby amended by striking out the words "*one hundred thousand dollars of*" in the first line of the said section and by inserting immediately after the word "and" where it occurs in the second line of the said section, the following words: "ten per cent. thereof."

Preamble.

37 V., c. 115.

Sec. 6 amended.

2. Section seven of the said Act is hereby amended by adding the following at the end thereof: "Provided that the Directors may, if they think fit, receive from any shareholder willing to advance the same, all or any part of the amounts due on the shares held by such shareholder beyond the sums 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 per annum as the shareholder paying such sum in advance and the Directors shall agree upon."

Sec. 7 amended.

3. Section eight of the said Act is hereby amended by adding the following at the end thereof;—"And the shareholders shall have power at the first or any general meeting, to increase the number of Directors to any number not exceeding fifteen or to reduce them to any number not less than five."

Sec. 8 amended.

4. Section sixteen of the said Act is hereby amended by inserting, immediately after the word "power" in the first line thereof, the words following:—"And authority to lay out and invest its capital in the first place in paying and discharging all costs, charges, and expenses incurred in applying for and obtaining the passing of the Act to incorporate the said Company or the Act amending the same,

Sec. 16 amended.

and all other expenses preparatory or relating to the organization of the Company, and the remainder of such capital, or so much as may from time to time be deemed necessary, for the purchase of any plant, property, chattels, goods, or effects, or any business connection, or the good will of any business necessary for the purposes of the said Company: and shall have power." 5

Branch offices 5. It shall be lawful for the said Company to have offices, maintain agencies and transact business in any part of the United Kingdom of Great Britain and Ireland, and in any 10 part of the United States of America.

This and Act amended to be one Act. 6. This Act and the Act hereby amended shall be read and interpreted as one and the same Act.

No. 71.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the Act 37th Victoria, Chapter 115, incorporating the International Express Company

Received and read, first time, Friday, 5th March, 1875.
Second reading, Monday, 8th March, 1875.

(PRIVATE BILL)

MR. BABY.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street, 1875

An Act to amend "*The Interpretation Act*," as respects the printing and distribution of the Statutes, and the territorial application of Acts amending previous Acts.

WHEREAS the publication and distribution of the Public General Acts passed in each session of Parliament is greatly delayed by the publication of the Local and Private Acts of the same session in the same volume, and it is expedient that Acts of the Imperial Parliament, Orders in Council, and Proclamations of a public general nature should be published and distributed with the Public General Statutes: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sections ten and eleven of the Act known as "*The Interpretation Act*," being chapter one of the Acts passed in the thirty-first year of Her Majesty's reign, are hereby repealed, and the following are substituted for them, and shall be read as the tenth and eleventh sections of the said Act:—

"10. The Acts of the Parliament of Canada passed in the present or any future session thereof, shall be printed in two separate volumes, the first of which shall contain such of the said Acts and such Orders in Council and Proclamations or other documents, and such Acts of the Parliament of the United Kingdom, as the Governor in Council may deem to be of a public and general nature or interest in Canada, and may direct to be inserted in the said volume; and the second volume shall contain the remaining Acts of the session and shall be printed after the first volume. Copies of the said volumes shall be printed in the English and French languages respectively, by the Queen's printer, who shall, as soon after the close of each session as may be practicable, deliver, or send by post, or otherwise, in the most economical manner, the proper number of copies to the parties hereinafter mentioned, respectively, and in either or both languages as he may be directed; that is to say:—

"To the members of the two Houses of Parliament respectively, such number of copies each as may from time to time be directed by joint resolution of the said Houses, or, in default of such resolution, in such numbers as shall be directed by order of the Governor in Council,—and to such public departments, administrative bodies and officers throughout Canada, (including justices of the peace in the

distribution of the first but not of the second volume) as may be specified in any order to be for that purpose made from time to time by the Governor in Council.

“Provided that when any Bill receives the Royal Assent during and before the termination of any session of Parliament, the Queen’s printer shall, if so directed by the Secretary of State of Canada, cause distribution of such Act to be made, to the same parties and in like manner and numbers as hereinbefore provided with respect to the Acts of any session ; or such Act may by order of the Governor be published in the *Canada Gazette*, and printed afterwards in the proper volume of the Statutes.”

“11. The Secretary of State of Canada shall within fifteen days after the close of each session of Parliament, transmit to the Queen’s printer a list of the public departments, administrative bodies and officers to whom the first and second volumes respectively, of the Statutes of such session are to be transmitted as aforesaid, and shall also as occasion requires, furnish him with copies of all Orders in Council made under the provisions of this Act.”

2. And for amendment of the eighteenth sub-section of the seventh section of the said Act, it is enacted, that the following words shall be added to and read as part of the sub-section, that is to say : “ In the Province of Manitoba the said words shall denote the Court of Queen’s Bench for the said Province ; in the Province of British Columbia the said words shall denote the Supreme Court of British Columbia, and in the Province of Prince Edward Island the said words shall denote the Supreme Court of Judicature of the said Province.”

3. And for the avoidance of doubt as to the effect of Acts amending previous Acts which do not apply to the whole Dominion of Canada, it is declared and enacted, that no Act amending a previous Act which does not apply to all the Provinces of Canada, nor any enactment in any such amending Act, although of a substantive nature or form, does or shall apply to any Province to which the amended Act does not apply, unless it is expressly provided that such amending Act or enactment shall apply to such Province or to all the Provinces of Canada.

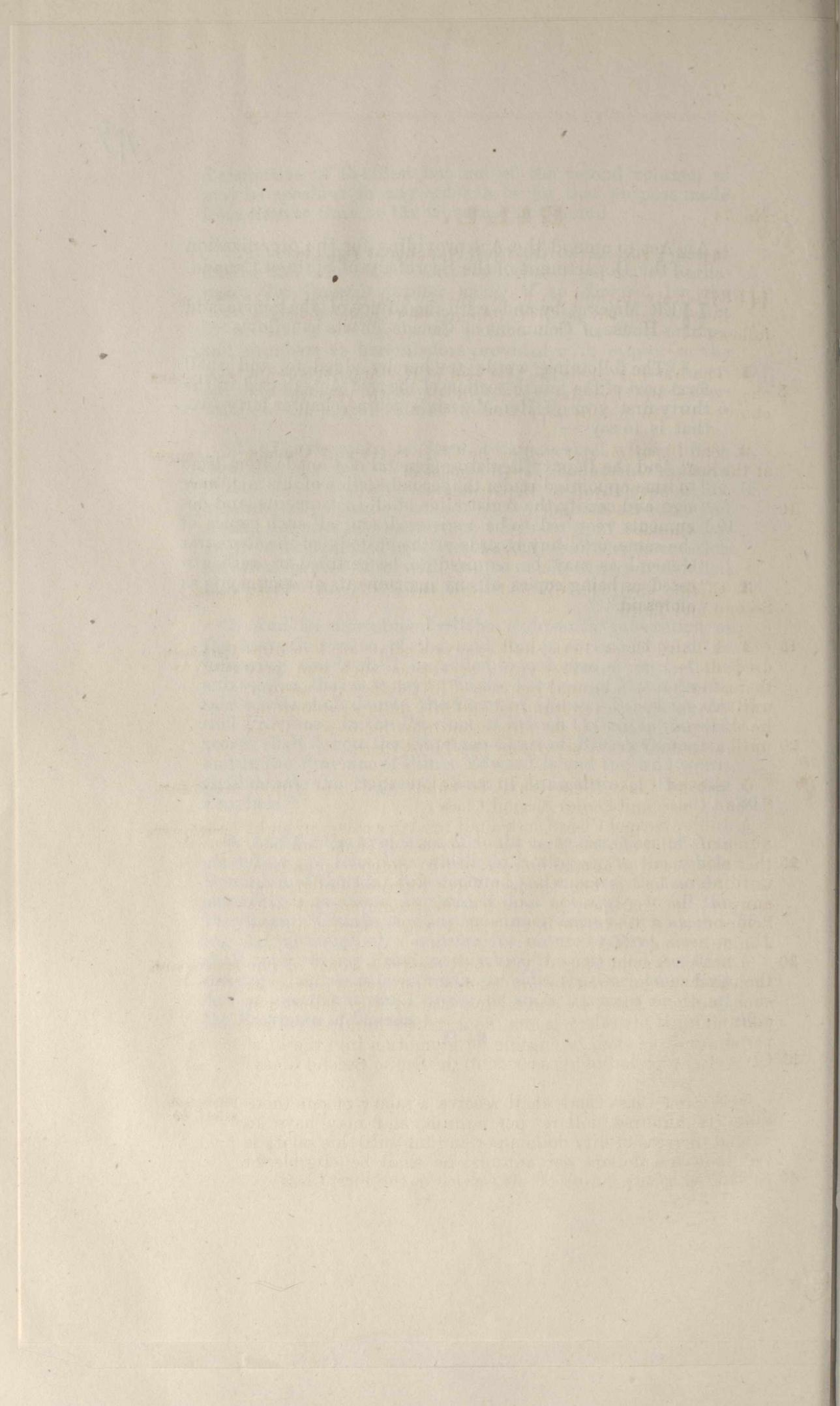
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An Act to amend the Act providing for the organization of the Department of the Secretary of State of Canada.

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

1. The following words are hereby added to, and shall form part of the fourth section of the said Act, passed in the thirty-first year of Her Majesty's reign, chapter forty-two, that is to say:—

“ And the Deputy Registrar-General of Canada from time to time appointed under the second section of this Act, may sign and certify the registration of all instruments and documents required to be registered, and all such copies of the same, or of any records in the custody of the Registrar-General as may be required to be certified or authenticated as being copies of any instruments or documents as aforesaid.”



An Act respecting the Civil Service of Canada.

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

1. The Act passed in the 31st year of Her Majesty's reign, Acts repealed
5 chapter 34, and the Act passed in the 35th year thereof,
chapter 18, are hereby repealed.
2. The Departmental staff of the Civil Service of Canada, Departmental
at the Seat of Government, shall consist of staff at
Deputy Heads of Departments, Ottawa.
10 Chief Clerks, and
Clerks.
- Clerks.*
3. Clerks shall be divided into three Classes: First, Classes.
Second and Third.
- 15 4. A Third Class Clerk shall receive a salary of five hun- Third-class,
dred dollars for his first year's service as such, and may salary, &c.
thereafter have an annual increase of fifty dollars per annum,
until his salary is seven hundred and fifty dollars per annum ;
he shall not be eligible for promotion into the Second Class
20 until after four years' service in the Third Class.
5. Second Class Clerks shall be subdivided into Junior Second-class.
Second Class, and Senior Second Class ;
A Junior Second Class Clerk shall receive a salary of eight Junior second,
hundred dollars for his first years' service as such, and may salary, &c.
25 thereafter have an annual increase of fifty dollars per annum,
until his salary is one thousand one hundred dollars per
annum ; he shall not be eligible for promotion into the
Senior Second Class until after four year's service in the
Junior Second Class ;
- 30 A Senior Second Class Clerk shall receive a salary of one Senior second,
thousand two hundred dollars for his first year's service as salary, &c.
such, and may have an annual increase of fifty dollars per
annum, until his salary is one thousand six hundred dollars
per annum ; he shall be eligible for promotion into the First
35 Class at any period of his service in the Senior Second Class ;
6. A First Class Clerk shall receive a salary of one thou- First-class,
sand six hundred dollars per annum, and may have an salary, &c.
annual increase of fifty dollars per annum until his salary is
two thousand dollars per annum ; he shall be eligible for
40 promotion at any period of his service in the First Class.

Chief Clerks.

Two grades :
second grade,
salary, &c. **7.** Chief Clerks shall be of two grades. A Chief Clerk of the second grade shall receive a salary of two thousand dollars for his first year's service as such, and may thereafter have an annual increase of one hundred dollars per annum, until his salary is two thousand four hundred dollars per annum. **5**

First grade,
salary, &c. **8.** A Chief Clerk of the first grade shall receive a salary of two thousand four hundred dollars for his first year's service as such, and may thereafter have an annual increase of one hundred dollars per annum, until his salary is twenty-eight hundred dollars per annum. **10**

Deputy Heads of Departments.

Who shall be. **9.** The Officers mentioned in Schedule A to this Act, shall be appointed by commission under the Great Seal, and shall be respectively the Deputy Heads of the Departments therein named. **15**

Absence of
deputy. In the absence of any Deputy Head, the Head of the Department may empower any Officer or Chief Clerk thereof to perform the duties of such Deputy Head. **20**

Duties of
deputy. It shall be the duty of the Deputy Head of each Department, and he shall have authority (subject always to the Head of the Department) to oversee and direct the other Officers, Clerks and Servants of the Department; he shall have the general control of the business of the Department, and such other powers and duties as may be assigned to him by the Governor in Council; and in the absence of the Minister, and during such absence, may suspend from his duties any officer, clerk or servant of the department who refuses or neglects to obey his directions as such deputy. **25**
30

Power to sus-
pend officers,
&c. **10.** A Deputy Head shall receive a salary of three thousand two hundred dollars for his first year's service as such, and may thereafter, or after the passing of this Act, have an annual increase of one hundred dollars per annum, until his salary is thirty-six hundred dollars per annum. **35**

Salary, &c.

Appointments and Promotions.

Age for ap-
pointment. **11.** No appointment shall be made of any person who is then under the age of eighteen years or over the age of twenty-five years, subject to the following exception:—

If appointed
be over
twenty-five. A person over the age of twenty-five years may be appointed to any office or clerkship upon the application and report of the Head of the Department, specifying the reasons therefor, but if the appointment is contemplated on the ground that special attainments are required, the person whom it is proposed to appoint, shall be subjected to a special examination in that respect; and if the person appointed is over the age of forty years, a report of the appointment and the reasons thereof, shall be submitted to Parliament at its then next Session. **40**
45

If over forty.

12. If the business of any Department requires the services of any person possessing any special professional, scientific or technical qualifications, a person possessing such qualifications may be appointed at such salary as the Governor in Council may direct, and such person shall not be ranked under any of the before mentioned classes. Offices requiring technical knowledge.
13. No appointment shall be made, except under the authority of the Governor in Council, upon the application and report of the Head of the Department, in which it is to be made. Appointments, how made.
14. Every appointment, whether by commission or otherwise, shall be during pleasure. During pleasure.
15. The Head of a Department, having nominated a person for any Clerkship, shall employ him on probation at a rate of pay not exceeding the salary attached to such Clerkship, and his permanent appointment shall not take place until he has been for three months on probation; but after he has been permanently appointed, the time he has been on probation shall count in determining the annual increase to which he would be entitled from length of service. Probation of nominee. Proviso.
16. Every person who has been nominated as above provided shall as a condition precedent to his appointment, produce such evidence as to his age, health and moral character, and shall be subject to such examinations, as shall be prescribed by the Civil Service Board, and approved of by the Governor in Council. Preliminary certificate.
17. If Parliament shall have voted in the estimates any sum not specially appropriated to any Department, but to meet possible increases in the Civil Service generally, the Governor in Council may apportion it amongst the several Departments in such manner as may be found expedient, but no additional first-class Clerkship or Chief Clerkship shall be created except by a special vote in the estimates. Case of Parliamentary vote for possible increase of number of employees.
18. The Head of a Department shall have the power to promote any person already in the service to any vacancy which may occur in his Department, or to any new clerkship which may have been created, provided that the salary attached to such clerkship has been included in the estimates voted by Parliament, or an additional sum has been assigned to his Department out of any general vote, as provided for in the next preceding section; and provided that the person is eligible for such promotion according to the provisions of the 3rd, 4th, 5th, 6th, 7th and 8th sections of this Act. Powers of heads as to promotions and filling vacancies.
19. If for any special reasons it shall be advisable to appoint or promote a Clerk to any class or to any salary within a class, otherwise than is provided for in the third, fourth, fifth, sixth, seventh and eighth sections, the Governor in Council may make such appointment or promotion upon the report of the Head of the Department stating the reasons, Case of promotion for special reasons to be reported.

and in all such cases the report of the Head of the Department, and the Order in Council founded thereon, shall be submitted to Parliament during the first ten days of its next session.

Extra Clerks.

- 20.** No Extra Clerk shall, except under an Order in Council, be employed in any Department, unless for a period not exceeding three months, for which he may be paid at a rate not exceeding two dollars per diem, out of the contingencies of the Department, on the certificate of the Head or Deputy Head thereof; except only that if such Extra Clerk be an Accountant, a Book-keeper, or a person of special attainments, and employed as such, he may be paid at a rate not exceeding four dollars per diem: 5 10
- Proviso: on report of head.* But any Extra Clerk may, under an Order in Council, made on the application and report of the Head of the Department, that the same is requisite, be employed for a longer period than three months, but not exceeding twelve months, and he shall during such period be borne on the pay-list of the Department. 15

Messengers.

- 21.** No appointment shall be made of any person as Messenger who is over thirty-five years of age, or until he has been nominated by the Head of a Department, and has produced such certificates and passed such examination as shall be prescribed by the Civil Service Board and approved of by the Governor in Council. 20 25
- Salary.* **22.** A Messenger shall enter the Service at a salary to be fixed by the Governor in Council, not exceeding four hundred dollars for the first year, and may thereafter have an annual increase of forty dollars per annum, until his salary is six hundred dollars per annum. 30

General Provisions.

- 23.** No allowance or compensation shall be made for any extra service which any Clerk may be required to perform in the Department to which he belongs, with the following exceptions:— 35
- If there is any extra work periodically occurring which requires the attendance of any of the Clerks over and above their ordinary duties, the Head of the Department may by written Departmental Instructions authorize an extra allowance to be made not exceeding fifty cents per hour for every hour such Clerk may be so employed. 40
- Special cases.* If any special case should occur not included in such Departmental Instructions, the Head of the Department may allow a similar extra remuneration upon the written application of the Deputy Head stating the circumstances. 45
- 24.** No Clerk shall receive the annual increase of salary authorized by this Act unless the same be recommended by the Head of the Department; but the same may be suspended and subsequently restored by the Head of the Department, but without payment of arrears: 50
- Annual increase allowed only on recommendation.*

The annual increase of salary shall be payable from the first day of the quarter next succeeding the date of which from his length of service any Clerk may be eligible for such increase.

When payable;

5 In case of promotion, the increase of salary shall become payable from the first day of the month next succeeding the date at which such promotion took place.

and in case of promotion.

10 25. The Head of every Department may, at such times as may be convenient grant to every Clerk leave of absence for recreation for any period or periods not exceeding in the whole three weeks in each year, and may in cases of illness or other pressing necessity, grant such extended leave not exceeding twelve months, and on such terms as the Governor in Council may think fit.

Granting leave of absence.

15 *Civil Service Board.*

26. There shall be a Board to be called the Civil Service Board, and to be composed of the persons who for the time being fill the offices named in the Schedule A :

How composed.

20 Five of the members of the Board shall be a quorum, and may exercise all the functions of the Board ;

Quorum.

A Chairman and Secretary shall be chosen annually from amongst themselves, and minutes of their proceedings shall be kept.

Officers.

The duties of the Board shall be,—

Duties.

25 1. To frame and publish Regulations to be observed by candidates for employment in the Civil Service of Canada, and the subjects of their examination, (varying for each Department according to the peculiar nature of its general functions and duties), and to alter the same, from time to time, such Regulations being first approved by the Governor in Council ;

Regulations.

30 2. To examine all candidates who present themselves upon a nomination for office, as hereinbefore mentioned, and in accordance with the regulations of the Board, and any other regulations or restrictions provided under this Act ;

Examinations.

35 3. To grant certificates of qualification to candidates whose examination as to fitness and capacity, and whose testimonials as to moral character have been found satisfactory ;

Certificates.

40 4. To investigate the length of service of any person claiming to be eligible on such ground to increase or to promotion from any one class to that next above it, and to report thereon to the Head of the Department ;

Claims to length of service, &c.

45 5. To report in the month of January in each year, to the Governor in Council, all cases in which there has been any departure, during the previous year, from the rules and regulations prescribed by this Act.

Reports.

50 6. The Governor in Council, may at any time refer to such Board, such questions as he may think fit, connected with the administration of the Civil Service in the matters of nomination, appointment, promotion or salary, or such enquiry or other questions connected with the efficiency and welfare of such service; and it shall be the duty of such Board to report for the consideration of the Government on

Questions may be referred to by Governor in Council.

Powers. every question so referred, and it shall have power and authority to summon and examine witnesses and to call for and obtain papers.

Oaths of office. **27.** All Deputy Heads, Chief Clerks, Clerks and Messengers shall take and subscribe before the Clerk of the Queen's Privy Council for Canada, the oath of allegiance and the oath which is contained in Schedule B of this Act; and the Clerk of the Queen's Privy Council for Canada shall keep a register of such oaths. 5

"Head," what to mean. **28.** In this Act the expression "Head of a Department" means the Minister of the Crown for the time being presiding over such Department. 10

To what officers, &c., this act applies. **29.** This Act shall apply only to Officers and Clerks of the Departmental Staff at the seat of Government, including the Officers on the staff of the Library of the two Houses of Parliament. 15

Short title. **30.** This Act may be cited as "The Canada Civil Service Act, 1875."

SCHEDULE A.

20

DEPUTY HEADS OF DEPARTMENTS.

Clerk of the Queen's Privy Council for Canada.	
Deputy of Minister of Justice.	
Deputy of Minister of Militia.	25
Under Secretary of State for Canada.	
Deputy of Minister of the Interior.	
Deputy of Minister of Finance.	
Deputy of Receiver General.	
Commissioner of Customs.	30
Commissioner of Inland Revenue.	
Deputy of Minister of Public Works.	
Deputy of Postmaster General.	
Deputy of Minister of Agriculture.	
Deputy of Minister of Marine and Fisheries.	35

SCHEDULE B.

" I, (A.B.), solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as and that I will not ask, or receive any sum of money, services, recompense or matter or thing whatsoever, directly or indirectly, in return for what I have done or may do in the discharge of any of the duties of my said office, except my salary or what may be allowed me by law or by an Order of the Governor in Council.—So help me God." 40 45

No. 74.

2nd Session, 3rd Parliament, 38 Vic

BILL.

An Act respecting the Civil Service of Canada.

Received and read, first time, March, 1875.
Second reading, Tuesday, 9th Mar

MR. CARTWRIGHT

OTTAWA:

Printed by Maclean, Roger & Co., Wellington, 1875.

An Act to authorise François Xavier Galarneau and Magloire Cléophas Galarneau to build and maintain a Toll Bridge over the River L'Assomption, in the Province of Quebec.

WHEREAS the construction of a Toll-bridge over the River L'Assomption, a partly navigable river, the said bridge being situated in the Parish of L'Assomption, at the point called the Portage, will greatly tend to promote the welfare and intercourse of the inhabitants of the Counties of Joliette and L'Assomption, and the convenience of the public generally; and whereas François Xavier Galarneau, yeoman of the Parish of L'Assomption, and Magloire Cléophas Galarneau, trader, of the City of Montreal, have by a petition presented by them for that object prayed to be authorised to construct, repair and maintain a Toll-bridge over the said River L'Assomption: 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 François Xavier Galarneau and Magloire Cléophas Galarneau, are hereby authorised to build, repair and maintain at their own cost and expense, a solid and sufficient Toll-bridge over the said River L'Assomption, in the Parish of L'Assomption, at the north easterly extremity of the village of that name, at the place called the Portage, in the County of L'Assomption, in the Province of Quebec, and to have Toll-houses and Toll-gates, and also to do and execute all such other matters and things as shall be necessary, useful or advantageous for erecting and constructing, keeping up and maintaining the said Bridge, Toll-houses, Toll-gates and other dependencies, according to the true intent and meaning of this Act.

2. During the continuance of the privileges by this Act conferred, it shall be lawful for the said François Xavier Galarneau and Magloire Cléophas Galarneau, to ask, demand, receive, take, sue for, recover, to and for their own proper use, benefit and behoof, for pontage, as or in the name of toll or duty, before any passage over the said Bridge shall be permitted, or after such passage, the several sums following, that is to say:—

Preamble.

Construction of bridge and dependencies authorized.

Tolls may be collected.

	\$	cts.	
For every vehicle drawn by one horse or ox.	0	10	
For every vehicle drawn by two horses or two oxen	0	15	
For every vehicle drawn by three horses or three oxen.....	0	20	5
For every vehicle drawn by four horses or four oxen.....	0	25	
For every horse, ox or cow.....	0	05	
For every sheep, hog, calf or colt.....	0	03	10
For every horse with its rider.....	0	10	
For every foot passenger.....	0	02	

Tolls may be diminished and again increased.

3. It shall be lawful for the said François Xavier Galarneau and Magloire Cléophas Galarneau to diminish the said tolls, or any of them, and then afterwards, if they see fit, 15 again to augment the same or any of them, so as not to exceed in any case the rates by this Act authorized to be taken ; and the said François Xavier Galarneau and Magloire Cléophas Galarneau shall affix, or caused to be affixed, in some conspicuous place at or near the said Toll-gates, or 20 upon the said Bridge, a table of the rates payable for passing over the said Bridge, and so often as such rates may be diminished or augmented, they shall cause such alteration to be affixed in manner aforesaid.

Tariff to be posted up.

Penalty for passing without paying toll, &c.

4. If any person shall forcibly pass through the said Toll-gates, or over or upon the said Bridge without paying the said toll, or any part thereof, or shall interrupt or disturb the said François Xavier Galarneau and Magloire Cléophas Galarneau, or any person or persons employed by them in building or repairing the said Bridge, or making or repairing the 30 way over the same, or any road or avenue leading thereto, or shall at any time drive faster than a walk on the said bridge, every person so offending in each of the cases aforesaid shall, for every such offence, forfeit a sum not exceeding ten dollars, or be imprisoned for a period not exceeding 35 ten days in the common gaol of the district.

Other bridges and ferries prohibited within certain limits.

5. At all times, so long as the said Bridge is passable or open for the use of the public, no person whatsoever shall erect any bridge or bridges, nor shall use for purposes of ferriage boats of any description whatever, for the passage 40 of any person, cattle or vehicle whatsoever, for hire across the said river, within the distance included between the property upon which Elizie Forest now resides, and that belonging to Doctor Desmarais, a distance of between three and four miles measuring along the banks of the said river 45 and following its windings ; and any person who shall build any toll-bridge or toll-bridges over the said river within the limits aforesaid shall, without prejudice to any proceedings which may be instituted against him by the said François Xavier Galarneau and Magloire Cléophas Gal- 50 arneau before any court, to cause the said bridges to be destroyed, and to cause their privileges to be otherwise respected, pay to the said François Xavier Galarneau and

Penalty and liability for contravention.

Magloire Cléophas Galarneau treble the tolls hereby imposed for all persons, cattle, horses and carriages passing over such bridge or crossing by means of such ferry or ferries.

6. The said François Xavier Galarneau and Magloire Cléophas Galarneau to entitle themselves to the benefits and advantages to them by this Act granted, shall be bound to put the said Bridge into a safe and convenient condition for the passage of travellers, cattle and vehicles, and if the said Bridge should, by accident or otherwise, give way, the said François Xavier Galarneau and Magloire Cléophas Galarneau shall be bound to re-build the said Bridge within the fifteen months next following the giving way of the said Bridge, under penalty of forfeiture of the advantages to them by this Act granted.
7. The penalties hereby inflicted shall, upon proof of the offence, respectively, before any one or more Justices of the Peace or Magistrates for the District of Joliette, or before any other court of competent jurisdiction, either by the confession of the offender or by the oath of one or more credible witness or witnesses (which oath such Justice, Court or Magistrate is hereby empowered and required to administer), be levied by distress and sale of the goods and chattels of such offender, by warrant, signed by such Justice or Justices of the Peace, or Magistrate, or issued by such court, and the overplus, after such penalties and the charges of such distress and sale are deducted, shall be returned, on demand, to the owner of such goods and chattels; and such penalties shall belong to the said François Xavier Galarneau and Magloire Cléophas Galarneau, or their assigns.
8. The said Bridge shall be built upon piers, placed at a distance of not less than fifty feet from each other, and the height of the arches of the said Bridge shall be not less than five feet above the level of high water; the said Bridge shall not be provided with any swing or draw, there being no navigation above the said bridge.
9. All the powers, privileges and immunities hereby granted to the said François Xavier Galarneau and Magloire Cléophas Galarneau, shall be vested in the said François Xavier Galarneau and Magloire Cléophas Galarneau, their heirs and assigns.
10. This Act and the provisions hereinbefore contained, shall be in force for the period of twenty-five years from the day of the passing thereof.
11. Nothing in this Act shall authorize any interference with the rights or privileges belonging to or within the exclusive jurisdiction of the Legislature of the Province of Quebec.

Period for completing bridge

Bridge to be repaired in case of accident.

Enforcement of penalties.

Height and width of arches.

No swing bridge.

To whom penalties are granted.

Duration.

Rights of Quebec Legislature saved

No. 75.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to authorize François Xavier Galarneau and Magloire Cléophas Galarneau to build and maintain a Toll-Bridge over the River L'Assomption, in the Province of Quebec.

Received and read, first time, Tuesday 9th
March, 1875.

Second reading, Wednesday, 10th March,
1875.

(PRIVATE BILL.)

MR BABY.

OTTAWA :

Printed by MacLean, Roger & Co., [Wellington Street]
1875.

An Act further to amend the Acts respecting Controverted Elections.

IN amendment of the Act passed in the thirty-sixth year of Her Majesty's Reign, and intituled: "*An Act to make better provision respecting Election Petitions, and matters relating to Controverted Elections of Members of the House of Commons*," and of the Act passed in the thirty-seventh year of Her Majesty's Reign, and intituled: "*An Act to make better provision for the Trial of Controverted Elections of Members of the House of Commons, and respecting matters connected therewith*:" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Whenever the Judge presiding at the trial of any Election Petition reports any candidate or person as having been proved at such trial guilty of a corrupt practice, such Judge may, in his discretion, direct the proper officer to take the necessary proceedings for the trial of such candidate or person for a misdemeanor.

Preamble.
36 V., c. 28.
37 V., c. 10.
Judge may order prosecution for corrupt practice.

2. The sixty-seventh section of the said secondly recited Act is hereby amended by striking out therefrom, wherever they occur, the words "and who is not a member of the House of Commons."

Section 67 amended.

3. In every case of an Election Petition presented under the Controverted Elections Act, 1873, in which twelve months shall have elapsed since the said Petition was presented and it shall then be untried, the Respondent may require, and the Petitioner within six days after demand, shall give new security in accordance with the terms of the Dominion Controverted Elections' Act, 1874, for the payment of all costs, charges and expenses that may become payable by the Petitioner in respect of such Petition.

In certain cases, Petitioners may be required to give new security.

No. 76.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act further to amend the Acts respecting Controverted Elections.

Received and read, first time, Tuesday, 9th
March, 1875.

Second reading, Wednesday, 10th March, 1875.

Mr. CAMERON,
(Cardwell.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street,
1875.

An Act to compel persons delivering Merchantable Liquids in Casks to mark on such casks the capacity thereof.

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 first day of July, one thousand eight hundred and seventy-five, it shall not be lawful to deliver in a cask, to the purchaser, any merchantable liquid that has been put into such cask in Canada, unless the capacity of the cask in which delivery is made, is legibly marked in gallons, and parts of a gallon, on the bung stave thereof; such marking to be cut or branded in the wood, in characters not less than one inch and a quarter in height. Except only that such marking shall not be necessary on casks on which the quantity of liquid then contained in them has been marked or verified in compliance with excise regulations then in force. After first July, 1875, capacity of cask to be marked on bung stave.

2. For the purpose of this Act [a "Cask" shall mean and include every vessel constructed for holding liquids, of staves and headings bound together by hoops. Interpretation.

3. Every public guager or other person who:—

(a.) Marks or causes to be marked on any cask as its capacity, a quantity greater than such cask will hold, or
 (b.) Who uses or causes to be used for the delivery to a purchaser of any merchantable fluid put into a cask in Canada, any cask so falsely marked, or
 (c.) Who delivers any merchantable fluid put into a cask in Canada, except as herein provided, in a cask not marked as herein required,
 Shall be guilty of an offence against this Act, and shall incur a penalty of *ten dollars* for every cask so falsely marked or so used without being first properly marked, and a penalty of double the amount for every subsequent offence. Offences against this Act.
Penalty for such offences.

4. The capacity of any cask shall in all cases of dispute be determined by the weight of rain-water it will hold, the water being at a temperature of sixty-two degrees of Fahrenheit's thermometer and ten pounds of such water being reckoned as equal to one gallon, and the determination by such weighing by an Inspector or Deputy Inspector of weights and How the capacity shall be ascertained in case of dispute.

measures, or by an officer of Inland Revenue, authorized thereto by Departmental regulations, of the contents of any cask, shall be final and conclusive.

Act how construed, 36 V., c. 47.

5. 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 entitled "*The Weights and Measures Act of 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.

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2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to compel persons delivering Merchantable Liquids in Casks to mark on such casks the capacity thereof.

Received and read, first time, Tuesday, 9th March, 1875.
Second reading, Wednesday, 10th March, 1875.

MR. GEOFFRION.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street. 1875.

An Act respecting Life Insurance Companies and Companies doing any insurance business other than Fire and Inland Marine.

IN amendment of the Act passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, and intituled: '*An Act respecting Insurance Companies,*' as the same is amended by an Act passed in the thirty-fourth year of Her Majesty's reign, intituled: '*An Act to amend an Act respecting Insurance Companies,*' Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Superintendent of Insurance who may at any time be appointed under an Act of the present session, intituled "*An Act to consolidate and amend the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business,*" shall have authority to examine into the affairs of all companies licensed to transact Life Insurance business or any form of insurance other than that of Fire and Inland Marine insurance; and he shall have the like powers with respect to the superintendence of such companies as are provided for by the said Act with respect to Fire and Inland Marine Companies.
2. The Minister of Finance shall have the power to call upon all such Insurance Companies to make such returns as he may deem necessary to shew the condition and affairs of the same.

Powers of superintendent under Act of this Session extended to such companies.

Returns by such companies.

No. 78.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act respecting Life Insurance Companies, and companies doing any insurance business other than Fire and Inland Marine.

Received and read, first time, Tuesday, 9th
March, 1875.

Second reading, Wednesday, 10th March,
1875.

Mr. CARTWRIGHT.

OTTAWA :
Printed by MacLean, Roger & Co., Wellington Street.
1875.

79

An Act to amend the Act respecting Procedure in Criminal Cases and other matters relating to Criminal Law.

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

1. Section ninety-eight^a of the Act passed in the Session held in the 32nd and 33rd years of the reign of Her Majesty, entitled "*An Act to amend the Act respecting Procedure in Criminal Cases and other matters relating to Criminal Law*," is hereby repealed, and the following substituted therefor:—

“98. Provided always that the Court before which any offender whose age at the time of his trial does not, in the opinion of the Court, exceed sixteen years, is convicted, whether summarily or otherwise, of any offence punishable by imprisonment, may, in its discretion, sentence such offender to imprisonment in the Reformatory Prison (if any) in the Province in which such conviction takes place, and such imprisonment shall in such case be substituted for the imprisonment in the Penitentiary or other place of confinement by which the offender would otherwise be punishable under any Act or law relating thereto, which shall be construed subject to this provision: Provided that in no case shall the sentence be less than two years or more than five years confinement in such Reformatory Prison, and in every case where the term of imprisonment is fixed by law to be more than five years, then such imprisonment shall be in the Penitentiary.”

An Act to amend the Act respecting Pardon in Criminal Cases and other matters relating to Criminal Law.

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

1. Section ninety-eight of the Act passed in the Session held in the 32nd and 33rd years of the reign of Her Majesty entitled "An Act to amend the Act respecting Pardon in Criminal Cases and other matters relating to Criminal Law" is hereby repealed, and the following substituted therefor:

"98. Provided always that the Court shall, in any case where the Court is of opinion that the offender whose case is under consideration in the opinion of the Court, or such other person, is convicted whether voluntarily or otherwise of any offence punishable by imprisonment, or if the offender is a habitual offender to imprisonment in the Penitentiary, or if the offender is a habitual offender in the Province in which conviction takes place, and

13. such imprisonment shall in such case be substituted for the imprisonment in the Penitentiary or other place of confinement by which the offender would otherwise be punishable under any Act or law relating thereto, which shall be construed subject to this provision. Further that in no case shall the sentence be less than two years or more than five years, and in every case where the term of imprisonment is fixed by law to be more than five years, then such imprisonment shall be in the Penitentiary.

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An Act to make further provisions respecting the
Central Prison for Ontario.

IN amendment of an Act passed in the the thirty-sixth
year of Her Majesty's reign, entitled "*An Act respecting
the Central Prison for the Province of Ontario*," Her Majesty,
by and with the advice and consent of the Senate and
5 House of Commons of Canada, enacts as follows:—

1. Any Sheriff or other person having the custody of an
offender sentenced to imprisonment in the said Central
Prison, may detain the offender in the common gaol of the
county or district in which he is sentenced, or other place
10 of confinement in which he may be, until a Central Prison
Bailliff or other person lawfully authorized in that behalf
requires his delivery for the purpose of being conveyed to
the Central Prison.

2. In case the Gaol Surgeon, or other medical practitioner
15 acting in this behalf, shall certify that any offender sentenced
as aforesaid is in such a weak state of health that he is
unable to perform hard labour, such offender may be detained
in the common gaol or other place of confinement in which
he may be, until he is sufficiently recovered to be employed
20 at hard labour.

3. The time for which any person sentenced to imprison-
ment in the Central Prison, is held in custody under the
provisions of this Act shall be reckoned in computing the
time served by such person in the said Central Prison.

An Act to make further provisions respecting the
Central Prison for (Malaya)

An amendment of an Act passed in the thirty-sixth
year of His Majesty's said Majesty, the late
the Central Prison for (Malaya) in (Malaya) by (Malaya)
and with the said Act and with the said Act and
the House of Commons of (Malaya) in (Malaya) -

1. Any officer or other person having the custody of an
inmate sentenced to imprisonment in the said Central
Prison may detain the inmate in the common hall of the
county of (Malaya) in which he is confined in such place
or places as he may think fit, and may detain the inmate
in any other place or places which he may think fit, for
the purpose of being employed in any work or labour
connected with the said Central Prison.

2. In case the (Malaya) of any inmate is (Malaya)
to act in this behalf, and in such case the (Malaya)
is authorized in such a case to detain the inmate
in any place or places which he may think fit, and may
detain the inmate in any other place or places which
he may think fit, for the purpose of being employed
in any work or labour connected with the said Central
Prison.

3. The time for which any inmate is employed in (Malaya)
in the Central Prison shall be deemed to be (Malaya)
the provisions of this Act shall be deemed to be (Malaya)
the time for which any inmate is employed in the said Central
Prison.

81

An Act for the more speedy trial before Police and Stipendiary Magistrates in the Province of Ontario of persons charged with Felonies or Misdemeanors.

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

1. In case any person is charged in Ontario before a Police
5 Magistrate or before a Stipendiary Magistrate in any county, district or provisional county in Ontario, with having committed any offence for which he may be tried at a Court of General Sessions of the Peace, or in case any person is committed to a gaol in the county, district or provisional county
10 under the warrant of any Justice of the Peace for trial on a charge of being guilty of any such offence, such person may with his own consent be tried before such Magistrate, and may, if found guilty, be sentenced by the Magistrate to the same punishment as he would have been liable to if he had
15 been tried before the Court of General Sessions.

2. The proceedings upon and subsequent to such trial shall be, as nearly as may be, the same as upon a trial under the Act of the Parliament of Canada passed in the Session held in the thirty-second and thirty-third year of Her
20 Majesty's reign, entitled "An Act respecting the prompt and Summary Administration of Criminal Justice in certain cases."

3. Every conviction under this Act shall have the same
25 effect as a conviction upon indictment for the same offence would have had, save that no conviction under this Act shall be attended with forfeiture beyond the penalty (if any) imposed in the case.

4. Every person who obtains a certificate of dismissal, or is convicted under this Act, shall be released from all further
30 or other criminal proceedings for the same cause.

5. No conviction, sentence or proceeding under this Act shall be quashed for want of form; and no warrant of commitment upon a conviction shall be held void by reason of any defect therein if it be therein alleged that the offender
35 has been convicted, and there be a good and valid conviction to sustain the same.

6. If any person has, under this Act or under the said Act passed in the session held in the thirty-second and thirty-

third years of Her Majesty's reign, chaptered thirty-two or under any other Act giving such election, been asked to elect whether he should be tried by the Magistrate or before a jury, and has elected to be tried before a jury, then in case such election is stated in the warrant of committal for trial or upon the depositions, the Sheriff or the County Judge, or Junior or Deputy Judge, shall not be required to take the proceedings directed by the Act passed in the said Session, and chaptered thirty-five, entitled "An Act for the more speedy trial in certain cases of persons charged with Felonies and Misdemeanors in the Provinces of Ontario and Quebec;" and in all such cases it shall be the duty of the committing Magistrate to state in the warrant the fact of such election having been made.

7. If the Magistrate is of opinion from any circumstances appearing in the case that the charge cannot be properly disposed of before him, he may at any time before the person charged has made his defence, decide not to adjudicate summarily thereon, and may thereupon deal with the same as if this Act had not been passed, and in such case such prisoner may be afterwards tried summarily by his own consent at the County Judge's Criminal Court.

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42

An Act to incorporate the "Canadian Gas Lighting Company."

WHEREAS Charles Dewey Day, Charles Joseph Coursol, John Hamilton, Thomas Edwin Foster, William Angus, Andrew Buchanan Stewart, Robert Mitchell, Walter Munson Rice, Frank Bond, John William Post, and Duncan McMartin, have by their petition represented that they have formed themselves into an Association, for the purpose of working certain valuable inventions and processes for which letters patent for the Dominion of Canada are held by them, for the illumination by gas, of cities, towns, villages, churches, factories and private houses, in a safe and economical manner, and are desirous of obtaining an Act of incorporation under the name of the "Canadian Gas Lighting Company:" 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 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."

2. All the rights in the said inventions and letters patent, and all the property of the said unincorporated Association, existing before the passing of this Act, and all debts and claims now due or belonging to them shall hereby immediately pass to and become vested in this Corporation, which shall in like manner become and be held liable for all debts and liabilities of the said unincorporated Association.

3. The capital stock of the Corporation shall be three hundred thousand dollars current money of this Dominion, in shares of one hundred dollars each; and such stock shall be transferable upon the books of the Corporation, and shall be allotted, paid up, applied and disposed of in such manner as shall be provided and determined by resolutions or by-laws of the said Corporation.

4. One thousand shares of the said stock shall be held by the petitioners or their assigns, and entered upon the books of the Corporation as paid-up stock, representing the value of the said inventions and letters patent, and the claims, contracts and other property belonging to the unincorporated Association and hereby vested in this Corporation. And the said one thousand shares of paid-up stock shall be allotted and divided among the several petitioners, according to the proportions in which they may be entitled thereto.

and shall be free from all claims and demands on the part of the said Corporation, or the creditors thereof, to the same extent as if all the instalments thereof had been regularly called in by the Corporation, and paid by the holders thereof in full ; Provided always that the liability of the petitioners, 5 or any of them, under and by reason of any claim, covenant or obligation incurred by the said Association and existing before the passing of this Act, shall not hereby be lessened or in any manner affected.

5. All contracts made and entered into by the said Association shall enure to the benefit of and be binding upon the said Corporation, and from henceforth the same shall be treated as if the said Association had been incorporated at the time of making the same. And the said Corporation may sue and be sued upon or in respect of any such contract, as if the same had been made and entered into by and with the said Corporation. 15

6. Until the election of Directors, the said Charles Dewey Day, Charles Joseph Coursol, John Hamilton, Thomas Edwin Foster, William Angus, Andrew Buchanan Stewart, Robert 20 Mitchell, Walter Munson Rice, and Frank Bond, shall be the Directors of the said Corporation.

7. The first election of Directors shall be made at a general meeting of the stockholders of said Corporation, to be held for that purpose, at the City of Montreal, after such 25 notice as is specified in the "*Canada Joint Stock Companies Clauses Act, 1869*," and at such meeting nine Directors shall be elected, to hold office until the first Wednesday in the month of January then next following ; and after such first election, the Directors shall be annually elected at the meet- 30 ing of stockholders to be held for that purpose on the first Wednesday of the month of January of each year ; notice of which annual meeting shall be given in the manner provided by the by-laws of the said Corporation ; and no person shall be a Director of the said Corporation unless he 35 be the proprietor of at least ten shares of stock therein.

8. The provisions of the "*Canada Joint Stock Companies Clauses Act, 1869*," in so far as they are applicable to this undertaking, and are not expressly varied or excepted by this Act, shall be incorporated herewith and form part 40 hereof, and shall be construed herewith as forming one Act.

9. This Act shall be deemed and be a public Act.

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 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 allowances.

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.

How payable.

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 the Judges, and for other purposes,*" shall apply to the said County 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.

Section 8 of 37 V., c. 4, to apply as to retiring allowances.

No. 83.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

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, first time, Tuesday, 9th
March, 1875.

Second reading, Wednesday, 10th March,
1875.

MR. FOURNIEE.

OTTAWA :

Printed by MacLean, Roger & Co., Wellington Street,
1875.

An Act to amend the Acts 36 Vict., Chap. 9, and 37 Vict., Chap. 34, respecting the appointment of Harbor Masters.

In amendment of the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled "*An Act to provide for the appointment of Harbor Masters for certain ports in the Provinces of Nova Scotia and New Brunswick*," hereinafter referred to as "the Act first mentioned," and of the Act passed in the thirty-seventh year of the Her Majesty's reign and intituled, "*An Act to provide for the appointment of Harbor Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island*," hereinafter referred to as "the Act secondly mentioned"; 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 Act first mentioned, and the eighth section of the Act secondly mentioned, are hereby repealed and the following section is substituted for each of them respectively, and shall be read and have effect as the eighth section of each of the said Acts:—

8. The Harbor Master for any port shall be remunerated for his services solely by the fees hereinafter mentioned, or such portion thereof as he may from time to time be authorized to retain by the rules and regulations made by the Governor in Council under the fourth section of this Act: and for and in respect of all ships entering a port or harbor to which this Act applies, and at which a Harbor Master is appointed, and discharging or taking in cargo, ballast, stores, wood or water, there shall be paid the following fees; that is to say:—

							\$	cts.
	For every ship	of 50	tons	register	or under.....			50
	"	over	50	tons	and not over 100 tons	register.	1	00
30	"	"	100	"	"	200	"	1 50
	"	"	200	"	"	300	"	2 00
	"	"	300	"	"	400	"	2 50
	"	"	400	"	"	500	"	3 00
	"	"	500	"	"	700	"	4 00
35	"	"	700			5 00

and such fees shall also be payable for ships with cargo and steamers passing through or arriving at the Harbors of Sorel, St. Johns, Three Rivers or Lachine, in the Province of Quebec.

Preamble.
36 V., c. 9.

37 V., c. 34.

Section 8 of both Acts repealed, and new provision substituted.

Fees to Harbor Masters, and on what ships and where payable.

Section 11 of both Acts amended.

2. The eleventh section of the Act first mentioned and the eleventh section of the Act secondly mentioned, are hereby repealed, and the following section is substituted for each of them respectively, and shall be read and have effect as the eleventh section of each of the said Acts ;

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When and how often fees are payable.

11. Such fees as aforesaid shall not be payable for any ship more than twice in each calendar year (that is the year commencing on the first day of January and ending on the last of December), whatever be the number of ports or harbors at which she may arrive or pass through, or the number of times of her so arriving or passing through them, or any of them : such fees shall be payable by the master of the ship to the Harbor Master immediately on her entering or arriving at the port or harbor, and the collector or principal officer of customs thereat, shall not grant any clearance, transire or let-pass to any ship on which they are payable, until the master thereof produces to him a certificate of the payment of such fees or certificates of the payment of fees under this Act twice within the then present year."

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Duties of Harbor Masters as to buoys, &c.

3. It shall be the duty of each Harbor Master appointed either under the Act first mentioned, or the Act secondly mentioned, to see to and superintend the placing, maintaining and taking up of buoys in the port or harbor for which he is appointed, and to perform such other services and duties connected with such port or harbor, as he may be directed to perform by the Minister of Marine and Fisheries, or by the proper officer, or by Departmental orders of that Department, without any additional remuneration beyond the amount allowed him out of fees received by him under either of the said Acts as hereby amended.

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Penalties imposed under Order in Council, how recoverable, &c.

4. The penalty imposed by any rule or regulation made by the Governor in Council, under the fourth section of either of the said Acts, and incurred by any breach or continuing breach of such rule or regulation, may be recovered by summary proceeding and conviction before any Justice of the Peace having jurisdiction in the place where such breach is committed or is continued, under the " Act respecting the duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and Orders," on the information of any Harbor Master or other person, and payment thereof may be enforced in the manner by the said Act provided ; and one moiety of such penalty shall belong to the informer, not being the Harbor Master, and the other moiety to the Crown, but if the Harbor Master be the informer, the whole shall belong to the Crown.

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No. 84.

2nd Session, 3rd Parliament, 38 V

BILL.

An Act to amend the Acts, 36 9, and 37 Vict. Cap. 34, res appointment of Harbor Ma

Received and read, first time, 1 March, 1875.
Second reading, Wednesday, 1 1875.

Mr. SMITH
(Westm

An Act to amend the Act Cap. 46 of the Consolidated Statutes of Canada, entitled "An Act respecting the Culling of Timber.

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

1. The following sections of the forty-sixth chapter of the Consolidated Statutes of Canada, namely:—Sections five, six, eleven, twelve, thirteen, fourteen, seventeen, eighteen, nineteen, twenty, twenty-four, thirty, thirty-one, thirty-two, thirty-three, thirty-five, forty, and forty-six together with all such parts of the said Act as are inconsistent with the provisions of this Act, are hereby repealed.

Parts of Con.
Stat. Can. c.
46 repealed.

2. In addition to the Supervisor of Cullers appointed as is provided in the Act hereby amended, there shall be such number of Deputy Supervisors as the Governor in Council may from time to time determine.

Deputy
Supervisors.
Appointment.

(1.) Each of the Deputy Supervisors, shall himself with two responsible sureties enter into bonds to Her Majesty in the penal sum of *two thousand dollars* each for the faithful discharge of his duty, and such bonds shall enure to the benefit of all parties damnified by the misfeasance or malfeasance of the Deputy Supervisor, and any of the parties so damnified may recover from the Deputy Supervisor and his sureties upon such bond to the amount to which they have been so damnified.

To give
Security.

(2.) Every Deputy Supervisor shall take and subscribe to the oath prescribed for the Supervisor in so far as it is applicable to the said Deputy, before one of Her Majesty's Justices of the Peace, and the same shall be filed in the Department of Inland Revenue.

Oath of office.

3. Every certificate issued by the Board of Examiners appointed under the provisions of the Act hereby amended, shall state the qualifications of the person to whom such certificate is issued, and what description of culling he is best qualified to perform.

As to form of
certificate to
Cullers.

4. The Governor in Council may from time to time make such regulations as to the manner of granting licenses to cullers as he may deem necessary.

Regulations
as to licenses.

- Qualification of Supervisor or Deputy.** 5. No person shall be appointed as Supervisor or Deputy Supervisor of Cullers, or as a Culler, until he has obtained a certificate of qualification in the manner prescribed in the Act hereby amended.
- Appointment of Cullers; number.** 6. The Governor in Council may appoint such number of qualified Cullers duly licensed in the manner provided in the Act hereby amended as may be necessary for the proper performance of the work of culling timber, deals, boards, staves and other articles in the manner provided in the said Act, and may assign to them such salaries or other remuneration as may from time to time be deemed proper, but not exceeding such amounts as may be voted by Parliament for that service. 5 10
- Officers and Cullers subject Revenue Acts.** 7. The Supervisor and Deputy Supervisors of Cullers, and all Cullers appointed or holding office under this Act shall be officers of the Department of Inland Revenue, and shall be subject to all the provisions of the Acts respecting the collections and management of the public revenues, and as to surety by public officers, and shall also be subject to such Departmental regulations as to hours of service, as may be from time to time made. 15 20
- Cullers must have certain instruments.** 8. Every Culler shall be provided with such measuring rods, tapes, and other measuring instruments as may be directed by Departmental regulations, all of which shall be in accordance with the standard measures of the Dominion, and shall bear the verification marks of the Standards Branch of the Inland Revenue Department. Each Culler shall also be provided with such scribing knife or knives, and such stamp or stamps as may be necessary for marking the articles culled by him, with the initials of his name, and with the capital letters distinguishing the quality, as follows: 25 30
- Marks of quality of timber.**
- M. Which shall denote what is merchantable.
 - U. Which shall denote what is sound and of merchantable quality but under merchantable size.
 - S. Which shall denote what is of second quality. 35
 - T. Which shall denote what is of third quality.
 - R. Which shall denote what is rejected and unmerchantable.
- Where to be put.** Which marks shall be indented or stamped on the end of each article of lumber culled in terms of the merchantable standard prescribed in the Act first above cited, except as to West India and barrel staves, boards, lathwood and handspikes. 40
- Cullers to check and sign measurements on the office books.** 9. Every Culler shall check and examine the entry of his measurements and of culling and counting on the books of the Supervisor, and sign such entry and calculations on the said books. 45
- Governor in Council to make tariff of fees.** 10. The Governor in Council may from time to time raise or lower the tariff of fees and charges for culling and measuring and counting off, established by the Act hereby amended in such manner as to meet and defray, as nearly as possible, the expenses of the Supervisor's office, and the pay- 50

ment of salaries to the Supervisor, the Deputy Supervisors and Cullers employed under this Act.

11. An office shall be opened in some convenient place at the Port of Quebec, which shall be known as the Supervisor of Culler's office, and such other offices shall be opened for the Deputy Supervisors of Cullers, and at such place as may be determined by the Governor in Council, and every such office shall be kept open on all lawful days from six o'clock in the forenoon to six o'clock in the afternoon during the open season of navigation, and at all other times during ordinary office hours.

Offices for culling duties.

12. The Supervisor of Cullers shall endorse upon the specification of measurement (or certificate of culling or of count) of any timber, or lumber, the amount of Crown dues accrued thereon, and shall withhold such specifications or certificate from the parties interested therein until such Crown dues have been paid or secured to the satisfaction of the Crown Timber Agent appointed to collect the same; and the supervisor may further withhold such specifications or certificates until the Crown Timber Agent has received satisfactory evidence of the quantities of timber or lumber, exempt from or subject to such Crown dues.

Supervisor to endorse crown dues on specification of measurement or count. And withhold certificate until they are paid or secured. And until Crown timber agent is satisfied, as to quantity.

13. All timber or lumber, shipped (or intended to be shipped) for exportation by sea shall be either measured, culled or counted (at the option of the parties) by a licensed Culler, under the control and superintendence of the Supervisor, and specification of measurement or certificate of culling and counting obtained, under a penalty equal to the market value of any article of timber or lumber, so illegally shipped, to be imposed upon the owner or shipper of such timber or lumber, or upon the proprietor or proprietors, lessee or lessees, of the premises from which such timber, or lumber has been so illegally shipped.

Timber for exportation by sea, must be culled or counted by licensed culler, &c.

Penalty for contravention

2. Proof of the fact of timber or lumber having been placed alongside or taken on board any sea-going ship or vessel, shall be sufficient evidence of such illegal shipping for exportation by sea;

Proof of contravention

3. And proof of the measuring, culling or counting, of such timber or lumber, and of the obtaining of the specification of measurement, or certificate of culling or counting in conformity with this Act, shall lie upon the party charged with such illegal shipping; and the market value of any article of timber or lumber, so illegally shipped, shall be ascertained by the certificate of the Council of the Quebec Board of Trade, or by a certificate under the hand of the Supervisor;

Proof of compliance with this Act to lie on the party charged with contravention.

Provided always, that the provisions of this Act shall not extend to any place below the eastern end of the Island of Orleans.

Proviso. Local extent of Act.

14. The Governor in Council may make such regulations

Governor in Council may

- make regulations for giving effect to this Act. as may be from time to time necessary for giving effect to the provisions of this Act, and the Act hereby amended, and may apply such funds as have been collected, or as may hereafter be collected over and above the cost of the Culler's office to the granting of gratuities to such of the Cullers employed at the time of passing this Act as are incapable by reason of age, infirmity, or otherwise from pursuing their business of culling, or whose services may no longer be required. 5
- Gratuities to decayed cullers.
- Interpretation. 15. The words "timber or lumber," include all articles subject to inspection, culling or counting under the Act hereby amended, or this Act. 10
- Short title. 16. This Act shall be read and construed as one Act with the Act chapter forty-six of the Consolidated Statutes of Canada, and may be cited as "The Cullers' Act of 1875." 15

No. 85.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the Act Cap. 46 of the Consolidated Statutes of Canada, entitled "An Act respecting the culling of Timber."

Received and read first time, Tuesday, 9th March, 1875.

Second reading, Wednesday, 10th March, 1875.

Mr. GEOFFRION.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street,
1875.

An Act to change the name of the "Montreal Permanent Building Society" to that of "The Montreal Savings and Loan Company," and to extend the powers thereof.

WHEREAS the Montreal Permanent Building Society, a Preamble.
body politic and corporate, have, by their petition, represented that they were incorporated under the authority of the Legislature of the late Province of Canada, Consolidated
5 Statutes for Lower Canada, chapter 69, and that from the increase of their capital, the great extension of their business, and the nature and extent of their financial operations, it is desirable to change the name of the said corporation to that of "The Montreal Savings and Loan Company," and to
10 grant it additional and more extensive powers, and it is expedient to grant the prayer of 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:

1. The said "The Montreal Permanent Building So- Name of
company
changed.
15 ciety," and all its members, their successors and assigns forever, are hereby constituted a body politic and corporate, under the name of "The Montreal Savings and Loan Company," having its principal place of business in the City of Montreal; and under that name shall be capable of suing
20 and being sued, pleading and being impleaded in all courts and places whatsoever.

2. The said "The Montreal Savings and Loan Company" Not to be a
new corpora-
tion.
shall not be deemed to be a new corporation, but it shall have, hold and continue to exercise all the rights, powers and
25 privileges that have heretofore been held and exercised and enjoyed by the said "The Montreal Permanent Building 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 con-
30 tinue applicable to the said "The Montreal Savings and Loan Company," so far as the same are not contrary to or inconsistent with the provisions of this Act.

3. All the real and moveable property, shares or stock Property
rights and
liabilities
vested in new
company
35 obligations, debts, rights, claims and privileges of the said "The Montreal Permanent Building Society," shall be and are hereby transferred to and vested in the said "The Montreal Savings and Loan Company;" and all shareholders in the said Society shall be shareholders for like amounts and with like rights, in the said "The Montreal Savings and

Loan Company;" but all legal proceedings heretofore begun by or against "The Montreal Permanent Building Society," may be continued and terminated under the name or style of cause in which they have been instituted, for the benefit of or against "The Montreal Savings and Loan Company." 5

Officers continued.

4. The present President, Vice-President, Directors and Officers, of "The Montreal Permanent Building Society" shall continue in office as such in "The Montreal Savings and Loan Company" with the names of President, Vice-President, Directors and Officers of "The Montreal Savings and Loan Company" until replaced in conformity with the by-laws of the said Company and the provisions of the law. 10

By-laws and rules continued.

5. All the present by-laws and rules of the said "The Montreal Permanent Building Society" shall continue in full force and effect, and shall be binding in law as regards "The Montreal Savings and Loan Company" its Directors, officers, shareholders, and borrowers, until modified, amended or repealed in conformity to law and the provisions of this Act. 15

By-laws may be made.

6. The Directors of the said "The Montreal Savings and Loan Company" may, from time to time, alter, amend, repeal or create any regulation, rule, or by-law for the working of the said Company. 20

Liability of shareholders limited.

7. No shareholder of the Company shall be liable for or charged with the payment of any debt or demand due from the Company, beyond the extent of his shares in the capital of the Company not then paid up. 25

Company may lend money.

8. The said Montreal Savings and Loan Company may lend money in conformity with the laws authorizing the establishment of Building Societies in Canada, and with the by-laws of the said Company, to any person or persons or body corporate, at such terms and rates of interest as may be agreed upon, without requiring any of such borrowers to become subscribers to the stock or members of the said Company: Provided always that all borrowers from the Company shall be subject to all the rules of the Company in force at the time of their becoming borrowers, but not to any other rules. 30 35

Proviso.

Company may purchase and sell certain securities.

9. The said Montreal Savings and Loan Company may purchase mortgages upon real estate, debentures of municipal or other Corporations, Dominion or Provincial Stock or securities, and stocks of incorporated bodies or companies, and they may resell all such securities as to them shall seem advisable; and for that purpose they may execute such assignments or other instruments as may be necessary for carrying the same into effect; they may also make advances to any person, or persons or body corporate upon the same securities at such rates of discount or interest as may be agreed upon. 40 45

10. It shall be lawful for the said Montreal Savings and Loan Company to receive money on deposit and also for the Board of Directors of the Company to issue debentures of the Company for such sums, not being less than fifty 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, and bearing such rate of interest as may be deemed advisable: Provided always that the aggregate amount of money deposits in the hands of the Company, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of principal remaining unpaid on the mortgages or other other securities at such time held by the Company, and shall not exceed the amount of capitalized, fixed and permanent stock of the Company not liable to be withdrawn therefrom, by more than one third of the total amount of the said capitalized stock: Provided further that the amount of cash actually in the hands of the Company, or deposited in any chartered Bank shall be deducted from the sum total of the liabilities which the Company is authorized to incur as above stated. The debentures of the Company may be in the form of Schedule A to this Act, or to the like effect.

May receive deposits and issue debentures.

Proviso.

Proviso.

11. The said Montreal Savings and Loan 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, or to which any deposit or any other moneys payable by or in the hands of the said Company may be subject; and the receipt of the party or parties in whose name any such share or shares or moneys stand in the books of the said Company, shall from time to time be sufficient discharge to the Company for any payment of any kind made in respect of such share or shares or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the Company has had notice of such trust; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to trusts.

12. The said Montreal Savings and Loan Company shall have power to acquire and hold by purchase, lease or other legal title, houses, buildings and premises; and also real estate for the purpose of constructing and building houses and other buildings thereon, and to lease, let, sell, convey and dispose of the said property, houses and buildings so acquired or erected by the said Company: Provided always that the said Company shall sell the property so acquired within five years from the date of the purchase thereof, and that any lease made according to the provisions of section 13 of this Act, shall be held to be a sale within the meaning of this section.

May acquire real estate.

Proviso.

13. Upon an agreement being made by the said Company for the sale of any house or other real estate held thereby, it shall be lawful for the said Company to execute, in favor of the intending purchaser thereof, a lease thereof, for the time stipulated in such agreement of sale, as the limit of delay thereby fixed for the payment of the last instalment of the

Sale of property by the company.

Provisional
lease to pur-
chaser.

price therein agreed upon, at a rental corresponding in the amount and in the terms of payment thereof, with such price and with the terms of payment of such price. And if such lease appear by its terms to have been made under the provisions of this Act, it shall not be held to convey, to such intending purchaser, any right in or to the property intended to be sold, or any real right therein whatever; nor shall the possession thereof by the intending purchaser be held to be a possession as proprietor, nor shall any legal or hypothec be created or attached thereon (notwithstanding that such lease shall contain a direct promise of sale of such property so soon as the conditions thereof shall have been performed) until the sum of money in such lease stipulated for, and every part and portion thereof shall have been fully paid with all interest due thereon, nor until charges, conditions and obligations created by or due under such lease shall have been fully paid, performed and fulfilled.

Completion of
sale, convey-
ance and
warranty.

14. If the intending purchaser or lessee, having accepted a lease under this Act, of the property intended to be acquired by him from the Company, shall make all the payments and perform all the conditions stipulated for by such lease, and shall fulfil all the obligations thereby imposed upon him, the said lease shall thereupon and thereafter be held to be and shall be equivalent to a promise of sale of such property with possession, and shall vest the same in such intending purchasers in the same manner and to the same extent as if it were an ordinary promise of sale (*promesse de vente*), and shall give the right to the holder thereof, to demand and have, from the said Company, a valid deed of sale of the property mentioned therein, containing warranty of title and against all charges thereon, other than those disclosed and agreed to be permitted to remain thereon; and all hypothecs and privileges, whether conventional or legal, which were created for the intending purchaser, during the pending of the said lease, shall immediately thereupon attach to such property, according to their rank and privilege and the date of their registration, in the same manner as if the same had been the property of such intending purchaser from the date of such lease.

If instalments
are not paid,
property to
revert to
company.

15. If at any time six months' arrears of the instalments stipulated for in any such lease shall become due and shall remain unpaid, the said Company shall have the right to re-take possession of the property intended to be sold, upon giving to the intending purchaser or lessee ten days' notice to vacate and deliver back the same, and tendering to him the amount by him actually paid on account of the instalments agreed upon in the said lease, after the deduction therefrom of interest at the rate of ten per centum per annum on the price agreed upon remaining unpaid each year for the time during which the premises agreed to be sold remained in the occupation of the intending purchaser, by way of rent for the use and occupation of such premises, and of ten per centum of the amount actually paid in to be retained as a forfeiture and penalty for non-performance of the agreement of purchase, of the cost of such tender, of the expense of

repairs, and restoring all injuries and deteriorations suffered by the premises so intended to be sold, reasonable wear and tear excepted, and of all taxes, charges and assessments which attached thereto by the occupation thereof by the intending purchaser or lessee and which shall then remain unpaid, all which charges and deductions shall be a first and privileged charge upon the amounts so actually paid in by him. But if the instalments payable annually under such lease shall amount to less than ten per centum upon such price, then, and in that case the amount to be deducted for rental shall be the amount of instalments stipulated for in such lease.

16. If, at the end of ten days after service of such notice and tender, the intending purchaser or lessee shall not vacate and deliver back to the said Company the premises intended to be bought by him, the said Company shall have the right to cause him to be ejected therefrom by proceedings to be taken under the provisions of the first chapter of the second title of the second book of the Code of Civil Procedure of Lower Canada, commencing with Article 887, in all respects in the same manner and with the same delays as if such lease were an ordinary lease; Provided further, that if it shall be necessary to institute proceedings at law to recover possession of property so leased, as aforesaid, outside the Province of Quebec, or where a different system of law prevails, then, in such case, the said Company shall be entitled to institute and prosecute proceedings for the recovery of such property, or to enforce any other their rights under any provisions of law therein open to parties under an ordinary lease, and to avail themselves of the most summary method there in force for the recovery of such property, save and except only that the jurisdiction of the court which shall have the right to hear and determine such proceedings shall be ascertained, regulated and established by the amount which shall have been actually paid to the Company under such lease, and not by the amount due or that of damages alleged. And the costs awarded to the said Company in any action instituted under this Act shall also be a charge upon and be deducted from the amount of money actually paid in by the intending purchaser.

Ejection of purchaser in default and refusing to vacate.

17. Any tender made by the said Company shall be held to be sufficiently made if the Company shall have *bonâ fide* used diligence to ascertain the amounts which they shall be entitled to retain out of the purchase money paid in by the intending purchasers, notwithstanding that the amount tendered may not be precisely that which would have been so tendered according to the provisions hereof; and in such case the Company, and the intending purchaser shall have the right to recover each from the other the amount which may have been over or under tendered.

What shall be sufficient tender.

18. In the event of the surrender of any property so leased as aforesaid, and of the sum of money actually paid in by the intending purchaser being insufficient to meet all the charges thereon and deductions therefrom herein provided for, the said Company shall have the same lien, privilege

Recovery of balance remaining due.

and remedies as an ordinary lessor upon the effects of the intending purchaser or lessee for the balance remaining due ; Provided always that such balance does not exceed in amount the sum chargeable against such intending purchaser by way of rental for the use and occupation of the premises intended to be sold. 5

Copy of by-law to be evidence.

19. A copy of any by-law of the Company purporting to be signed by any officer of the Company, shall be received as *prima facie* evidence of such by-law in all courts of law or equity in this Dominion. 10

Return to Minister of Finance.

20. The said Company shall, on or before the fifteenth day of February in each year, transmit to the Minister of Finance a full and clear statement of their assets and liabilities on the day of the date thereof, and such statement shall contain in addition to such other particulars as the Minister of Finance may require :— 15

- 1st. The amount of stock subscribed ;
- 2nd. The amount paid in upon such stock ;
- 3rd. The amount borrowed for the purpose of investments and the securities given thereof ; 20
- 4th. The amount invested and secured by mortgage deeds ;
- 5th. The value of real estate under mortgage ;
- 6th. The amount of mortgages over due and in default ;
- 7th. The amount of mortgages payable by instalments.

To be attested on oath.

And such statement shall be attested by the oath before some Justice of the Peace, of two persons, one being the President, Vice-President, or other functionary for the time being at the head of the Company, and the other the Manager or Auditor of such Company, each of whom shall swear distinctly that he has such quality or office as aforesaid, that he has had the means of verifying, and has verified the statement aforesaid, and found it to be exact and true in every particular, that the property under mortgage has been set down at its true value, to the best of his knowledge and belief ; and that the amount of the shares, deposits and debentures issued and outstanding, as he verily believes, is correct ; and such statement shall be published by the Minister of Finance, in such manner as he shall think most conducive to the public good ; and for any neglect to transmit such statement in due course of post within five days after the day to which it is to be made up, the Company shall incur a penalty of one hundred dollars per diem ; and if the same be not transmitted within one month after the said day, or if it shall appear by the statement that the Company is insolvent, the Minister of Finance may, by a notice in the *Canada Gazette*, declare the business of the Company to have ceased ; and if the Minister of Finance shall in any case, suspect any such statement to be wilfully false, he may depute some competent person to examine the books and enquire into the affairs of the Company and to report to him on oath ; and if by such report it shall appear that such statement was wilfully false, or that the Company is insolvent, or if the person so deputed shall report on oath that he has been refused 45

And may be published.

Penalty for non-transmission.

Proceedings in insolvency.

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such access to the books or such information as would enable him to make a sufficient report, the Minister of Finance may, by notice in the *Canada Gazette*, declare the business of the Company to have ceased; but in any of the 5 cases in which discretionary power is given to the Minister of Finance to declare the business of the Company to have ceased, he may before so doing give notice to the Company and afford the same an opportunity of making any explanation it may be advisable to make, and all expenses attending 10 such periodical statements, and the publication thereof shall be borne by the Company.

SCHEDULE A.

MONTREAL SAVINGS AND LOAN COMPANY,

Debenture No. Transferable \$
 Under the authority of an Act of the Parliament of
 Canada Vic., Cap.

The President and Directors of the Montreal Savings and Loan Company, promise to pay to or bearer the sum of dollars, on the day of , in the year of Our Lord One thousand eight hundred and , at the Treasurer's office here, with interest at the rate of per cent per annum, to be paid half-yearly on presentation of the proper coupon for the same as hereto unto annexed, say on the day of , and the day of in each year at the office of the Treasurer here (or their agents in ,)

Dated at , the day of , 18

For the President and Directors of the Montreal Savings and Loan Company.

C. D.
 Secretary.

A.B.

COUPON.

No. 1.
 Half-yearly dividend due \$ of 18 , on
 Debenture No. issued by this Company on the
 day of , 18 , for \$ at per cent
 per annum, payable at the office of the Treasurer, , (or
 at the Company's agents)

For the President and Directors.

C.D.
 Secretary.

A.B.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to change the name of the Montreal Permanent Building Society to that of "The Montreal Savings and Loan Company," and to extend the powers thereof.

Received and read, the first time, Wednesday, 10th March, 1875.

Second reading, Thursday, 11th March, 1875.

(PRIVATE BILL.)

MR. JETTÉ

An Act respecting the Canada Central Railway Company.

WHEREAS it has been found impracticable to complete the line of railway authorized to be constructed by the Canada Central Railway Company within the time limited for that purpose; and whereas the said Company has by its petition prayed for an extension of the time fixed for the completion of the said railway, and for other privileges, 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 time limited for the deposit of maps, plans and books of reference of the Canada Central Railway is hereby extended for two years, and the time limited for the completion thereof for five years, from the first day of September next, and from thence until the end of the Session of Parliament next thereafter.

Preamble.

Time for deposit of plans and completion of railway extended.

2. The said Company is hereby authorized to build the said railway in the most direct and feasible route from Renfrew Village towards Lake Huron, and is also hereby authorized to build a railway to Pembroke from said Canada Central Railway, to be a part thereof.

Line of railway.

3. Nothing in this Act shall prejudice or affect the right of the Company to any subsidy or grant to which the said Company would be otherwise entitled.

Company's rights saved.

4. The said Company is hereby authorized to purchase, build, own, hold, use or otherwise dispose of any steamboats or other vessels to run on any waters with which the said railway may communicate, in connection therewith.

Company may hold vessels and steamboats.

5. The said Company is hereby authorized to issue bonds to form a first and preferential claim and charge upon the said railway, and the property of the Company, real and personal, now existing, or at any time hereafter acquired to an amount not exceeding *thirty thousand* dollars per mile of their road; Provided that such bonds shall not be issued until the bonds already issued by said Company, and those which said Company is already authorised to issue in respect of the extension of the road to Renfrew shall have been redeemed or retired, except with the consent of the holders of the said last mentioned bonds.

Preferential bonds may be issued.

Proviso :

Amalgama-
tion with
another
company.

6. The said Company may amalgamate with any other railway company, and may accept and receive such Company as forming part of the Canada Central Railway Company, and such amalgamation may be by deed, which, however, shall not have any force or effect until it shall have been submitted to the shareholders of both Companies at meetings of such shareholders respectively, duly called for the purpose thereof and approved by them.

No. 87.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act respecting The Canada Central Railway Company.

Received and read, first time, Wednesday,
10th March, 1875.
Second reading, Thursday, 11th March, 1875.

(PRIVATE BILL.)

Mr. BUELL.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street,
1875.

88

An Act respecting Copyrights.

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 shall cause to be kept in his Office books to be called the "Registers of Copyrights," in which proprietors of literary, scientific, and artistic works or compositions, may have the same registered in accordance with the provisions of this Act.

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms as may appear to him necessary and expedient for the purposes of this Act; such regulations and forms being circulated in print for the use of the public shall be deemed to be correct for the purposes of this Act, and all documents, executed and accepted by the said Minister of Agriculture, shall be held valid so far as relates to all official proceedings under this Act.

3. If any person prints, or publishes, or causes to be printed or published, any manuscript whatever, the said manuscript having not yet been printed in Canada or elsewhere, without the consent of the author or legal proprietor first obtained, such person shall be liable to the author or proprietor for all damages occasioned by such publication, to be recovered in any Court of competent jurisdiction.

4. Any person domiciled in Canada or in any part of the British Possessions, or being a citizen of any country having an international copyright treaty with the United Kingdom, who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statue, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print or engraving, and the legal representatives of such person, shall have the sole right and liberty of printing, reprinting, publishing, reproducing and vending such literary, scientific or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold, of such literary works from one language into other languages, for the term of twenty-eight years, from the time of recording the copyright thereof in the manner hereinafter directed.

2. The condition for obtaining such copyright shall be that the said literary, scientific or artistic works be printed and

published or reprinted and republished in Canada, or in the case of works of art that it be produced or reproduced in Canada, whether they be so published or produced for the first time, or contemporaneously with or subsequently to publication or production elsewhere. Provided that in no case the exclusive privilege in Canada shall continue to exist after it has expired anywhere else.

3. No immoral, or licentious, or irreligious, or treasonable, or seditious literary, scientific or artistic work shall be the legitimate subject of such Registration or Copyright. 10

5. If at the expiration of the aforesaid term of twenty-eight years, such author, or any of the authors, when the work has been originally composed and made by more than one person, be still living, or being dead, has left a widow or a child, or children living, the same exclusive right shall be continued to such author, or if dead, then to such widow and child or children, (as the case may be) for the further term of fourteen years: but in such case within one year after the expiration of the first term, the title of the work secured shall be a second time recorded, and all other regulations herein required to be observed in regard to original Copyrights shall be complied with in respect to such renewed Copyright. 15 20

6. In all cases of renewal of Copyright under this Act, the author or proprietor shall, within two months from the date of such renewal, cause a copy of the record thereof to be published once in the *Canada Gazette*. 25

7. No person shall be entitled to the benefit of this Act, unless he has deposited in the Office of the Minister of Agriculture two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, and in case of paintings, drawings, statuary and sculpture, unless he has furnished a written description of such works of art, and the Minister of Agriculture shall cause the Copyright of the same to be recorded forthwith in a book to be kept for that purpose, in the manner adopted by the Minister of Agriculture, or prescribed by the rules and forms which may be made, from time to time, as hereinbefore provided. 30 35

8. The Minister of Agriculture shall cause one of the two copies of such book, map, chart, musical composition, photograph, print, cut or engraving aforesaid, to be deposited in the Library of the Parliament of Canada. 40

9. No person shall be entitled to the benefit of this Act, unless he gives information of the Copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title-page, or the page immediately following, if it be a book, or if a 45

map, chart, musical composition, print, cut, engraving or photograph, by causing to be impressed on the face thereof, or if a volume of maps, charts, music or engravings, upon the title-page or frontispiece thereof, the following words, that is to say : " Entered according to Act of Parliament of Canada, in
5 " the year _____ by A. B., in the Office of the
" Minister of Agriculture." But as regards paintings, drawings, statuary and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship.

10 **10.** Pending the publication or republication in Canada of a literary, scientific or artistic work, the author, or his legal representatives or assigns, may obtain an Interim Copyright by depositing in the office of the Minister of Agriculture a copy of the title, or a designation of such work intended for publica-
15 tion or republication in Canada, the said title or designation to be registered in an Interim Copyright Register in the said office, to secure to the author aforesaid, or his legal representatives or assigns the exclusive rights recognized by this Act, previous to publication or republication in Canada; the
20 said Interim Registration, however, not to endure for more than one month from the date of the original publication elsewhere, within which period the work shall be printed or reprinted and published in Canada.

2. In all cases of Interim Registration under this Act, the
25 author or proprietor shall cause notice of such registration to be inserted once in the *Canada Gazette*.

3. A literary work, intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical, may be the subject of registra-
30 tion within the meaning of this Act, while it is so preliminarily published, provided that the title of the manuscript and a short analysis of the work are deposited in the Office of the Minister of Agriculture, and that every separate article so published is preceded by the words " Registered in accordance with the Copyright Act of 1875;" but
35 the work when published in book or pamphlet form, shall be subject, besides, to the other requirements of this Act.

4. The importation of newspapers and magazines published in foreign countries, and containing, together with foreign
40 original matter, portions of British Copyright works republished with the consent of the author or his assigns or under the law of the country where such copyright exists shall not be prohibited.

11. If any other person, after the Interim Registration of
45 the title of any book according to this Act, within the term herein limited, or after the Copyright is secured and for the term or terms of its duration, prints, publishes, or reprints, or republishes, or imports, or causes to be so printed, published or imported, any copy or any translation of such book without

the consent of the person legally entitled to the Copyright thereof, first had and obtained by assignment, or knowing the same to be so printed or imported, publishes, sells, or exposes for sale or causes to be published, sold or exposed for sale any copy of such book without such consent, such offender shall forfeit every copy of such book to the person then legally entitled to the Copyright thereof; and shall forfeit and pay for every such copy which may be found in his possession, either printed or printing, published, imported or exposed for sale, contrary to the intent of this Act such sum, not being less than ten cents nor more than one dollar, as the Court shall determine; of which penalty one moiety shall be to the use of Her Majesty, and the other to the legal owner of such Copyright, and such penalty may be recovered in any Court of competent jurisdiction.

12. If any person, after the recording of any painting drawing, statue or other work of art, within the term or terms limited by this Act, reproduces in any manner or causes to be reproduced, made or sold, in whole or in part, copies of the said works of art, without the consent of the proprietor or proprietors, such offender or offenders shall forfeit the plate or plates on which such reproduction has been made, and also every sheet thereof so copied, printed or photographed to the proprietor or proprietors of the Copyright thereof, and shall further forfeit for every sheet of the same reproduction so published or exposed for sale contrary to the true intent and meaning of this Act such sum, not being less than ten cents nor more than one dollar, as the Court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

13. If any person after the recording of any print, cut or engraving, map, chart, musical composition or photograph, according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches or works, sells or copies, or causes to be engraved, etched or copied, made or sold, either in the whole or by varying, adding to or diminishing the main design, with intent to evade the Law, or prints, or reprints or imports for sale, or causes to be so printed or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any part thereof, without the consent of the proprietor or proprietors of the Copyright thereof, first obtained as aforesaid, or knowing the same to be so printed or imported without such consent, publishes, sells or exposes for sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph or print, without such consent, as aforesaid, such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph or print has been copied, and also every sheet thereof, so copied or printed as aforesaid, to the proprietor or proprietors of the

Copyright thereof, and shall further forfeit for every sheet of such map, musical composition, print, cut or engraving which may be found in his or their possession, printed or published or exposed for sale, contrary to the true intent and
5 meaning of this Act such sum, not being less than ten cents nor more than one dollar, as the Court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of
10 competent jurisdiction.

14. Nothing herein contained, shall prejudice the right of any person to represent any scene or object, notwithstanding that there may be Copyright in some other representation of such scene or object.

15 15. Works of which the Copyright has been granted and is subsisting in the United Kingdom, and Copyright of which is not secured or subsisting in Canada, under any Canadian or Provincial Act, shall, upon being printed and published, or reprinted and republished in Canada, be entitled to Copyright under this Act; but nothing in this Act
20 shall be held to prohibit the importation from the United Kingdom of copies of such works legally printed there.

2. In the case of the reprinting of any such copyright work subsequent to its publication in the United Kingdom
25 any person who may have, previous to the date of entry of such work upon the registers of copyright, imported any foreign reprints shall have the privilege of disposing of such reprints by sale or otherwise, the burden of proof, however, in such a case will lie with such person to establish
30 the extent and regularity of the transaction.

16. Whenever the author of a literary, scientific or artistic work or composition which may be the subject of Copyright, has executed the same for another person or has sold the same to another person for due consideration, such
35 author shall not be entitled to obtain or to retain the proprietorship of such Copyright, which is by the said transaction virtually transferred to the purchaser, who may avail himself of such privilege, unless a reserve of the said privilege is specially made by the author or artist in a deed duly executed.

40 17. If any person not having legally acquired the Copyright of a literary, scientific or artistic work, inserts in any copy thereof printed produced, reproduced or imported, or impresses on any such copy, that the same hath been entered according to this Act, or words purporting to assert the existence of a
45 Canadian Copyright in relation thereto, every person so offending, shall incur a penalty not exceeding three hundred dollars (one moiety whereof shall be paid to the person who sues for the same, and the other moiety to the use of Her Majesty,) to be recovered in any Court of competent jurisdiction.

2. If any person causes any work to be inserted in the Register of Interim Copyright and fails to print and publish, or reprint and republish the same within the time prescribed he shall incur a penalty not exceeding one hundred dollars (one moiety whereof shall be paid to the person who sueth for the same, and the other moiety to the use of Her Majesty), to be recovered in any Court of competent jurisdiction. 5

18. The right of an author of a literary, scientific or artistic work, to obtain a Copyright, and the Copyright when obtained shall be assignable in law, either as to the whole interest or any part thereof, by an instrument in writing made in duplicate and to be recorded in the Office of the Minister of Agriculture, on production of both duplicates and payment of the fee hereinafter provided. One of the duplicates shall be retained in the Office of the Minister of Agriculture, and the other returned, with certificate of Registration, to the party depositing it. 15

19. In case of any person making application to register as his own, the Copyright of a literary, scientific or artistic work already registered in another person's name, or in case of simultaneous conflicting applications, or of an application made, by any person other than the person entered as proprietor of a registered Copyright, to cancel the said Copyright, the party so applying shall be notified that the question is to be settled before a Court of competent jurisdiction, and no further proceedings shall be had concerning the subject before a judgment is produced maintaining, cancelling or otherwise settling the matter; and this registration or cancellation or adjustment of the said right shall then be made by the Minister of Agriculture in accordance with such decision. 20 25 30

20. Clerical errors happening in the framing or copying of any instrument drawn in the Office of the Minister of Agriculture, shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Minister of Agriculture. 35

21. All copies or extracts certified, from the Office of the Minister of Agriculture shall be received in evidence, without further proof and without production of the originals. 40

22. Should a work copyrighted in Canada become out of print, a complaint may be lodged by any person with the Minister of Agriculture, who, on the fact being ascertained to his satisfaction, shall notify the Copyright owner of the complaint and of the fact, and if, within a reasonable time, no remedy is applied by such owner, the Minister of Agriculture may grant a licence to any person to publish a new edition or to import the work, specifying the number of copies and the royalty to be paid on each to the Copyright owner. 45 50

23. The application for the Registration of an Interim Copyright, of a Temporary Copyright and of a Copyright, may be made in the name of the author or of his legal representative, by any person purporting to be the agent of the
5 said author, and any fraudulent assumption of such authority shall be a misdemeanor and shall be punished by fine and imprisonment accordingly, and any damage caused by a fraudulent or an erroneous assumption of such authority shall be recoverable before any Court of competent jurisdiction.

10 24. If any person shall wilfully make or cause to be made any false entry in the Registry books of the Minister of Agriculture, or shall wilfully produce or cause to be tendered in evidence any paper falsely purporting to be a copy of an
15 entry in the said books, he shall be guilty of a misdemeanor, and shall be punished accordingly.

25. If a book be published anonymously, it shall be sufficient to enter it in the name of the first publisher thereof either on behalf of the unnamed author or on behalf of such first publisher, as the case may be.

20 26. It shall not be requisite to deliver any printed copy of the second or of any subsequent edition of any book or books, unless the same shall contain very important alterations or additions.

25 27. No action or prosecution for the recovery of any penalty under this Act, shall be commenced more than two years after the cause of action arose.

The following fees shall be payable to the Minister of Agriculture before an application for any of the purposes hereinafter mentioned shall be entertained, that is to say :

50	On Registering a Copyright.....	\$1 00
	On Registering an Interim Copyright.....	0 50
	On Registering a Temporary Copyright...	0 50
	On Recording an assignment.....	1 00
	On Certified copy of Registration.....	0 50
35	On Registering any decision of a Court of Justice, for every folio.....	0 50

On office copies of documents not above mentioned, the following charges shall be made :

	For every single or first folio certified copy	\$0 50
40	For every subsequent hundred words (fractions from and under fifty being not counted and over fifty being counted for one hundred).....	0 25

2. The said fees shall be in full of all services performed
45 under this Act by the Minister of Agriculture or by any person employed by him in pursuance of this Act.

3. All fees received under this Act shall be paid over to the Receiver-General and form part of the Consolidated Revenue Fund of Canada. No fees shall be made the subject
50 of exemption in favour of any person ; and no fee, exacted by this act, once paid, shall be returned to the person who paid it.

28. "The Copyright Act of 1868," being the Act Thirty first Victoria, Chapter Fifty-four, and all other Acts or parts of Acts, inconsistent with the provisions of this Act, are hereby repealed, subject to the provisions of the next following section.

5

29. All Copyrights heretofore acquired under the Acts or parts of Acts repealed, shall in respect of the unexpired terms thereof, continue unimpaired, and shall have the same force and effect as regards the Province or Provinces to which they now extend and shall be assignable and renewable, and all penalties and forfeitures incurred and to be incurred under the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or forfeitures already incurred may be continued and completed as if such Acts were not repealed.

15

30. In citing this Act it shall be sufficient to call it "The Copyright Act of 1875."

An Act to make further provision respecting the Constituting and Management of Building Societies in the Province of Quebec.

WHEREAS it is expedient to make further provisions respecting the constituting and management of Building Societies in the Province of Quebec: 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 Governor in Council may, by letters patent under the Great Seal, grant a charter to any number of persons not less than thirty, who shall present a petition to that effect constituting such persons and others who may become shareholders in the Society by the said letters patent created, a body corporate and politic, the object of which shall be to provide for its members means of investing their savings, to assist them in acquiring real property, or in freeing and improving that which they already possess; and to offer to borrowers on the security of real estate, and of public and other securities, easy terms of loan and repayment; and no Building Society shall be established in the said Province without such letters patent.

Societies may be incorporated by letters patent

2. The applicants for such letters patent must give at least one month's previous notice in the *Canada Gazette* of their intention to apply for such charter, stating therein:—

Notice to be given.

1. The proposed corporate name of the Society;
2. The place or places in the Province of Quebec where its operations are to be carried on, with special mention if there be two or more such places, of some one of them as its chief place of business;
3. The amount of its capital stock;
4. The amount of shares and amount of each share;
5. The names in full and the address and calling of each of the applicants, with special mention of the names of not less than five nor more than nine of their number, who are to be the first Directors of the Society.

3. At any time, not more than one month after the publication of such notice, the applicants may petition the Governor General, through the Secretary of State of Canada, for the issue of such letters patent;

Petition for letter patent and what it shall contain.

Such petition must recite the facts set forth in the notice, and must further state the amount of stock subscribed for and the name of the subscribers, and also the amount paid in upon the stock of each subscriber;

The aggregate of the stock so taken must be at least the one half of the total amount of stock of the Society, and such capital stock shall amount to at least one hundred thousand dollars ;

The aggregate so paid in thereon must be at least ten per cent. for permanent shares and five per cent. for temporary shares ;

Such aggregate must have been paid in to the credit of the Society, or of trustees therefor, and must be standing at such credit, in some chartered bank or banks in the said Province ;

The petition may ask for the embodying in the letters patent, of any provision which otherwise under this Act might be embodied in any by-law of the Company when incorporated.

- Preliminary conditions to be established 4. Before the letters patent are issued, the applicants must establish to the satisfaction of the Secretary of State, or of such other officer as may be charged by order of the Governor General in Council to report thereon the sufficiency of their notice and petition, the truth and efficiency of the facts therein set forth—and further that the applicants, and more especially the Provisional Directors named, are persons of sufficient reputed means to warrant the application ;
- Proof. 2. And to that end, the Secretary of State, or such other officer, may take and keep of record any requisite evidence in writing under oath or affirmation, and may administer every requisite oath or affirmation.
- To be recited. 5. The letters patent shall recite all the material averments of the notice and petition.
- Notice of granting letters patent. 6. Notice of the granting of the letters patent shall be forthwith given by the Secretary of State, in the *Canada Gazette*, in the form of the Schedule A appended to this Act ; and thereupon, from the date of the letters patent, the persons therein named and their successors shall be a body corporate and politic by the name mentioned therein.
- Dividends. 7. It shall be the duty of the Directors to declare and pay half-yearly dividends to the permanent shareholders, of such part of the profits of the Society as they shall deem expedient ; but no dividend or bonus shall be declared or paid out of the capital stock of the Society, nor shall any dividend exceeding eight per cent. per annum be paid until the Society has a reserve fund equal to at least twenty per cent. on the paid-up permanent capital stock, all bad and doubtful debts having, previous to the calculation of such reserve fund, been first deducted.
- Increase of capital stock. 8. The capital stock of the Society may be increased from time to time by resolution of the Directors, who may impose such restrictions and conditions respecting the subscription of such new permanent or temporary shares as they may deem expedient.
- Powers of Directors. 9. The Directors of the Society shall exercise all the power, privileges and authority which are vested in them

by this Act and any other Act regulating such Society, subject to the rules or by-laws of such Society, and they shall be subject to and be governed by such rules, regulations and provisions as are herein contained with respect
 5 thereto and by the by-laws of such Society; and the Directors may lawfully exercise all the powers of such Society, except as to such matters as are directed by law to be transacted by a general meeting of such Society. The Directors may use and affix, or may cause to be used and affixed,
 10 seal of such Society to any document or paper which in their judgment may require the same; they may make and enforce the calls upon the shares of the respective Shareholders; they may declare the forfeiture of all shares on which such calls are not paid; they may make any payments and advances of
 15 money they may deem expedient which are or shall at any time be authorized to be made by or on behalf of such Society, and enter into all contracts for the execution of the purposes of such Society, and for all other matters necessary for the transaction of its affairs; they may generally deal
 20 with, treat, sell and dispose of the lands, property and effects of such Society, for the time being, in such manner as they shall deem most advantageous, expedient and conducive to the benefit of such Society; they may do and authorize, assent to or adopt, all acts required for the due exercise of
 25 any further powers and authorities which may hereafter be at any time granted to such Society by the Parliament of Canada.

The Directors of any such Society, may, from time to time, alter, amend, repeal or create any regulation, rule or
 30 by-law for the working of any such society, and for the investment or application of its funds; Provided that such action of the Directors shall not have a binding force until confirmed at any general meeting of the shareholders of such Society upon a vote of two-thirds of the capital stock represented at such meeting; notice being given of the proposed
 35 changes in the notice calling such a meeting.

The Directors may also, when they deem it expedient to do so, suspend for a limited time or until further notice the right of converting accumulated temporary shares into
 40 permanent shares, or may permit such conversion on such conditions as they may determine.

10. Any such Society may lend money to any person or persons or body corporate at such rates of interest as may be agreed upon, without requiring any of such borrowers to become subscribers to the stock or members of the
 45 said Society; Provided always, that all borrowers from any such Society shall be subject to all the rules of such Society in force at the time of their becoming borrowers, but not to any other rules.

50 The Society may purchase mortgages upon real estate, debentures of municipal corporations, school sections and school corporations, Dominion or Provincial stock or securities, or bank stock, and they may re-sell any such securities as to them shall seem advisable, and for that purpose they
 55 may execute such assignments or other instruments as may be necessary for carrying the same into effect; they may also make advances to any person or persons or body corpor-

By-laws.

Conversion of shares may be suspended.

Society may lend money.

May purchase mortgages and make investments.

- ate upon any of the above mentioned securities at such rates of discount or interest as may be agreed upon.
- Sinking fund. The principal money so advanced on mortgages may be repaid by means of a sinking fund of not less than two per centum per annum, within such time as the Society shall direct and appoint, and as shall be specified in the mortgage or assignment of mortgage to be made of such real estate. 5
- Interest may be demanded in advance. Any such Society may demand and receive in advance the half-yearly interest from time to time accruing on any advance of money made by such Society under and by the virtue of this Act. 10
- Real estate. The Society may acquire and hold real property, may improve the same by erecting buildings thereon or otherwise, and may lease or sell the same either to its members or other parties. 15
- Sales with right of redemption. The Society may also make loans to its members and others on the security of sales of real property with right of redemption on such conditions and at such rate of interest as may be agreed upon.
- Society may receive deposits and issue debentures. **11.** It shall be lawful for any such Society to receive money on deposit, and also for the Board of Directors of any such Society to issue debentures of such Society 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 such Society, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such Society, and shall not exceed the amount of paid up stock of such Society, by more than one third: Provided further, that the amount of cash actually in the hands of any such Society, or deposited in any chartered bank, shall be deducted from the sum total of the liabilities which such Society may be authorized by this section to incur. 20 25 30 35
- Proviso.
- Proviso.
- Form of debentures. The debentures of such Society may be in the form of Schedule B to this Act or to the like effect.
- Application. This section shall apply only to Societies having a paid up capital of at least two hundred and fifty thousand dollars. 40
- From whom deposits may be received. And the Society may receive any deposit of money from all persons whatsoever, without regard to age, status, and capacity or incapacity of such persons to contract; and may pay the principal and interest of such deposits to depositors in whole or in part without the authorization, assistance or intervention of any person whatsoever, any law, custom or usage to the contrary notwithstanding; Provided always, that the amount deposited with the Society, by a person incapable, by the laws of the Province of Quebec, of contracting, shall at no time exceed two thousand dollars. 45 50
- Officers to give security. Every officer or other person appointed to any office under the Society, in anywise concerning the receipt of money shall furnish security to the satisfaction of the Directors for the just and faithful execution of the duties of his office according to the rules of the Society, and any person entrusted 55

with the performance of any other service may be required by the Directors to furnish similar security.

12. No Shareholder of any such Society shall be liable for or charged with the payment of any debt or demand due by such Society, or held to the payment thereof, beyond the extent of his shares in the capital of such Society not then paid up.

Liability of shareholders limited.

13. Such Society 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, or to which any deposit or any other moneys payable or in the hands of any such Society may be subject; and the receipt of the party or parties in whose name any such share or shares or moneys stand in the books of the Society, shall be sufficient discharge to the Society for any payment made in respect of such share or shares or moneys, notwithstanding any trust to which the same may be subject, and whether or not such Society has had notice of such trust; and the Society shall not be bound to see to the application of the money paid upon such receipt.

Society not bound to see to trusts.

14. It shall be lawful for any such Society to unite, amalgamate, and consolidate its stock, property, business and franchises with the stock, property, business and franchises of any other such Building, Savings or Loan Society, incorporated or chartered, within the Province of Quebec, and to enter into all contracts and agreements therewith necessary to such union and amalgamation.

Amalgamation of two Societies.

15. The Directors of the two Societies proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the Directors and other officers thereof, and who shall be the first Directors and officers thereof, and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how and when and for how long, Directors and other officers of such new corporation shall be elected, and when elections shall be held, with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after management and working thereof.

Joint agreement between directors of Societies proposing to amalgamate or consolidate their stock, &c.

16. Such agreement shall be submitted to the stockholders of each of the said Societies at a meeting thereof to be held separately for the purpose of taking the same into consideration; notice of the time and place of such meetings and the object thereof shall be given by written or printed notices, addressed to each shareholder of the said Societies respectively at his last known post office address or place

To be submitted to stockholders of each society for consideration

of residence, and also by a general notice to be published in a newspaper published at the chief place of business of such Societies once a week for two successive weeks. At such meetings of stockholders, such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same;—each share entitling the holder thereof to one vote, the said ballots to be cast in person or by proxy; and if two-thirds of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon the said agreement by the Secretary of each of such corporations under the corporate seal thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, the agreement so adopted and the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada, and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the said Societies, and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation

Agreement, if adopted, to be filed with Secretary of State.

Upon completion of consolidation the new corporation to possess rights, powers, &c., of each of united Societies.

17. Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding section and the filing of the said agreement as in the said section provided, the several Societies, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided with a common seal, and shall possess all the rights, privileges, and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united, except as herein otherwise provided.

All property and rights vested in new corporation without further act or deed.

18. Upon the consummation of such act of consolidation as aforesaid, all and singular the business, property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock, mortgages or other securities, subscriptions, and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed; Provided however, that all rights of creditors and liens upon the property of either of such corporations, shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations, shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and provided also that no action or proceeding legal or equitable by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

Auditors and directors, their appointment, remuneration, &c.

19. The choice and removal of the Auditors of the Society, the determination as to the remuneration of the

Directors and of the Auditors, shall be exercised at general meetings of the Society, and the Auditors shall not necessarily be shareholders: Provided that in case of the death or failure to act of any such Auditor, the Directors may appoint an Auditor in his place, and at all meetings of shareholders of the Society the shareholders shall have one vote for each share held by them respectively.

20. Such Society shall, on or before the fifteenth day of February in each year, transmit to the Minister of Finance a full and clear statement of their assets and liabilities on the day of the date thereof, and such statement shall contain in addition to such other particulars as the Minister of Finance may require:—

- 1st. The amount of stock subscribed;
- 15 2nd. The amount paid in upon such stock;
- 3rd. The amount borrowed for the purposes of investments and the securities given therefor;
- 4th. The amount invested and secured by mortgage deeds;
- 20 5th. The value of real estate under mortgage;
- 6th. The amount of mortgages over due and in default;
- 7th. The amount of mortgages payable by instalments

And such statements shall be attested by the oath before some Justice of the Peace, of two persons, one being the President, Vice-President, Manager or Secretary, and the other the Manager or Auditor of such Society, each of whom shall swear distinctly that he has such quality or office as aforesaid, that he has had the means of verifying, and has verified the statement aforesaid, and found it to be exact and true in every particular, that the property under mortgage has been set down at its true value, to the best of his knowledge and belief, and that the amount of the shares, deposits and debentures issued and outstanding, as he verily believes, is correct; and such statement shall be published by the Minister of Finance, in such manner as he shall think most conducive to the public good; and for any neglect to transmit such statement in due course of post within five days after the day to which it is to be made up, such Society shall incur a penalty of one hundred dollars per diem; and if the same be not transmitted within one month after the said day, or if it shall appear by the statement that such Society is insolvent, the Minister of Finance may, by a notice in the *Canada Gazette*, declare the business of such Society to have ceased; and if the Minister of Finance shall, in any case, suspect any such statement to be wilfully false, he may depute some competent person to examine the books and enquire into the affairs of such Society and to report to him on oath; and if by such report it shall appear that such statement was wilfully false, or that such Society is insolvent, or if the person so deputed shall report on oath that he has been refused such access to the books, or such information as would enable him to make a sufficient report, the Minister of Finance may, by notice in the *Canada Gazette*, declare the business of such Society to have ceased; but in any of the cases in which discretionary power is given to the Minister of Finance to declare the business of such Society

Annual statement of assets and liabilities to be transmitted to Minister of Finance.

Statement to be attested on oath, and may be published.

Penalty for non-transmission.

Proceedings by Minister of Finance in case of insolvency or suspected insolvency of a Society.

to have ceased, he may before so doing give notice to such Society and afford the same an opportunity of making any explanation it may be advisable to make; and all expense attending such periodical statements, and the publication thereof, shall be borne by such Society. 5

Sub-section 1
of s. 1, G. S.
L. C., c. 69
repealed.

21. Subsection one of the first section of chapter sixty-nine of the Consolidated Statutes for Lower Canada is hereby repealed, together with all other provisions of the said Act which are incompatible with this Act.

Interpretation.

22. This Act shall be interpreted in such manner as is best calculated to attain the objects thereof, and shall apply as well to Societies now existing and constituted in accordance with the provisions of the "Act respecting Building Societies" hereinbefore cited, as to Societies hereafter incorporated in the manner hereinbefore provided. 10 15

SCHEDULE A.

Public notice is hereby given, that under the (*here quote the title of this Act*) letters patent have been issued under the Great Seal of the Dominion of Canada, bearing date the day of incorporating the (*here state names, address and calling, of each corporator named in the letters patent,*) for the purpose of (*here state the undertaking of the company, as set forth in the letters patent,*) by the name of (*here state the name of the company, as in the letters patent*) with a total capital stock of dollars, divided into shares of dollars each.

Dated at the Office of the Secretary of State of Canada, this day of

A. B.
Secretary.

SCHEDULE B.

Debenture No.	Transferable	Society.
		\$
Under the authority of an Act of the Parliament of Canada Victoria, Chapter		
The President and Directors of the		
Society promise to pay to		or bearer
the sum of	dollars, on the	day of
in the year of Our Lord one thousand eight hundred and		
at the Treasurer's office here, with interest at the rate of		
per cent. per annum, to be paid half-yearly on pre-		
sentation of the proper coupon for the same as hereunto		
annexed, say on the		
day of	day of	, and the
day of	in each year at the office of the Treasurer	here (<i>or their agents in</i> .)

Dated at , the day of , 18 .
For the President and Directors of the Society.
C. D. A. B.
Secretary.

No. 89.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to make further provision
respecting the Constituting and Man-
agement of Building Societies in the
Province of Quebec.

Received and read, first time, Thursday, 11th
March, 1875.

Second reading, Friday, 12th March, 1875.

Mr. JETTÉ.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street

1875.

An Act further to amend the Act respecting the treatment and relief of Sick and Distressed Mariners.

IN amendment of the Act passed in the thirty-first year of Preamble.

Her Majesty's reign, intituled: "*An Act respecting the treatment and relief of Sick and Distressed Mariners*," Her Majesty, 31 V., c. 64.
by and with the advice and consent of the Senate and
5 House of Commons of Canada, enact as follows:—

1. The third sub-section of the fourth section of the said Act is hereby repealed, and the following substituted there- New sec. in
for, and shall be read and have effect as the third sub-section place of sec.
4, sub.-sec. 3.
of the said fourth section:—

10 "3. Vessels of the burthen of more than one hundred tons register, shall be liable to the payment of the said duty Payment of
three times in one year, but not oftener." duty.

2. The year mentioned or referred to in the said Act in "Year," what
shall be.
15 relation to the duty thereby imposed shall be the calendar
year commencing on the first day of January and ending on
the thirty-first day of December.

No. 90.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act further to amend the Act 31
Vict. Cap. 64, respecting the treatment
and relief of sick and distressed
Mariners.

Received and read, first time, Thursday, 11th
March, 1875.

Second reading, Friday, 12th March, 1875.

Mr. SMITH,
(Westmoreland.)

OTTAWA :
Printed by Maclean, Roger & Co., Wellington Street
1875.

An Act to amend the Act respecting certificates to
Masters and Mates of Ships.

IN amendment of the Act passed in the thirty-third year of Her Majesty's reign, intituled "*An Act respecting certificates to Masters and Mates of Ships,*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.
33 V., c. 60.

1. The sixth section of the said Act is hereby amended by striking out the words "one hundred and fifty tons" and inserting in the place thereof the words "eighty tons," and by striking out the words "not being a port or place in either of the Colonies of Newfoundland or Prince Edward Island, or in the United States of America."
2. The seventh section of the said Act hereby amended by striking out the words "one hundred and fifty tons," and inserting the words "eighty tons" in the place thereof.
3. The said Act as hereby amended shall apply to ships going to sea from any port or place in Canada after the first day of July in the present year, one thousand eight hundred and seventy-five.

Sect. 6
amended.

Sect. 7
amended.

When this
Act shall
apply.

No. 91.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the Act respecting
certificates to Masters and Mates of
Ships.

Received and read, first time, Thursday, 11th
March, 1875.

Second reading, Friday, 12th March, 1875.

Mr. SMITH,
(Westmoreland.)

OTTAWA:
Printed by MacLan, Roger & Co. Wellington Street.
1875.

An Act to provide for the Amalgamation of the Niagara District **Bank** with the Imperial Bank of Canada.

WHEREAS, the Imperial Bank of Canada and the Niagara District Bank have by their petitions represented that the said Banks are desirous of entering into an agreement for the amalgamation of the said Niagara District Bank with the said Imperial Bank of Canada, and that it would be for the interests of the said Banks that such an amalgamation should be effected, and have prayed that an Act of the Parliament of Canada shall be passed for the purpose; and whereas, it is expedient that the prayer of the petitions shall 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 Directors of the said Imperial Bank of Canada and the Directors of the said Niagara District Bank may enter into an agreement for the amalgamation of the said Niagara District Bank with the said Imperial Bank of Canada, and may determine upon the terms of such amalgamation and the relative values of the stocks of said Banks, and such other terms and conditions as they shall deem fit; Provided always, that nothing in such agreement contained shall give any other or greater powers to the said Imperial Bank of Canada than are conferred by its Act of Incorporation, or this Act, or the Act respecting Banks and Banking, and any amendments thereto. Such agreement, however, shall not be valid until confirmed by a majority of votes of the respective shareholders of the said Banks present in person or by proxy, at special general meetings of shareholders respectively called for the purpose by the Directors of the respective Banks, and held at their respective chief offices, of which meetings four weeks' previous notice shall be given in the *Canada Gazette*, and in one newspaper published in Toronto, and one in St. Catharines, Ontario, or at any adjournments of such general meetings.

2. The terms of the agreement of amalgamation after confirmation by the shareholders as aforesaid, shall be set forth in a formal indenture of union, executed by the said respective Banks, and upon the filing of a duplicate thereof in the office of the Secretary of State of Canada, such amalgamation shall be taken to be fully complete, and the said Niagara District Bank shall thereupon be merged into the said Imperial Bank of Canada, and thereafter be deemed to be one Corporation therewith. And thereupon a notice of such filing shall be published by the said Imperial Bank of Canada in four consecutive numbers of the *Canada Gazette*, and in four conse-

secutive numbers of a newspaper published in the City of Toronto, and in four consecutive numbers of a newspaper published in the Town of St. Catharines, Ontario.

3. The production of the said indenture of union or amalgamation, with the certificate thereon indorsed by the Secretary of State of Canada of the filing of the duplicate thereof in his office, or the production of a copy of such duplicate indenture certified by the said Secretary of State, shall be conclusive evidence in all courts and proceedings of the execution, confirmation by the shareholders, and filing of the said indenture without further or other proof, and shall also be conclusive evidence in all courts and proceedings of the complete union and incorporation of the said Niagara District Bank with the said Imperial Bank of Canada.

4. Immediately upon such union or amalgamation taking place, the shareholders of the said Niagara District Bank shall become (*ipso facto*) the shareholders of the said Imperial Bank of Canada in the amount and according to the relative values of the stocks of the said Banks, as provided for and set forth in said indenture of union; and the said Imperial Bank of Canada shall, within thirty days of the filing of said indenture of union, allot to the shareholders of the said Niagara District Bank, in proportion and in lieu of the extinguishment of their stock in that Bank, paid-up capital stock in the said Imperial Bank of Canada to the amount of the value of such extinguished stock, as agreed upon in said indenture of union; Provided that the said Imperial Bank of Canada shall adjust any difference less than one hundred dollars by allotment of a share of stock paid up to the amount of such difference, or any fractional sum less than a share shall be allowed to such shareholders towards the payment of a share of such stock at its par value.

2. And thereupon also 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 Niagara District Bank (save and except any assets or claims of the said Niagara District Bank as may be otherwise disposed of or reserved by the provisions and terms of said indenture of union), shall forthwith become vested in the said Imperial Bank of Canada, its successors and assigns, as and for its own use and benefit 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 generally do all acts and take all proceedings necessary therefor, either at law or in equity, as fully and effectually as the said Niagara District Bank could have done. And the said Imperial Bank of Canada shall have such powers as may be set forth in the said indenture of union to act for and on behalf of the said Niagara District Bank or the shareholders thereof in respect to such assets as may be reserved as aforesaid.

3. And thereupon also, the said Imperial Bank of Canada shall forthwith become subject and liable to pay and discharge all the debts, obligations, bills, promissory notes or other liabilities of the said Niagara District Bank, and may
5 be directly sued and proceeded against in respect thereof as fully and effectually as if the same were originally the debts, obligations, bills, promissory notes and liabilities of the said Imperial Bank of Canada.

4. And thereupon also, all such actions or proceedings
10 in any court in which suits, actions, or proceedings the Niagara District Bank is plaintiff or defendant, may be continued to judgment and execution in the name of and by or against the said Imperial Bank of Canada, upon a suggestion being entered at any stage in the pleadings, or
15 on the record at any time before judgment, or upon the judgment roll after judgment by virtue of this Act, that the Niagara District Bank became by virtue of this Act on the day of filing such indenture of union amalgamated with the said Imperial Bank of Canada.

20 5. The amalgamation taking effect as hereinbefore provided for shall in no way affect, release or discharge the liability or obligation of any surety to the said Niagara District Bank for or in respect of any bill, note, debt, claim, service or employment, or matter, or thing whatsoever, but the said
25 liability and obligation shall continue in full force and effect and shall be taken and construed to be a liability or obligation in favor of the said Imperial Bank of Canada as if the same had been originally and directly given to or entered into with the said Imperial Bank of Canada.

30 6. The Imperial Bank of Canada shall in all respects stand and be in the place and stead of the Niagara District Bank, and all bills of exchange, promissory notes, drafts or cheques made payable at or drawn upon the Niagara District Bank or any of its branches or agencies, shall, after the amalgama-
35 tion is completed, be deemed to be payable at the Imperial Bank of Canada or any of its branches or agencies in the same city, town or place, and presentment and notice thereof of such bill, note, cheque or draft at the said Imperial Bank of Canada or any of its branches or agencies, shall be as
40 good and valid to all intents and purposes to charge all the parties to such bill, note, cheque or draft as if such presentment had been made at the Niagara District Bank or any of its branches or agencies in the same city, town or place, and notice had been given thereof.

1. All deposits on hand the said Imperial Bank of Canada shall remain subject and liable to pay and discharge all the legal obligations of the said Imperial Bank of Canada and any other liabilities of the said Imperial Bank of Canada and may be directly and lawfully paid or applied in payment of the said obligations, bills, promissory notes and liabilities of the said Imperial Bank of Canada.

2. And the depositors of all such deposits or promissory notes in any account in which such deposits or promissory notes of the said Imperial Bank of Canada are held, shall be deemed to have agreed to indemnify and exonerate the said Imperial Bank of Canada by agreement in writing, and in the absence of such agreement, the said Imperial Bank of Canada, upon a suggestion being received at any stage in the proceedings on the record at any time before judgment or upon the judgment being entered, by virtue of this Act, for the payment of such deposits or promissory notes, shall be deemed to have agreed to indemnify and exonerate the said Imperial Bank of Canada.

3. The amalgamation taking effect as hereinafter provided shall in no way affect, release or discharge the liability or obligation of any party to the said Imperial Bank of Canada in respect of any bill, note, promissory note or other instrument payable to or by the said Imperial Bank of Canada, or any bill, note, promissory note or other instrument payable to or by the said Imperial Bank of Canada, which shall be taken as if it were a bill, note, promissory note or other instrument payable to or by the said Imperial Bank of Canada, and shall be taken as if it were a bill, note, promissory note or other instrument payable to or by the said Imperial Bank of Canada.

4. The Imperial Bank of Canada shall in all respects stand and be in the place and stead of the Imperial Bank of Canada and all bills of exchange, promissory notes, bills of exchange and all bills payable to or by the Imperial Bank of Canada, or any of its branches or agencies, shall when presented to any of its branches or agencies, be payable in the same manner as if they were payable to or by the Imperial Bank of Canada, and the said Imperial Bank of Canada shall be deemed to be the holder of such bills of exchange, promissory notes, bills of exchange and all bills payable to or by the Imperial Bank of Canada, or any of its branches or agencies, in the same manner as if they were payable to or by the Imperial Bank of Canada, and the said Imperial Bank of Canada shall be deemed to be the holder of such bills of exchange, promissory notes, bills of exchange and all bills payable to or by the Imperial Bank of Canada, or any of its branches or agencies, in the same manner as if they were payable to or by the Imperial Bank of Canada.

"An Act to amend and Consolidate the Laws respecting
the North-West Territories.

*The provisions authorizing the payment of monies are intended to originate in
Committee of the Whole.*

WHEREAS it is expedient to amend and consolidate the laws respect- Preamble
ing the North West Territories; therefore Her Majesty by and
with the advice and consent of the Senate and House of Commons of
Canada, enacts as follows :

GOVERNMENT AND LEGISLATION.

1. The Territories formerly known as "Rupert's Land" and the North West Territories formerly defined. North West Territories defined.
North Western Territory, (with the exception of such portion thereof as forms the Province of Manitoba), shall continue to be styled and known as the North West Territories, and the word "Territories," in this Act, means the said Territories.
2. For the North West Territories there shall be an officer styled the Lieutenant Governor appointed by the Governor General in Council, by instrument under the Great Seal of Canada, who shall hold office during the pleasure of the Governor General; and the Lieutenant Governor shall administer the Government under instructions from time to time given him by Order in Council, or by the Secretary of State of Canada. Lieutenant Governor.
2. Every Lieutenant-Governor so appointed shall, before assuming the duties of his office, make or subscribe before the Governor General or some person duly authorized to administer such 15 oaths, oath of allegiance or office similar to those prescribed to be taken by the Lieutenant-Governor, under "the British North America Act, 1867." Oath of office.
3. The Governor-General with the advice of the Queen's Privy Council for Canada, by warrant under his Privy Seal, may constitute and appoint 20 such and so many persons from time to time, not exceeding in the whole five persons, of which number the Stipendiary Magistrates hereinafter mentioned shall be members *ex officio*, to be a Council to aid the Lieutenant Governor in the administration of the North West Territories, with such powers not inconsistent with this Act, as may be from time to time conferred 25 upon them by the Governor General in Council; and three shall form a *quorum*. Council may be appointed.
4. The Seat of Government of the North West Territories shall be fixed, and may from time to time be changed by the Governor-General in Council. Seal of Gov- ernment.
5. There shall be payable out of the Consolidated Fund of Canada, the following sums, annually, that is to say: Salaries and allowances.

To the Lieutenant-Governor, not exceeding	\$7,000	
To the Stipendiary Magistrates, each not exceeding.....	3,000	
To two Members of Council, each not exceeding.....	1,000	
To the Clerk of the Council, who shall also act as and perform the duties of Secretary to the Lieutenant-Governor, not exceeding..	1,800	5

Together with such sums of money as may from time to time be fixed by the Governor in Council in respect of travelling allowances for any of the offices above named.

Existing laws continued. **6.** All Laws and Ordinances now in force in the North-West Territories, and not repealed by or inconsistent with this Act, shall remain in force until it is otherwise ordered by the Parliament of Canada, by the Governor in Council, or by the Lieutenant-Governor and Council, under the authority of this Act. 10

Ordinances respecting administration of justice. **7.** It shall be lawful for the Governor in Council, from time to time and subject to such conditions and restrictions as to him shall seem meet, to authorise and empower the Lieutenant-Governor by and with the consent of the Council of the North-West Territories to make provision for the administration of Justice therein, and generally to make, ordain and establish all such ordinances, in respect thereof and for effecting the same, as also such as may be necessary for the peace, order and good government of Her Majesty's subjects and others therein, and from time to time to amend or repeal any such Ordinances and make others in their stead; and a copy of every such Ordinance made by the Lieutenant-Governor and Council shall be mailed for transmission to the Governor General within ten days after its passing, and may be disallowed by him at any time within two years after its passing; provided that all such Orders in Council and all Ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively. 15 20 25

Laws may be made by Governor in Council. **8.** It shall be lawful for the Governor in Council to make Laws for the peace, order and good government of the North West Territories, and of Her Majesty's subjects and others therein, in relation to all matters and subjects as to which the Lieutenant-Governor and his Council aforesaid 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 North West Territories, and with such amendments and modifications as may be deemed necessary, any Act or Acts of the Parliament of Canada, or any parts thereof, and from time to time to amend or repeal any such Laws and make others in their stead: Every such 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. The power hereby given shall extend to the modification, amendment, or repeal, with respect to the said North-West Territories, of any Act mentioned in the Schedule B. to this Act; and the Lieutenant Governor acting by and with the advice and consent of his Council, shall have like powers with respect to the subjects and matters in relation to which he is empowered to make Laws. 30 35 40 45

Proviso: What such laws shall not affect. **9.** Provided always, that no law to be so made by the Governor in Council, and no ordinance to be so made by the Lieutenant-Governor with the advice and consent of the Council of the said Territories shall,— 50

(1.) Be inconsistent with any provision of any Act of the Parliament of Canada expressly referring to the said Territories; 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 the schedule B to this Act, or extended as aforesaid to the said Ter- 55

ritories, for any crime or offence, or the legal description or character of the crime or offence itself; or (4) appropriate any public money, lands or property of the Dominion without the authority of Parliament.

10 Any copy of any Law, Proclamation, or Order made by the Governor nor in Council, or Ordinance, Proclamation or Order, made by the Lieutenant-Governor and Council of the North-West Territories, printed in the *Canada Gazette* or purporting to be printed by the Queen's Printer at Ottawa, or Printer to the Government of Manitoba at Winnipeg, or to the Government of the North-West Territories, shall be *prima facie* evidence of such law, proclamation or order and that it is in force.

Certain copies to be evidence.

ELECTION OF MEMBERS OF COUNCIL OR ASSEMBLY.

11. When and so soon as the Lieutenant-Governor is satisfied by such proof as he may require, that any District or portion of the North-West Territories, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants, exclusive of aliens or unenfranchised Indians, the Lieutenant-Governor shall, by proclamation, erect such District or portion into an Electoral District, by a name and with boundaries to be respectively declared in the proclamation, and such Electoral District shall thenceforth be entitled to elect a member of the Council, or of the Legislative Assembly as may be.

Formation of Electoral districts.

2. The Lieutenant Governor shall thereafter cause a Writ to be issued by the Clerk of the Council in such form and addressed to such Returning Officer as he thinks fit, and until the Lieutenant-Governor and Council of the Province otherwise provides, he shall by Proclamation prescribe and declare the Oaths to be taken by voters, the powers and duties of Returning and Deputy Returning Officers, the proceedings to be observed at such elections, and the period during which such elections may be continued, and such other provisions in respect to such election as he may think fit.

Powers of Lieutenant Governor thereupon.

3. The persons qualified to vote at such election shall be *bona fide* residents and householders within the Electoral District, and shall have respectively resided in such Electoral District for at least twelve months immediately preceding the issue of the said Writ.

Who may vote.

4. Any person entitled to vote may be elected.

Who may be elected.

5. When and so soon as the Lieutenant-Governor is satisfied as aforesaid, that any Electoral District contains a population of two thousand inhabitants, exclusive of aliens or unenfranchised Indians, he shall issue his writ, for the election of a second member for the Electoral District.

Additional member.

6. When the number of elected members amounts to twenty-one, the Council hereinbefore appointed shall cease and be determined, and the members so elected shall be constituted and designated as the Legislative Assembly of the North West-Territories, and all the powers by this Act vested in the Council shall be thenceforth vested in and exercisable by the said Legislative Assembly.

Legislative Assembly, when to be constituted.

7. The number of members so to be elected, as hereinbefore mentioned, shall not exceed twenty-one, at which number the representation shall remain; the members so elected shall hold their seats for a period not exceeding two years.

Number of members and term

DESCENT OF REAL ESTATE.

12. Whenever any person dies seized in fee simple or for the life

Succession to real estate.

of another of any real estate in the North-West Territories, without having lawfully devised the same, such real estate shall descend or pass by way of succession in manner following, that is to say :

Firstly, To his lineal descendants, and those claiming by or under them, *per stirpes* ; 5

Secondly. To his father ;

Thirdly, To his mother ; and

Fourthly, To his collateral relatives ;

Subject in all cases to the rules and regulations hereinafter prescribed. 10

Common degrees of consanguinity 13. If the intestate leaves several descendants in the direct line of lineal descent, and all of equal degree of consanguinity to such intestate, the inheritance shall descend to such persons in equal parts, however remote from the intestate the common degree of consanguinity 15 may be.

Division among children and their descendants. 14. If any one or more of the children of such intestate be living, and any one or more be dead, the inheritance shall descend to the children who are living, and to the descendants of such children as have died, so that each child who shall be living shall inherit such share as would have descended to him if all the children of the intestate who have 20 died leaving issue, had been living ; and so that the descendants of each child who shall be dead shall inherit in equal shares the share which their parent would have received if living.

Rule of descent defined. 15. The rule of descent prescribed in the last preceding section shall apply in every case where the descendants of the intestate, entitled to 25 share in the inheritance, shall be of unequal degrees of consanguinity to the intestate, so that those who are in the nearest degree of consanguinity shall take the shares which would have descended to them, had all the descendants in the same degree of consanguinity who have died, leaving issue, been living, and so that the issue of the descendants who have 30 died, shall respectively take the shares which their parents if living would have received.

Succession in case there are no descendants. 16. In case the intestate dies without lawful descendants, and leaving a father, then the inheritance shall go to such father, unless the inheritance came to the intestate on the part of his mother, and such 35 mother be living; and if such mother be dead, the inheritance descending on her part shall go to the father for life, and the reversion to the brothers and sisters of the intestate and their descendants, according to the law of inheritance by collateral relatives, hereinafter provided ; and if there be no such brothers or sisters, or their descendants living, such 40 inheritance shall go to the father.

Reversion if father not living. 17. If the intestate dies without descendants and leaving no father, or leaving a father, not entitled to take the inheritance under the last preceding section, and leaving a mother and a brother or sister, or the descendant of a brother or sister, then the inheritance shall go 45 to the mother during her life, and the reversion to such brother or sister of the intestate as may be living, and the descendants of such as may be dead, according to the same law of inheritance hereinafter provided ; and if the intestate in such case leaves no brother or sister, nor any descendant of any brother or sister, the inheritance shall go to the 50 mother.

18. If there be no father or mother capable of inheriting the estate, it shall go in the cases hereinafter specified to the collateral relatives of the intestate; and if there be several of such relatives, all of equal degree of consanguinity to the intestate, the inheritance shall go to them in equal parts, however remote from the intestate the common degree of consanguinity may be.

If father and mother not living.

19. If all the brothers and sisters of the intestate be living, the inheritance shall descend to such brothers and sisters: and if any one or more of them be living, and any one or more be dead, then to the brothers and sisters and every of them who are living, and to the descendants of such brothers and sisters as have died, so that each brother or sister who may be living shall inherit such share as would have descended to him or her, if all the brothers or sisters of the intestate who have died leaving issue had been living, and so that such descendants shall inherit in equal shares the share which their parent, if living, would have received.

Reversion to brothers and sisters

20. The same law of inheritance as prescribed in the last section shall prevail as to the other direct lineal descendants of every brother and sister of the intestate, to the remotest degree, whenever such descendants are of unequal degree.

Lineal descendants of same.

21. If there be no heir entitled to take under any of the preceding nine sections, then the inheritance, if the same came to the intestate on the part of his father, shall descend:

Reversion if no heir under foregoing provisions.

Firstly. To the brothers and sisters of the father of the intestate in equal shares, if all be living;

22. *Secondly.* If one or more be living, and one or more have died leaving issue, then to such brothers and sisters as are living, and in equal shares to the descendants of such of the said brothers and sisters as have died.

23. *Thirdly.* If all such brothers and sisters have died, then to their descendants; and in all such cases the inheritance shall descend in the same manner as if all such brothers and sisters had been the brothers and sisters of the intestate.

24. If there be no brothers or sisters of the father of the intestate, and no descendants of such brothers or sisters, then the inheritance shall descend to the brothers and sisters of the mother of the intestate, and to the descendants of such of the said brothers and sisters as have died, or if all have died, then to their descendants, in the same manner as if all such brothers and sisters had been the brothers and sisters of the father.

Brothers and sisters of mothers.

25. In all cases not herein provided for, where the inheritance came to the intestate on the part of his mother, the same, instead of descending to the brothers and sisters of the intestate's father, and their descendants, as prescribed in the preceding sixteenth section, shall descend to the brothers and sisters of the intestate's mother, and to their descendants, as directed in the last preceding section; and if there be no such brothers and sisters or descendants of them, then such inheritance shall descend to the brothers and sisters, and their descendants, of the intestate's father, as before prescribed.

Origin of inheritance given.

26. In cases where the inheritance did not come to the intestate on the part of either the father or the mother, the inheritance shall descend to the brothers and sisters both of the father and mother of the intestate in equal shares, and to their descendants, in the same manner, as if all

The same.

such brothers and sisters had been the brothers and sisters of the intestate.

As to relatives of half-blood. **25.** Relatives of the half-blood shall inherit equally with those of the whole blood in the same degree, and the descendants of such relatives shall inherit in the same manner as the descendants of the whole blood, 5 unless the inheritance came to the intestate by descent, devise or gift of some one of his ancestors ; in which case all those who are not of such ancestors shall be excluded from such inheritance.

In case of failure of heirs to next of kin. **26.** On failure of heirs under the preceding rules, the inheritance shall descend to the remaining next of kin of the intestate, according to 10 the rules in the English Statute of distribution of personal estate.

Sole heirs and tenants in common. **27.** Whenever there is but one person entitled to inherit according to the provisions hereinbefore contained, he shall take and hold the inheritance solely ; and wherever an inheritance, or a share of an inheritance, shall descend to several persons under such provisions, they 15 shall take as tenants in common, in proportion to their respective rights.

Posthumous heirs. **28.** Descendants and relatives of the intestate begotten before his death, but born thereafter, shall in all cases inherit in the same manner as if they had been born in the lifetime of the intestate, and had 20 survived him.

Illegitimacy **29.** Children and relatives who are illegitimate shall not be entitled to inherit under any of the provisions of this Act.

Dower. **30.** The estate of a widow as tenant in dower, shall not be affected by any of the provisions hereinbefore contained.

OTHER PROVISIONS AS TO REAL ESTATE. 25

Aliens **31.** Aliens may acquire, inherit and devise real estate within the North West Territories.

Tenure and extension of Deeds **32.** All lands, tenements and hereditaments, and any share or interest therein shall as regards the conveyance of the immediate freehold thereof be deemed to lie in grant as well as in livery. Deeds of 30 grant shall be executed and delivered in duplicate attested by one witness, and the execution and delivery thereof duly proved on oath, for the purpose of registration.

Feoffment **33.** A Feoffment, otherwise than by deed, shall be void at law, and no feoffment shall have any tortious operation. 35

Corporations may convey **34.** Any Corporation aggregate in the North West Territories capable of taking and conveying land shall be deemed to be capable of taking and conveying land by deed of bargain and sale in like manner as any person in his natural capacity.

Registration not necessary to validity **35.** No deed of bargain and sale of land in the North West Territories, shall require enrolment or registration to supply the place of 40 enrolment, for the mere purpose of rendering such bargain and sale a valid and effectual conveyance for passing the land thereby intended to be bargained and sold.

WILLS. 45

Testaments and investacy **36.** Every person may devise, bequeath, or dispose of by will, executed in manner hereinafter mentioned, all real estate and personal

estate which he shall be entitled to, either at law or in equity, at the time of his death, and which, if not so devised, bequeathed, or disposed of, would devolve upon his heir-at-law, or upon his executor or administrator.

37. No will made by any person under the age of twenty-one years shall be valid. Testator must be of age

38. No will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned; that is to say it shall be signed at the foot or end thereof by the testator, or by some other person in his presence, and by his direction; and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses, present at the same time, and such witnesses shall attest and shall subscribe the will in the presence of the testator; but no form of attestation shall be necessary. Execution of Wills

39. Every will executed in manner hereinbefore required, shall be valid without any other publication thereof. No other publication

40. If any person who attests the execution of a will shall, at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid. Subsequent incompetency of witness

41. No person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof. Executor may be witness

42. No will or codicil, or any part thereof, shall be revoked otherwise than by marriage or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same, by the testator, or by some person in his presence and by his direction, with the intention of revoking the same. Revocation of Wills

43. Every will shall be construed, with reference to the real and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by the will. How Will shall be construed

44. Where any real estate is devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest, which the testator had power to dispose of by will, in such real estate, unless a contrary intention shall appear by the will. When no limitation, fee simple to pass

AS TO MARRIED WOMEN.

45. The real estate of any married woman, which is owned by her at the time of her marriage, or acquired in any manner during her coverture, and the rents, issues and profits thereof respectively, shall without prejudice and subject to the trusts of any settlement affecting the same, be held and enjoyed by her for her separate use, free from any estate or claim of her husband during her lifetime, or as tenant by the curtesy, and her receipt alone shall be a discharge for any rents, issues and profits; and any married woman shall be liable on any contract made by her respecting her real estate, as if she were a feme sole. Separate rights of married women in real estate

- 46.** All the wages and personal earnings of a married woman, and any acquisitions therefrom, and all proceeds or profits from any occupation or trade which she carries on separately from her husband, or derived from any literary, artistic or scientific skill, and all investments of such wages, earnings, moneys, or property shall hereafter be free from the debts or dispositions of the husband, and shall be held and enjoyed by such married woman, and disposed of without her husband's consent, as fully as if she were a *feme sole*; and no order for protection shall hereafter become necessary in respect of any such earnings or acquisitions; and the possession, whether actual or constructive, of the husband, of any personal property of any married woman, shall not render the same liable for his debts. 5
- 47.** A married woman may make deposits of money in her own name in any savings or other bank, and withdraw the same by her own check, and any receipt or acquittance of such depositor, shall be a sufficient legal discharge to any such bank. 15
- 48.** Nothing hereinbefore contained in reference to moneys deposited, or investments by any married woman shall as against creditors of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditors, and any money so deposited or invested may be followed as if this Act had not passed. 20
- 49.** A husband shall not by reason of any marriage, be liable for the debts of his wife contracted before marriage, but the wife shall be liable to be sued therefor, and any property belonging to her for her separate use shall be liable to be sued therefor, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried; and a husband shall not be liable for any debts of his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts. 25
- 50.** A married woman may maintain an action in her own name for the recovery of any wages, earnings, money and property, by this Act, or which may be hereafter declared to be her separate property, and shall have in her own name the same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such wages, earnings, money, and property, and of any chattels or other her separate property for her own use, as if such wages, earnings, money, chattels, and property belonged to her as an unmarried woman; and any married woman may be sued or proceeded against separately from her husband in respect of any of her separate debts, engagements, contracts or torts as if she were unmarried. 30 35 40
- 51.** The Governor may appoint a Registrar of Deeds in and for the North West Territories, who shall hold office during pleasure and who shall reside and keep his office in a place to be named for that purpose in his commission, or at such other place as may be appointed for that purpose from time to time by the Governor in Council, and who shall register all deeds and other instruments relating to lands situate in any part of the North West Territories, and which have been laid out and surveyed by the Crown; and the Governor in Council may order an annual salary, not exceeding *dollars*, to be paid to the said Registrar, and the Lieutenant Governor in Council shall fix the fees to be paid for the registration of all such deeds, and instruments, which fees shall be collected by the Registrar and being first verified on oath, shall by him be paid over to the Lieutenant Governor, at the end of every quarter in each year, on account of the Consolidated Revenue Fund of Canada, and the forms, incident to, and effect of such registration shall be governed by the laws to be made under this Act. 45 50 55

Earnings to
be hers
absolutely

Deposits in
banks

Fraud to
affect validity

As to liability
for debts

Suits by and
against a
married
woman

Registrar of
deeds, ap-
pointment,
duties and
salary.

52. The Governor may appoint a Sheriff in and for the Sheriff North West Territories, who shall hold office during pleasure, and who shall reside, and keep his office in a place to be named for that purpose in his commission; or at such other place as may, from 5 time to time, be named by the Governor in Council, and who shall perform the duties of such office under the laws then in force in the said Territories. The Governor in Council may order an annual salary not exceeding dollars to be paid to such Sheriff.

53. The Lieutenant Governor shall, but subject to any orders in that Police Force 10 behalf from time to time of the Governor General, have the local disposition of the Police Force in and for the North West Territories, established under "An Act respecting the Administration of Justice, and for the establishment of a Police Force in the North West Territories," and of any 15 Act passed or to be passed in amendment thereof, 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 Territories, and for or in aid of the performance of all duties which are now, or may at any time, by any Law or Ordinance, or by order of the Lieutenant Governor, be 20 assigned to Sheriff's Officers, Bailiffs, Constables, or other Officers in connection with the orders or process of any Justice of the Peace, Stipendiary Magistrate, or Court.

ADMINISTRATION OF JUSTICE.

54. The Lieutenant Governor may appoint Justices of the Peace for the Justices of North West Territories, who shall have jurisdiction as such throughout the the Peace 25 same.

55. The Lieutenant Governor and Council may by Ordinance, subject Judicial Dis- set apart any portion of the said Territories as and for a Judicial 30 District, and may from time to time alter the limits and extent of any such District.

56. A Court or Courts of Civil and Criminal Jurisdiction shall be Court of civil held in the said Territories, and in every Judicial District thereof when and criminal formed under such names, at such periods and at such places as the Lieu- jurisdiction 35 tenant Governor may from time to time order.

57. For every such Court there shall be a Clerk, who may be appointed Clerk by the Governor, who shall hold office during pleasure, and be paid an 40 annual salary, not exceeding dollars.

58. The Governor may from time to time appoint, by commission under Stipendiary the Great Seal, one or more fit and proper person or persons to be and act Magistrates. 40 as a Stipendiary Magistrate or Stipendiary Magistrates within the North West Territories, who shall hold office during pleasure, and who shall reside at such place or places as may from time to time be ordered by the Governor in Council, and shall receive such salary or remuneration respectively as the Governor may appoint.

59. Each Stipendiary Magistrate shall have jurisdiction throughout Functions the North West Territories, as hereinafter mentioned, and shall also have jurisdiction and may exercise within the North West Territories, the magisterial, judicial and other functions appertaining to any Justice of the Peace, or any two Justices of the Peace, under any Laws or Ordinances 50 which may from time to time be in force in the North West Territories.

60. Each Stipendiary Magistrate shall preside over such Courts in the Oath of office North West Territories as shall from time to time be assigned to him and jurisdic- tion.

by the Lieutenant Governor and to qualify him to do so he shall take the following oath before the Lieutenant Governor or any Stipendiary Magistrate, that is to say :

“ I do swear that I will truly and faithfully execute the several powers, duties and trusts committed to me by or under the North West Territories Act 1875, without fear, without favor, and without malice. So help me God. ”

Court for trial of certain offences.

61. Each Stipendiary Magistrate with the Chief Justice or any Judge of the Court of Queen's Bench of the Province of Manitoba shall have power and authority to hold a Court under Section fifty-six, and therein to hear and determine as hereinafter mentioned, any charge preferred against any person for any offence alleged to have been committed within the North West Territories, viz :—

(1) In any case in which the maximum punishment for such offence does not exceed five years imprisonment in a summary way, and without the intervention of a Jury ;—

(2) In any case in which the maximum punishment for such offence exceeds five years imprisonment but is not punishable with death, then either, in a summary way and without the intervention of a Jury, if the accused assents thereto; or, if the accused demands a Jury, then with the intervention of a Jury not exceeding six in number, who shall be then and there or as soon thereafter as can be, chosen and sworn by the Judge or Stipendiary Magistrate, as a Jury in such case ;—

(3) In any case in which the punishment for such offence is death, then with the intervention of a Jury not exceeding eight in number, who shall be then and there or as soon thereafter as can be chosen and sworn by the Judge as a Jury in such case ;—

(4) And every such Court shall be a Court of record, and if imprisonment in gaol for not less than two years or in a penitentiary, be awarded in any case, the Court may order the convict to be imprisoned in the North West Territories, or to be conveyed to the penitentiary in the Province of Manitoba, and he shall in any such case, undergo such punishment therein, as if convicted in the Province of Manitoba ;—

(5) The Lieutenant-Governor in Council may, from time to time, make any ordinance in respect to the mode of calling juries, and when and by whom and how they may be summoned or taken, and in respect of all matters relating to the same. But no Grand Jury shall be called in the North West Territories.

(6) On the first days of January and June in each year, each Justice of the Peace, Stipendiary Magistrate, and other Judge residing in the North West Territories, shall send in to the Lieutenant-Governor, in such form as he may prescribe, a Return shewing all trials and proceedings, civil and criminal, had before him during the preceding six months.

Appeal to Q. B. Manitoba.

62. A person convicted of any offence punishable death may appeal to the Court of Queen's Bench of Manitoba, which shall have jurisdiction to confirm the conviction or to order a new trial; and the mode of such appeal and all particulars relating thereto, shall be determined from time to time by ordinance of the Lieutenant-Governor and Council.

Persons charged with certain offences may be

63. Any Stipendiary Magistrate of the said Territories, or the Chief Justice or any Judge of the Court of Queen's Bench of the Province of Manitoba, shall have power and authority to commit and cause to be con-

veyed to gaol in the Province of Manitoba, for trial by the Court of Queen's Bench according to the laws of criminal procedure in force in the said Province, any person or persons at any time charged with the commission of any offence against any of the laws or ordinances in force in the North West Territories, punishable by death or imprisonment in the Penitentiary, and the said Court of Queen's Bench or any Judge thereof, shall have power and authority to have any person arraigned before the said Court on any such charge, and the jury laws and laws of criminal procedure of the said Province shall apply to any such trial, except that the punishment to be awarded, upon conviction of any such person, shall be according to the laws in force in the North-West Territories; and the sentence may be carried into effect in a Penitentiary or other place of confinement in the North West Territories, or in the said Province, as if the same were in the North-West Territories.

committed to
and tried in
Manitoba.

N. W. T.
Laws to
govern.

64. Whenever any convict or accused person is ordered to be conveyed to gaol or to the Penitentiary in Manitoba, any constable or other person in whose charge he is to be so conveyed, shall have the same power to hold and convey him, or to re-take him in case of an escape, and the gaoler or warden of the Penitentiary in Manitoba shall have the same power to detain and deal with him, in the said Province, as if it were within the North-West Territories, or as if the said convict or accused person had been ordered to be conveyed to such gaol or Penitentiary by some competent court or authority in the said Province.

Conveyance
of prisoners.

65. Where it is impossible or incompetent, in the absence or remoteness of any gaol or other place of confinement, to carry out any sentence of imprisonment, any Justice of the Peace, or Stipendiary Magistrate, or the Chief Justice or any Judge of the Court of Queen's Bench of Manitoba, may, according to their several powers and jurisdictions, sentence such person so convicted before him or them, and sentenced, as aforesaid, to such imprisonment to be placed and kept in the custody of the Police Force of the North West Territories, with or without hard labour, the nature and extent of which shall be determined by the Justice of the Peace or Stipendiary Magistrate or Judge, by or before whom such person was convicted.

Imprison-
ment at a dis-
tance from a
gaol.

66. The Governor in Council may cause to be erected in any part or parts of the North West Territories any building or buildings, or enclosure or enclosures, for the purposes of a Gaol or Lock-up, for the confinement of Prisoners charged with the commission of any offence, or sentenced to any punishment therein; and confinement or imprisonment therein shall be held lawful and valid, whether under sentence of imprisonment in a Penitentiary, Gaol or other place of confinement.

Gaols and
lock-ups.

67. Whenever in any Act of the Parliament of Canada in force in the North West Territories, any officer is designated for carrying on any duty therein mentioned, and there shall be no such officer in the North West Territories, the Lieutenant Governor in Council may order by what other person or officer, such duty shall be performed, and anything done by such person or officer, under such order, shall be valid and legal in the premises; or if it be in any such Act ordered that any document or thing shall be transmitted to any officer, court, territorial division or place, and there is then in the said North West Territories no such officer, court or territorial division or place, then the Lieutenant Governor in Council may order to what officer, court or place such transmission shall be made, or may dispense with the transmission thereof.

Lieutenant
Governor
may supply
summons.

ADMINISTRATION OF CIVIL JUSTICE.

68. Every Stipendiary Magistrate of the said Territories, and the Chief Justice, and any Judge of the Court of Queen's Bench of Manitoba,

Powers of
courts in civil
cases.

or any one of them, shall respectively have power, jurisdiction, and authority to hear and determine within the North West Territories, and at a Court held under section fifty-six, any claim, dispute or demand as herein-after mentioned, viz. :

Limit of
summary
trial.

1. Where the claim, dispute or demand is for a tort, wrong or grievance, in which the amount claimed does not exceed five hundred dollars, or if for a debt or on contract in which the amount claimed does not exceed one thousand dollars, in a summary way and without the intervention of a jury. 5

Trials in
other cases.

2. In all other claims, disputes or demands than those above mentioned, or for the recovery of the possession of real estate, if neither party demand a jury, in a summary way and without the intervention of a jury ; but if either party demands a jury, then with the intervention of a jury not exceeding six in number who shall be returned instantly by the Clerk of the Court to try the facts of the matter in dispute, and the Stipendiary Magistrate or Judge shall make such orders, judgments and decrees as appear to him just and agreeable to equity and good conscience ; but neither the Stipendiary Magistrate nor any other Judge or the Court shall have cognizance of any action for any gambling debt, or for any spirituous liquors, or of any action by any person on a note of hand or other document, the consideration or any part of the consideration for which was for a gambling debt or for such spirituous liquors. 15 20

Judgment.

69. Every judgment of the Stipendiary Magistrate or presiding Judge shall be openly pronounced in Court as soon as may be after the hearing of the case except that in any case where the Stipendiary Magistrate is not prepared to pronounce judgment *instanter*, he may postpone judgment and name a subsequent day and hour for the delivery thereof at the Clerk's office in writing, and at such day and hour it shall be lawful for the Clerk to read the judgment to the parties or their agents if present, and if not, then to enter the said judgment in their absence, and such judgment shall be as effectual as if rendered in Court at the trial. 25

Execution.

2. Execution of any such judgment shall be carried into effect in the manner prescribed by any ordinance of the Lieutenant Governor and Council, or if no such ordinance be then in force, then in like manner as judgment to the same amount in the Province of Manitoba. 30

Appeal.

70. Any person feeling himself aggrieved by the decision of any Stipendiary, Magistrate, or presiding Judge, or Court, in a claim dispute or demand under the second sub-section of the *sixty-eighth* section of this Act, may appeal to the Court of Queen's Bench of Manitoba, which shall have jurisdiction to confirm the decision or to order a new trial, and the mode of such appeal and all particulars relating thereto, shall be determined from time to time by ordinance of the Lieutenant-Governor and Council. 35 40

PROHIBITION OF INTOXICANTS.

Manufacture
of intoxicat-
ing liquors
prohibited

71. Intoxicating Liquors are prohibited to be manufactured or made in the said North West Territories, except by special permission of the Governor in Council, or to be imported or brought into the same from any Province of Canada, or elsewhere, except by special permission in writing of the Lieutenant Governor of the said Territories ; and if any such intoxicating liquors are imported or manufactured or made in the said Territories, or brought into the same, in contravention of this Act, they shall be absolutely forfeited, and may be seized by any officers of the Customs or Excise or by any Constable or other duly qualified person wheresoever found ; and on complaint made before him, any judge, stipendiary magistrate, or justice of the peace, may, on the evidence of one credible witness that this 45 50

Act has been contravened in respect thereof, order the said intoxicating liquors so seized to be forthwith destroyed, or in case of the same not having been seized, then on complaint as aforesaid, such judge, stipendiary magistrate, or justice of the peace, may issue a search warrant,
 5 as in cases of stolen goods under the Acts in force respecting the duties of Justices of the peace out of sessions in relation to persons charged with indictable offences, and upon the same being found may cause them to be forthwith destroyed and the still and machinery, keg, barrel, case, box, package or receptacle whence or in which any intoxicating liquor has been manufactured
 10 imported or made 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 still or machinery, barrel, keg, case, box, package, receptacle or vessel aforesaid respectively, can be identified may be seized by any officer of the Customs
 15 or Excise or by any constable or other duly qualified person wheresoever found, within the said Territories; 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 such intoxicating liquor, still, machinery, vessel or receptacle
 20 forfeited, and cause the same to be forthwith destroyed; and the person in whose possession any of them were found may be condemned 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.

25 (1). Any person in whose possession or on whose premises such intoxicating liquors of any kind may be or may have been found shall be liable to a penalty not exceeding two hundred dollars, nor less than fifty dollars, one-half of which shall go to the informer. Penalty for having same in possession

30 (2) The expression "intoxicating liquors" shall mean and include all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors or intoxicating fluids, as also opium or any preparation thereof, and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance and whether the same or any of them be liquid or solid Intoxicating liquors defined

35 (3). Any penalty incurred under this section shall be recoverable with costs of prosecution by summary conviction on the evidence of one credible witness, before any judge, stipendiary magistrate, or justice of the peace having jurisdiction in the North West Territories, who shall, on payment of the same, pay the informer his share thereof; and in case of non-payment of the penalty and costs immediately after conviction, the convicting
 40 judge or justice may in his discretion levy the same by distress and sale, or commit the person so convicted and making default in payment of the said penalty and costs, to any Common Gaol or House of Correction or Lock-up House within the North West Territories, for a period not exceeding six months,
 45 unless the said penalty and costs be sooner paid. Recovery of penalties

(4). And upon conviction for a second offence, the offender shall be liable to a penalty not less than *two hundred* and not exceeding *four hundred* dollars, and in the discretion of the convicting judge or justice to imprisonment for a period not exceeding six months. Second offence

50 (5). No seizure, 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 intent and meaning of this Act. Want of form not to invalidate

(6). Intoxicating liquors imported or brought into the North West Territories from any Province of Canada, or elsewhere, by special permission in writing of the Lieutenant Governor of the said Territories, Excise and Customs laws to apply

are subject to the several Customs and Excise Laws of Canada, if in excess of one gallon.

Acts repealed **72.** The several Acts and parts of Acts mentioned and contained in Schedule A, of this Act, are hereby repealed; but such repeal shall not affect any duty accrued, right acquired, or penalty, forfeiture or liability incurred under the said Acts, or any of them, or any offence committed under any or either of them.

Acts to be in force in NWT **73.** The several Acts mentioned and contained in Schedule B, of this Act, as limited in the said Schedule, shall apply and be in force in the North West Territories. Except the Acts mentioned and contained in Schedule B to this Act, and except such Acts of the Parliament of Canada or any part or parts thereof as may under the eighth section of this Act be made applicable to the North West Territories, no Act heretofore passed and no part thereof shall apply to or be in force in the said Territories, and no Act of Parliament hereafter to be passed, and no part thereof shall apply to or be in force in the said Territories, unless the same be by any such Act or under the eighth section of this Act made applicable to or of force in the said Territories.

Commencement of Act **74.** This Act shall come into force and effect upon, from and after such day as shall be named in a Proclamation to be issued by the Governor in Council for that purpose.

SCHEDULE A.

Acts of the Parliament of Canada, referred to in this Act.

Section.	Chapter.	TITLE.
		<i>32 and 33 Victoria, 1869.</i>
5 and 6	3	An Act for the temporary government of Rupert's Land and the North Western Territory, when united with Canada. (<i>Expired</i>)
		<i>33rd Victoria, 1870.</i>
2	3	An Act to amend and continue the Act 32 and 33 Victoria, Chapter 3, and to establish and provide for the government of the Province of Manitoba.
		<i>34th Victoria, 1871.</i>
5	10	An Act to amend the Act relating to duties of Customs.
	16	An Act to make further provision for the government of the North West Territories.
2	29	An Act to continue for a limited time the Acts therein mentioned.
		<i>36th Victoria, 1873.</i>
1	5	An Act to amend the Act entitled: An Act to make further provision for the government of the North West Territories.
and 2	34	An Act further to amend the "Act to make further provision for the government of the North West Territories."
1 to 9	35	An Act respecting the Administration of Justice, and for the establishment of a Police Force in the North West Territories.
1	39	An Act to make further provision as to duties of Customs in Manitoba and the North West Territories. (<i>In so far as the same refers to the North West Territories.</i>)
		<i>37th Victoria, 1874.</i>
2	7	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.

SCHEDULE B.

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

Chapter.	TITLE.
<i>Acts passed in the Session, 31st Victoria, 1867-1868.</i>	
1	An Act respecting the statutes of Canada.
6	An Act respecting the customs
7	An Act imposing duties of customs with the tariff of duties payable under it, <i>as amended by subsequent Acts</i>
8	An Act respecting the Inland Revenue.
10	An Act respecting the regulation of the Postal service.
12	An Act respecting the public works of Canada.
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.
36	An Act respecting commission, and oaths of allegiance and of office.
69	An Act for the better security of the Crown and of the Government. <i>As amended by 32, 33 Vict., cap. 17.</i>
70	An Act respecting riots 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 in indictable offences.
73	An Act respecting the Police of Canada.
74	An Act respecting persons in custody charged with high treason or felony.
94	An Act respecting the Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders. <i>As amended by 33 Vic., Cap. 25.</i>
<i>Acts passed in the Session, 32, 33 Victoria, 1869.</i>	
18	An Act respecting offences relating to the Coin.

SCHEDULE B.—Continued.

Chapter.	TITLE.
19	An Act respecting Forgery.
20	An Act respecting offences against the Person.
21	An Act respecting Larceny and other similar offences.
22	An Act respecting Malicious Injuries to Property. <i>As amended by 35 Vic., cap. 34.</i>
23	An Act respecting Perjury. <i>As amended by 33 Vict., cap. 26.</i>
24	An Act for the better preservation of the peace on Public Works. <i>As amended by 33 Vic., cap. 28.</i>
27	An Act respecting Cruelty to Animals.
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 North West Territories, 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 respects indictable offences committed in the North West Territories and triable in Manitoba, or committed in some Province of Canada, and the offender is apprehended in the North West Territories.
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 adjudged or made under it. <i>Acts passed in the Session, 33rd Victoria, 1870.</i>
9	An Act to amend the Acts respecting Customs and Inland Revenue; and to make certain provisions respecting vessels navigating the Inland waters of Canada above Montreal.
25	An Act to amend the Act respecting the extradition of certain offenders to the United States of America.
28	An Act to amend "An Act for the better preservation of the peace in the vicinity of Public Works."
29	An Act to amend "An Act respecting cruelty to animals." <i>Acts passed in the Fourth Session, 34th Victoria, 1871.</i>

SCHEDULE B.—Continued.

Chapter.	TITLE.	Chapter.
4	An Act to establish one uniform currency for the Dominion of Canada. <i>Acts passed in the Session, 35th Victoria, 1872.</i>	
1	An Act to amend the Act respecting the Statutes of Canada.	
23	An Act respecting the Public Lands of the Dominion.	
24	An Act to remove doubts under the Act respecting the Public Works of Canada.	
33	An Act for the avoidance of doubts respecting Larceny of Stamps.	
34	An Act to correct a clerical error in the Act respecting malicious injuries to property. <i>Acts passed in the Session 36th Victoria, 1873.</i>	
3	An Act to amend "The Act respecting Procedure in Criminal Cases.	
50	An Act to amend the Act respecting Offences against the Person.	
51	An Act further to amend the law respecting certain matters of procedure in Criminal Cases. <i>Acts passed in the Session 37th Victoria, 1874.</i>	
13	An Act to amend an Act respecting the Public Works of Canada.	
14	An Act to provide for the construction of the Canadian Pacific Railway.	
19	An Act to amend the Dominion Lands Act.	

No. 93.

2nd Session 3rd Parliament, 38 Vic., 1875.

BILL.

An Act to Amend and Consolidate the Laws
respecting the North West Territories.

Received and Read 1st time, Friday, 12th
March, 1875.

Second Reading, Monday, March 15th,
1875.

HON. MR. MACKENZIE,
(Lambton.)

OTTAWA:
Printed by C. W. Mitchell.

An Act to authorise the "Canada Southern Railway Company" to acquire the "Erie and Niagara Railway," and for other purposes.

WHEREAS the Canada Southern Railway Company has Preamble.
petitioned for authority to acquire the Erie and
Niagara Railway, and for other purposes, and it is ex-
pedient to grant the prayer of the said petition; Therefore
5 Her Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as fol-
lows:—

1. It shall be lawful for the Canada Southern Railway Canada
Southern
Railway Co.
may acquire
lines, &c., of
Erie and
Niagara Rail-
way.
Company, within three years from the passing of this Act,
10 to acquire the lines of railway, franchises, stocks, shares,
property, rights and privileges of the Erie and Niagara
Railway Company of every nature or description, and
wherever situate, and for the Erie and Niagara Railway
15 Company to unite and amalgamate with the Canada
Southern Railway Company upon such terms and condi-
tions as may be agreed upon between the said two railway
Companies and approved of by a two-thirds majority of the
shareholders of the said respective Companies at a general
meeting thereof, respectively, specially called for the purpose.

20 2. Such union or amalgamation shall be expressly subject Amalgama-
tion to be
subject to
certain limi-
tations.
to any limitations or conditions imposed by any Act relating
to the Erie and Niagara Railway Company, and to all the
debts, obligations or liabilities of the said last mentioned
Company, and to any rights in any suit or action then pend-
25 ing in any court.

3. Upon such union or amalgamation being completed, Rights, &c.,
vested in
Canada
Southern
Railway.
the Canada Southern Railway Company shall in all matters
be substituted for the Erie and Niagara Railway Company,
and shall and may possess, exercise and enjoy the said Erie
30 and Niagara Railway Company, its property, franchises, rights,
powers and privileges as fully and effectually as the Erie and
Niagara Railway Company immediately before such union
or amalgamation.

4. The indenture to witness the said union or amalgama- Execu-
tion and
filing of in-
denture.
35 tion shall be executed by the said respective Companies,
parties thereto, in duplicate, and upon the filing of one part
thereof in the office of the Secretary of State for Canada,

such union and amalgamation shall be taken to be fully complete, and immediately after the filing of the said duplicate in the office of the Secretary of State a notice to that effect shall be published in the *Official Gazette*.

How first mortgage bonds shall apply.

5. Subject to the encumbrances existing upon the Erie and Niagara Railway at the time of such union or amalgamation the mortgage executed by the Canada Southern Railway Company bearing date the fifteenth day of December, one thousand eight hundred and seventy, to secure the issue of nine million dollars of first mortgage bonds of the said Company shall be and become the first charge upon and over all the Company's railways, works, rolling stock, plant, property and effects whatsoever, and now or at any time hereafter acquired, according to the tenor and effect of the said mortgage, including therein the interest of the Company in the said Erie and Niagara Railway. 5 10 15

Term for completing Railways extended.

6. The times limited by the Acts respecting the Canada Southern Railway Company or the Erie and Niagara Railway Company for completing the said original lines respectively, or any branch lines authorized by the said 20 Acts or any of them, are hereby respectively extended for the period of three years after the passing of this Act.

No. 94.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to authorize the Canada Southern Railway Company to acquire the Erie and Niagara Railway, and for other purposes.

Received and read, first time, Friday, 12th March, 1875.

Second reading, Monday, 15th March, 1875.

[PRIVATE BILL.]

MR. MACDUGALL,
(East Elgin.)

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street,
1875.

An Act respecting the Intercolonial Railway.

- WHEREAS it was declared by the one hundred and forty-^{Preamble.}
 fifth section of "*The British North America Act, 1867*,"
 that it should be the duty of the Government and
 Parliament of Canada to provide for the commencement
 5 within six months after the Union, of a railway con-
 necting the River St. Lawrence with the City of Halifax in
 Nova Scotia, and for the construction thereof without
 intermission, and the completion thereof, with all practical
 speed;
- 10 And whereas by an Act of the Parliament of Canada
 passed in the thirty-first year of Her Majesty's reign, intituled
 "*An Act respecting the construction of the Intercolonial Rail- 31 V., c. 13.*
way," it was enacted, that a railway should be constructed
 connecting the Port of Riviere du Loup, in the Province of
 15 Quebec, with the line of railway leading from the said City
 of Halifax, at or near the Town of Truro, and that such
 railway should be styled and known as "*The Intercolonial
 Railway*," and should be a public work belonging to the
 Dominion of Canada;
- 20 And whereas by an Act of the Parliament of Canada
 passed in the thirty-first year of Her Majesty's reign, and
 known as "*The Railway Act 1868*," the provisions of the 31 V., c. 68.
 said Act are applied to the said Intercolonial Railway in so
 far as they are applicable to the undertaking, and are not
 25 varied by or inconsistent with the Act of the Parliament
 of Canada last above cited;
- And whereas by an Act passed in the thirty-seventh year of
 Her Majesty's reign, intituled "*An Act to amend the Act respect- 37 V., c. 15.*
ing the construction of the Intercolonial Railway," it was
 30 enacted that upon, from and after the first day of June, in
 the year one thousand eight hundred and seventy-four, the
 said Intercolonial Railway should be a public work vested
 in Her Majesty, and under the control and management of
 the Minister of Public Works, and that all works and pro-
 35 perty, real or personal, thereunto appertaining or constructed
 or acquired under the said Act, should be vested as aforesaid
 and under the control and management of the said Minister;
- And whereas the Government of the Province of Nova
 Scotia in pursuance of certain Acts of the Legislature of that
 40 Province, enabling them in that behalf, constructed, or
 caused to be constructed, a line of railway from the harbor
 of Halifax, via Truro, to the navigable waters of the harbor
 of Pictou :

And whereas the Government of the Province of New Brunswick in pursuance of certain Acts of the Legislature of that Province, enabling them in that behalf, constructed, or caused to be constructed, a line of railway from the City of St. John to Shediac, in the said Province :

5

And whereas under the provisions of the one hundred and eighth section of "The British North America Act, 1867," and the third schedule, to the said Act, the railways hereinbefore mentioned in the Provinces of Nova Scotia and New Brunswick respectively, became and are the property of the Dominion of Canada ; And whereas it is desirable that the said railways situated as hereinbefore described in the said Provinces of Nova Scotia and New Brunswick, respectively, should form part of, and together with the line of railway from Rivière du Loup to Moncton, in the Province of New Brunswick, and from Painsec, (a point on the said line from St. John to Shediac), to Truro, should constitute and should be known as "The Intercolonial Railway," and be subject to the several provisions of law affecting the same ;

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

20

What lines shall constitute the Intercolonial Railway.

1. The line of railway from Halifax to Pictou, in the Province of Nova Scotia, and the line of railway from the city of St. John to Shediac, in the Province of New Brunswick, together with the line from Rivière du Loup to Moncton, and from Painsec aforesaid to Truro, and all works and property thereunto appertaining, are hereby declared to constitute and form *The Intercolonial Railway*, and to be vested in Her Majesty and under the control and management of the Minister of Public Works, and shall as such be subject to the provisions of "The Railway Act, 1868," in so far as the said Act is, by its provisions, made applicable to *The Intercolonial Railway*.

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31 V., c. 68.

Lands in N. S. and N. B. not required may be sold.

2. And whereas certain portions of the lands acquired for the purposes of the said railways in the Provinces of Nova Scotia and New Brunswick, and now vested in Her Majesty, may be found unnecessary for such purposes, Her Majesty may from time to time sell and dispose of the same, and grant Letters Patent therefor accordingly to the purchasers thereof.

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Inconsistent enactments repealed.

3. All Acts and parts of Acts passed by the Legislature of either of the Provinces of Nova Scotia or New Brunswick in reference to any of the railways or branch lines hereinbefore mentioned, are hereby repealed, in so far as such provisions are repugnant to the provisions of this Act, except only as respects all acts done, rights acquired, or penalties or forfeitures incurred under the same, as to all which they shall remain in force, and apply as if this Act had not been passed.

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No. 95.

2nd Session, 3rd Parliament, 38 V.

BILL.

An Act respecting the Intercolonial Railway.

Received and read, first time, February 18, 1875.
Second reading, Monday, 15th March 1875.

M. MACKENZIE
(Laird)

OTTAWA

Printed by Messrs. J. G. Ross, Roger & Co., Wellington Street, 1875.

96

An Act still further to amend "The Patent Act of 1872,"
and to extend the same, as amended, 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:—

1. The following words are hereby added to section
6 nineteen of "*The Patent Act of 1872*" after the word "patent"
in the last line thereof, that is to say, "and the Commissioner
"may entertain separate applications and cause several
"patents to be issued for distinct and separate parts of the
"thing patented (upon payment of the fee for a re-issue for
10 "each of such re-issued patents.)"

2. The sub-section of section twenty-eight of "*The Patent
Act of 1872*" is hereby repealed, and the following sub-section
is hereby substituted therefor, and shall be read as the sub-
section of the twenty-eighth section of the said Act.

15 "2. Whenever a patentee has been unable to carry on the
construction or manufacture of his invention within the two
years hereinbefore mentioned, the Commissioner may at any
time not more than three months before the expiration of that
period grant to the patentee a further delay on his adducing
20 proof to the satisfaction of the Commissioner that he was for
reasons beyond his control prevented from complying with
the above-mentioned condition."

3. The forty-ninth section of "*The Patent Act of 1875*" is
hereby repealed, and the following section is hereby sub-
25 stituted therefor, and shall be read as the forty-ninth section
of the said Act:—

"49. Every patentee under this Act, shall stamp or
engrave on each patented article sold or offered for sale by
him the year of the date of patent applying to such article,
30 thus:—"Patented 1872," or as the case may be; or when
from the nature of the article this cannot be done, by fix-
ing to it, or to every package whereon one or more of
such articles is or are enclosed, a label marked with a like
notice; and any such patentee selling or offering for sale any
35 such patented article not so marked, or not enclosed in a
package so marked shall be liable to the punishment of a
fine not to exceed one hundred dollars, and, in default of the
payment of such fine, to imprisonment not to exceed two
months."

4. From and after the passing of this Act all and every the provisions of "*The Patent Act of 1872*," as amended by this Act, and of the Acts amending the same, shall have the same force and effect in Prince Edward Island as the same then respectively have in the other Provinces forming this Dominion; and every patent theretofore issued under the said Acts or any of them shall extend over the said Province for the remainder of the term mentioned therein. 5

5. The following Acts of the General Assembly of Prince Edward Island are hereby repealed, that is to say: The Act passed in the seventh year of the reign of His late Majesty King William the Fourth, chapter twenty-one, intituled "*An Act for granting Patents for useful Inventions*;" the Act passed in the thirty-second year of Her Majesty's reign, chapter twenty, intituled "*An Act to add to and amend the Act relating to Patents for useful Inventions*;" and the Act passed in the thirty-third year of Her Majesty's reign, chapter nineteen, intituled "*An Act to amend the Act relating to Patents for useful Inventions*,"—but in so far only as such Acts, or any of them, may be inconsistent with this Act, or make any provision in any matter provided for by this Act, except only as respects all rights acquired and penalties or liabilities incurred under the said Acts or any of them, before the coming into force of this Act, as to which the said Acts shall remain in force; and nothing in this Act contained shall affect any suit pending in any Court of law or equity at the time of the coming into force of this Act. 10 15 20 25

PATENTS ISSUED UNDER FORMER LAWS.

6. All patents issued under the said Acts of the General Assembly of Prince Edward Island, or any of them, to the date of the passing of this Act shall remain in force in the said Province for the same term as if the Act or Acts under which such patents respectively were issued had not been repealed, but subject to all the provisions of this Act, in so far as such provisions, or any of them, may be applicable to such patents respectively. 30 35

2. And it shall be lawful for the Commissioner, upon the application of the patentee named in any such patent, being the inventor of the subject matter of the patent, if the subject matter of the patent has not been known or used, nor with the consent of the patentee on sale, in any of the other Provinces of the Dominion, to issue, on payment of the proper fees in that behalf, a patent under this Act extending such Provincial patent over the whole of the Dominion, for the remainder of the term mentioned in the Provincial patent. 40 45

7. All the records of the Patent Office of the Province of Prince Edward shall be handed over by the officers in charge of them to the Commissioner of Patents of Invention, to form

part of the records of the Patent Office for the purposes of the Act hereby amended and of the Acts amending the same and of this Act.

5 8. Any person desiring to impeach any patent issued under "*The Patent Act of 1872*," as amended by subsequent Acts and by this Act, the petitioner for which has elected his domicile at any place in Prince Edward Island, may obtain a sealed and certified copy of the patent and of the petition, affidavit, specification, and drawings thereunto relating, and
10 may have the same filed in the office of the Clerk of the Supreme Court of Judicature in that Province, which Court shall adjudicate on the matter and decide as to costs. The patent and documents aforesaid shall then be held as of record in such Court, so that a writ of *scire facias* under the
15 seal of the Court grounded upon such record may issue for the repeal of the patent, for cause as aforesaid, if upon proceedings had upon the writ in accordance with the meaning of this Act, the patent be adjudged to be void.

20 9. This Act shall be read and construed as one Act with the Act hereby amended, and the two Acts amending the same; and the said four Acts may be cited together as "*The Patent Acts, 1872 to 1875*."

97

An Act for the relief of Henry William Peterson.

WHEREAS, Henry William Peterson, of the town of Guelph, in the County of Wellington, and Province of Ontario, Barrister-at-Law, hath by his petition humbly set forth, that on the twenty-first day of November, in the year 5 of Our Lord one thousand eight hundred and sixty, he was lawfully married to Emma Grange, at Guelph, in the County of Wellington, in accordance with the rites and ceremonies of the Church of England in Canada—That the said marriage was duly authorized by license duly issued—That the 10 said Henry William Peterson and Emma Grange lived and cohabited together as husband and wife from the date of such marriage up to the early part of the month of August, one thousand eight hundred and seventy-two—That the said Emma Grange, although the lawful wife of the said 15 Henry William Peterson, did commit adultery with one Herbert F. Tuck at various times and in various places, and especially at the places and about the times hereinafter mentioned, that is to say: At the Village of Preston, in the County of Waterloo, in the said Province of Ontario, on 20 various occasions during the month of July in the said year of Our Lord one thousand eight and seventy-two; in particular on the tenth and eleventh days of the said month of July, in the said Village of Preston, and also at the Town of Berlin, in the said County of Waterloo, on various occasions in the month of August of the said year one thousand 25 eight hundred and seventy-two, in particular on the eighth and ninth days of the said month of August at the said Town of Berlin—That the said Henry William Peterson made discovery of the said adultery on or about the ninth 30 day of August in the year of Our Lord one thousand eight hundred and seventy-two, but the said Henry William Peterson did not discover the said criminality of the said Emma Grange at Preston aforesaid until a considerable time after the discovery of that at Berlin aforesaid—That 35 the said Henry William Peterson has since the discovery of the said adultery, so committed as aforesaid, refused to cohabit with his said wife, and has since lived apart from her—That the said Emma Peterson has since the discovery of the said adultery lived at the said Town of Guelph, for 40 the most part with her father George John Grange, Esquire, with whom she at present resides, and for many months past has continuously resided—That the said Henry William Peterson hath subsequent to the discovery of the said adultery brought an action for criminal conversation in Her 45 Majesty's Court of Queen's Bench for Ontario, against the said Herbert F. Tuck, and recovered a verdict in the said action against the said Herbert F. Tuck for five thousand

dollars, and entered judgment thereon, and the said Henry William Peterson has exhausted every lawful means for the recovery of the amount of the said judgment and costs, without effect—That the said Henry William Peterson and the said Emma Grange so living apart as 5 aforesaid, the said Emma Grange brought a suit against the said Henry William Peterson in Her Majesty's Court of Chancery for Ontario, seeking to recover and obtain an allowance for alimony, which suit was defended by the said Henry William Peterson on the ground of 10 said adultery hereinbefore mentioned having been committed by the said Emma Grange, and which said suit was on the twenty-fourth, twenty-sixth, twenty-seventh, and twenty-eighth days of October, the thirtieth day of November and the first day of December, all in the year of Our Lord 15 one thousand eight hundred and seventy-four, tried at the said Town of Guelph before the Honorable the Chancellor for the said Province of Ontario, who sustained the defence of the said Henry William Peterson, and ordered and adjudged that the bill of complaint of the said Emma Grange and the 20 said suit should be, and the same were dismissed out of the said Court, and a decree by the said Court thereupon has been duly issued to such effect—That the said Henry William Peterson is desirous of having the said marriage dissolved, annulled and put an end to, so that he may be free from 25 the same and can contract matrimony with any other person or persons with whom it would have been lawful for him to contract matrimony if they the said Henry William Peterson and Emma Grange had not intermarried, and that there are five children issue of the said 30 marriage ;

And whereas 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:— 35

1. That the said marriage between the said Henry William Peterson and Emma Grange, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever. 40

2. It shall and may be lawful for the said Henry William Peterson at any time hereafter to contract matrimony, and to marry with any other woman with whom he might lawfully marry in case the said marriage had not been solemnized. 45

3. In case of the said Henry William Peterson again contracting matrimony with any person or persons with whom it would have been lawful for him to contract matrimony, if they the said Henry William Peterson and Emma Grange had not intermarried, and having any issue born to him, the 50 said issue so born shall be and are hereby declared to be to

all intents and purposes legitimate, and the rights of them
the said issue and each of them and of their respective heirs
as respects their and each of their capacity to inherit, have,
hold, enjoy and transmit all and all manner of property,
5 real or personal, of what nature or kind soever, from any
person or persons whomsoever, shall be and remain the
same as they would have been to all intents and pur-
poses whatsoever if the said marriage between the said
Henry William Peterson and Emma Grange had not taken
10 place.

An Act respecting the Lien of the Dominion on the
Northern Railway of Canada.

WHEREAS the lien of the Dominion on the railway and property of the Northern Railway of Canada, amounts to the sum of four hundred and seventy-five thousand pounds sterling, and the Government of the Dominion holds also second preference bonds of the Company to the amount of fifty thousand pounds sterling, and third preference bonds of the Company to the amount of fifty thousand pounds sterling; and it is expedient to make provision for the release of the said lien on the conditions hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. If the said Company or any company formed by its amalgamation with any other company under any Act of the present session, do on or before the first day of April, one thousand eight hundred and seventy-six, or within such extended time as the Governor in Council may grant, not exceeding three months thereafter, pay to the Receiver General of Canada, or to the financial agents of the Dominion in England, the sum of one hundred thousand pounds sterling, such payment shall operate as a full discharge and release of the said lien and of all principal and interest due in respect thereof, and the Receiver General or the said financial agents (as the case may be) shall give the Company a certificate of such payment, which shall be sufficient evidence of the discharge of the lien and of all claim in respect thereof: Provided always, that the said bonds of the Company held by the Government shall not be affected by the payment aforesaid, but shall hold their present rank and priority in any re-arrangement that may be made of the affairs of the Company, and that the accrued interest on the second preference bonds shall be paid under the terms of the several Acts relating to the said railway.

2. It shall be lawful for the Governor in Council at any time after the passing of the Act to nominate and appoint one additional Director of the Company, who shall in all things have the same powers as an ordinary Director, but whose concurrence shall be necessary to any future expenditure upon new works or equipment undertaken after such appointment: Provided that such right to appoint a Government Director, and his right to a seat at the Board, shall subsist only so long as the lien of the Dominion shall remain undischarged by the payment that may be made by the Company under the provisions hereinbefore contained.

Preamble.

On what conditions the lien of the Dominion may be released.

Proviso: the said bonds not to be affected.

Government director, and his powers and duration of office.

No. 98.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act respecting the Lien of the
Dominion on the Northern Railway of
Canada.

Received and read, first time, Saturday, 13th
March, 1875.

Second reading, Monday, 15th March, 1875.

MR. MACKENZIE,
(Lambton.)

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street,
1875.

An Act to amend the Act incorporating the Western Assurance Company and other Acts affecting the same, and to extend the powers of the said Company.

WHEREAS the Western Assurance Company have petitioned for certain amendments to their charter, and other Acts affecting the same, and that their powers may be extended thereunder, 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. Section two of the Act of incorporation of the said Company is hereby amended by substituting the words " two million dollars " for the words " two hundred and fifty thousand pounds " in the second last line of the said section.

2. So much of the fourth section of the Act amending the Act of incorporation of the said Company, and passed in the thirty-fifth year of Her Majesty's reign, chaptered ninety-nine, as relates to investments by the said Company shall be and is hereby repealed, and from and after the passing of this Act it shall be lawful for the said Company to invest the capital stock, funds and money of the said Company temporarily or otherwise in Dominion, Provincial, Municipal and Foreign Securities, in bonds and mortgages, and the stocks of the incorporated moneyed institutions of the Dominion of Canada, and to change and re-invest the same as occasion may from time to time require.

3. To enable the Company to extend their business to parts abroad as contemplated by the Act of incorporation, it shall be lawful for the said Company to make deposits of money or securities there in compliance with the laws of the country, State or States, wherein it may be desirable to carry on their business of Assurance.

An Act to amend the Act incorporating the Western
Admiralty Land and other provisions relating to the
and to extend the powers of the said Admiralty.

Enacted by the Queen's Majesty the following are the
provisions of the said Act:—

1. The powers of the Admiralty in relation to the
land and other provisions relating to the
and to extend the powers of the said Admiralty.

2. The powers of the Admiralty in relation to the
land and other provisions relating to the
and to extend the powers of the said Admiralty.

3. The powers of the Admiralty in relation to the
land and other provisions relating to the
and to extend the powers of the said Admiralty.

4. The powers of the Admiralty in relation to the
land and other provisions relating to the
and to extend the powers of the said Admiralty.

5. The powers of the Admiralty in relation to the
land and other provisions relating to the
and to extend the powers of the said Admiralty.

6. The powers of the Admiralty in relation to the
land and other provisions relating to the
and to extend the powers of the said Admiralty.

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n Act to amend the Act incorporating the Canada Car and Manufacturing Company.

WHEREAS the Canada Car and Manufacturing Company have prayed for certain amendments to the Act relating to the said Company passed in the thirty-sixth year of Her Majesty's reign, chapter one hundred and fourteen, 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:—

1. Section three of the said Act is hereby amended by adding to it the following words: "Provided always that the said number of Directors may at any time be reduced to not less than five by a by-law of the Company passed by a two-third majority of shareholders present in person or by proxy at a general meeting specially called for that purpose."

2. Section four of the said Act is hereby amended by inserting the words "or resolutions" after the word "by-laws" and before the word "not" in the fifth line of the said section; and section thirteen is hereby amended by striking out the word "daily" in the fifteenth line of the said section.

3. The Directors of the Company may at any time after the passing of this Act, on receiving the consent of a two-third majority of shareholders of the said Company, present at any general meeting of the Company specially called for the purpose of obtaining their consent to the issue of preference stock issue as preference stock, either any portion of the present capital of the said Company unissued, or if the whole of the said original capital amounting to five hundred thousand dollars has been issued the Directors may, having obtained the consent of the shareholders to increase the capital stock of the Company as provided by the twelfth section of the said Act, issue as preference stock a portion or all of the said new capital stock.

4. The holders of the said preference stock shall be entitled to receive in priority to all holders of ordinary stock out of the profits made by the said Company a dividend on their said stock up to but not exceeding eight per cent. per annum on such stock, the holders of the ordinary stock shall then be entitled to receive a similar dividend on their stock, and if any fund remains thereafter out of which a dividend may properly be paid the said preference and ordinary stock shall rank *pro rata* on such fund for such dividend.

An Act to change the name of the Mutual Insurance Company of Canada to "The Dominion Life Assurance Society," and to amend their Act of incorporation.

WHEREAS Sir Alexander T. Galt, John Rankin, Robert James Reekie, James Rose, Edward Mackay, Thomas Cramp, John Molson and Edward Rawlings, all of the City of Montreal, have made arrangements to organize the Mutual Insurance Company of Canada, incorporated by the Act thirty-fourth Victoria, Chapter fifty-six, and have petitioned for certain amendments to the Act incorporating the said Company, and also that the name of the said Company may be changed, and it is expedient that the prayer of their 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 persons named in the preamble are appointed Provisional Directors for the organization of the said Company, and a majority thereof shall be a sufficient quorum for the transaction of business. They shall open books for the subscription of the guarantee fund of one hundred thousand dollars, and they shall also open books for applications for insurance to be effected by the said Company; as soon as the guarantee fund has been subscribed and applications have been received and accepted amounting to one hundred thousand dollars, the said Provisional Directors shall call a meeting of the guarantors and persons who have made such applications for insurance for the election of the first Board of Directors, and at the said meeting every applicant for insurance shall have one vote for each one thousand dollars of insurance applied for.

2. The name of the Company is changed from that of "The Mutual Insurance Company of Canada," to and shall be that of "The Dominion Mutual Life Assurance Society."

3. The second and third sections of the said Act are repealed, and the following sections are substituted therefor:

"2. Before commencing business and issuing policy, there shall have been a guarantee fund subscribed of one hundred thousand dollars (which may be increased to one million dollars,) divided into shares of one hundred dollars each, and application shall have been made and accepted by the Provisional Directors for assurances of not less than one hundred thousand dollars, and so soon as such guarantee fund

Preamble

34 V.

Provisional Directors and their powers.

First meeting

Name changed.

Sections 2 and 3 repealed

New sections. Guarantee fund to be subscribed and other conditions.

shall have been subscribed and such applications for assurances received, and the requirements of the Act intituled "An Act respecting Insurance Companies," and any Acts amending it shall have been complied with, the Company may be organized, elect the first Board of Directors, and commence business; Provided that no increase of the guarantee fund shall be made without having been first submitted to and sanctioned by a majority of the guarantors present at a special meeting of the guarantors held for that purpose.

Proviso: as to increase of guarantee fund.

Use of guarantee fund, and how it may be redeemed.

Proviso.

"3. The guarantee fund thus subscribed shall be liable for the payment of losses, and may be used for the purposes of the Company in such manner and to such extent as the Directors may by by-law determine; the said guarantee fund shall be redeemable by the Company, out of the accumulated reserves, at such time and upon such terms as shall be decided by a majority of the members present at a meeting called for that purpose; and until redemption, the Directors may pay to the holders thereof interest on the amount paid up, not exceeding ten per cent. per annum, and after such guarantee fund shall have been redeemed, the whole of the revenue and profits of the Company shall belong exclusively to the policy holders, and shall be thenceforth divided among them in such proportion and at such times—no interval being more than five years—as the Directors shall appoint; Provided that the redemption of the guarantee fund shall not be effected until the full deposit required by the "Act respecting Insurance Companies," and any Acts amending it shall have been made with the Receiver General."

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No. 101.

2nd Session, 3rd Parliament, 38 Victoria, 1875

BILL.

An Act to change the name of the Mutual Insurance Company of Canada to "The Dominion Life Assurance Society," and to amend their Act of incorporation.

Received and read, first time, Monday, 15th March, 1875.

Second reading, Tuesday, 16th March 1875.

(PRIVATE BILL.)

Mr. JETTE.

OTTAWA:

Printed by MacLellan, Roger & Co., Wellington Street, 1875.

An Act to change the corporate name of the St. Lawrence Navigation Company (steam), and to confer on it certain powers.

WHEREAS the "St. Lawrence Navigation Company (steam), have petitioned for the passing of an Act to change their corporate name, and to confer on them certain additional powers, and it is expedient to grant their prayer :
 5 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 St. Lawrence Navigation Company (steam) shall hereafter be called "The St. Lawrence Steam Navigation Company," but such change of name shall not affect in any respect any contract or obligation made with or by or due to the said Company ; and any suit now pending may be continued in the name of the Company at the time when it incurred the liability, to final judgment and execution in
 15 that name, and without any *reprise d'instance*.

2. The capital stock of the Company may be increased to such sum not exceeding one million dollars, as may from time to time be fixed by by-law to be passed by a majority of the shareholders present at any annual meeting of shareholders, or at a special meeting called for that purpose.

3. The Company shall have power to issue debentures with interest coupons attached, and promissory notes and bills of exchange payable to order for any sums not less than five hundred dollars each, which shall be a charge on the properties of the Company, and every contract, agreement, or engagement made, and every mortgage executed, and every debenture, bill of exchange, promissory note, and cheque made, drawn, or endorsed on behalf of the Company by any officer, agent or servant of the Company in accordance with any resolution or regulation, and within his powers as such officer, agent, or servant under the by-laws of the Company, shall be binding upon the Company, and the party so acting as officer, agent, or servant of the Company shall not be personally liable by reason thereof; Provided always that
 35 nothing in this section should be construed to authorize the Company to issue promissory notes payable to bearer, or any promissory note intended to be circulated as money, or as the note of a Bank.

Preamble.

Name changed.

Increase of capital stock.

Company may issue debentures.

Proviso

No. 102.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to change the corporate name
of the St. Lawrence Navigation Co.
(steam), and to confer on it certain
powers.

Received and read, first time, Monday, 15th
March, 1875.

Second reading, Wednesday, 17th March,
1875.

(PRIVATE BILL.)

MR. CARON.

OTTAWA :
Printed by MacLean, Roger & Co., Wellington Street.
1875.

An Act to incorporate the Quebec and Lake Huron
Direct Railway Company.

WHEREAS Thomas McGreevy, Adolphe P. Caron, Preamble.

Samuel B. Foote, Charles R. Coker, Alex. L. Light, and Willis Russell have, by their petition, prayed that they, as well as such other persons as may, together with them, become shareholders, may be incorporated for the purpose of constructing a Railway from the City of Quebec, thence westward, to the intersection of the Canadian Pacific Railway, near Lake Nipissing, or if it may be deemed necessary, to the mouth of French River, on Georgian Bay, and to have the working of the said Railway when completed; 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:

1. The persons above mentioned, together with such other persons as may become shareholders of the Company hereinafter mentioned, shall be and are hereby constituted and declared to be a body politic and corporate, by and under the name of "The Quebec and Lake Huron Direct Railway Company," and by that name they shall have perpetual succession and a common seal, with power to alter and vary the same at their pleasure, and to plead and be impleaded, contract and be contracted with, to purchase, acquire and hold any real or personal estate for the use of the Company, and also to sell, let, convey, and otherwise depart therewith.

Certain persons incorporated.

2. The Company is hereby authorized to lay out, and construct, make and finish and work a continuous double or single track iron or steel railway, from the City of Quebec westerly, through the Counties of Quebec, Portneuf, Champlain, St. Maurice, Maskinongé Berthier, Joliette, Montcalm, Terrebonne, Argenteuil, Ottawa, Pontiac, Renfrew and Nipissing, to the intersection of the proposed Canadian Pacific Railway, near Lake Nipissing, or, if thought desirable to continue the same, to the mouth of French River, on Lake Huron, with such curve lines or deviations as may be deemed necessary for the proper construction of the said Railway; And for the working of said Railway, it shall be lawful for the said Company to use steam engines on part or the whole of the said line; and the gauge of the said Railway shall be four feet, eight and a half inches, and the building of the said Rail-

Railway may be constructed.

way may be commenced at such point or points of the main track, or the branch lines thereof, as shall be decided upon by the said Company.

- Branch roads.** **3.** The said Company shall also have power to lay out, construct, make, finish, and run branch roads at such point or points from the main line to such places as may be hereafter determined upon, either to Hudson Bay, or to unite with the Lake St. John Railway, the North Shore or the Montreal Northern Colonization, and the Canada Central Railways, under the conditions hereby established for the said main line; and the said Railway may be constructed to the City of Ottawa, so as to unite with any other railway or railways that may hereafter be built by any other company. 5 10
- Land for stations.** **4.** The said Company is empowered to take and appropriate for its stations or depots where such stations or depots may be required for any of the works by this Act authorized, lands to the extent of twenty acres, without the consent of the proprietor or proprietors thereof, but otherwise subject to the provisions of "*The Railway Act, 1868*," which in so far as they are not inconsistent with this Act are incorporated herewith. 15 20
- Bridges.** **5.** The Company shall have power to build all such bridges as shall or may be deemed necessary for the said Railway.
- 6.** The said Company shall also have the right to establish a telegraph line along the whole extent of the said Railway and its branches, at such places along the said lines and with offices at such places as shall be determined upon by the Directors. 25
- Deed of sale.** **7.** All deeds and conveyances for lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the party making such conveyance will admit, be made in the form given in the schedule to this Act marked A, and need not be executed before a notary, 30 35
- Capital stock and shares.** **8.** The capital stock of the Company shall be *ten million* dollars, to be divided into *one hundred thousand* shares of *one hundred* dollars each, with the right of increasing the said capital stock to a sum not exceeding *twenty millions* of dollars whenever it shall be deemed advisable by a majority of the stockholders of the said Company. The said capital stock shall be raised by the persons and corporations who may become shareholders in such stock; and the said money so raised shall be applied in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates relating to the works hereby authorized and all the remainder of such money shall be applied towards making, constructing, maintaining and working the said railway and its branch roads, and for no other purpose whatsoever. 40 45 50

9. The said Thomas McGreevy, Adolphe Caron, Samuel B. Foote, Charles R. Coker, Alex. L. Light and Willis Russell are hereby constituted and appointed the first Directors of the Company, and until others shall be appointed as hereinafter prescribed, they shall constitute the Board of Directors of the said Company, with power to fill any vacancies that may occur therein, to open stock books and make a call on the shares therein subscribed, to call a meeting of subscribers for the election of Directors in the manner hereinafter provided, and with all such other powers as are conferred by "*The Railway Act, 1868.*"

Provisional directors.

10. When and so soon as fifty thousand dollars of the said capital stock shall have been subscribed, the Company may enter upon its duties; and it shall be lawful for the said Directors, or a majority of them, to call a general meeting of the shareholders at such place and time as they shall think proper, giving at least thirty days public notice of the same in the *Canada Gazette*; and at such meeting such number of Directors as shall be fixed by a by-law of the Company shall be elected to act until the annual general meeting, and until their successors shall have been appointed.

Commencement of operations.

11. The annual general meeting shall be held on the first Thursday of June each year after the first meeting hereinabove mentioned, or on such day and at such place as shall be appointed by by-law, and at such meeting the shareholders there present shall, in manner hereinafter mentioned, elect such number of Directors as shall have been prescribed by the by-laws of the Company, which number shall not be less than six nor more than nine, and notice of such annual meeting shall be published one month previously in the *Canada Gazette*, or in any other manner that may be prescribed by the by-laws of the Company.

Annual general meeting.

12. No person shall be chosen or appointed Director unless he holds in his own name and right, shares in the capital stock of the said Company, to the amount of two thousand dollars, and shall have paid up all calls in arrear on such shares.

Qualification of directors.

13. Three of the said Directors shall form a quorum for the transaction of business; and the said Directors shall choose among themselves a President and a Vice-President, and may employ one of their number as Managing Director, who may have a salary to be determined by the Board of Directors.

Quorum and officers.

14. Each shareholder shall be entitled to a number of votes equal to the number of shares he shall have held in his own name at least two weeks prior to the time of voting; provided that no party or parties shall be entitled to vote at the meetings of shareholders, who shall not have paid up all the calls due upon his or their stock at least eighteen hours before the hour appointed for such meeting.

Scale of votes

15. It shall be lawful for the Directors of the said Com-

Tolls and charges.

pany, from time to time, to fix, regulate and receive the tolls and charges to be received for the transmission of property or persons on the said railway, the tariff to be subject always to the approval of the Governor-General in Council, and to be published in the *Canada Gazette*.

5

Collection of charges.

16. In cases of refusal or neglect to pay the freight or charges due to the said Company on any goods, the said Company shall have the power to detain the same until payment of such freight or charges be made, and in the mean time such goods shall be at the risk of the owner; and if such goods 10 be of a perishable nature, the said Company shall have the right to sell the same forthwith on the certificate of two competent persons establishing the fact of their being so perishable; and if such goods be not of a perishable nature, and shall remain unclaimed for a period of twelve months, 15 then the Company may exercise the powers in respect thereof contained in "*The Railway Act, 1868.*"

Company may become parties to promissory notes, &c.

17. The said Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory 20 note made or endorsed, and any such bill of exchange drawn, accepted, or endorsed by the President or the Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding upon the said 25 Company; and every such promissory note or bill of exchange so made, drawn, accepted, or endorsed, by the President, or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, after the passing of this Act, shall be presumed to have been properly 30 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 promissory note or bill of exchange; nor shall the President, Vice-President, or Secretary and Treasurer of 35 the Company so making, drawing, accepting, or endorsing any such promissory note or bill of exchange be thereby subjected individually to any liability whatever.

Form and effect of debentures.

18. In the borrowing of moneys by way of loan, the debentures of the said Company shall and may be in the 40 form contained in the schedule B, annexed to this Act, or in any other form similar thereto, and need not be before a notary, and shall have the effect of creating a hypothec and mortgage upon the said railway and the lands and property thereof, and the registration at full length of a debenture, 45 (without the interest coupons thereto attached) in the said form in the registry office for the counties in which part of the said Railway may lie, which such registration for the purposes of this Act and of the loan to be made in virtue thereof, shall be held and deemed to be a special registration 50 of the said Railway and of all the lands and property thereof, in each county or locality through which such Railway may pass or lie, and shall perfect the hypothec and mortgage created by such debenture as regards all parties whatsoever;

and the debenture and hypothec and mortgage thereby created shall be to all intents and purposes binding upon the said Company in favor of the holder of the debenture, and have the effect of mortgaging and charging all the lands and property of the said Company without any other more formal or particular description, but shall be held to comprehend all the lands and tenements of the said Company, all wharves and buildings of every nature thereon, and all the immovable estate belonging to the said Company, including the rails and iron thereto affixed, any law or usage to the contrary notwithstanding.

19. It shall be lawful for the said Company to enter into any agreement with any other other railway company in Canada, for leasing the said Railway or any part thereof, or the use thereof, at any time or times to such other company, or for leasing or hiring out to such other company any locomotives, cars, carriages, tenders or other moveable property of the said Company, either altogether or for any time or times, or occasions, for leasing or hiring from such other company any locomotives, cars, carriages, tenders or other moveable property, or for using either the whole or any part of such other railway, or of the moveable property of such other company, in common by the two Companies, or generally to make any agreement or agreements with any such other company touching the use by one or the other, or by both Companies, of the railway or moveable property of either or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor; and any such agreement shall be valid and binding.

Agreements
with other
Railway
Companies.

20. The said Company are empowered to form a union, junction and amalgamation at any time hereafter, with any other company which is also authorized to form such amalgamation, upon such terms and conditions as may be agreed upon at a general meeting of the stockholders of the said Company specially convoked for that purpose by a majority of such stockholders, and thereafter the companies thus united and amalgamated shall form one and the same Company, upon the terms, stipulations and conditions so agreed upon between the said Companies.

Amalgama-
tion.

21. It shall be lawful for the said Company, from time to time, to purchase, lease, acquire, hold, and use any lands along, or in the vicinity of, or separated from the railway track of the said Company, and if separated from the said track, with the right of passage to communicate therewith, that it shall please Her Majesty, or any person, or corporation to give, grant, sell or make over to the said Company, and it shall be lawful for the said Company to cut down timber and to extract out of the ground, gravel or stone on the said lands to be used for the building, maintaining or working of the said Railway, or to establish thereon stations, tram-ways, branch roads, work-shops, wood-yards, and quarries; and to sell the fire-wood and lumber that may be cut down on such lands, and from time to time to sell or

Lands
granted to
and acquired
by the com-
pany.

No. 103.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to incorporate the Quebec and
Lake Huron Direct Railway Com-
pany.

Received and read, first time, Monday, 15th
March, 1875.
Second reading, Wednesday, 17th March, 1875.

(PRIVATE BILL.)

Mr. CARON.

An Act to amend "*An Act respecting the appropriation of certain Lands in Manitoba.*"

WHEREAS it is expedient to amend the third section of the Act ^{Preamble} passed in the thirty-seventh year of Her Majesty's reign, and intituled : "*An Act respecting the appropriation of certain Dominion Lands in Manitoba,*" and thereby to afford further facilities to parties claiming lands under the third and fourth sub-sections of the thirty-second section of the Act thirty-third Victoria, chapter three, to obtain Letters Patent for the same: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The third section of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled : "*An Act respecting the appropriation of certain Dominion Lands in Manitoba,*" is hereby repealed, and the following shall be taken and substituted therefor, and read in lieu of the section hereby repealed :

"Be it enacted, that persons satisfactorily establishing undisturbed occupancy of any lands within the Province prior to, and being by themselves or their servants, tenants or agents, or those through whom they claim, in actual peaceable possession thereof on the fifteenth day of July, one thousand eight hundred and seventy, shall be entitled to receive Letters Patent therefor, granting the same absolutely to them respectively in fee simple."

Printed by W. J. Galt, at the
 Government Printing Office,
 Ottawa, 1875.

1875. Session 1875. Chapter 33.

2nd Session 3rd Parliament, 38 Vic., 1875.

BILL.

An Act to Amend "*An Act respecting the appropriation of certain Dominion Lands of Manitoba.*"

Received and Read 1st time, Monday, 15th
March, 1875.

Second Reading, Tuesday, March 16th,
1875.

MR. LAIRD.

OTTAWA:

Printed by C. W. Mitchell.

BILL

No 104

1875

An Act further to amend the Civil Service Superannuation 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-third year of Her Majesty's Reign and intituled "*An Act for better ensuring the efficiency of the Civil Service of Canada by providing for the Superannuation of persons employed therein, in certain cases,*" is hereby amended by substituting the word "thirty" in place of the word "forty" in the second line of the said second section.

Sec. 2 of 33 V., c. 4, amended.

2. The following provision shall be added to and form part of the sixth Section of the said Act :—

Provision added to s. 6.

"And if the Head of a Department reports with respect to any person employed in his Department, and about to be superannuated, that from any cause other than that of ill health, the service of such person has not been satisfactory, the Governor in Council may grant such person a superannuation allowance being less than that to which he would have otherwise been entitled, as to him may seem fit."

Reduced allowance for unsatisfactory service.

3. And whereas by an Act passed in the thirty-sixth year of Her Majesty's Reign and intituled "*An Act to amend the Civil Service Superannuation Act,*" certain amendments were made to the Act firstly hereinbefore mentioned by which the rules under which Superannuation allowances are to be calculated under the Act firstly hereinbefore mentioned are amended, it is hereby further enacted : That all superannuation allowances granted prior to the passing of the secondly above mentioned Act, shall be revised as if the same had been granted under the said Act, and that all payments falling due on such Superannuation allowances after the first day of July, in the year 1875, shall be paid in accordance with the revised amount of such allowance.

36 V., c. 32, cited.

Superannuation allowances granted before the said Act to be revised according to it.

No. 105.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act further to amend the Civil Service Superannuation Act.

Received and read, first time, Monday, 15th
March, 1875.

Second reading, Tuesday, 16th March, 1875.

MR. CARTWRIGHT.

OTTAWA :
Printed by MacLean, Roger & Co., Wellington Street.
1875.

106.

An Act respecting the Huron and Ontario Ship Canal Company.

WHEREAS the Huron and Ontario Ship Canal Company has, by its petition, prayed for the passing of an Act to extend the time limited for the completion of its undertaking, and for other purposes : Therefore Her Majesty, by and with 5 the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The period limited by the Acts relating to the Huron and Ontario Ship Canal Company for the completion of its undertaking is hereby extended for the further period of ten 10 years from the passing of this Act.

An Act respecting the Huron and Ontario Ship Canal Company.

WHEREAS the Huron and Ontario Ship Canal Company has by its petition prayed for the passing of an Act to extend the time limited for the completion of its undertaking and for other purposes: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The period limited by the Act relating to the Huron and Ontario Ship Canal Company for the completion of its undertaking is hereby extended for the further period of ten years from the passing of this Act.

An Act to extend certain provisions of "The Seaman's Act, 1873," to vessels employed in navigating the Inland Waters of Canada.

WHEREAS "The Seaman's Act, 1873" does not apply ^{Preamble.} to the Province of Ontario; and whereas under the provisions of section twenty-six of the said Act, no master of any ship whatever of less than eighty tons, registered tonnage, and no master of any ship of that tonnage or upwards trading from any port or place in any Province to which the said Act applies, to any other port or place in the same Province, is required to enter into an agreement with seamen whom he carries as his crew; and whereas it is expedient that masters of certain British ships in Ontario and elsewhere, not required either by the said section twenty-six or by section twenty-seven of the said Act to enter into any agreement with the seamen whom they carry as part of their crews, should be required to enter into any such agreement: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited for all purposes as "The Seamen's Agreement Act, 1875." ^{Short title.}

2. In the construction and for the purposes of this Act, (if not inconsistent with the context or subject matter) the following words shall have the respective meanings hereinafter assigned to them, that is to say:— ^{Interpretation.}

"Ship" shall include every description of vessel used in navigation not propelled by oars;

"Master" shall include every person (except a pilot) having command or charge of a ship;

"Seamen" shall include every person (except masters and pilots) employed or engaged in any capacity on board any ship;

"Consular officer" shall include Consul General, Consul, and Vice-Consul, and any person for the time being discharging the duties of Consul General, Consul or Vice-Consul;

"The Minister" shall mean the Minister of Marine and Fisheries;

"Ship subject to the provisions of this Act" shall include every ship registered in Canada propelled by steam and of more than *twenty* tons registered tonnage, or propelled otherwise than by steam and of more than *fifty* tons registered tonnage, and employed in navigating the inland waters of Canada above the harbour of Quebec.

Agreement
between mas-
ter and crew,
Form of.

3. The master of every ship, subject to the provisions of this Act, shall enter into an agreement with every seaman whom he carries as one of his crew, in the manner hereinafter mentioned; and every such agreement shall be in the form of the Schedule A, annexed to this Act, or as near thereto as circumstances admit, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof, that is to say: 5

1. The nature and, as far as practicable, the duration of the intended voyage or engagement; 10

2. The number and description of the crew, specifying how many are engaged as sailors;

3. The time at which each seaman is to be on board or to begin work; 15

4. The capacity in which each seaman is to serve;

5. The amount of wages which each seaman is to receive;

6. Any regulations as to conduct on board, and as to fines, or other lawful punishments for misconduct which the parties agree to adopt. 20

To be so
framed as to
admit of cer-
tain stipula-
tions.

And every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seamen in each case, as to advances, and may contain any other stipulations which are not contrary to law; and every such agreement must be made and signed in presence of a respectable witness, or a shipping master or chief officer of Customs, who shall attest each signature on such agreement. And any seaman who has signed any such agreement may at the termination of his engagement, if the master thinks fit, be discharged before any shipping master or chief officer of Customs in Canada; and at any period during any such engagement, and before its termination, it shall be lawful for the master to discharge any such seaman on payment of his wages, and with his consent, and any such discharge may be made, if the master thinks fit, before any shipping master or chief officer of Customs in Canada. 25 30 35

Duration of
agreement.

4. In the case of ships subject to the provisions of this Act making short voyages, running agreements with the crew may be made to extend over two or more voyages, or for a specified time, so that no such agreement shall extend beyond *eight months* from the date of such agreement, or the first arrival of the ship at her port of destination after the termination of such agreement, or the discharge of cargo consequent upon such arrival; and every person entering into such agreement, whether engaged upon the first commencement thereof, or otherwise, shall enter into and sign the same in the manner hereinbefore required; and every person engaged thereunder when discharged may be discharged in the manner hereinbefore provided for. 40 45

Penalty for
carrying sea-
man without
agreement.

5. If in any case the master of any ship subject to the provisions of this Act, carries any seaman as one of his crew without entering into an agreement with him, in the form and manner and at the place and time in such case required, such master shall for each such offence, incur a penalty not exceeding *twenty dollars*. 50 55

6. Every erasure, interlineation, or alteration in any such agreement with seamen as is required by this Act, (except additions so made for shipping substitutes or persons engaged subsequently to the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation or alteration, by the written attestation (if made in Her Majesty's Dominions), of some shipping master, justice, officer of Customs, or other public functionary, or, (if made out of Her Majesty's Dominions) of a British Consular Officer, or where there is no such officer, of two respectable British merchants.

Erasures, &c., in agreement forbidden.

7. Every person who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes or assists in making or procures to be made, any false entry in, or delivers, assists in delivering, or procures to be delivered, a false copy of any agreement under this Act, shall for each such offence be deemed guilty of a misdemeanor.

Penalty for fraudulently altering agreement, &c.

8. Any seaman may bring forward evidence to prove the contents of any agreement under this Act or otherwise to support his case, without producing or giving notice to produce the agreement or any copy thereof.

Proof of agreement.

9. Any seaman who has signed an agreement under this Act, and is afterwards discharged before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying such discharge and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, not exceeding one month's wages, and may, on adducing such evidence as the court hearing the case deems satisfactory of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

Right of seaman discharged without cause before the end of his term of agreement.

10. Whenever any agreement under this Act is signed before any shipping master or a chief officer of customs as a witness thereto, such officer shall append his title of office to his signature as such witness; and the sum of *forty cents* shall be payable to every such officer upon each engagement of a seaman before him, and the sum of *twenty cents* shall be payable to every such officer upon each discharge of a seaman effected before him as hereinbefore mentioned, and any shipping master or chief officer of customs may refuse to sign any such engagement or discharge, as a witness thereto unless the fee payable thereon is first paid.

Fee to officers attesting agreement or discharge.

11. In cases where the service of any seaman belonging to any ship subject to the provisions of this Act, terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid, by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voy-

As to seaman whose term of agreement is terminated without his fault.

age, granted as herein mentioned, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

Seaman unlawfully refusing to work, &c.

12 No seaman belonging to any ship subject to the provisions of this Act, shall be entitled to wages for any period 5 during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for his beginning work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed 10 by him.

Seaman disabled by illness caused by his own wilful act.

13. When a seaman belonging to any ship subject to the provisions of this Act, is by reason of illness incapable of performing his duty, and it is proved that such illness has been caused by his own wilful act or default, he shall not 15 be entitled to wages for the time during which he is by reason of such illness incapable of performing his duty.

Seaman not to sue for wages in Court out of Canada, except in certain cases.

14. No seaman belonging to any ship subject to the provisions of this Act, who is engaged for a voyage or engagement which is to terminate in Canada, shall be entitled to 20 sue in any court out of Canada for wages, unless he is discharged with the written consent of the master, or proves such ill-usage on the part of the master, or by his authority as to warrant reasonable apprehension of danger to the life of such seaman if he were to remain on board; but if any 25 seaman on his return to Canada proves that the master or owner has been guilty of any conduct or default which, but for this enactment, would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover, in addition to his 30 wages, such compensation, not exceeding *eighty dollars*, as the court hearing the case thinks reasonable.

Master or owner bound to produce agreement to certain officers.

15. The master or owner of every ship subject to the provisions of this Act, shall at all times when required so to do by the Minister, or by any person in that behalf duly 35 authorized by the Minister, or by any inspector of steamboats, or Custom House officer, or officer of river police, produce and exhibit to the Minister or to such persons authorized by him, or to such inspector of steamboats or custom house officer, or officer of river police, any agreement then 40 in force and subsisting between the master of such ship and the seamen whom he carries as his crew; and every such owner or master who fails to comply with the requirements of this section shall thereby incur a penalty of *twenty dollars*. 55

DISCIPLINE.

Misconduct endangering life or limb a misdemeanor. Imp. stat. 17 & 18 Vic., c. 104, s. 239.

16. Any master of, or any seaman belonging to, any ship subject to the provisions of this Act, who, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction or serious damage of such ship, or tending immediately to 50

endanger the life or limb of any person belonging to or on board of such ship, or who, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall for every such offence be deemed guilty of a misdemeanor.

10 17. Whenever any seaman, who has been lawfully engaged or bound to any ship subject to the provisions of this Act, and has duly signed an agreement as required by this Act, commits any of the following offences, he shall be liable to be punished summarily as follows; that is to say:—

Offences of seamen and their punishment. Imp. stat. 17 & 18 Vict., c. 104, s. 243.

15 1. For desertion, he shall be liable to imprisonment for any period not less than four weeks, and not exceeding twelve weeks, with hard labor, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned, and also, if such desertion takes place abroad, at the discretion of the court to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to either of the Provinces of Ontario or Quebec, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him.

Desertion.

20 2. For neglecting or refusing, without reasonable cause, to join his ship, or to proceed on any voyage in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion, or not treated as such by the master, he shall be liable to imprisonment for any period not less than four weeks, and not exceeding ten weeks, with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and in addition, for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute;

Neglecting or refusing to join ship or proceed on voyage. Absence within 24 hours before sailing.

35 3. For quitting the ship without leave after her arrival in her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay;

Absence without leave.

Quitting without leave, before ship is secured.

40 4. For wilful disobedience to any lawful command, he shall be liable to imprisonment for any period not less than two weeks, and not exceeding four weeks, with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days' pay;

Act of wilful disobedience.

50 5. For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not less than four weeks, and not exceeding twelve weeks, with or without hard labour,

Continued disobedience.

and also, at the discretion of the court, to forfeit, for every twenty-four hours' continuance of such disobedience or neglect, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute ;

Assault on officers of ship.

6. For assaulting any master or mate, he shall be liable to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with hard labour ;

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Combining to disobey.

7. For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with hard labour ;

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Wilful damage or embezzlement.

8. For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in value to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with hard labour ;

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Act of smuggling causing loss to owner.

9. For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage ; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

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Master or Owner may apprehend deserters without warrant. Imp. Stat., 17 & 18 Vic. c. 104, s. 246.

18. Whenever, either at the commencement or during the progress of any voyage, any seaman neglects or refuses to proceed in any ship subject to the provisions of this Act, in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband or consignee may, in any place in either of the Provinces of Ontario or Quebec, with or without the assistance of the local police officers or constables, who are hereby directed to give the same if required, apprehend him without first procuring a warrant ; and may thereupon in any case, and shall, in case he so requires and it is practicable, convey him before some court capable of taking cognizance of the matter, to be dealt with according to law ; and may, for the purpose of conveying him before such court, detain him in custody for a period not exceeding twenty-four hours, or such shorter time as may be necessary, or may, if he does not so require, or if there is no such court at or near the place, at once convey him on board ; and if any such apprehension appears to the court before which the case is brought to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband or consignee who makes the same or causes the same to be made, shall incur a penalty not exceeding *eighty* dollars ; but such penalty, if inflicted, shall be a bar to any action for false imprisonment in respect of such apprehension.

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19. Whenever any seaman belonging to any ship subject to the provisions of this Act, is brought before any court in either of the Provinces of Ontario or Quebec, on the ground of his having neglected or refused to join or proceed in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such court may, if the master or the owner or his agent so requires, instead of committing the offender to prison, cause him to proceed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may, in such case, order any costs and expenses, properly incurred by or on behalf of the master or owner by reason of the offence, to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or which, by virtue of his then existing engagement, he may afterwards earn.

Deserters may be sent on board in lieu of being imprisoned. Imp. Stat. 17 & 18 Vic., c. 104, s. 247.

20. If any seaman is imprisoned in either of the said Provinces, on the ground of his having neglected or refused to join or to proceed in any ship subject to the provisions of this Act, in which he is engaged to serve, or of his having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and, if during such imprisonment, and before his engagement is at an end, his services are required on board his ship, any Justice may, at the request of the master or of the owner or his agent, cause such seaman to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master of any mate of the ship, or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination or the period for which he was sentenced to imprisonment has not arrived.

Seamen imprisoned for desertion or breach of discipline may be sent on board before termination of sentence. Imp. Stat., 17 & 18, Vic., c. 104, sc. 248.

21. Whenever a question arises in either of the said Provinces whether the wages of any seaman belonging to any ship subject to the provisions of this Act, are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such seaman was duly engaged in or that he belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement; and thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the seaman can produce a proper certificate of discharge, or can otherwise show, to the satisfaction of the court, that he had sufficient reasons for leaving his ship.

Facilities for proving desertion, so far as concerns forfeiture of wages. Imp. Stat., 17 & 18 Vic., c. 104, sec. 250.

22. Whenever, in any proceeding in either of the said Provinces relating to seamen's wages, it is shown that any seaman or apprentice belonging to any ship subject to the provisions of this Act, has, in the course of the voyage, been convicted of any offence by any competent tribunal, and rightfully punished therefor by imprisonment or otherwise, the court hearing the case may direct a part of the wages

Cost of procuring imprisonment may, to the extent of \$12, be deducted from wages. Imp. Stat., 17 & 18 Vic., c. 104, sec. 251.

due to such^s seaman, not exceeding *twelve dollars*, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction or punishment.

Amount of forfeiture, how to be ascertained when seamen contract for the voyage. Imp. Stat., 17 & 18 Vic., c. 104, sec. 252.

23. Whenever any seaman belonging to any ship subject to the provisions of this Act, contracts for wages by the voyage, or by the run, or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share, as a month or other the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage; and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Application of forfeitures. Imp. Stat. 17 & 18 Vic., c. 104, sec. 253.

24. All clothes, effects, wages and emoluments which, under the provisions hereinbefore contained, are forfeited for desertion, shall be applied, in the first instance, in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place; and may, if earned subsequently to the desertion, be recovered by such master, or by the owner or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited; and, in any legal proceeding relating to such wages, the court may order the same to be paid accordingly; and subject to such reimbursement, the same shall be paid to the Receiver General, in such manner as the Minister may direct; to form part of the Consolidated Revenue Fund of Canada, and, in all other cases of forfeiture of wages under the provisions hereinbefore contained, the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Question of forfeiture may be decided in suits for wages. Imp. Stat., 17 & 18 Vic., c. 104, sec. 254.

25. Any question concerning the forfeiture of or deductions from the wages of any seaman belonging to any ship subject to the provisions of this Act, may be determined in any proceeding in either of the said Provinces lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Penalty for false statement as to name. Imp. Stat., 17 & 18 Vic., c. 104, sec. 255.

26. If any seamen, on or before being engaged in either of the said Provinces, in any ship subject to the provisions of this Act, wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding *twenty dollars*; and such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Act.

ENTICING TO DESERT AND HARBORING DESERTERS.

27. Every person who, by any means whatever, persuades or attempts to persuade any seaman, belonging to any ship subject to the provisions of this Act, to neglect or refuse to join or to desert from his ship, or to absent himself from his duty, shall, for the first offence in respect of each such seaman, be liable to imprisonment with hard labor for a period not less than one month and not exceeding six months; and for the second or any subsequent offence, in respect to each such seaman, be liable to imprisonment with hard labor, for a period not less than two months and not exceeding twelve months; and every person who wilfully harbors or secretes any such seaman who has deserted from his ship, or who has wilfully neglected or refused to join his ship, knowing or having reason to believe such seaman to have so done, shall, for every such seaman so harbored or secreted, be liable to imprisonment, with hard labor, for a period not less than one month and not exceeding six months, and for a second, or any subsequent offence, for a period not less than two months and not exceeding twelve months.

Penalty for enticing to desert or harbouring deserters. Imp. Stat., 17 & 18 Vic., c. 104, s. 257.

CHANGE OF MASTER.

28. If, during the progress of a voyage, the master of any ship subject to the provisions of this Act, is superseded in either of the said Provinces, or, for any other reason, quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the certificate of registry and the various documents relating to the navigation of the ship, and to the crew thereof which are in his custody, and shall, in default, incur a penalty not exceeding four hundred dollars.

On change of Master, documents hereby required to be handed over to Successor. Imp. Stat., 17 & 18 Vic., c. 104, s. 269.

LEGAL PROCEDURE.

29. The time for instituting summary proceedings under this Act, shall be limited as follows, that is to say:—

Limitation of time in summary proceedings. Imp. Stat. 17 & 18 Vic., c. 104, s. 525.

- No conviction for any offence shall be made in any summary proceeding under this Act, unless such proceeding is commenced within six months after the commission of the offence; or if both or either of the parties to such proceeding happen, during such time, to be out of either of the said Provinces, or not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within two months after they both first happen to arrive or to be at one time within either of the said Provinces, or within such jurisdiction.

- No order for the payment of money shall be made in any summary proceeding under this Act, unless such proceeding is commenced within six months after the cause of complaint arises; or if both or either of the parties happen, during such time, to be out of either of the said Provinces, unless the same is commenced within six month after they both first happen to arrive or to be at one time within either of the said Provinces.

Recovery of penalties, Con. Stat. Lower Canada, c. 50, s. 12.

30. All penalties imposed by this Act may be recovered, with costs, before any Justice of the Peace, upon the oath of one credible witness other than the informer, and shall be paid over to the Receiver General, to be disposed of as the Governor in Council may direct, (except in the case provided for in the next following section, in which only part of the penalty shall be paid over and disposed of,) and in case of non-payment, shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of such Justice of the Peace, directed to a constable or other peace officer, and the over-plus, if any, after deducting the penalty and costs of suit, together with the expenses of the distress and sale, shall be returned to the owner; and for want of sufficient distress, the offender shall be committed by warrant under the hand and seal of the Justice, to the common gaol of the locality, or if there be no common gaol there, then to that common goal which is nearest to that locality, for any time not exceeding six months; and such Justice shall also award and order the imprisonment (if any) to which the offender is liable for the offence whereby the penalty is incurred.

Evidence of seamen concerned to be received, Con. Stat. Lower Canada, c. 55, s. 16, No. 3.

31. In all cases of complaints made by or on behalf of any seaman under this Act, the evidence of such seaman shall be received and taken, notwithstanding he be interested in the matter, and such seaman shall in any such case where he has been so examined, receive such part of any penalty to be imposed as the magistrate before whom the case is heard shall adjudge him to receive for any moneys or effects which appear to have been deposited by him with the person on whom such penalty is imposed.

Conviction not to be quashed for want of form or removed by *certiorari*, Con. Stat. Lower Canada c. 55, s. 18.

32. There shall be no appeal from any conviction or order adjudged or made under this Act, by or before any judge of the sessions of the peace, stipendiary magistrate, police magistrate, or any two justices of the peace, or magistrate having the powers of two justices of the peace, as to summary convictions and orders for any offence against this Act; and no conviction under this Act shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of Her Majesty's Superior Courts of Record; and no warrant of commitment under this Act, shall be held void by reason of any defect therein, provided it is therein alleged that the party has been convicted, and there is a good and valid conviction to sustain the same.

Justices may grant warrant to search for seamen unlawfully harbored or secreted, Con. Stat. Lower Canada c. 56, s. 6.

33. Any one of Her Majesty's Justices of the Peace, at any port or place in either of the said Provinces, on complaint before him by the oath of one or more credible witness or witnesses, that any seaman under this Act is concealed or secreted in any dwelling-house or out-house, or on board of any ship, or elsewhere, shall grant a warrant under his hand and seal, addressed to a constable or constables there, commanding him or them to make diligent and immediate search, in or about such dwelling-house or out-house, or on board such ship, or such other place or places as shall be specified in the warrant, and to bring before him every such

SCHEDULE A.

AGREEMENT OR ARTICLES FOR A CANADIAN SHIP.

Name of Ship.	Official Number.	Port of Registry.	Port No. and Date of Register.	Registered Tonnage.	MANAGING OWNER.		MASTER.			Date and Place of first Signature of Agreement, including Name of Shipping Office.
					Name.	Address.	Name.	No. of Certificate.	Address.	

The several persons whose names are hereto subscribed, and whose descriptions are contained below, hereby agree to serve on board the said Ship, in the several capacities expressed against their respective names on a voyage from^a (or, which Ship is to be employed^b)

And the said Crew agree to conduct themselves in an orderly, faithful, honest and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said Master, or of any Person who shall lawfully succeed him, and of their Superior Officers, in everything relating to the said Ship, and the Stores and Cargo thereof, whether on board, in boats, or on shore; in consideration of which Services to be duly performed, the said Master hereby agrees to pay to the said Crew as Wages the sums against their names respectively expressed, and to supply them with provisions according to the usual custom: And it is hereby agreed, That any Embezzlement or wilful or negligent destruction of any part of the Ship's Cargo or Stores shall be made good to the Owner out of the Wages of the person guilty of the same: And if any person enters himself as qualified for a duty which he proves incompetent to perform, his Wages shall be reduced in proportion to his incompetency: And it is also agreed that^c

^a Here the voyage is to be described, and the places named at which the ship is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated.
^b Here state probable nature of Ship's employment, or nature of voyage and period of engagement.
^c Here any other stipulations may be inserted to which the parties may agree, and which are not contrary to Law.

In witness whereof the said Parties have subscribed their names hereto on the days against their respective signatures mentioned.

Signed by _____ Master, on the _____ day of _____ 18__

Signatures of Crew.	Age.	Where Born.	Ship in which he last served, Official Number, and Port she belonged to, or other Employment.	Date and Place of Discharge from such Ship.		Date and Place of joining this Ship.		In what capacity engaged; and if Mate, No. of his certificate (if any).	Time at which he is to be on board.	Amount of Wages per Calendar Month, Share, or Voyage.		Shipping Master's or Witnesses Signature.
				Date.	Place.	Date.	Place.			\$	cts.	

PLACE OF SIGNATURES AND DESCRIPTION OF SUBSTITUTES.—NOTE.—Here the entries are to be made as above.

NOTE.—Any Erasure, Interlineation, or Alteration, in this Agreement, except in the case of Substitutes, will be void, unless attested by some Shipping Master, Officer of Customs, Consul, or Vice-Consul, or other respectable witness to be made with the consent of the persons interested.

I declare to the truth of the entries in this Agreement.

 Master.

INDORSEMENTS.

INDORSEMENTS.

seaman found concealed, whether named in the warrant or not.

34. Any police officer or constable required under the provisions of this Act to give assistance to the master or any mate, or the owner, ship's husband or consignee of any ship in apprehending, with or without a warrant, any seaman or apprentice duly engaged to serve in such ship, and neglecting or refusing to proceed to sea therein, or being found otherwise absenting himself therefrom without leave, may, at any time, enter into any tavern, inn, ale house, beer house, seaman's boarding-house, or other house or place of entertainment, or into any shop or other place wherein liquors or refreshments are sold or reputed to be sold whether legally or illegally, or into any house of ill-fame; and any person being therein, or having charge thereof, who refuses, or after due summons fails to admit such police officer or constable into the same, or offers any obstruction to his admission thereto, shall incur a penalty of not less than *ten* dollars nor more than *fifty* dollars for every such offence.

Penalty for obstructing.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL

An Act respecting the Shipping of
Seamen in the Inland Waters of
Canada.

Received and read, first time, Tuesday, 18th
March, 1875.

Second reading, Friday, 19th March, 1875.

Hon. Mr. SMITH,
(Westmoreland.)

An Act to provide for the construction of a Railway from
Esquimalt to Nanaimo, in British Columbia.

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

1. There shall be a Railway to be called "*The Esquimalt and Nanaimo Railway*," constructed from some point at or near Esquimalt, in the Province of British Columbia, to some point at or near Nanaimo, in the said Province, both the said points to be determined and the course
5 and line of the said Railway to be approved by the Governor in Council. Line of Railway and name.

2. The gauge of the said Railway shall be four feet eight inches and a half, and the grades thereof, and the materials and manner of and in which the several works forming part thereof shall be constructed, and the mode of working the Railway, including the description and capacity
10 of the locomotive engines and other rolling stock, shall be such as may be determined by the Governor in Council; and the said Railway and the several sections thereof, and the stations, bridges, and other works connected therewith, and all engines, freight and passenger cars and rolling
15 stock, shall be constructed under the general superintendence of the Department of Public Works. Gauge, materials and mode of construction.
To be under superintendence of Dept. of Public Works.

3. The Governor in Council may divide the said Railway into sections, and may contract with any person, copartnership, or company incorporated or to be hereafter incorporated, (hereinafter referred to as the "Contractors," which expression shall be understood
20 to include a single "Contractor" for any such work,) for the construction of the said Railway, or any section thereof, including all works connected therewith, and all rolling stock required to work the same, and for the working of the same as hereinafter provided, on such terms and conditions as by the Governor in Council may be deemed just
25 and reasonable, subject to the following provisions:— To be made by contract under certain conditions.

(1.) That the works on the said Railway or any section thereof shall not be given out to any contractor or contractors except after tenders shall have been obtained for the same; Tenders.

(2.) That the contract for the whole or any portion of the said works shall not be given to any contractors unless such contractors give satisfactory
30 evidence that they possess a capital of at least \$4,000 per mile of their contract, and of which twenty-five per cent. in money, Government or other sufficient securities, approved by the Governor in Council, shall have been deposited to the credit of the Receiver General, in one or more
35 of the chartered Banks of the Dominion, to be designated for that purpose by the Governor in Council, as security for the completion of the contract; and the Governor in Council may make such further
40 conditions as he may deem expedient for securing the performance of the contract, as well with respect to the construction as to the working of the Railway after completion, and any such condition shall be valid and may be enforced as provided by the contract. Capital and security of contractors.
Further security.

- (3.) That the total sum to be paid to the contractors shall be stipulated in the contract, and shall be \$10,000 for each mile of the Railway or of the section contracted for, and that such sum shall be paid to the contractors as the work progresses, by monthly payments in proportion to the value of the work then actually performed, (according to the estimates of the Engineers designated for the purpose by the Minister of Public Works,) as compared with the value of the whole work contracted for, including rolling stock and all things to be done or furnished by the contractors; and except money arising from the sale of lands as hereinafter provided, no further sum of money shall be payable to the contractors as principal, but interest at the rate of four per cent. per annum for twenty-five years from the completion of the work, on a sum (to be stated in the contract) for each mile of the section or sub-section contracted for, shall be payable to the contractors, and guarantees for the payment thereof shall be given from time to time to the contractors in like manner and proportion, and on like conditions, as payments are to be made on the principal sum above mentioned; and the tenders for the work shall be required to state the lowest sum per mile on which such interest and guarantees will be required.
- (4.) That a quantity of land, not exceeding twenty thousand acres for each mile of the Railway or section contracted for, shall be appropriated as hereinafter mentioned, and that two-thirds of the quantity of land so appropriated shall be sold by the Government at such prices as may be from time to time agreed upon between the Governor in Council and the contractors, and the proceeds thereof accounted for and paid half yearly to the contractors, free from any charge of administration or management; the remaining third to be conveyed to the contractors. The said lands to be of fair average quality, and not to include any land already granted or occupied under any patent, license of occupation or pre-emption right; such lands to be situated on the line of the Canadian Pacific Railway or elsewhere in Canada, at such places as may be determined by the Governor in Council.
- (5.) That the said land to be appropriated as aforesaid, shall be designated by the Governor in Council as soon as the line of Railway, or of any section thereof, is finally located. Provided that all such payments of the proceeds of lands sold, and all conveyances of lands to be granted, shall be so made and granted from time to time as the work of construction is proceeded with, in like manner and proportion and on like conditions, as the money and guarantees above-mentioned, and subject to any conditions of the contract as respects the construction, or the working of the Railway after completion.
- (6.) That the Governor in Council may further grant to the contractors the right of way through Government lands, as also any of such lands required for stations or workshops, and generally any of such lands as may be necessarily required for the purpose of constructing or working the said Railway.
- (7.) That the cost of surveys and of locating the line of the several sections of the said Railway shall be part of the subsidy or consideration allowed to the contractors, or not, as may be determined by the Governor in Council and agreed upon in the contract entered into with the contractors.
- (8.) The Railway or each section thereof as it is completed, shall be the property of the contractors for the same, and shall be worked by and for the advantage and benefit of such contractors, under such regulations as may from time to time be made by the Governor in Council, as regards the rates chargeable for passengers and freight, the number and description of trains to be run, and the accommodation to be afforded for freight and passengers.

Amount payable in money,

Guarantee of interest for 25 years, on a sum to be stated in contract.

Subsidy in land.

Conditions.

Location of lands and quality.

When to be appropriated.

Conditions of subsidy.

Right of way through public lands.

Cost of surveys.

Railway to belong to contractors and worked by them.

4. The Governor, in Council, shall have the right to determine the time when the works on the Railway or any section thereof shall be commenced, proceeded with, and completed. Commencement and completion.
5. The Contractors shall furnish such information of the progress of the works as may be required by the Minister of Public Works, and such statistical details, accounts and information, as may be required from them after completion. Information by contractors.
6. The Minister of Public Works shall, within one month of the opening of each session, lay before the two Houses of Parliament a report of the progress of the works, and of the sums expended, together with copies of all contracts entered into since the last report made to Parliament, for the construction of the said Railway or any portion thereof, or for the running or working of the same. Report to Parliament at each session.
7. The Governor in Council shall have the power at any time to suspend the progress of the work until the then next session of Parliament. Power to suspend work.
8. In every contract for the construction of the said railway or of any section thereof, the Government of Canada shall reserve the right to purchase under the authority of Parliament, the said Railway or such section thereof, on payment of a sum equal to the actual cost of the said Railway, or section thereof, and ten per cent. in addition thereto; the subsidies in land and money granted or paid by the Government for the construction of the said Railway being first returned or deducted from the amount to be paid, the lands sold being valued at the full amount the contractors may have received from the sale of such lands as may have been sold. Right of purchase to be reserved.
9. In case it shall be found by the Governor in Council more advantageous to construct the said Railway or any portion thereof, as a public work of the Dominion of Canada, the construction thereof shall be let out by contracts offered to public competition, and the Governor in Council may establish from time to time the mode and regulations under which the contracts shall be given, and the Railway or such portion thereof shall be constructed and worked after it shall have been completed, including the rates to be charged for freight and passengers; such regulations not being contrary to any of the provisions of the Acts regulating the Department of Public Works, or to any other Act or law in force in the Dominion. Any portion may be made by government as a public work if found more advantageous. Provision in such case.
10. The Railway shall not be commenced, nor shall any contract be entered into for the construction thereof, or of any portion thereof, until the Legislature or Government of British Columbia shall grant and convey to the Dominion Government public lands, along the line of the said Railway throughout its entire length to the extent of twenty miles on each of the said line; Provided that the quantity of land which may be held under pre-emption right or by Crown grant within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government, shall be made good to the Dominion Government from contiguous lands. Condition, appropriation of land by British Columbia. Proviso as to pre-emption rights, &c.
11. All and every the provisions of the Railway Act, 1868, including any Acts amending it, in so far as the provisions therein contained are applicable to the said Railway, or any section thereof, and are not inconsistent with or repugnant to the provisions of this Act, shall be considered as forming part of this Act and are hereby incorporated therewith. Railway Act 1868, to apply.

How section
8 shall apply.

(1.) In applying the said Railway Act to the said Railway or any portion thereof, the expression "the Railway" shall be construed as meaning the said Railway, or any section thereof, the construction of which has been undertaken by any contractors,—and the expression "the Company" shall mean the contractors for the same. 5
And such contractors shall have all the rights and powers vested in companies by the said Act.

(2.) As respects the said Railway, the eighth section of "*The Railway Act, 1868*," relating to *Plans and Surveys*, shall be subject to the following provisions:— 10

Deposit of
map or plan.

(a.) It shall be sufficient that the map or plan and book of reference for any portion of the line of the Railway, not being within any district or county for which there is a Clerk of the Peace, be deposited in the office of the Minister of Public Works of Canada, and any omission, mis-statement or erroneous description of any lands therein may be corrected by 15
the contractor with the consent of the Minister, and certified by him; and the Railway may then be made in accordance with such certified correction:

Deviations.

(b.) The eleventh sub-section of the said eighth section of the Railway Act shall not apply to any portion of the Railway passing over ungranted 20
lands of the Crown, or lands not within any surveyed township in the Province; and in such places, deviations not exceeding five miles from the line shown on the map or plan, approved by the Minister of Public Works, shall be allowed, on the approval of the Engineer employed by the said Minister, without any formal correction or certificate; and any 25
further deviation that may be found expedient may be authorized by the Governor in Council, and the Railway made in accordance with such deviation.

Proof of map
or plan.

(c.) The map or plan and book of reference made and deposited in accordance with this section, after approval by the Government, shall 30
avail as if made and deposited as required by the said "*The Railway Act, 1868*," for all the purposes of the said Act, and of this Act; and any copy of or extract therefrom, certified by the said Minister or his deputy, shall be received as evidence in any court of law in Canada.

When no Registry Office.

(d.) It shall be sufficient that a map or profile of any part of the com- 35
pleted Railway, which shall not lie within any county or district having a Registry Office, be filed in the office of the Minister of Public Works.

As to incum-
brances on
lands taken.

(3.) The provisions made in sub-sections thirty, thirty-one and thirty-two, of section nine of "*The Railway Act, 1868*," as to incumbrances on lands acquired for the said Railway, shall apply to lands so acquired 40
in the Province of British Columbia; the Supreme Court of the Province shall, as to such lands, be held to be the Court intended in the said sub-sections.

Powers of
County Judge
under Rail-
way Act.

(4.) In the Province of British Columbia any Judge of a Superior 45
or County Court shall have all the powers given by the said Act to a County Judge.

Power to take
materials.

(5.) It shall be lawful for the contractors to take from any public lands adjacent to or near the line of the said Railway, all stone, timber, gravel and other materials which may be necessary or useful for the construction of the railway; and also to lay out and appropriate to the use 50
of the contractors a greater extent of lands, whether public or private, for stations, depots, workshops, buildings, side-tracks, wharves, harbors and roadway, and for establishing screens against snow, than the breadth

and quantity mentioned in "*The Railway Act, 1868*," such greater extent Form of con-
 taken, in any case, being allowed by the Government, and shown on the veyance to
 maps or plans deposited with the Minister of Public Works. contractors.

12. Deeds and conveyances of lands to the contractors (not being
 5 letters patent from the Crown) may, in so far as circumstances will
 admit, be in the form following, that is to say :—

" Know all men by these presents, that I, A. B., in consideration
 of paid to me by the contractors for the "*Esquimalt
 and Nanaimo Railway*," or for section (*as the case may be*),
 10 of the said Railway, the receipt whereof is hereby acknow-
 ledged, grant, bargain, sell and convey unto the said contractors
 their successors
 and assigns, all that tract or parcel of land (*describe the land*) to have
 and to hold the said land and premises unto the said contractors, their
 15 successors and assigns for ever.

" Witness my hand and seal, this day of
 one thousand eight hundred and

" Signed, sealed and delivered } A.B, [L.S.]
 in presence of }

20 " C. D.

" E. F."

or in any other form to the like effect.

13. Her Majesty's naval and military forces, whether Imperial or Conveyance of
 Canadian, Regular or Militia, and all artillery, ammunition, baggage, mails and
 25 provisions, or other stores for their use, and all officers and others trav- troops.
 elling on Her Majesty's naval or military or other service, and their bag-
 gage and stores, shall at all times, when the contractors shall be there-
 unto required by one of Her Majesty's Principal Secretaries of State, or
 30 by the Commander of Her Majesty's forces in Canada, or by the Minister
 of Militia and Defence of Canada, or by the Chief Naval Officer on the
 North American Station on the Atlantic, or on the Pacific Ocean, be car-
 ried on the said Railway by the contractors on such terms and conditions
 and under such regulations as the Government shall from time to time
 make.

14. The Justices of the Peace for any county or district in British Power to ap-
 Columbia, assembled in general or quarter sessions, shall have the point con-
 35 power vested by section forty-nine of "*The Railway Act, 1868*," in the stables.
 Justices so assembled, in any Province, as to the appointment of Railway
 Constables, and in places where there are no such sessions, any two
 40 Justices of the Peace in the Province, shall have the powers given by the
 said section to any two Justices of the Peace as aforesaid for the
 appointment and dismissal of any such constables: and where there
 is no Clerk of the Peace the record of the appointment of constable
 shall be dispensed with.

15. Any felony or misdemeanor in contravention of the " Penal As to offences
 Clauses " of "*The Railway Act, 1868*," committed in the Province of against penal
 British Columbia, shall be tried, punished, and dealt with in such clauses of
 Province, by and before the court or tribunal having cognizance of Railway Act.
 of felonies and misdemeanors respectively (*as the case may be*), and
 50 punished in the manner provided by the said Act; and if committed in
 any place not within the Province, may be tried, punished, and dealt
 with by any court having like jurisdiction, in any Province in which the

offender may be arrested, and dealt with as if the offence had been committed there; or he may be arrested in the territory where the offence is committed, and committed by any Justice of the Peace for such territory for trial at such court, and in such county, district, or place in any Province, as the Justice may think most convenient, and to the common gaol whereof he may commit such offender, and authorize his being conveyed by any constable; and if the punishment to which he is sentenced be imprisonment in the penitentiary, and there be no penitentiary in the Province, such imprisonment shall be in the common gaol for the place where he is convicted; and any offence against the said "Penal Clauses," or any other section of the said Act, thereby cognizable before a Justice or Justices of the Peace, shall be cognizable before a Justice or Justices of the Peace for the place where the offence is committed; and if any pecuniary penalty be imposed and there be no party entitled to receive it under the said Act, it shall be paid to the Receiver General, to the credit of the Railway Inspection Fund. And this section shall apply as well to any part of the said Railway constructed by the Government of Canada as a Public Work, as to any portion thereof constructed by contractors.

Short title. **16.** This Act may be cited as "*The Esquimalt and Nanaimo Railway Act.*" 20

2nd Session 3rd Parliament, 38 Vic., 1875.

BILL.

An Act to provide for the construction of a
Line of Railway from Esquimalt to
Nanaimo in British Columbia.

Received and Read 1st time, Friday, 19th
March, 1875.

Second Reading, Saturday, March 20th
1875.

MR. MACKENZIE,
(Lambton.)

OTTAWA:

Printed by C. W. Mitchell.

An Act respecting Conflicting Claims to Lands of Occupants
in Manitoba.

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

1. The Governor may from time to time issue a commission under the Great Seal, to such person or persons as he shall see fit, empowering him or them, or a majority of them, to investigate such cases as may be referred to them by the Minister charged with the administration of Dominion Lands, in respect of the following matters:—

Commission
to issue for
report on such
claims.

(1.) Any such cases as may arise under the first and second sub-sections of the thirty-second section of the Act 33rd Victoria, chapter 3, and

In what cases.

(2.) Any cases of adverse or conflicting claims between different persons to lands mentioned in the third and fourth sub-sections of the last-mentioned Act, as the same are defined by the Act passed in the present session of Parliament, intituled: "*An Act respecting the appropriation of certain lands in Manitoba*," in respect of which also it has been previously established to the satisfaction of the Minister charged with the administration of Dominion lands, that there has been undisturbed occupancy of the same as defined as last aforesaid. And to report the evidence in respect of such claims, and who is the person to whom in their opinion the Patent ought to issue for the lands to which the claims shall respectively relate.

The same.

To report.

2. The sittings of the Commissioners shall be held at the place of the sittings of the County Court in each of the counties of Manitoba, and the time and place of such sittings shall be advertised by the Commissioners for a period of three months in some newspaper in Manitoba, together with a list of claims to be heard before them, and they shall give such other notice of the time and place of such sitting as will best tend to inform parties interested in the same.

Sittings of the
Commission.

3. The Claimant, or the Heir, Devisee or Assignee of any Claimant may bring any such adverse or conflicting claim before the said Commissioners either personally or by agent or attorney, and produce before the said Commissioners all such documents, proofs and evidence, as he or they may have to advance in support of such claim, and such evidence may be given *viva voce* before the said Commissioners or by written affidavits or affirmations sworn or affirmed before any one entitled to administer an oath or affirmation in the place where the same is sworn or affirmed.

Claim and
evidence to be
submitted.

4. All certificates of the Hudson's Bay Company or of any Chief Factor of the Hudson's Bay Company or of the Clerk of the Executive Council of Manitoba, or copies certified by them respectively, of documents in their custody, shall be received in evidence before the said Commissioners.

Certain docu-
ments to be
received in
evidence.

5. The Commissioners may summon before them, by summons under the hand of any one of them, the claimant or claimants or any person interested in the case, or any other person whom they deem it expedient to examine as a witness, or whom they have reason to believe to be in possession of any document by the production of which the ends

Examination
of claimants
and others.

of justice may be better attained, and may require such claimants or party, or such witness to submit to such oral examination upon oath, or to answer on oath and to sign his answers to interrogatories or cross interrogatories in writing, or to produce such books, papers or documents in his possession, as to the said Commissioners appear requisite. 5

Commission to examine witnesses.

6. The Commissioners may cause such interrogatories or cross-interrogatories as they deem requisite to be served upon and answered by any such claimant, party, or witness, or any witness whose deposition may be produced in evidence before them and may cause commissions to be issued for the examination of any witness not resident in Manitoba, 10 and for requiring such witness to produce such books, papers, or other documents as he may have in his possession, and may at their discretion delay the proceedings in the case until such evidence and answers have been adduced and given, and returned with the Commission.

Claim must be sworn to be just before being received.

7. The Commissioners shall not receive or proceed upon any claim 15 until each of the adverse or conflicting claimants has made and produces before the Commissioners, an affidavit or affirmation in writing signed by him, that such claim is just and well-founded to the best of his knowledge and belief, and that he has at least one month before the making of such affidavit or affirmation, caused to be served on the party having, or 20 supposed to have, such adverse claim, notice in writing of his claim and of his intention to bring the same before the said Commissioners, and of the time when it is intended to be so brought, and a copy of such notice shall be annexed to the affidavit or affirmation.

Surveyor-General to make list of lands within the provisions of this Act.

8. A list of all lands coming within or believed to come within the 25 purview of this Act, shall from time to time as may be necessary, be prepared by the Surveyor General of Dominion Lands, and such list shall specify the name or names of the person or persons in possession, together with the number of the section, part of section, range and number of Township of which the land consists or forms part, or some other 30 adequate description thereof, and of the Township or place in which the same lies, and copies of such list shall be put up in some conspicuous place in the office of each of the County Courts of the Province of Manitoba, and in the office of the Registrar of each of the said Counties, during at least three months before the claim comes to be heard before 35 the Commissioners, and no claim shall be heard by the said Commissioners, unless a certificate of compliance with the provisions of this section from the Clerk of the Court and Registrar of the County shall be produced to the Commissioners, and for each certificate the Clerk of the County Court and Registrar of the County may each demand and 40 receive the sum of *fifty cents*, and no more.

Power to adjourn proceedings.

9. The Commissioners may defer, delay or adjourn the proceedings on any claim brought before them, and may give such further or enlarged time for the production of evidence, or for any other purpose relative to such claim, and for the decision thereon, as they may deem 45 expedient for the attainment of the ends of Justice.

Commissioners not bound by forms.

10. The Commissioners shall be guided in their proceedings and report by the justice and equity of the case, without regard to legal forms or to the strict letter of the law, or legal rules of evidence, and shall report their 50 decision to the Minister charged with the administration of Dominion Lands, who may, if he thinks fit thereon, cause Her Majesty's Letters Patent under the Great Seal to issue, for granting the lands in question to the party who has been reported by the Commissioners as entitled to the same, or otherwise at his discretion to submit the same for the con- 55 sideration and approval of the Governor in Council.

11. No Letters Patent shall issue on any decision and report of the said Commissioners until after the expiration of three months from the time such report has been transmitted to and marked as received by the Minister aforesaid.

When only the Patent may issue.

5 12. If, before the expiration of such three months, a quorum of the Commissioners, or a majority of them, find reason to believe that such decision and report were obtained by surprise or erroneously made in any respect, and that justice requires that the issuing of the Letters Patent should be stayed, then the said Commissioners, or a majority, 10 although it be not then the regular period of their sitting, may report accordingly to the said Minister, and issuing of the Letters Patent shall be thereupon stayed until the Commissioners again report upon the case, and the said Commissioners may re-hear the case, or let in any new claim, and receive or insist upon any new evidence, as to them may 15 appear expedient to enable them to do justice in the case, and may thereafter decide and report thereon as if no prior report had been made, and with like effect.

Re-hearing and new report allowed in certain cases.

13. The Commissioners for the time being may from time to time make and establish such rules and forms, with regard to any proceedings 20 to be had before them, and to such notices, papers and other documents as may be required in the conduct of such proceedings, as to them may appear expedient, for the better attainment of the purposes of justice.

Rules and forms of proceeding.

14. The word "Commissioners" shall mean the Commissioner in cases in which the commission may be issued to one person only.

Interpretation.

25 15. Nothing in this Act contained shall limit the right of the Minister, charged with the administration of Dominion Lands to investigate, or cause to be otherwise investigated, than is hereinbefore mentioned such adverse or conflicting claims as aforesaid, and to cause Letters Patent to issue therefor to the party appearing to him to be entitled 30 thereto.

Right of Minister saved.

16. The Act passed in the 36th year of Her Majesty's reign, intituled: "*An Act respecting claims to lands in Manitoba, for which no patents have issued,*" is hereby repealed."

36 V., c. 6, repealed.

No. 109.

2nd Session, 3rd Parliament, 38 Vic., 1875.

BILL.

An Act respecting Conflicting Claims to Lands
of Occupants in Manitoba.

Received and Read 1st time, Friday, 19th
March, 1875.

Second Reading, Saturday, 20th March, 1875.

MR. LAIRD.

OTTAWA:

Printed by C. W. Mitchell.

An Act to amend "*An Act to amend and continue the Act 32 and 33 Victoria, chapter 3, and to establish and provide for the Government of the Province of Manitoba.*"

WHEREAS it is expedient to amend the thirty-first section of the Act passed in the thirty-third year of Her Majesty's Reign, intituled:— Preamble.
 "*An Act to amend and continue the Act 32 and 33 Victoria, chapter 3; and to establish and provide for the Government of the Province of Manitoba,*" 33 Vict., c. 3.
 by defining more particularly who shall be meant and included under the term of "children of the Half-breeds, heads of families:" Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The term "children of the Half-breed heads of families," shall be held to include ; Interpretation clause.

(a) All children of a Half-breed head, or Half-breed heads of families as defined in the 37th Vict., cap. 20 ;

5 (b) Also the illegitimate child of a Half-breed parent; but in the event of the death of such child before arriving at the age of eighteen years, the title in the land allotted to such child shall revert in the Crown ;

(c) Married children with or without family, living with a Half-10 breed parent, the latter being the head of the family ;

(d) Orphan children of Half-breed parents, the latter having died before the 15th day of July, 1870 ; such children being resident in Manitoba at the said period ;

15 (e) Children of Half-breed heads of families resident in Manitoba at the date last mentioned, but who were themselves absent at the said date ; and who may not have since returned to the Province, provided they are not heads of families.

2. And whereas, according to the estimated number of children as taken from the Census Rolls, a division of the land reserved for them Recital.
 20 gives one hundred and ninety acres to each, which quantity has therefore been allotted :

And whereas, there is reason to believe that a per centage, Residue of
 ranging from four to six per cent. (at least) of the allotments made, will, the 1,400,000
 for want of proof of the claims, remain vested in the Crown, as the acres.
 25 residue of the 1,400,000 acres, to be further dealt with by the Crown as trustee for those children who may prove to have been duly entitled to participate in the grant, under the provisions of law in respect thereto:

And whereas, to effect a re-division of the lands so left, among the very numerous claimants, would be most inconvenient and embarrassing,
 30 and it is expedient that provision should be made to carry out and finally to close the distribution of this grant :

Scrip to be issued to the parties entitled to share in such residue, in place of land.

Therefore it is enacted, that scrip, redeemable in land at one dollar per acre, shall be issued to an amount equal to the sum total of the acreage of allotments the right to which may fail to be proved, and that the said scrip shall be divided equally among the children whose claims are acknowledged; and that claimants of eighteen 5 years of age and over may receive their scrip upon the issue thereof, and that minors may receive theirs as they arrive at the said age; and in the event of the death of a claimant previous to the issue of scrip, such scrip shall go to the person who would in such case have been entitled to the land it represents; and further that the lands failing 10 to be claimed, shall be considered as withdrawn from the Half-Breed Allotment and revert to the Crown and become Dominion Lands.

admiral
3.3.3.3

Interpret
The above

House of Commons of Canada, enacted as follows:

1. The term "children of the Half-breed heads of families" shall be held to include:

(a) All children of a Half-breed head, or Half-breed heads of families as defined in the 37th Act, cap. 20.

(b) Also the illegitimate child of a Half-breed parent, but in the event of the death of such child before arriving at the age of eighteen years the title in the land allotted to such child shall revert in the Crown.

(c) Married children with or without family, living with a Half-breed parent, the latter being the head of the family.

(d) Orphan children of Half-breed parents, the latter having died before the 1st day of July, 1870; such children being resident in Manitoba at the said period.

(e) Children of Half-breed heads of families resident in Manitoba at the date last mentioned, but who were themselves absent at the said date; and who may not have since returned to the Province, provided they are not heads of families.

2. And whereas, according to the estimated number of children as taken from the Census Rolls, a division of the land reserved for them would give one hundred and ninety acres to each, which does not allow the full amount of land to be allotted.

And whereas, there is reason to believe that a large number of the children of the Half-breed heads of families, who are entitled to the land, are not included in the Census Rolls, and that the amount of land reserved for them is insufficient to provide for all those children who may have to be further dealt with by the Crown, it is enacted that the provisions of law in respect of the allotment of land to the children of the Half-breed heads of families shall be amended as follows:

And whereas, to effect a re-division of the land a-foresaid among the children of the Half-breed heads of families, it is enacted that provision should be made to carry out and execute the provisions of the said Act.

BILL

An Act to amend the Act in relation to the time the Act 84 and 88 Victoria, chapter 2, and to establish and provide for the Government of the Province of Manitoba.

Read a second time, Saturday, 20th March, 1875.
Read a first time, Friday, 19th March, 1875.

Mr. Tupper

OTTAWA:

Printed by G. W. Mitchell.

BILL.

An Act to amend "An Act to amend and continue the Act 32 and 33 Victoria, chapter 3, and to establish and provide for the Government of the Province of Manitoba."

Received and Read 1st time, Friday, 19th
March, 1875.

Second Reading, Saturday, 20th March, 1875.

MR. LAIRD.

OTTAWA :

Printed by C. W. Mitchell.

1875
B.I.I.I.
1875

An Act to extend to the Province of British Columbia, "*The Dominion Lands Acts.*"

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

1. The Act passed in the Session held in the 35th year of Her Majesty's 35 Vic., c. 23
reign; and the Act passed in the Session held in the thirty-seventh and 37 Vic. c.
year of Her Majesty's reign, and known as "*The Dominion Lands 19 extended*
5 Acts," and the several provisions thereof, are hereby extended and shall to British
apply to all lands to which the Government of Canada are now or shall Columbia.
at any time hereafter become entitled, or which are or shall be subject
to the disposal of Parliament, in the Province of British Columbia,
whether the title thereof be legally vested in Her Majesty the Queen
for the Dominion of Canada, or howsoever otherwise.

No. 111.

2nd Session 3rd Parliament, 38 Vic., 1875.

BILL.

An Act to extend to the Province of British
Columbia, "*The Dominion Lands Act.*"

Received and Read 1st time, Friday, 19th
March, 1875.

Second Reading, Saturday, March 20th
1875.

MR. LAIRD.

OTTAWA:

Printed by C. W. Mitchell.

112.
"An Act respecting defective Letters Patent and the discharge of Securities to the Crown."

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

1. Whenever Letters Patent under the Great Seal of Canada, other than such as grant lands, or Instruments under the Privy Seal of the Governor General or person administering the Government of Canada have been issued to or in the name of the wrong party, or contain any clerical error or misnomer or wrong description of any material fact therein, the Secretary of State of Canada may direct the defective Letters Patent or Instruments to be cancelled, and a minute of such cancellation to be entered in the margin of the Registry of the original Letters Patent or other Instruments, and correct Letters Patent under the Great Seal or Instruments under the Privy Seal as aforesaid to be issued in their stead, which said new Letters Patent or Instruments shall relate back to the date of those so cancelled.

2. Whenever the lien created by any mortgage or other instrument on any real or personal property to Her Majesty shall have been satisfied, the Governor General may, by Order in Council, declare that the same has been satisfied and discharged; and a copy of such Order in Council, certified by the clerk of the Queen's Privy Council for Canada, shall operate as a release and discharge of any claim of Her Majesty, her successors or assigns, in respect of the same.

An Act further to amend "The Pilotage Act, 1873."

TH further amendment of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled: "*An Act respecting Pilotage*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
36 V., c. 54.

1. So much of the fifty-seventh section of the said Act as defines the ships which shall be exempted from payment of pilotage dues, including the proviso at the end of the said section, is hereby repealed, and the following substituted therefor as part of the said section, that is to say:—

Sec. 57
amended.

"The following ships (called in this Act exempted ships) shall be exempted from the compulsory payment of pilotage dues:

What shall be
exempted
ships.

- (1.) Ships belonging to Her Majesty;
- 15 (2.) Ships wholly employed in Her Majesty's service, while so employed, the masters of which have been appointed by Her Majesty's Government, either in the United Kingdom or in Canada;
- (3.) Ships propelled wholly or in part by steam, employed in trading between the Provinces of Quebec, New Brunswick, Nova Scotia, and Prince Edward's Island, except only as respects the River St. Lawrence;
- 20 (4.) Ships of not more than eighty tons, registered tonnage;
- (5.) Any ship of which the master or any mate has a certificate granted under the provisions of this Act and then in force, authorizing him to pilot such ship within the limits within which she is then navigating;
- 25 (6.) Ships of such description and size, not exceeding two hundred and fifty tons, registered tonnage, as the Pilotage authorities of the District, with the approval of the Governor in Council, may from time to time determine, shall be exempted from the compulsory payment of pilotage in such District.

2. A pilot shall be liable to suspension or dismissal by the Pilotage authorities of the District, for any of the offences mentioned in the seventy-first section of the said Act, upon such evidence as the said authorities deem sufficient, and whether he has or has not been convicted of or indicted for such offence.

Sec. 71
amended.

3. Sections eleven and sixteen of the said Act, authorizing the appointment by the Governor of the Secretary and

Secs. 11 and
16 repealed.
Secretary-
Treasurers.

2

Treasurer of the Halifax and St. John Pilot Commissioners respectively are hereby repealed; and the Pilotage authorities of any District may, with the sanction of the Governor in Council, appoint a Secretary and Treasurer, and pay him such salary or remuneration, out of pilotage dues or fees for Licenses received by them, as they may see fit, and may with such transaction and out of such funds pay any other necessary expenses of conducting the pilotage business of the District.

No. 113.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act further to amend "The Pilotage Act, 1873."

Received and read, first time, Friday, 19th March, 1875.

Second reading, Saturday, 20th March, 1875.

Mr. SMITH,
(Westmoreland.)

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street
1875.

An Act to amend "The Railway Act, 1868."

IN amendment of "The Railway Act, 1868," Her Majesty Preamble.
 by and with the advice and consent of the Senate and
 House of Commons of Canada, enacts as follows:—

1. Any railway company, to which the said Act applies, Railway Co.
 shall in the course of constructing their track and works, have may take for
 the right of taking and appropriating, under the provisions of their work
 the said Act, the land or other property of any other railway property of
 company to which the said Act applies, or the use thereof another
 temporarily, or permanently, whenever such land or Co. aban-
 property has been abandoned by such other railway com- doned by it.
 10 pany as part of their works; and such property shall be
 deemed to have been so abandoned whenever such other
 railway company shall have sold or otherwise permanently
 alienated property between the land or property then occu-
 15 pied and used by such other railway company, and the land
 or property in question, thereby cutting off their direct
 access from their other property to such abandoned property,
 and shall have ceased to use such abandoned property for
five consecutive years.

No. 114.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend "The Railway Act,
1868."

Received and read, first time, Saturday, 19th
March, 1875.

Second reading, Monday, 21st March, 1875.

MR. JETTÉ.

OTTAWA:
Printed by Maclean, Roger & Co., Wellington Street
1875.

5

115

"An Act to extend to the Province of Manitoba the Act for 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:—

1. The Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled: "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 extended and shall apply to the Province of Manitoba.
- 10 2. As respects the Province of Manitoba, the expression "a Court of General Sessions of the Peace" in the said Act shall mean and include the Court of Queen's Bench of that Province, and the expression "the Judge" shall mean "the Chief Justice" or "a Puisne Judge" of the said Court of
15 Queen's Bench, and the expression "County Attorney or Clerk of the Peace" shall mean the Prothonotary of the said Court of Queen's Bench.

"An Act to extend to the Province of Manitoba the
Act for the more speedy trial in certain cases of persons
charged with felonies and misdemeanors in the
Provinces of Ontario and Quebec."

H
H R Majesty by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:—

1. The Act passed in the session held in the thirty-second
and thirty-third years of Her Majesty's reign, intituled:
"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 extended and shall apply
to the Province of Manitoba.

10. 2. As respects the Province of Manitoba, the expression
"a Court of General Sessions of the Peace" in the said Act
shall mean and include the Court of Queen's Bench of that
Province, and the expression "the Judge" shall mean "the
Chief Justice" or "a Justice Judge" of the said Court of
Queen's Bench, and the expression "Crown Attorney or
Clerk of the Peace" shall mean the Prothonotary of the said
Court of Queen's Bench.

An Act respecting the Trinity House and Harbor Commissioners of Quebec.

WHEREAS, it is expedient that the powers and authorities of the Trinity House of Quebec, together with its property, (except as hereinafter provided), should be transferred to and vested in the Quebec Harbor Commissioners, and that the said Corporation of the Trinity House of Quebec should be dissolved and should cease to exist; and whereas it is expedient to transfer the administration of the Pilot Fund from the said Trinity House to the Corporation of Pilots for and below the Harbor of Quebec; and whereas it is also expedient to amend "*The Act further to amend the Acts to provide for the management and improvement of the Harbor of Quebec:*" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Upon, from, and after the first day of January next, after the passing of this Act, so much of the Act of the Legislature of the late Province of Canada, passed in the twelfth year of Her Majesty's reign, chapter one hundred and fourteen, and of any Act of the said Legislature of the late Province of Canada, or of the Parliament of Canada amending the same, as provides for the existence and continuance of a body corporate and politic for the purposes of the said Act, by the name of the Trinity House of Quebec, and so much of the said Acts as makes it lawful for the Governor to appoint a Master and Wardens, to compose such Corporation, and officers, clerks and bailiffs of the same, shall be, and the same is hereby repealed; and upon, from, and after the said day, the said Corporation shall be, and the same is hereby dissolved and extinguished, so that the same shall thenceforth wholly and entirely cease to exist, either in name or in deed, and the persons who shall then be respectively the Master and Wardens of the Trinity House of Quebec, or officers of the said Corporation, shall be and they are hereby thenceforward relieved, exonerated, and discharged from their and each of their obligation to execute the powers vested in them and each of them by the said first-mentioned Act or any Act amending the same.

2. Upon, from and after the said day all and every the powers, authority and jurisdiction, rights, duties, and liabilities of the said Trinity House of Quebec, under the said Act, twelfth Victoria, chapter one hundred and fourteen, and any

Preamble.

36 V., c. 62.

Corporation of Trinity House, under 12 V., c. 114, to cease on 1st Jan., 1876.

Powers and duties transferred to Quebec Harbour Commissioners.

Act or Acts amending the same, or under Act, or Acts of the Legislature of the said late Province, or of the Parliament of Canada, shall become and be transferred to and vested in and shall be exercised and enjoyed, assumed and discharged by the said Corporation of the Quebec Harbor Commissioners, 5
 22 V., c. 32. created by the Act of the twenty-second year of Her Majesty's reign, chap^r thirty-two, who shall thenceforth be a body corporate and politic, for all and every the purposes of so
 12 V., c. 114. much of the said Act, twelfth Victoria, chapter one hundred and fourteen, and the Acts amending the same as shall then 10
 be and remain unrepealed, as well as for the purposes of the said Act, twenty-second Victoria, chapter thirty-two, and the Acts amending the same, and may use their own common seal in every case requiring the use of a seal under the provisions of the said Act, twelfth Victoria, chapter one hundred and fourteen, as amended by this Act, or by any former 15
 Act, in the execution of the powers thereby and hereby conferred upon them, and may do in their own name all and whatsoever the said Trinity House of Quebec are by so much of their said Act of incorporation and Acts amending 20
 the same, as shall then remain unrepealed, authorized and empowered to do in their said corporate name; and all and every the provisions of so much of the said Act of incorporation and Acts amending the same shall apply to the said Harbor Commissioners of Quebec, in lieu and stead of the said 25
 Trinity House of Quebec; and in and for the performance and discharge of all and every the duties and functions of their respective positions and offices, the Chairman of the Corporation of the Quebec Harbor Commissioners shall be substituted for the Master of the said Trinity House, the other Commis- 30
 sioners for the Wardens, and the Secretary-Treasurer of the said Harbor Commission for the Secretary-Treasurer of the said Trinity House.

Officers of one corporation substituted for those of the other.

Property of Trinity House vested in Harbour Commissioners, except Pilot Fund, and to be delivered accordingly.

3. Upon, from, and after the said day, all moneys and securities for money, and all property belonging to or vested 35
 in the said corporation of the Trinity House of Quebec, in trust or otherwise, except such as belong to the Decayed Pilot Fund, as hereinafter mentioned, shall be transferred to and become and be vested in and belong to and be the property of the said Corporation of the Quebec Harbor Commis- 40
 sioners, in trust or otherwise, as the case may be, in the same manner and to the same extent, and under and subject to the same trusts (if any) as the same shall immediately, before the said day have been vested in or belonged to or been the property of the said Corporation of the Trinity 45
 House of Quebec; and within three days after the said day all and every the moneys, bonds, debentures and other vouchers of security for money, of or belonging to the said Corporation of the Trinity House of Quebec, shall be duly delivered into the hands and possession of the proper mem- 50
 bers and officers of the said Corporation of the Quebec Harbor Commissioners, by the members and officers of Trinity House of Quebec, or other persons whomsoever in whose hands, custody or possession the same may then be respectively, and the seal of the said last mentioned Corporation 55
 shall be delivered to the Chairman of the Corporation of the

Quebec Harbor Commissioners, who is hereby authorized and empowered to break the same.

4. The administration of the fund created by the Act of the late Province of Canada, twelfth Victoria, chapter one hundred and fourteen, and other Acts for the support and maintenance of decayed pilots, their widows and children, shall be transferred to the "Corporation of Pilots for and below the harbor of Quebec," and shall be vested in the said Corporation, which shall have the same rights and power as the Trinity House of Quebec now possesses in relation to the said fund, and shall administer the same conformably to the Acts hereinbefore referred to.

Decayed Pilot Fund transferred to Corporation of Pilots.

5. The Treasurer of the said Corporation of the Trinity House of Quebec, in office immediately before the dissolution of that Corporation, shall within three days after such dissolution pay over and deliver to the "Corporation of Pilots for and below the harbor of Quebec," all the money, securities for money, and other property of any kind belonging to the said fund for the support of decayed pilots, their widows and children, and shall render to the said last mentioned Corporation a full and particular account of such moneys, securities and property, in such form and extending over such period as may be necessary to the full understanding of the state of the said fund, its assets and liabilities, and in default of his so doing, he, or his legal representatives, may, at the suit of the Corporation last mentioned, be constrained to perform the obligations hereby imposed upon him, in any way in which an administrator may be compelled to render an account of his administration after the close thereof, and to pay over the balance shown by such account to be in his hands; and the Corporation last mentioned shall within seven days next, after the first day of January in each year, render to the Minister of Marine and Fisheries an account of the assets and liabilities of the said fund, in such form as the Minister shall prescribe from time to time: Provided always, that the said Corporation shall not invest any moneys belonging to the said fund, otherwise than in Dominion stock or securities, or in stock of one or more of the chartered banks of Canada, approved by the said Minister.

Trinity House to account to Corporation of Pilots for the said Fund.

Account to Minister of Marine and Fisheries.

Proviso as to investments.

6. From and after the first day of *January* next after the passing of this Act, the members of the Corporation of the Harbor Commissioners of Quebec, elected by the Council of the Quebec Board of Trade, the Council of the Lévis' Board of Trade, and by the owners, consignees and agents having paid harbor dues on vessels, goods, wares and merchandise, or otherwise, to the amount required by the Act thirty-sixth Victoria, chapter sixty-two, shall cease to form part of the said Corporation of the Harbor Commissioners of Quebec, and so much of the Act cited in the preamble to this Act as is inconsistent with this section is hereby repealed.

Certain members of Harbour Commission to cease to be such on Jan. 1876.

7. The said Corporation shall thereafter be constituted and consist of nine members, five of whom shall be appointed

Constitution of the Corporation thereafter.

by the Governor and the remaining four shall consist of the Mayor of the City of Quebec, the President of the Quebec Board of Trade, the Mayor of the town of Lévis and one member representing the shipping interest as defined in the Act cited in the preamble of this Act, and elected in the manner provided by the said Act. The Chairman of the Corporation of Pilots for and below the Harbor of Quebec shall be *ex-officio* a member of the Corporation of the Harbor Commissioners, so far only as respects pilotage matters, to which alone his powers as a Commissioner shall extend.

Chairman of Corporation of Pilots to be a member for pilotage matters.

As to next election of member for shipping interest. 36 V., c. 62.

8. On the first Wednesday in August in the present year 1875, (or if that day should be a legal holiday, then on the next following day, not being such holiday,) at a meeting to be held in the manner prescribed by the fourth section of the last cited Act (thirty-sixth Victoria, chapter sixty-two), the shipping interest, as defined by the second section of the said Act, shall elect one person only to fill the office of Harbor Commissioner, and the said shipping interest shall thereafter be represented by one Commissioner instead of two as theretofore.

Term of office: Section 5 repealed.

9. The person so elected under the next preceding section shall hold office for two years, but may be re-elected; and the fifth section of the Act last cited is hereby repealed.

As to certain existing officers of Trinity House and their salaries.

10. Upon, from and after the said first day of January next, the Quebec Harbor Commissioners shall have power, in their discretion, to dispense with the services of the Harbor Master of the Harbor of Quebec, and of the Superintendent of Pilots of the same port, or to retain them, or either of them in their present capacities respectively; but if so retained, the salaries attached to their offices shall be paid out of the revenue of the Quebec Harbor Commissioners, and not by the Government of Canada.

By-laws, &c., continued until altered.

11. Nothing in this Act shall be construed to affect the validity of any by-law, rule, order or regulation heretofore lawfully made by the Corporation of the Trinity House of Quebec; and all such by-laws, rules, orders and regulations in force at the time of the passing of this Act shall so far as may be applicable remain and continue to be as good, valid and effectual as if this Act had not been passed, until annulled or altered under the authority of this Act.

Actions, &c., by or against Trinity House continued.

12. Nothing in this Act shall affect the continuance of any suit, or action, or other legal proceeding to which the said Corporation of the Trinity House of Quebec is or shall be a party, on which may be pending before it on the first day of January, one thousand eight hundred and seventy-five but every such suit, action, and legal proceeding, shall be thenceforth deemed to have been taken up by and in the name of, and may be continued by or against or may be carried on, continued and prosecuted before the said Corporation of the Quebec Harbor Commissioners in the room and stead of the Trinity House of Quebec; and all matters and things which might have been done, and all

And other proceedings.

proceedings which might have been taken or prosecuted, by or before the Trinity House of Quebec relating to any offences which shall have been committed, or to any matters which shall have happened, or to any pilotage or other moneys which shall have become due, or to any fines or penalties which shall have been incurred, before the said first day of January next, may be done, taken and prosecuted, and the offences may be dealt with and punished, and the pilotage and other moneys may be recovered and dealt with, and the fines and penalties may be enforced and applied, thereafter, by or before the Quebec Harbor Commissioners.

13. Nothing in this Act shall be construed as making the Quebec Harbor Commissioners a new corporation. No new Corporation.

14. The Quebec Harbor Commissioners shall within seven days after the first of January in every year, make a report of their doings in office during the preceding calendar year to the Minister of Marine and Fisheries, and shall also furnish him with an account in detail of their receipts and expenditure during the same period, in such form as the Minister may direct. Yearly report to Minister of Marine and Fisheries.

15. The Corporation of Pilots for and below the Harbor of Quebec, shall within seven days after the first day of January in each year, after one thousand eight hundred and seventy-six, make a report of their doings in relation to the Decayed Pilot Fund, with an account shewing in detail their receipts and expenditure with respect to the same, and their investments of any monies belonging thereto, with such further information and in such manner and form as the Minister of Marine and Fisheries may direct. Corporation of Pilots to account to said Minister for Pilot Fund.

EX-112 (W. 2010/10/10)

No. 116.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act respecting the Trinity House and
Harbor Commissioners of Quebec.

Received and read, first time, Monday, 22nd
March, 1875.

Second reading, Tuesday, 23rd March, 1875.

HON. MR. SMITH,
(Westmoreland.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1875.

An Act respecting Certificates to Masters of Inland and
Coasting Ships.

WHEREAS it is expedient to provide for the examination Preamble.
of, and grant of certificates of competency and service
to, persons intending to act as Masters on board Ships regis-
tered in Canada, trading on the inland waters of Canada, or
on the coasts of Canada, or in its vicinity, as hereinafter men-
5 tioned: Therefore Her Majesty, by and with the advice and
consent of the Senate and House of Commons of Canada,
enacts as follows:—

EXAMINATIONS AND CERTIFICATES OF MASTERS AND MATES
OF INLAND SHIPS.

1. Examinations may be instituted in the several Pro- Examinations
for masters
and mates may
be instituted
10 vinces of Ontario, Quebec, Nova Scotia, Prince Edward
Island and New Brunswick for persons, having been
domiciled in Canada for at least three years, who
intend to become masters of ships, registered in
Canada, trading on the inland waters of Canada, or on the
15 coasts of Canada or in its vicinity, as hereinafter mentioned,
or who wish to procure certificates of competency as masters
of such ships; and persons serving in ships registered in
Canada shall be deemed to be domiciled in Canada while so
serving; and subject as herein mentioned the Minister of
20 Marine and Fisheries shall provide for the examinations at
such places as he may see fit; and the Governor *in Council*
may appoint examiners to conduct the same, and may regulate
the same, and may determine the amount of the remuneration
of such examiners.

The examiners first appointed under this section may be Appointment
of examiners.
25 such persons as produce proof, to the satisfaction of the
Governor in Council, of their fitness and competency to act
as such; but after three persons have been so appointed
examiners, no person shall be appointed an examiner unless
nor until he has himself passed a satisfactory examination
30 before two or more examiners as to his fitness and com-
petency to act as an examiner, and has received from them a
certificate to that effect.

2. The Governor in Council may from time to time lay down Governor to
make rules.
35 qualifications of the applicants; and such rules shall be
adhered to by all examiners.

3. All applicants for examination shall pay, previous to Fees payable
by applicants.
examination, to such person as the Minister of Marine and

Fisheries appoints for that purpose, the following mentioned fees, that is to say, for a certificate as master, *eight dollars*; and in the event of any applicant failing to procure his certificate of qualification on his first examination, he will be entitled to a second examination without payment of any additional fee; but if he fails to procure his certificate of qualification on such second examination, he shall pay the same fee previous to any subsequent examination as is hereby required to be paid previous to a first examination for the certificate he seeks to procure. 5 10

Minister of Marine, &c., may grant certificates.

4. Subject to the proviso hereinafter contained, the Minister of Marine and Fisheries may grant to every applicant who is duly reported by any of the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, a certificate (hereinafter called a certificate of competency) for inland or coasting ships as the case may be, to the effect that he is competent to act as master of any ship registered in Canada over eighty tons register tonnage, trading on the inland waters of Canada, or on the coasts of Canada, as the case may be; but in every case in which the Minister of Marine and Fisheries has any reason to believe such report to have been unduly made, he may remit the case either to the same or to any other examiners, and may require a re-examination of the applicant, or a further inquiry into his testimonials and character, before granting him certificate. 15 20 25

Re-examination may be required in certain cases.

To whom certificates may be granted.

5. Certificates of service for inland or coasting ships, differing in form from certificates of competency, may be granted as follows (that is to say):— 30

Masters.

(1.) Every person who before the first day of January, one thousand eight hundred and seventy-five, served as master in a sea-going or inland or coasting ship, in any Province in Canada, or who has attained the rank of lieutenant, master, passed mate or second master in Her Majesty's Royal Navy, and who has produced satisfactory evidence at such examination as aforesaid of his sobriety, experience, ability and general good conduct on board ship, shall be entitled to a certificate of service as master for inland or (as the case may be,) coasting ships, on payment of a fee of *four dollars*. 35 40

What certificates shall contain.

(2.) And each of such certificates of service for inland or coasting ships, shall contain particulars of the name, place and time of birth, and of the length and nature of the previous service of the person to whom the same is issued; and thereupon the Minister of Marine and Fisheries may issue such certificates of service to the various persons so respectively entitled thereto. 45

Masters of vessels over 80 tons to hold certificates after 1st April, 1876.

6. After the first day of April, which will be in the year of Our Lord one thousand eight hundred and seventy-six, no ship registered in Canada over eighty tons register tonnage, shall go from any port or place in Canada on a voyage to any other port or place in Canada, unless the master have obtained and possess a valid certificate, either of com- 50

petency or service as master for inland, or (as the case may be), coasting ships, from the Minister of Marine and Fisheries, or a valid certificate of competency or service as master for sea-going ships, from the Minister of Marine and Fisheries, or a valid certificate of competency as master, for foreign-going ships, from the Board of Trade in the United Kingdom, or a valid certificate of competency as master, granted in any British Possession and declared by order of Her Majesty in Council published in the "*London Gazette*" under the provisions of the Merchant Shipping (Colonial) Act, 1869, or of any Act of the Parliament of the United Kingdom containing such provisions, to be of the same force as a certificate of competency as master for foreign-going ships granted under the Acts of the Parliament of the United Kingdom relating to merchant shipping; and every person who having been engaged to serve as master of any ship, registered in Canada, over eighty tons register tonnage, goes on any voyage described in this section after that date as such master without being at the time entitled to and possessed of such certificate either of competency or of service for inland or, as the case may be, coasting or for sea-going or foreign-going ships, as hereinbefore required, or who employs any person as master of any such ship as aforesaid on any such voyage without first ascertaining that he at the time is entitled to and possessed of such certificate, shall for each such offence incur a penalty not exceeding *one hundred dollars*.

Penalty for contravention.

7. After the first day of April, which will be in the year of Our Lord one thousand eight hundred and seventy-six, the master of every ship registered in Canada, over eighty tons register, shall produce to every officer of the Customs in Canada, to whom he applies for a clearance or for a *transire* coastwise for such ship, on any voyage from any port or place in Canada to any other port or place in Canada, or for a license for the season in respect of such ship, the certificate of competency or service, for inland or coasting ships, as the case may be, or other such certificate which the said master is hereby required to possess; and no officer of the Customs at any port in Canada shall clear any such ship or grant a *transire* coastwise for any such ship on any such voyage as aforesaid or grant a license for the season in respect of any such ship after that date without such certificate being first produced to him; and if any master of any such ship attempts to sail, or take such ship from any port in Canada, on any such voyage as aforesaid, for which a clearance or a *transire* coastwise or a license for the season is required, after that date, until this requirement of this Act has been fully complied with, such master shall for every such offence incur a penalty not exceeding *one hundred dollars*.

Master's certificate to be produced to Officers of Customs before clearance of vessels between 80 and 150 tons.

Penalty for contravention.

8. When any master proves to the satisfaction of the Minister of Marine and Fisheries that he has without fault on his part lost or been deprived of any certificate already granted to him under this Act, the Minister of Marine and Fisheries may, upon payment of one half the fee charged for the original certificate, cause a copy or duplicate of the original

Lost certificate may be replaced.

certificate to be made out and certified as aforesaid, and to be delivered to him.

Fraudulently obtaining or forging certificate a misdemeanor.

9. Every person who makes, or procures to be made, or assists in making any false representation for the purpose of obtaining for himself or for any other person a certificate either of competency or service under this Act, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or any official copy of any such certificate, or who fraudulently makes use of any such certificate which is forged, altered, cancelled, or suspended, or to which he is not justly entitled, or who fraudulently lends his certificate to or allows the same to be used by any other person, shall for each offence be deemed guilty of a misdemeanor. 5 10 15

Certificate may be suspended or cancelled in certain cases.

10. The Minister of Marine and Fisheries may suspend or cancel the certificate (whether of competency or service) of any master or mate who has received a certificate from such Minister under this Act in the following cases (that is to say,) if upon any investigation made or authorized by him, such master or mate is found to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny, or it is found that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default, or if it is shown, to the satisfaction of the said Minister, that such certificate was granted on false or erroneous information. 25

Such certificate to be given up.

11. And every master or mate whose certificate is cancelled or suspended shall deliver it to the Minister of Marine and Fisheries, or as he directs, unless he has already delivered it to any court or tribunal before whom his conduct was called in question in the course of the investigation upon which it is cancelled or suspended, and in default shall, for each offence, incur a penalty not exceeding *two hundred dollars*; and the Minister of Marine and Fisheries may at any subsequent time grant to any person whose certificate has been cancelled, a new certificate of the same or of any lower grade. 30 35

New certificate.

Record of certificates.

12. A record of all certificates, whether of competency or service, granted under this Act, shall be kept in a bound book in the Department of Marine and Fisheries; and all documents purporting to be certificates granted by the Minister of Marine and Fisheries in pursuance of this Act, and to be signed by him, shall be received in evidence, and shall be deemed to be such certificates without further proof, unless the contrary be shown; and whenever notice of the cancelling, suspending, altering, or otherwise affecting by competent authority any such certificate is received by the Department, there shall thereupon be made a corresponding entry in the record of certificates; and a copy of any such certificate purporting to be certified by the Minister of Marine and Fisheries, or his Deputy, shall be *prima facie* evidence as aforesaid of such certificate; and a copy pur- 40 45 50

porting to be so certified as aforesaid of any entry made as aforesaid in respect of any such certificate shall be *prima facie* evidence of the truth of the matter stated in such entry.

13. All fees received under this Act shall be paid over to the Receiver General, and form part of the Consolidated Revenue Fund of Canada. Fees, how disposed of.

14. This Act shall come into operation upon, from and after the first day of October, one thousand eight hundred and seventy-five. Commencement of Act.

15. The following ships are exempt from the provisions of this Act. Exemption.

1. Ships carrying neither goods nor passengers for hire.
2. Ferry-boats making more than one trip *per diem*.

16. Nothing contained in this Act shall be construed to affect the provisions of the Act passed in the thirty-third year of Her Majesty's reign, chapter seventeen, intituled "*An Act respecting certificates to Masters and Mates of Ships,*" or to make a certificate under this Act sufficient for the master or mate of any sea-going ship to which the said Act applies on any voyage by sea to which the said Act extends. 33 V., c. 17, not affected.

17. This Act shall not apply to vessels clearing from any port in British Columbia until after a day to be named by Proclamation of the Governor under an Order in Council appointing such day after the first day of April, 1876, as that on which it shall apply to such vessels. When this Act shall apply in British Columbia.

No. 118.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act respecting Certificates to Masters
of Inland and Coasting Ships.

Received and read first time, Monday, 22nd
March, 1875.

Second reading, Tuesday, 23rd March, 1875.

Hon. Mr. SMITH,
(Westmoreland).

OTTAWA :
Printed by MacLean, Roger & Co., Wellington Street.
1875.

An Act to remove certain difficulties in the administration of the Criminal Law.

WHEREAS, it is found that delay and inconvenience are frequently caused by the provisions hereinafter mentioned, in cases not within the mischief for remedy whereof the said provisions were made, and it is expedient to restrict the operation thereof: 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 provisions of sections twenty-eight and twenty-nine, of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled "An Act respecting procedure in Criminal Cases, and other matters relating to Criminal Law," shall not extend or be applicable to prevent the presentment to or finding by a grand jury of any bill of indictment, containing a count or counts for any of the offences mentioned in the said twenty-eighth section, if such count or counts be such as may now be lawfully joined with the rest of such bill of indictment, and if the said count or counts be founded (in the opinion of the court in or before which the said bill of indictment is preferred) upon the facts or evidence disclosed in any examination or deposition taken before a justice of the peace, in the presence of the person accused or proposed to be accused by such bill of indictment, and transmitted or delivered to such court in due course of law; and nothing in the said sections shall extend or be applicable to prevent the presentment to or finding by a grand jury of any bill of indictment, if such bill be presented to the grand jury with the consent of the court in or before which the same is preferred, if such court be a court of superior criminal jurisdiction or presided over by a judge of any such superior court.

Effect of s. s. 28 and 29 of 32-33 V., c. 29, restricted in certain cases.

Further restriction.

2. Whenever any bill of indictment is preferred to any grand jury under the provisions of the twenty-eighth and twenty-ninth sections of the above recited Act, against any person who has not been committed or detained in custody, or bound by recognizance to answer such indictment, and the person accused thereby is acquitted thereon, it shall be lawful for the court before which such indictment is tried, in its discretion, to direct and order that the prosecutor or other person, by or at whose instance such indictment was preferred shall pay unto the accused person the just and reasonable costs, charges and expenses of such accused person and his witnesses (if any) caused or occasioned by or consequent upon

Power to the Court to allow costs to defendant acquitted in certain cases referred to in the said sections.

the preferring of such bill of indictment, to be taxed by the proper officer of the court; and upon non-payment of such costs, charges and expenses within one calendar month after the date of such direction and order, it shall be lawful for any of the Superior Courts of law having jurisdiction in civil cases in the place where the trial was had, or any judge thereof, to issue against the person on whom such order is made, such and the like writ or writs, process or processes, as may now be lawfully issued by any of the said Superior Courts for enforcing judgments thereof. 5 10

The said sections and this Act to apply to nuisance.

3. All the provisions of the twenty-eighth and twenty-ninth sections of the above recited Act, and of this Act, shall extend and be applicable to the offence of nuisance, and the said sections shall henceforth be read as if the offence of nuisance had been included therein. 15

No. 113.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to remove certain difficulties in the administration of the Criminal Law.

Received and read, first time, Monday, 22nd March, 1875.

Second reading, Tuesday, 23rd March, 1875.

MR. FOURNIER.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street 1875.

An Act respecting the Graving Dock in the Harbor of Quebec, and authorizing the raising of a loan in respect thereof.

WHEREAS, by an Act passed in the thirty-sixth year of Her Majesty's reign, intituled "*An Act further to amend the Act to provide for the management and improvement of the Harbor at Quebec,*" the Corporation of the Quebec Harbor Commissioners were authorized to borrow, at a rate of interest not exceeding six per cent. per annum, such sums of money as with any sums voted by the Parliament of Canada or granted for the purpose by Her Majesty's Imperial Government, would be sufficient to defray the cost of constructing a Graving Dock in the Harbor of Quebec, as therein mentioned; And whereas it is expedient that the loan for such purpose should be raised by the Government of Canada, and that the power in respect thereof granted to the Quebec Harbor Commissioners by the above recited Act, should be repealed: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
36 V., c. 62.

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Commissioners were authorized to borrow, at a rate of interest not exceeding six per cent. per annum, such sums of money as with any sums voted by the Parliament of Canada or granted for the purpose by Her Majesty's Imperial Government, would be sufficient to defray the cost of constructing a Graving Dock in the Harbor of Quebec, as therein mentioned; And whereas it is expedient that the loan for such purpose should be raised by the Government of Canada, and that the power in respect thereof granted to the Quebec Harbor Commissioners by the above recited Act, should be repealed: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The twenty-third section of the Act hereinbefore firstly recited, is hereby repealed.

S. 23 of 36 V.,
c. 62, repealed.

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2. It shall be lawful for the Governor in Council to raise, by way of loan, such sum not exceeding *five hundred thousand dollars*, as may with other sums voted by the Parliament of Canada or granted by Her Majesty's Imperial Government for the same purpose, be requisite to defray the expense of constructing a Graving Dock in the Harbor of Quebec, such loan to be raised by the issue of debentures bearing interest payable half yearly at a rate not exceeding *five per cent.* per annum.

Governor in Council may authorize a loan not exceeding \$500,000, at not over 5 per cent. interest.

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3. The Minister of Finance shall not pay to the Quebec corporation any moneys under this Act until the location and dimensions of the said Graving Dock, and the location, plan and specifications and proposed contract for the construction thereof, shall have been approved by the Governor in Council, upon the joint report and recommendation of the Ministers of Marine and Fisheries and of Public Works; and any moneys to be hereunder paid to the Quebec Corporation shall be so paid from time to time as the work proceeds, upon the report of the Minister of Public Works that such progress is satisfactory.

Condition of advance for dock.

Power to levy
tolls for use
of dock.

4. The Quebec Corporation may, from time to time, by by-law impose tolls, duties and dues upon vessels for the use of the said Graving Dock, and all provisions in any Acts in force, conferring power upon the said Quebec Corporation in respect to tolls, shall apply to the by-laws to be passed under this section. 5

Application
of net pro-
ceeds of tolls.

5. The net income to be received from any such tolls, rates, duties or dues as aforesaid, shall be paid over to the Receiver General, and by him applied in the first instance to the payment of the interest, at a rate of not exceeding five per cent. per annum, upon the said sum of five hundred thousand dollars, or such amount thereof as may have been paid by the Minister of Finance, under this Act; and, secondly, to the formation of a sinking fund for payment of the principal sum of five hundred thousand dollars, or such amount thereof as may have been so paid by the Minister of Finance, and the same shall in the order of priority previously hereinbefore mentioned, be respectively charged upon the net income of the Quebec Corporation in respect of such Graving Dock. 10 15 20

If the net
proceeds will
not pay
interest and
sinking fund.

6. In case the net income received in respect of the use of the said Graving Dock be not in any year sufficient to meet the interest upon the principal sum of five hundred thousand dollars, or such amount thereof as may have been paid by the Minister of Finance, the Quebec Harbor Commissioners shall, out of the general funds of the said Corporation, pay a sum not exceeding five thousand dollars per annum, until the debt to the Government is paid, in respect of the same; and such sum of five thousand dollars per annum, shall be a charge upon the moneys and funds of the Quebec Corporation next after the charges now existing upon the same, under any Act or Acts in force relating to the said Corporation. 25 30

Harbour
Commission-
ers of Mont-
real to
contribute

7. And whereas the Corporation of the Harbor Commissioners of Montreal are interested in the construction of the said Graving Dock at Quebec, it is further enacted: That the Montreal Corporation shall and may out of the general funds of the said Montreal Corporation pay to the Quebec Corporation a sum not exceeding five thousand dollars per annum, for the period of years next hereafter, in respect of the same; and such sum of five thousand dollars per annum, shall be a charge upon the moneys and funds of the Montreal Corporation next after the charges now existing upon the same, under any Act or Acts in force relating to the said Corporation. 35 40 45

Precedence of
H.M. ships in
use of dock.

8. Any ships belonging to Her Majesty, or to the Dominion of Canada, shall at all times have precedence in the use of the said Graving Dock when required by the Minister of Marine and Fisheries.

35 V., c. 6, to
apply to loan.

9. The Act passed in the thirty-fifth year of Her Majesty's reign, entitled "*An Act respecting the Public Debt and the raising of loans authorized by Parliament,*" shall apply to 50

any loan to be raised as aforesaid, subject to the special provisions of this Act.

10. In this Act the words "Quebec Corporation," shall mean the Corporation of the Quebec Harbor Commissioners, and the words "Montreal Corporation," shall mean the Corporation of the Montreal Harbor Commissioners.

Interpretation.

5

No. 120.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act respecting the Graving Dock in
the Harbor of Quebec, and authorizing
the raising of a loan in respect thereof.

Received and read, first time, Tuesday, 23rd
March, 1875.

Second reading, Wednesday, 24th March
1875.

Mr. MACKENZIE,
(Lambton.)

OTTAWA:

Printed by MacLean, Roger & Co.. Wellington Street.
1875.

An Act to amend "*The Fisheries Act.*"

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

1. The first sub-section of the seventh section of the Act passed in the thirty-first year of Her Majesty's reign, and known as "*The Fisheries Act,*" is hereby repealed, and the following shall be substituted in lieu thereof, that is to say :—

Subs. 1, of s.
7 of 31 Vic.,
c. 60, repealed.

5 (7.) "Salmon shall not be fished for, caught, or killed, between the thirty-first day of July and the first day of May, in the Provinces of Ontario and Quebec, and in the River Restigouche; nor between the fifteenth day of August and the first day of March, in the Provinces of New Brunswick and Nova Scotia; provided always, that it shall be lawful to
10 fish for, catch, and kill salmon with a rod and line, in the manner known as fly-surface-fishing, between the thirtieth day of April and the thirty-first day of August, in the Provinces of Ontario and Quebec, and between the first day of March and the fifteenth day of September, in the Provinces of New Brunswick and Nova Scotia."

Close season
for salmon.

Proviso as to
fly-fishing.

15 2. The second sub-section of the said seventh section is hereby repealed; and the third and following sub-sections of the said seventh Section shall be read as the second and following sub-sections of the said seventh Section of the said Act.

Subs. 2
repealed.

20 3. So much of the twenty-first Section of the said Act as continues in force in the Province of Nova Scotia the Revised Statute of Nova Scotia, "*Of River Fisheries,*" and certain Acts of the Legislature of the Province of Nova Scotia amending the same, as in the next section mentioned, and all regulations adopted in pursuance of the said chapter of the said Revised Statutes, or of the said Acts amending the same,
25 are hereby repealed.

Repeal of part
of 31 Vic., c.
60, continuing
Acts hereby
repealed.

4. The following Statutes of the Legislature of Nova Scotia, are hereby repealed, that is to say :—

Acts of a s.
repealed.

Chapter 95 of the Revised Statutes of Nova Scotia, third Series "*Of River Fisheries.*"

30 The Act (28 Victoria, chapter 35) intituled, "*An Act to amend Chapter 95 of the Revised Statutes*" "*Of River Fisheries.*"

The Act (29 Victoria, chapter 36,) intituled, "*An Act to amend Chapter 95 of the Revised Statutes*" "*Of River Fisheries.*"

35 But the repeal of these Acts shall not revive any Act or provision of Law repealed by such Acts or any of them, or prevent the effect of any saving clauses therein, or affect any offence committed, penalty or liability incurred, right acquired, or act done before such repeal, as to which the said Acts and any regulations made under them shall remain in force.

Saving clause.

2nd Session, 3rd Parliament, 38 Vic., 1875.

BILL.

An Act to amend "The Fisheries Act."

Received and Read 1st time, Wednesday, 24th
March, 1875.

Second Reading, Thursday, 25th March, 1875.

MR. CARTWRIGHT.

OTTAWA:

Printed by C. W. Mitchell.

No. 121.

PRINTED.

1875.

An Act to amend the Act intituled "*An Act respecting Larceny and other similar offences.*"

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

Preamble.

1. Section one hundred and eleven of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled "*An Act respecting Larceny and other similar offences,*" is hereby repealed, and the following substituted and to be read in lieu thereof:

Sec. III. of 32, 33 Vic., c. 21, repealed.

10 " 111. Whosoever without the consent of the owner thereof, takes, holds or keeps in his possession, or collects or conceals, or receives or appropriates, or purchases, or sells or causes or procures or assists to be taken possession of, or collected or concealed or received or appropriated, or purchased or sold, any timber, mast, spar, saw-logs or other description of lumber which is found adrift in any river, stream or lake, or cast ashore on the bank or beach of any river, stream or lake, or whosoever without the consent of the owner thereof wholly or partially defaces or adds or causes or procures to be defaced or added, any mark or number on any such timber, mast, spar, saw-log or other description of lumber, or whosoever makes or causes or procures to be made any false or counterfeit mark on any such timber, mast, spar, saw-log or other description of lumber, or whosoever refuses to deliver up to the proper owner thereof, or to the person in charge thereof on behalf of such owner, or authorised by such owner to receive the same, any such lumber, mast, spar, saw-log, or other description of lumber, is guilty of a misdemeanor, punishable in like manner as simple larceny; and in any prosecution, proceeding or trial for any offence under this section a timber mark, duly registered under the provisions of the Act passed in the thirty-third year of Her Majesty's reign, intituled "*An Act respecting the marking of timber,*" on any timber, mast, spar, saw-log, or other description of lumber, shall be *prima facie* evidence that the same is the property of the registered owner or owners of such timber mark, and possession by any such offender, or by others in his employ, or on his behalf, of any such timber, masts, spar, saw-log, or other description of lumber so marked, shall in all cases throw upon the person charged with any such offence the burden of proving that such timber, mast, spar, saw-log, or other description of lumber, came lawfully into his possession, or the possession of such others in his employ or on his behalf as aforesaid."

Appropriating timber, &c., found adrift, or defacing marks, &c., or refusing delivery to owner, a misdemeanor.

How punishable.

33 Vic., c. 36.

Evidence on trial.

(2.) " If any constable or peace officer, has reasonable cause to suspect that any timber, mast, spar, saw-log, or other description of lumber, belonging to any lumberman or owner of lumber, and bearing the registered trademark of such lumberman or owner of lumber, is kept or detained in any saw-mill, mill yard, boom or raft without the knowledge or consent of the owner,—it shall be lawful for such constable or peace officer to enter into or upon the same, and search or examine, for the purpose of ascertaining whether such timber, mast, spar, saw-log, or other description of lumber, is detained therein without such knowledge and consent."

Search for timber unlawfully detained

BILL.

An Act to amend an Act passed in the thirty-second and thirty-third years of Her Majesty's reign, chaptered twenty-one, and intituled "*An Act respecting Larceny and other similar offences.*"

Received and Read 1st time, Wednesday, 24th March, 1875.

Second Reading, Thursday, 25th March, 1875.

MR. FOURNIER.

OTTAWA:

Printed by C. W. Mitchell.

An Act further to amend the General Acts respecting
Railways.

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

1. The second, third and fourth sections of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled: "*An Act to amend the General Acts respecting Railways*," are hereby repealed, and the following sections shall be taken and read in lieu thereof:—
2. "For the purpose of connecting any city, town, village, manufactory or manufactories, mine or mines, or any quarry or quarries of stone or slate, or any well or spring, with the Main Line of the Railway of the Company, or with any branch thereof, or with any Railway worked or leased by the Company; and for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, it shall be lawful for the Company to build, make and construct and to work and use, sidings, switches or branch lines of railway, not to exceed in any one case six miles in length: Provided always, that the Company shall not proceed to locate or build any branch line of more than one-quarter of a mile in length, under this section of this Act, until public notice shall have been given, for six weeks, in some newspaper published in the County or Counties through or in which such branch line is to be made, that it is the intention of the Company to apply to the Governor in Council to sanction the building of such branch line, and to appropriate the necessary lands for that purpose, under the compulsory powers vested in them by this Act, or by any other Act in their behalf; nor unless the Company shall, prior to the first publication of such notice, have deposited in the Registry office of any city, county, or part of a county in which the line or any part thereof is to be constructed, the maps and plans indicating the location of the line; nor until the Company shall have submitted the same to, and such maps and plans shall have been approved by, the Governor in Council, after the expiration of the notice: And provided further, that the order of the Governor in Council, approving the said maps and plans, shall limit the time, not exceeding two years from the date of such order, within which the Company may construct such branch line."
3. "For any and every such purpose each and every company herein referred to shall have and may exercise all the powers given them with respect to their Main Line by the Act incorporating the Company, and the Acts amending the same, or relating to the Company, or the Act authorizing the construction of the main line, and "*The Railway Act, 1868*," and any Act amending the same; and each and all provisions of the said Acts which are applicable to such extension, shall extend and apply to every such siding, switch or branch line of railway."
4. "And whereas by the fiftieth section of "*The Railway Act, 1868*," every Railway Company to which the said Act applies is empowered to make By-Laws, Rules or Regulations for the purpose therein mentioned, but no sufficient power is given to enforce the same; Therefore be it enacted—

Sections 2, 3, 4, of 36 V. c. 80, repealed, and new sections substituted.

Power to a Company to construct branch lines for certain purposes.

Proviso: Notice to be given.

Maps and plans to be deposited and approval of Governor in Council obtained.

Proviso: Time for construction to be limited.

Powers of the Company as to such branch lines.

Recital, 31 V. c. 68, s. 50

Sub-sections added. That the following shall be read as sub-sections of the said fiftieth section, that is to say:—

Altering By-Laws. (1) The Company may from time to time repeal or alter such By-Laws and make others, provided that such By-Laws be not repugnant to the provisions of this Act or the Act incorporating the Company, or any Act or Acts amending any of them. 5

Form. (2) And such By-Laws shall be reduced into writing and shall have affixed thereto the Common Seal of the Company.

Imposing penalties. (3) Any person offending against any such By-Law shall forfeit for every such offence a sum not exceeding forty dollars to be imposed by the Company in such By-Law as a penalty for every such offence; and the same shall be recoverable under the provisions of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's Reign, intituled "*An Act respecting the duties of Justices of the Peace, out of Sessions, in relation to summary convictions and orders.*" 10 15

32, 33 V. c. 31.

Summary interference allowed in certain cases. (4) If the infraction or non-observance of any such By-Law, as aforesaid, be attended with danger or annoyance to the public, or hindrance to the Company in the lawful use of the Railway, it shall be lawful for the Company summarily to interfere, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such By-Law. 20

Sanction of Governor in Council. (5) No such By-Law shall have force or effect until the same has been approved by the Governor-General in Council.

How such By-Laws shall be notified to the public. (6) The substance of any such By-Law, when approved as aforesaid, shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed, and continued on the front or other conspicuous part of every wharf or station belonging to the Company, according to the nature or subject matter of such By-Laws respectively, and so as to give public notice thereof to the parties interested therein, or affected thereby; and such boards shall, from time to time, be renewed as often as the By-Laws thereon or any part thereof shall be obliterated or destroyed; and no penalty imposed by any such by-law shall be recoverable unless the same shall have been published, and kept published in manner aforesaid. 30

Public bound by such By-Laws. Proof thereof. (7) Such By-Laws, when so confirmed, shall be binding upon all persons acting under the same; and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such By-Laws it shall be sufficient to prove that a printed paper or painted board, containing a copy of such By-Laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged then that such paper or board was replaced as soon as conveniently might be." 35 40

To what Railways this Act shall apply. 5. "This Act, and the fiftieth section of "*The Railway Act, 1868,*" as hereby amended, shall apply to every Railway Company heretofore incorporated, or which may hereafter be incorporated, and which is subject to the jurisdiction of the Parliament of Canada, as they shall also to the Governor in Council with respect to all Railways constructed by, or under the control or management of the Government of Canada, or of any Minister or department thereof, or being the property of the Dominion of Canada. 45 50

No. 123.

2nd Session 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act further to amend the General Acts respecting Railways.

Received and Read 1st time, Wednesday, 24th
March, 1875.

Second Reading, Thursday, 25th March, 1875.

MR. MACKENZIE,
(Lambton.)

OTTAWA :
Printed by C. W. Mitchell.

No. 124.] **BILL.** [1875.

An Act to amend the provisions of "*An Act to amend the Criminal Law relating to Violence, Threats and Molestation.*"

WHEREAS it is expedient to amend the provisions of the Act of the thirty-fifth year of Her Majesty's reign, chapter thirty-one, entitled "*An Act 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.
35 V., c. 31.

1. The first section of the Act of the thirty-fifth year of Her Majesty's Reign, chapter thirty-one, entitled "*An Act to amend the Criminal Law relating to violence, threats and molestation,*" is hereby repealed, and instead thereof it is enacted as follows, that is to say:—

Sect. 1
repealed and
new provisions made.

"Every person who does any of the following acts with the view as hereinafter mentioned, that is to say, who—

Persons doing
certain things

1. Uses violence to any other person, or to the property of any other person; or
2. Threatens or intimidates any other person in such manner as would justify a justice of the peace (on complaint made to such justice) in binding over to keep the peace the person so threatening or intimidating; or
3. Molests or obstructs any other person—

a By persistently following him about from place to place; or

b By following him in or through any street or road, with two or more persons, in a disorderly manner; or

c By hiding or depriving him of, or hindering him in the use of any tools, clothes or property, owned or used by him, with a view in the case of any such act as aforesaid, thereby to coerce such other person,—

With a certain
intention.

1. Being a master, to dismiss or to cease to employ any workman, or being a workman to quit any employment, or to return work before it is finished; or
2. Being a master, not to offer, or being a workman, not to accept, any employment or work; or
3. Being a master or workman, to belong or not to belong to any temporary or permanent association or combination; or
4. Being a master or workman, to pay any fine or penalty imposed by any temporary or permanent association or combination; or

M. J. ROBINSON

Printed by Messrs. J. G. & Co., Stationers, Ottawa, 1875.

To be punishable by imprisonment

5. Being a master, to alter the mode of carrying on his business, or the number or description of any persons employed by him;—

Shall be liable to imprisonment, for a term not exceeding three months.

5

As to prosecutions for conspiracy for trade combination.

2. 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 Act; 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 Act for the act of which he may have been convicted as aforesaid.

Interpretation clause.

3. For the purposes of this Act, "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.

20

Construing Act amended.

4. The Act hereby amended shall be construed as if the provisions of this Act were substituted for the first section of the said Act.

10

No. 124

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to amend the provisions of "An Act to amend the Criminal Law relating to Violence, Threats and Molestation."

Received and read, first time, Saturday, 27th March, 1875.

Second reading, Monday, 29th March, 1875.

Mr. FOURNIER.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street, 1875.

No. 125.]

BILL.

[1875.

An Act to repeal an Act of the Legislature of Prince Edward Island, for the collection of the Cape Race Light-House Toll.

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

5 **1** The Act of the Legislature of Prince Edward Island, ^{Act of P. E. I.}
passed in the twenty-first year of Her Majesty's Reign, and ^{21 V., c. 11, —}
intituled "*An Act to provide for the collection in this Island of*
the Cape Race Light-House Toll," is hereby repealed. ^{repealed.}

2nd Session, 3rd Parliament, 38 Victoria, 1875.

BILL.

An Act to repeal an Act of the Legislature of Prince Edward Island, for the collection of the Cape Race Light-House Toll.

Received and read, first time, Saturday, 27th
March, 1875.

Second reading, Monday, 29th March, 1875.

MR. SMITH,
(Westmoreland.)

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street,
1875.





