

Not printed

No. 2.]

BILL.

[1869.

An Act to repeal the Act respecting Insolvency, and the Act amending the same.

WHEREAS it is expedient to repeal the Act of the Legislature of Preamble.
the late Province of Canada, passed in the Session held in the
27th and 28th year of Her Majesty's reign, Chapter 17, intituled "An
Act respecting Insolvency" and also to repeal the Act of the said
Legislature passed in the 29th year of Her Majesty's reign, Chapter
5 18, intituled "An Act to amend the Insolvent Act"; Therefore, Her
Majesty, by and with the advice and consent of the Senate and the
House of Commons of Canada, enacts as follows:

1. All the sections, sub-sections and clauses of "The Act respecting Repeal of
Insolvency" are hereby repealed, subject to the provisions hereinafter Insolvent
10 made as to pending cases. Act.

2. All the sections, sub-sections, and clauses of the "Act to amend Repeal of
the Insolvent Act" are hereby repealed, subject to the provisions amending
hereinafter made as to pending cases. Act.

3. Provided always, that such repeal of the said Acts, shall not Exceptions as
15 extend to or affect any proceedings pending under the said Acts at the to pending
time of the coming into force of this Act, but such proceedings shall be proceedings.
continued and completed, as if this Act had not been passed.

BILL.

An Act to repeal the "Act respecting Insolvency" and the "Act to amend the Insolvent Act."

Received and read, First time, Monday, 19th April, 1869.

Second reading, Tuesday, 20th April, 1869.

Mr. MCGILL,
Hamilton.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO,

An Act to prevent the execution in public of the Sentence of Death.

WHEREAS the execution, in public view, of the Sentence of Preamble-
Death, is productive of great evils, and it is expedient to provide a remedy therefor; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada,
5 enacts as follows:

- 1.** All executions of the Sentence of Death shall hereafter take place within the walls, or within the enclosed yard, of the gaol of the District, or County, or Union of Counties, as the case may be, and not in public view. Where executions shall take place.
- 10 2.** The Sheriff shall, in all cases, require the presence thereat, of as many as six (if so many there are) of the *employees* of such gaol, including among them the gaol surgeon or physician (if any) and the gaoler; and any such *employee* being so required, and failing to attend, shall be discharged of his employment unless he gives a good excuse for his non-attendance. Certain officials to be present.
- 15 3.** The Sheriff shall further invite, by written summons, the attendance thereat, of twelve persons of respectability, resident within the District, County or Union of Counties, one of whom, at least (if possible) shall be a surgeon or physician. Other persons
- 20 4.** The Sheriff shall permit the presence at the execution, of such near relations of the criminal, and of such priests or ministers of religion as the criminal may desire, and of the criminal's counsel, if so desired by the criminal. Prisoner's relations, counsel.
- 25 5.** Should the criminal not have desired the attendance of any particular priest or minister of religion, the Sheriff shall further invite the attendance of such one or more priests or ministers of religion as he, the Sheriff, may select, in view of all the circumstances of the case. Ministers of religion.
- 30 6.** Excepting the persons above enumerated, and such other officers of the prison, sworn constables, assistants, and military guard, as the Sheriff in his discretion may deem requisite, no person shall be allowed to witness the execution; and in particular no person under age, unless a near relation of the criminal, shall be allowed to witness the same. Other persons forbidden.
- 35 7.** The moment of the execution shall be publicly signified by the tolling of a bell on, or as near as may be to, the gaol buildings, and also by the hoisting of a black flag conspicuously thereon. Announcement of execution.
- 40 8.** As soon as may be after Judgment of Death has been executed on the offender, the Surgeon of the gaol, if any (or otherwise such other Surgeon as may be present), shall examine the body of the offender, and shall ascertain the fact of Death, and shall sign a certificate thereof, and deliver the same to the Sheriff. Surgeon to ascertain fact of death.

Declaration to that effect. 2. The Sheriff, and the gaoler, and such priest or minister of religion as aforesaid, and other persons present as the Sheriff invites or allows, shall also sign a declaration to the effect that Judgment of Death has been executed on the offender.

Jury to examine the body. 9. Within twenty-four hours after the execution, a Coroner of the Jurisdiction to which the prison belongs, shall empanel a jury of not less than six nor more than twelve of the persons present thereat, who, upon their oaths, on view of the body, shall forthwith inquire into and ascertain the identity of the body of the offender, and whether Judgment of Death was duly executed on the offender; and no person present at the execution shall (except as herein provided) be exempt from service on such jury; Provided, however, that no officer of the prison, or prisoner confined therein, shall in any case be a juror on the inquest. The inquisition shall be in duplicate, and one of the originals shall be delivered to the Sheriff. 5 10 15

Transmission of Certificate and Inquisition. 10. Every Certificate and Declaration, and the Duplicate of the Inquisition required by this Act, shall, in each case, be sent, with all convenient speed, by the Sheriff, to the Secretary of State of Canada.

Forms. 11. The forms given in the Schedules A and B to this Act, with such variations or additions as circumstances may require, shall be used for the respective purposes thereof, and according to the directions therein contained. 20

Penalty for signing false Certificate, &c. 12. If any person knowingly and wilfully signs any false Certificate or Declaration required by this Act, he shall be guilty of a misdemeanor, and on conviction thereof shall be liable, in the discretion of the Court, to imprisonment for any term not exceeding two years, with or without hard labor, and with or without solitary confinement. 25

Word "Sheriff" to include the Deputy. 13. The word "Sheriff" in this Act shall be held to include any Deputy or under Sheriff, or other officer, who, in the absence of the Sheriff, may be charged with the duty of carrying out the execution. 30

SCHEDULE A.

CERTIFICATE OF SURGEON.

I (A. B.) the Surgeon (*or as the case may be*) of the (*describe the prison*) hereby certify that I, this day, examined the body of C. D., on whom Judgment of Death was this day executed in the (*describe the same prison*): and that on that examination I found that the said C. D., was dead.

Dated this _____ day of _____
(Signed,) A. B.

SCHEDULE B.

DECLARATION OF SHERIFF AND OTHERS.

We, the undersigned hereby declare that Judgment of Death was, this day, executed on C. D., in the (*describe prison*) in our presence.

Dated this _____ day of _____
(Signed,) E. F., Sheriff of
G. H., Justice of Peace for
I. K., Gaoler of Prison.
&c., &c.

2. The Sheriff and the Coroner, and such other persons as may be appointed by the Sheriff or Coroner, shall sign a declaration to the effect that Judgment of Death has been executed on the offender.

3. Within twenty-four hours after the execution a Coroner of the jurisdiction to which the person shall be taken shall cause a jury of not less than six nor more than twelve of the persons present thereat, who upon their oath or view of the body, shall forthwith inquire into and ascertain the identity of the body of the offender, and whether Judgment of Death was duly executed on the offender; and no person present at the execution shall (except as herein provided) be exempt from service on such jury. Provided, however, that no officer of the prison or person confined therein shall in any case be a juror on the inquest. The inquest shall be in duplicate, and one of the originals shall be delivered to the Sheriff.

4. Every Certificate and Declaration and the Duties of the Jurors shall be approved by the Secretary of State of Canada.

5. The forms given in this Act, and the forms A and B to this Act with their variations or additions as circumstances may require, shall be used for the respective purposes thereof, and according to the directions therein contained.

6. If any person knowingly and wilfully signs any Certificate or Declaration required by this Act, he shall be guilty of a misdemeanor, and on conviction thereof shall be liable in the discretion of the Court to imprisonment for any term not exceeding two years, with or without hard labor, and will be without benefit of pardon.

7. The word "Sheriff" in this Act shall be held to include any Deputy or other officer who in the absence of the Sheriff may be charged with the duty of carrying out the execution.

SCHEDULE A

CERTIFICATE OF SURGEON

I (A. B.) the Surgeon (or as the case may be) of the (describe the prison) hereby certify that I this day examined the body of C. D. on whom Judgment of Death was this day executed in the (describe the same prison); and that on that examination I found that the said C. D. was dead.

Dated this _____ day of _____ (Signed) A. B.

SCHEDULE B

DECLARATION OF SHERIFF AND OTHERS

We, the undersigned hereby declare that Judgment of Death was this day executed on C. D. in the (describe prison) in our presence.

Dated this _____ day of _____ (Signed) H. E. Sheriff, J. K. Justice of Peace for _____, I. R. Coroner of _____.

BILL.

An Act to provide for carrying into effect
Capital Punishment within Prisons.

Received and read, First time, Monday, 19th
April, 1869.

Second reading, Tuesday, 20th April, 1869.

Mr. MORRIS.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

The Interest Act of Canada

WHEREAS it is expedient to assimilate the laws now in force in the different Provinces of the Dominion of Canada, relating to the rate of interest which may be taken for the loan or forbearance of money, or money's worth; Therefore Her Majesty by and with the advice and consent of the Senate, and House of Commons of Canada, enacts as follows:

1. Contracts made and entered into before this Act comes into force, shall have the same force and effect, as if it had not been passed. Existing contracts.
2. Banks and Banking Institutions shall not be affected by the passing of this Act, except, in so far as relates to the penalty hereinafter provided. Banks.
3. As respects Corporations or Associations expressly authorized by Act of Parliament to lend money at a higher rate of interest, than six per centum, per annum, the rate which they may respectively lawfully stipulate, take, reserve, or exact, shall remain as now limited by such Act. Special Corporations.
4. Six per centum per annum, shall be the rate of interest in all cases, where by the agreement of the parties or by law interest is payable, and no rate has been fixed by the parties or by law. Ordinary legal rate.
5. It shall not be lawful upon any contract, to take directly or indirectly for the loan of any money or money's worth, above the value of seven dollars, for the advance or forbearance of one hundred dollars for one year, and so after that rate for a greater or less sum or value, or for a longer or shorter time. Rate in other cases limited to seven per cent.
6. All bonds, bills, promissory notes, contracts and assurances whatsoever, except as hereinbefore provided, whereupon or whereby a greater amount of interest than last aforesaid shall be reserved and taken, shall be utterly void, and every person or body corporate except as aforesaid, who shall either directly or indirectly take, accept, or receive a higher rate of interest than seven dollars for the advance or forbearance of one hundred dollars for one year, shall forfeit and lose for every such offence all interest accrued thereon, and one half of the principal money or money's worth, the said one half of the principal money or money's worth to be recoverable by action of debt in any Court of competent jurisdiction in Canada, in the same manner as any other debt, one moiety of which penalty shall be applied towards the support of Common Schools in the Township, Parish, or District in which such usurious interest shall have been taken or demanded, and the other moiety shall belong to the person who shall sue for the same. Penalty for taking a higher rate.
7. All Acts or portions of Acts, now in force in any Province in the Dominion of Canada, inconsistent with the provisions of this Act, shall be, and the same are hereby repealed. Repealing clause.

Short title. 8. Whenever this Act is referred to in any pleadings, or otherwise, it shall be sufficient in citing the same to use the words "The Interest Act of Canada."

Commencement of Act. 9. This Act shall come into force and have effect on, and after the first day of July 1869.

2nd Session, 1st Parliament, 32 Victoria, 1869.

No. 4.

BILL.

The Interest Act of Canada.

Received and read, First time, Tuesday, 20th April, 1869.
Second reading, Wednesday, 21st April, 1869.

Mr. BOWELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to declare the first day of July, or Dominion Day, a legal Holiday.

WHEREAS, the first day of July, or Dominion Day, being that on Preamble. which the British North American Act, 1867, came into force, has been very generally observed as a holiday, and it is expedient that such observance should be legalized by Statute: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. The first day of July in each year shall be known as " Dominion Day," and shall be a statutory holiday throughout Canada, and shall be included by the word " holiday" in any Act passed during the present or any future Session of the Parliament of Canada, and shall be observed as other statutory holidays mentioned in *The Interpretation Act*, and as if it had been mentioned in that Act as a holiday; and whenever the day which would otherwise be the last day of grace for the payment of any bill of exchange or promissory note, at any place in Canada, is the first day of July, such bill or note shall be payable and the days of grace shall expire, on the day next thereafter not being a Sunday or holiday, and not before.

1st July declared a legal holiday.

As to Bills and Notes falling due on that day.

Printed by the Government of Canada, Ottawa, 1869.

PRINTED BY HUNTER, ROSE & CO. OTTAWA.

No. 5.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to declare the First day of July, or
Dominion Day, a legal holiday.

Received and read First time, Wednesday,
21st April, 1869.

Second reading, Monday, 26th April, 1869.

Mr. McConkey,

OTTAWA :

PRINTED BY HUNTER, ROSE & CO,

An Act to authorize the Extradition of Persons from the Dominion of Canada, charged with having committed Crimes in the United States.

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

1. It shall be lawful for the Governor General in Council, by Warrant under his hand and seal, to surrender to the United States of America, upon the requisition of the proper authorities, any person charged with having committed a crime within the jurisdiction of the said United States or any State thereof, which crime is felony by the Laws of Canada, and being other than treason, or the being accessory before or after the fact to treason. Governor in Council may surrender to U. S., persons charged with having committed felony there Exception as to treason.
2. In case any one shall be found within the Dominion of Canada, who is charged with an act of Piracy against the United States, which act is at the same time piracy *jure gentium*, and the evidence by which the crime of piracy may be proven is more available within the jurisdiction of the United States than within that of Canada, or for other reasons of convenience or justice, the Governor in Council may, by warrant under his hand and seal, surrender to the United States of America, upon the requisition of the proper authorities, the person or persons so charged. Persons charged with piracy may be surrendered in certain cases.
3. The procedure in the apprehension, commitment, preliminary trial and detention of the persons so charged, shall be the same as that now provided, or which may from time to time be provided by the Parliament of Canada, for giving effect to the treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders. Procedure in such cases.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to authorize the Extradition of
Persons from the Dominion of Canada,
charged with having committed Crimes
in the United States.

Received and read, First time, Wednesday, 21st
April, 1869.

Second reading, Monday, 26th April, 1869.

Mr. MILLS.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to limit the rate of Interest.

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

- 1.** From and after the passing of this Act, the rate of interest upon all contracts and agreements, written or verbal, expressed or implied, Legal rate six per cent.
5 for the payment of money, shall be six per cent per annum, unless otherwise agreed upon by the parties or provided by law.
- 2.** In all contracts hereafter made, whether written or verbal, it shall be lawful for the parties to stipulate or agree that eight per cent Eight per cent may be stipulated.
10 on money loaned or in any manner due and owing from any person or Corporation to any other person or Corporation.
- 3.** If any person or Corporation shall contract to receive a greater rate of interest, directly or indirectly, than eight per cent, upon any Penalty for stipulating a higher rate.
15 whole of the said interest so received, and shall be entitled only to recover the principal sum due to such person or Corporation.
- 4.** Every person who for any loan or forbearance of any money, goods or things, shall pay or deliver any greater sum or rate of interest Persons paying a higher rate may recover it back.
20 or value than is above allowed to be received or taken, may recover at any time within one year after payment or delivery, by action at law against the person or Corporation that shall have taken or received the same, the whole amount of interest or sum or delivery in the nature of interest so paid or made on the contract or agreement.
- 5.** Any person proceeded against for any contravention of this Act, Parties sued under this Act may be examined on oath.
25 may be compelled to answer on oath any complaint that may be exhibited against him in any Court, for the discovery of any sum of money or rate of interest, goods or things, so taken, accepted or received in violation of the foregoing provisions, or any of them.
- 6.** All laws or parts of laws inconsistent with this Act are hereby Repeal.
30 repealed.

No. 7.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to limit the rate of Interest.

Received and read, First time, Wednesday, 21st
April, 1869.

Second reading, Monday, 26th April, 1869.

Mr. J. S. Ross.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to render Members of the Legislative Councils and Legislative Assemblies of the Provinces now included or which may hereafter be included within the Dominion of Canada, ineligible for sitting or voting in the House of Commons of Canada.

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

1. After the dissolution of the present Parliament of Canada, no person who is a Member of any Legislative Council or of any Legislative Assembly of any Province now included or which may hereafter be included within the Dominion of Canada, shall be eligible as a Member of the House of Commons, or shall be capable of sitting or voting in the same; and if any one so declared ineligible, is nevertheless elected and returned as a Member of the said House of Commons, his election shall be null and void.

After the end of this Parliament, members of Local Legislatures not to sit in the House of Commons.

2. If any Member of the House of Commons shall be elected and returned to any Legislative Assembly, or shall be elected or appointed a Member of any Legislative Council and accept the same, his election shall thereupon become null and void, and his seat shall be vacated, and a new writ shall issue forthwith for a new election, as if he were naturally dead: Provided always, that any member of the House of Commons of Canada, so elected to a seat in any Legislative Assembly, or elected or appointed to any Legislative Council without his knowledge and consent, and who without taking his seat in the same, and within ten days after having been notified of his election, or if he is not within the Province at the time, then within ten days after his arrival, tenders his resignation to the proper officer of the Province, and also within the same time forwards to the Speaker of the House of Commons, a copy of his letter of resignation, he shall continue to hold his seat in the House of Commons as if no election or appointment to a seat in a Provincial Legislature had been made.

Members of House of Commons, elected to Local Legislatures to vacate their seats.

Proviso in favour of members so elected without their consent and resigning.

3. If any person who is made by this Act ineligible as a Member of the House of Commons, or incapable of sitting or voting therein, does nevertheless, so sit or vote, he shall forfeit the sum of *two thousand dollars* for ever day on which he so sits or votes; and such sum may be recovered from him by any person who will sue for the same, by action in any form allowed by the law of procedure in the Province in which the action is brought, in any Court having competent jurisdiction.

Penalty on persons contravening this Act.

4. If at any time any Member of the House of Commons objects to any other member sitting or voting, because he is, by the provisions of this Act, disqualified from sitting or voting, then before the member so objected to can vote, he shall make and subscribe, at the clerk's table, the following oath:—"I _____, member elect for _____, in the Province of _____, make oath and say that I do not now, nor did I at the time of my election to the House of Commons, nor have I at any subsequent time, with my knowledge and consent been elected to or held a seat in the Legislative Council or Legislative Assembly of any Province within the Dominion of Canada;"—And

Members of House of Commons objected to as being members of Local Legislatures, to take a certain oath.

any one disqualified by this Act, taking this oath and voting, shall be liable to prosecution for wilful and corrupt perjury.

Act to apply to vacancies in present Parliament.

5. This Act shall at once apply to all cases of vacancy that may arise from death, resignation, or otherwise in the House of Commons of the present Parliament of Canada.

5

No. 8.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to render Members of the Legislative Councils and Legislative Assemblies of the Provinces now included or which may hereafter be included within the Dominion of Canada, ineligible for sitting or voting in the House of Commons of Canada.

Received and read, First time, Wednesday, 21st April, 1869.

Second reading, Thursday, 22nd April, 1869.

Mr. MILLS.

OTTAWA:

PRINTED BY HUNTER ROSE & CO.

An Act respecting Insolvency.

WHEREAS it is expedient that the Acts respecting Bankruptcy and Insolvency in the several Provinces of Ontario, Quebec, New Brunswick and Nova Scotia, be amended and consolidated, and the Law on those subjects assimilated in the several Provinces of 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. This Act shall apply in the Province of Quebec to traders only, and in the other Provinces of the Dominion to all persons whether traders or non-traders:

OF VOLUNTARY ASSIGNMENTS.

2. Any person unable to meet his engagements, and desirous of making an assignment of his estate; or who is required so to do as hereinafter provided, shall make an assignment of his estate and effects to any official assignee resident within the county or place wherein the Insolvent has his domicile; or if there be no official assignee therein then to an official assignee in the County or place nearest to the domicile of the Insolvent wherein an official assignee has been appointed, and the official assignee to whom such assignment is made shall be known as the Interim Assignee: and forthwith upon the execution of the deed of assignment to him, a meeting of the creditors of the Insolvent for the appointment of an assignee, shall be called by the interim assignee to be held at his office, or at the place of business of the Insolvent within a period not exceeding three weeks from the execution of the deed of assignment;

3. Such meeting shall be called by advertisement (Form A), and previous to such meeting the interim assignee shall prepare, and shall then exhibit, statements showing the position of the affairs of the Insolvent, and particularly a schedule (Form B), containing the names and residence of all his creditors, and the amount due to each, distinguishing between those amounts which are then actually overdue, or for which he is directly liable, and those for which he is only liable indirectly as indorser, surety or otherwise, and which have not become due at the date of such meeting; the particulars of any negotiable paper bearing his name the holders of which the interim assignee shall be unable to ascertain; the amount due to each creditor; and a statement showing the amount and nature of all the assets of the Insolvent, including an inventory of his estate and effects; and the insolvent shall assist in the preparation of such statements and of the said schedule, and shall attend at such meeting for the purpose of being examined on oath touching the contents thereof, and touching his books of account and his estate and effects generally: And at such meeting he shall file a declaration under oath stating whether or no such statements and schedule are correct, and if incorrect, in what particulars. And the interim assignee shall also produce at such meeting, the Insolvent's books of account, and all other documents and vouchers, if required so to do by any creditor;

Notice to
Creditors.

4. At least ten days before the day fixed for such meeting the interim assignee shall mail to each of the creditors of the Insolvent, in so far as he shall then have been able to discover them, a notice of such meeting with a list containing the names of all creditors holding direct claims and indirect claims maturing before the meeting, amounting to one hundred dollars each, with the amount appearing to be due to each of them; and the aggregate amount of those under one hundred dollars;

Appointment
of Assignee.

5. At such meeting, the creditors may appoint an assignee to the estate of the Insolvent. And no neglect or irregularity in any of the proceedings antecedent to the appointment of an assignee shall vitiate such appointment, whether it be made under a voluntary assignment, or in compulsory liquidation;

In case no
Assignee is
appointed,
Interim
Assignee to
act, &c.

6. If no assignee be appointed at such meeting, or at any adjournment thereof; or if the assignee named refuses to act; or if no creditor attends at such meeting, the interim assignee shall be the assignee to the estate of the Insolvent; but if any assignee be appointed thereat, he shall thenceforth be the assignee of such estate, and the interim assignee shall immediately deliver over to him the whole of the estate of the Insolvent, and all statements, documents and papers prepared by such interim assignee, and unless he is himself appointed assignee shall also immediately execute a deed of release to such assignee of the estate and effects of the Insolvent;

Form of in-
strument of
assignment
and deed of
release.

7. The deed or instrument of assignment may be in the form C, and the deed of release by the interim assignee in the form D, or in any other forms equivalent thereto respectively, and if executed in any part of Canada other than the Province of Quebec, they shall be in duplicate; and a copy of the list of creditors produced at the first meeting of creditors shall be appended to the deed or release; and no particular description or detail of the property or effects assigned need be inserted in either of such deeds.—And any number of counterparts of such deeds required by the assignee shall be executed by the Insolvent or by the interim assignee, as the case may be, at the request of the assignee, either at the time of the execution of such deed or instrument, or afterwards, to which counterparts no list of creditors need be appended;

If Interim
Assignee fail
to execute
deed of
release.

8. If the interim assignee shall fail or neglect to execute such deed of release within 24 hours after the nomination of an assignee at such meeting—he shall be *ipso facto* subject to imprisonment for a period not exceeding one month; and such imprisonment shall be ordered by the Judge upon petition of the person so nominated as assignee, supported by the affidavit of two persons present at the meeting whereby the said assignee was so nominated: and the interim assignee shall not be permitted to plead to or answer such petition either as to its form or upon the merits in any manner or way whatever until after he shall have executed and delivered to the assignee such deed of release, and shall have also delivered over to him the whole of the estate and effects of the Insolvent—with all books, instruments, vouchers and documents appertaining thereto;

Proceedings
when Interim
Assignee be-
comes the
Assignee.

9. If by election or by failure of election the interim Assignee shall become Assignee, his appointment shall be established, if by election by an instrument (Form D D) declaring the fact signed by the chairman and by one or more of the Creditors present at the meeting appointing him, and authenticated by his own affidavit: and if by failure of election by an instrument declaring the fact, and signed and sworn to by himself before the Judge; who shall have power to interrogate him specially upon the contents thereof, and, shall not receive his oath

if he has any reason to doubt the facts stated in such instrument: and the instrument of appointment shall be deposited in the office of the Court with the deed of assignment:—a copy of such instrument certified by the clerk or Prothonotary of the Court wherein it is deposited under the seal of such Court, shall serve all the purposes of the deed of release hereinbefore provided for, and for that purpose shall be annexed to the deed of assignment or in the Province of Quebec to the copy thereof and registered therewith;

10. The assignment shall be held to convey and vest in the interim assignee in the first instance, the books of account of the Insolvent, all
 10 vouchers, accounts, letters and other papers and documents relating to his business, all moneys and negotiable papers, stocks, bonds, and other securities, as well as all the real estate of the Insolvent, and all his interest therein, whether in fee or otherwise, and also all his personal estate, and moveable and immoveable property, debts, assets and effects,
 15 which he has or may become entitled to at any time before his discharge is effected under this Act, excepting only such as are exempt from seizure and sale under execution, by virtue of the several statutes in such case made and provided; and if an assignee be subsequently appointed, or if by the failure of election, the interim assignee becomes
 20 assignee, such assignee shall have the same rights in and to the whole of such estate and effects as were previously held under this Act by the interim assignee; Provided always that no pledgee of any of the effects of the Insolvent or any other party in possession thereof with a lien thereon, shall be deprived of the possession thereof, with-
 25 out payment of the amount legally chargeable as a preferential claim upon such effects: except in the case hereinafter provided for of such pledgee or party in possession proving his claim against the estate and putting a value upon his security; But at any time before the maturity of any advance made upon the pledge of effects of the Insolvent, or
 30 within fifteen days thereafter, the assignee shall have the right to sell such effects, as he may sell the other effects of the Insolvent; and thereupon if the price is sufficient to cover such advance with interest and lawful charges, the pledgee shall carry out such sale and deliver the effects sold in conformity therewith receiving the price thereof:—but
 35 not otherwise;

What assignment shall be held to convey.

11. Forthwith upon the execution of the deed of release, the assignee, if appointed in any part of Canada other than the Province of Quebec, shall deposit one of the duplicates of the deed of assignment and of such deed of release; and if in the province of Quebec, authentic
 40 copies of each; in the office of the proper Court; and in either case the list of creditors shall accompany the instruments so deposited:

Deposit of duplicate of deed of assignment.

12. If the Insolvent possesses real estate, the deed of assignment with the deed of release annexed thereto, if any such deed of release be required and executed or, if such real estate be in the Province of
 45 Quebec, authentic copies thereof, may be enregistered in the Registry Office for the Registration Division or County within which such real estate is situate; and no subsequent registration of any deed or instrument of any kind executed by the Insolvent, or which otherwise would have affected his real estate, shall have any force or effect thereon:
 50 and if the real estate be in any part of Canada other than the Province of Quebec, and deeds of assignment and of release be executed in the Province of Quebec before Notaries, copies of such deeds certified under the hand and official seal of the Notary or other public officer in whose custody the originals remain, may be registered without other evidence
 55 of the execution thereof, and without any memorial; and a certificate of such registration may be endorsed upon like copies, and if the property be in the Province of Quebec and the deeds of assignment and of

Registration of Deeds.

release be executed elsewhere in the Dominion they may be enregistered at full length in the usual manner; but it shall not be necessary to enregister, or to refer on registration in any manner, to the list of creditors annexed to the deed of release;

Deeds executed in Province of Quebec to have force in other Provinces and vice versa,

13 If such deeds be executed in any part of Canada other than the Province of Quebec according to the form of execution of deeds prevailing there, they shall have the same force and effect in the Province of Quebec as if they had been executed in that Province before notaries; and if such deeds be executed in that Province before notaries they shall have the same force and effect elsewhere in the Dominion as if they had been executed according to the law in force there; and copies of such deeds certified as aforesaid, shall constitute, before all courts and for all purposes, *prima facie* proof of the execution and of the contents of the originals of such deeds respectively, without production of the originals thereof;

COMPULSORY LIQUIDATION.

When debtor's estate shall be subject to compulsory liquidation.

14.—A debtor shall be deemed insolvent and his estate shall become subject to compulsory liquidation:

a. If he absconds or is immediately about to abscond from Canada with intent to defraud any creditor, or to defeat or delay the remedy of any creditor, or to avoid being arrested or served with legal process; or if being out of Canada he so remains with a like intent; or if he conceals himself within the limits of Canada with a like intent;

b. Or if he secretes or is immediately about to secrete any part of his estate and effects with intent to defraud his creditors, or to defeat or delay their demands or any of them;

c. Or if he assigns, removes or disposes of; or is about or attempts to assign, remove or dispose of; any of his property with intent to defraud, defeat or delay his creditors, or any of them;

d. Or if with such intent he has procured his money, goods, chattels, lands or property to be seized, levied on or taken under or by any process or execution, having operation where the debtor resides or has property, founded upon a demand in its nature proveable under this Act and for a sum exceeding two hundred dollars, and if such process is in force and not discharged by payment or in any manner provided for by law;

e. Or if he has been actually imprisoned or upon the gaol limits for more than thirty days in a civil action founded on contract for the sum of two hundred dollars or upwards, and still is so imprisoned or on the limits; or if in case of such imprisonment he has escaped out of prison or from custody or from the limits;

f. Or if he wilfully neglects or refuses to appear on any rule or order requiring his appearance, to be examined as to his debts under any statute or law in that behalf;

g. Or if he wilfully refuses or neglects to obey or comply with any such rule or order made for payment of his debts or of any part of them;

h. Or if he wilfully neglects or refuses to obey or comply with the order or decree of the Court of Chancery or of any of the judges thereof, for payment of money;

i. Or if he has made any general conveyance or assignment of his property for the benefit of his creditors, otherwise than in the manner prescribed by this Act; or if being a trader he makes any sale or conveyance of the whole or the main part of his stock in trade or of his assets, without the consent of his creditors, and without satisfying their claims;

j. Or if being a trader, he permits any execution issued against him

under which any of his chattels, land or property are seized, levied, upon or taken in execution, to remain unsatisfied till within forty-eight hours of the time fixed by the Sheriff or officer for the sale thereof, or for fifteen days after such seizure; subject however to the privileged claim of the seizing creditor for the costs of such execution, and also to his claim for the costs of the judgment under which such execution has issued; which shall constitute a lien upon the effects seized, or shall not do so, according to the law as it existed previous to the passing of this Act, in the Province of this Dominion in which the execution shall issue;

15. If a trader ceases to meet his commercial liabilities generally as they become due, any one or more claimants upon him for sums exceeding in the aggregate five hundred dollars, may make a demand upon him (Form E.) requiring him to make an assignment of his estate and effects for the benefit of his creditors;

If Trader fails to meet liabilities.

16. If the trader on whom such demand is made, contends that the claims of such creditor or creditors do not amount to five hundred dollars; 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 trader was only temporary, 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; he may after notice to such claimant or claimants, 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 the prayer of his petition; and thereafter such demand shall have no force or effect whatever; and such petition may be granted 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 creditors making it, to pay treble costs:

But if claims do not amount to \$500, &c., Judge may make order suspending proceedings.

17. 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 Insolvent during the same time neglects to make an assignment of his estate and effects for the benefit of his creditors as provided by the second section or this Act, his estate shall become subject to compulsory liquidation;

In certain cases such Debtor's estate to be subject to compulsory liquidation.

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

When act or omission not to justify placing of estate in compulsory liquidation.

19. In the Province of Quebec an affidavit may be made by a claimant for a sum of not less than two hundred dollars, or by the clerk or other duly authorized agent of such claimant setting forth the particulars of his debt, the Insolvency of the person indebted to him, and any fact or facts which, under this Act, subject the estate of such debtor to compulsory liquidation.—(Form F).—And upon such affidavit being filed with the Prothonotary of the district within which the Insolvent has his place of business, a writ of attachment (Form G) shall issue against the estate and effects of the Insolvent addressed to the sheriff of the district in which such writ issues, requiring such sheriff to

Affidavits in Province of Quebec, how made.

seize and attach the estate and effects of the Insolvent, and to summon him to appear before the court to answer the premises; and such writ shall be subject as nearly as can be to the rules of procedure of the court in ordinary suits, as to its issue, service, return and as to all proceedings subsequent thereto before any Court or Judge; 5

Affidavits in other Provinces, how made.

20. In the Province of Ontario, New Brunswick or Nova Scotia in case any claimant by affidavit of himself or of any other individual (Form F), shows to the satisfaction of the judge that he is a creditor of the Insolvent for a sum of not less than two hundred dollars, and also shews by the affidavits of two credible persons, such facts and circumstances as satisfy such judge that the debtor is Insolvent within the meaning of this Act, and that his estate has become subject to compulsory liquidation, such judge may order the issue of the writ of attachment (Form G) against the estate and effects of the Insolvent, addressed to the sheriff of the county in which such writ issues, requiring such sheriff to seize and attach the estate and effects of the Insolvent and to summon him to appear before the court to answer the premises, and such writ shall be subject as nearly as can be to the rules of procedure of the Court in ordinary suits as to its issue, return, and as to all proceedings subsequent thereto before any Court or Judge; 10 15 20

Service of writ in case Insolvent has no domicile or absconds.

21. If the defendant in any process for compulsory liquidation, has no domicile within the Dominion, or absconds from the Province in which he has his domicile or remains without such Province, or conceals himself within such Province, service of the Writ of Attachment issued against him under this Act, may be validly made upon him in any manner which the Judge may order, upon application to him in that behalf. And in proceedings, for compulsory liquidation concurrent Writs of Attachment may be issued, if required by the plaintiff, addressed to the sheriffs of districts or countries in any part of this Dominion other than the District or County in which such proceedings are being carried on; 25 30

Return of writs of attachment:

22. Writs of attachment in proceedings for compulsory liquidation 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 issue of a writ of attachment under this Act, the Sheriff shall give notice thereof by advertisement thereof (Form H); 35 40

Sheriff to be Officer of Court issuing writs.

23. For all the purposes of such writ of attachment and in respect of all his duties regarding it, the Sheriff shall be an officer of the Court issuing such writ, and subject to its summary jurisdiction as such; and under such writ, he shall by himself or by such agent or messenger as he shall appoint for that purpose; whose authority shall be established by a copy of the writ addressed to him by name and description, and certified under the hand of the Sheriff; seize and attach all the estate and effects of the insolvent within the limits of the County or District for which such Sheriff is appointed; including his books of account, moneys and securities for money, 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 action thereon; 45 50

Sheriff to have right to enter house & shop, &c.

24. If the Sheriff or officer charged with any writ of attachment is unable to obtain access to the interior of the house, shop, warehouse, or other premises of the defendant named in such writ, by rea- 55

son of the same being locked, barred or fastened, such Sheriff or officer shall have the right forcibly to open the same;

25. If, in the County or District in which is situate the chief place of business of the debtor, official assignees have been appointed for the purposes of this Act, the Sheriff shall place the estate and effects attached in the custody of one of such official assignees, who shall be guardian under such writ; but if not, he shall appoint as guardian such competent and responsible person as may be willing to assume such guardianship; and the person so placed in possession shall be bound to perform all the duties hereinbefore imposed upon the interim assignee, except the calling of a meeting of creditors for the appointment of an assignee;

In whose custody Sheriff shall place estate.

26. Except in cases where a petition has been presented as provided for by the sixteenth section of this Act, the alleged insolvent may present a petition to the Judge at any time within three days from the return day of the writ, but not afterwards; and may thereby pray for the setting aside of the attachment made under such writ, on the ground that his estate has not become subject to compulsory liquidation; or if the writ of attachment has issued against a trader by reason of his neglect to satisfy a writ of execution against him as hereinbefore provided, then on such ground, 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; but proceedings for compulsory liquidation shall not be contested either as to form or upon the merits; otherwise than by a summary petition, in the manner, upon the grounds, and within the delay, hereinbefore provided;

When petition may be presented by Insolvent.

27. Immediately upon the expiration of three days from the return day of the writ, if no petition to quash or to stay proceedings be filed, or upon the rendering of judgment on the petition to quash, if it be dismissed, or immediately upon such return with the consent of the insolvent, the Judge upon the application of the plaintiff, or of any creditor declaring in such application that he thereby intervenes for the prosecution of the cause, shall order a meeting of the creditors to be held at a time and place named in such order, and after due notice thereof by advertisement, for the purpose of appointing an assignee; and the guardian shall perform the duties imposed upon the interim assignee by section four of this act;

Meeting of Creditors, how called.

28. At the time and place appointed, the Judge or the Prothonotary or clerk of the Court in which the proceedings are carried on shall preside, and the Creditors shall have the right to appoint an assignee to the estate and effects of the Insolvent, and the presiding officer shall draw up and sign a record of such appointment which shall be a record of the Court;

Who shall preside at meeting: Appointment of Assignee.

29. Instead of petitioning to quash the attachment, the debtor may, within the like delay, petition the judge to suspend further proceedings against him, and to that end to submit such petition to a meeting of the creditors and the debtor to be called by advertisement for that purpose, in order that the creditors may determine whether the proceedings against the debtor shall be suspended or not; and at such meeting the debtor may be present, and may be heard in person;

Petition to suspend further proceedings.

30. The debtor shall produce, with such petition, statements shewing the position of his estate, and particularly a Schedule (Form B), con-

What statements Debtor

shall produce
with such
petition.

taining the names and residences of his creditors, with the amount due to each, distinguishing between those amounts which are then actually overdue, or for which he is directly liable, and those for which he is only liable, indirectly, as endorser, surety or otherwise, and which have not then become due, with the date of their maturity; 5 the particulars of any negotiable paper bearing his name, the holders of which are unknown to him; and also a statement shewing the amount and nature of all his assets, including an inventory of his estate and effects, the whole under oath; and the guardian shall also produce the books of account of the Insolvent, and all 10 other documents and vouchers appertaining to his estate, if required so to do, by any creditor; and thereupon, the Judge, instead of ordering a meeting of creditors to be called for the appointment of an Assignee, shall order a meeting of creditors to be called by advertisement, for the purpose of taking into consideration the prayer of such petition, 15 and at such meeting shall take, and record by a writing under his hand, the opinion of the creditors thereon; and the Judge may adjourn to another day, the meeting so called, if it appears that the creditors have not been properly and reasonably notified, making such order as to further notice to creditors, as he shall deem expedient; 20

Proceedings
on petition.

Question to
be decided at
meeting.

31. The Judge shall preside at such meeting of creditors, and the question which they shall decide shall be, "shall the debtor be proceeded against under this Act, or not?" And if the decision of the majority in number, and three fourths in value of the creditors, for sums of one hundred dollars and upwards, present or represented, be 25 in the negative, the Judge shall quash the attachment, but with costs against the petitioner; and the decision of the creditors shall be in force for three calendar months thereafter, during which time no other proceedings in insolvency shall be commenced against the debtor, based upon any act of omission of his which took place previous to the 30 institution of the proceedings so stayed by such decision; but if the decision of such proportions of the creditors at such meeting be not in the negative, the Judge, shall at once proceed thereat to take the advice of the creditors as to the appointment of an Assignee, and shall appoint such Assignee as hereinbefore provided; 35

Questions as
to amount of
Creditors'
claims, or
right of
voting.

32. If any question arises at such meeting respecting the amount of any creditor's claim, or respecting the proportion thereof on which he shall be entitled to vote under this Act at such meeting, it shall be summarily decided by the Judge at such meeting upon the hearing of the parties, and from an inspection of any vouchers which shall be 40 produced by such creditor, of the schedules and list so sworn to by the debtor, and of the statement of the debtor's affairs prepared and produced in the cause by the guardian under the writ of attachment;

Transfer of
estate from
guardian to
Assignee.

33. Upon the appointment of the assignee, the guardian shall immediately deliver the estate and effects in his custody to such assignee; 45 and by the effect of his appointment, the whole of the estate and effects of the Insolvent, as existing at the date of the issue of the writ, and which may accrue to him by any title whatsoever, up to the time of his discharge under this Act, and whether seized or not seized under the writ of attachment, shall vest in the said assignee in the same 50 manner, to the same extent, and with the same exceptions, as if he had been duly appointed assignee to such insolvent under a voluntary assignment of his estate and effects executed by the insolvent to an interim assignee, and such estate and effects had been duly released to him as hereinbefore provided; 55

Proof and
registry of
appointment.

34. An authentic copy or exemplification, under the hand of the Court, of the record of appointment of an assignee, may be regis-

tered at full length in any registry office, without any proof of the signature of the officer and without any memorial; and such registration shall have the same effect as to the real estate of the insolvent and in all other respects, as the registration under this Act of a deed of assignment with deed of release annexed;

- 35.** The Board of Trade at any place, or the Council thereof, may name any number of persons within the County or District in which such Board of Trade exists, or within any County or District adjacent thereto in which there is no Board of Trade, to be official assignees for the purposes of this Act, and at the time of such nomination shall declare what security for the due performance of his duties, shall be given by each of such official assignees before entering upon them; and a copy of the resolution naming such persons, certified by the Secretary of the Board shall be transmitted to the Prothonotary or Clerk of the Court in the District or County within which such assignees are resident respectively; and such copy shall be *prima facie*, evidence of the appointment of an official assignee; but such nomination may be made by the Judge, in any District or County wherein or adjacent to which no Board of Trade exists, and in that case the Judge shall certify such nomination under his hand, and shall file such certificate in the office of the Court over which he presides; and such security as such Judge shall declare in such nomination, shall be given by such official assignee and the Board or Judge who has appointed an Official Assignee; and the Judge having jurisdiction at the domicile of such official Assignee, may remove him upon petition to that effect duly notified to such Official Assignee, and upon such notice and for such causes as such Board or Judge may deem sufficient; but such removal shall not have the effect of removing such Official Assignee from the office of Assignee to any estate to which he has previously been appointed;
- 36.** Such security shall be taken in the name of office of the president of such Board of Trade or Judge, for the benefit of the creditors of any person whose estate is or subsequently may be, in process of liquidation under this Act; and in case of the default of any such official assignee in the performance of his duty, his security may be enforced and realized by the Assignee of the estate which suffers by such default, then or subsequently appointed, who may sue in his own name as such assignee upon such security; Provided always that the giving of such security shall not prevent the creditors of any insolvent from requiring security to be given for their benefit as hereinafter provided; but in that case the security taken in the name of the president of the Board of Trade or Judge shall be regarded as supplementary to the security so required, and shall be enforceable only after discussion of such security; and upon the security so given coming to an end, the Official Assignee shall be incapable of being appointed interim assignee or guardian until new security be given instead thereof to the satisfaction of the official receiving the same; and if in case of such default it be found that more than one insolvent estate has claims upon such security, the total amount claimed, not exceeding the amount of such security, shall be payable to such of the assignees of such estates, as shall be named by the President of such Board of Trade or Judge by an instrument in writing, for that purpose: and may be claimed and received by such assignee after a copy of such nomination has been delivered to the surety, who shall be discharged by such payment; and thereafter the assignee so named shall distribute the amount so received among the claimants thereof including the estate represented by himself, in the next dividend sheet of such estate, subject to contestation like all other items in such sheet; and he shall receive in respect of the amount so received and distributed, a commission of one half per centum thereon and no more.

Appointment
of official
Assignees.

Securities,
Removal.

To whom and
for whose
benefit the
security shall
be given.

Proviso.

If more than
one insolvent
estate has
claims on it.

Conservatory
proceedings.

37. The interim assignee or guardian shall have the right in his own name, and in his capacity of interim assignee or guardian, as the case may be, to institute any conservatory process that may be necessary for the protection of the estate, provided that he shall first have obtained the authority of the Judge for so doing;

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Inspectors
may be ap-
pointed by
Creditors.
Their duties.

38. At the first meeting of creditors which shall be held for the appointment of an assignee either on a voluntary assignment or in compulsory liquidation, or at any subsequent meeting, the creditors may appoint inspectors from among themselves, whose services shall be gratuitous, and who shall superintend and direct the assignee in the performance of his duties under this Act, until the next meeting of creditors; and if their appointment be not then or at some subsequent meeting revoked, they shall continue to hold the same till the final closing of the estate; and whenever under this Act the consent, authority or direction of the creditors is required to enable the assignee to perform any act, or to adopt any course, the unanimous consent, sanction, authority or directions of the inspectors, if any there be, evidenced by a writing signed by them and deposited with the assignee, shall be held and taken to be the consent, sanction, authority or directions of the creditors in that behalf, save and except in the case of the proposed sale of the entire estate of the Insolvent as hereinafter provided; subject always however to revision by the creditors at any meeting thereof held for the purpose; and at such meeting and subject to the like revision, the creditors may fix, by resolution, the City, Town, or other place in which meetings of Creditors shall thereafter be held; and thereafter no meetings held elsewhere shall be valid;

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OF ASSIGNEES.

Notice by
Assignee.

39. Immediately upon this appointment the assignee shall give notice thereof by advertisement (Form I);

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Calling meet-
ings of Cre-
ditors. Form.

40. The assignee shall call meetings of creditors, whenever required in writing so to do by the inspectors, or by five creditors stating in such writing the purpose of the intended meeting and making themselves liable for the expense of calling the same; or whenever he is required so to do by the Judge, on the application of any creditor, of which application he shall have notice; or whenever he shall himself require instructions from the creditors; and he shall state succinctly in the notice calling any meeting, the purposes of such meeting;

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Assignee to
obey instruc-
tions and
deposit
moneys in a
Bank, &c.

41. The assignee shall be subject to all rules, orders and directions, not contrary to law, or to the provisions of this Act, which are made for his guidance by the creditors; and until he receives directions from the creditors in that behalf, if there be a Bank or agency of a Bank in the place or county in which the insolvent has his place of business or within fifteen miles of such place, he shall deposit weekly, at interest, in the name of the estate, all moneys received by him, in the Bank or Bank Agency in or nearest to the place where the Insolvent so carries on business; but he shall not deposit moneys belonging to any estate, in his own name in any Bank on pain of dismissal by the Judge on the summary petition of any Creditor; and the interest received upon deposits shall appertain to the estate, and shall be distributed in the same manner and subject to the same rights and privileges as the capital from which such interest accrued; and if in any account or dividend sheet made subsequent to any deposit in a Bank, the assignee shall omit to account for or divide the interest then accrued thereon, he shall forfeit and pay to the estate to which such interest appertains, a sum equal to three times the amount of such interest; and he may be constrained so to do by the Judge upon summary petition and by im-

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prisonment as for a contempt of Court; And at every meeting of inspectors or of Creditors, the assignee shall produce a Bank pass-book shewing the name in which the Bank account of the estate is kept at such Bank, and all the transactions with such Bank connected with such
 5 account—of which production mention shall be made in the minutes of such meeting, or it shall be conclusively presumed not to have been produced hereat.

Bank pass-book to be produced.

42. The interim assignee, assignee or guardian, as the case may be, shall attend all meetings of Creditors, and take and preserve minutes of
 10 such meetings, signed by himself, and signed and certified at the time by the Chairman, or by three Creditors present at the meeting; and the assignee shall also keep a correct register in duplicate of all his proceedings, and of the reception of all papers and documents served upon or delivered to him, and of all claims made to or before him, and shall
 15 enter therein in the first place the minutes of all meetings of Creditors held before or at the time of his appointment, as delivered to him; one of which duplicates shall remain in the office of the Prothonotary or Clerk of the Court, and shall be written up and completed by the assignee monthly from the duplicate in his own possession. And also if
 20 required, and independent of the security hereinbefore required to be given in the name of the President of the Board of Trade, the assignee in any case, shall give such security, and in such manner, as shall be ordered by a resolution of the Creditors, and shall conform himself to such directions in respect thereof, and in respect of any
 25 change or modification thereof or addition thereto, as are subsequently conveyed to him by similar resolutions; and in every such case, the bond or instrument of security shall be taken in favor of the Creditors, by the name of the "Creditors of A. B., an Insolvent, under the Insolvent Act of 1869," and shall be deposited in the office of the
 30 Court, and in case of default by the assignee on whose behalf it is given, may be sued upon by any assignee, who shall be subsequently appointed, in his own name as such assignee: And it shall be the duty of the assignee at the meeting by which he is appointed, if present thereat, or if not, then at the next meeting thereof, to bring before
 35 such meeting the question of the security to be given by him;

Further duties of Assignee, &c.

To give security.

43. All powers vested in any Insolvent which he might have legally executed for his own benefit, shall vest in, and be executed by the assignee, in like manner and with like effect as they were vested in the Insolvent, and might have been executed by him; but no power
 40 vested in the Insolvent or property or effects held by him as Trustee or otherwise for the benefit of others, shall vest in the assignee under this Act;

Powers of Insolvent vested in Assignee: exception.

44. The assignee shall wind up the affairs of the Insolvent, by the sale in a prudent manner, of all Bank and other stocks, and of all
 45 moveable belonging to him, and by the collection of all debts, but in all of such respects shall be guided by the direction of the Creditors, given as herein provided; but nothing in this Act contained shall prevent the assignee from selling the entire estate and effects of the Insolvent, real and personal, in one lot, either for a gross price, or at a dollar
 50 rate upon the liabilities of the Insolvent, and upon such other terms and conditions as to the payment of the price, the payment or assumption and payment, by the purchaser of mortgages or hypothecary debts, and the payment of privileged debts, as may be considered advantageous, such conditions however, in the case of mortgages, hypothecations or privileged claims, not to diminish the security of the Creditors
 55 thereof nor to extend the term of payment agreed to by them, without their express consent; Provided always that such sale and all and every, the terms and conditions thereof and connected therewith be first approved at a meeting of Creditors; and such meeting may

Assignee to sell property of Insolvent.

Proviso for sanction of creditors.

be held at any time after the appointment of an assignee, provided notice by advertisement as provided by this Act has been given by the assignee, *interim* assignee or guardian, as the case may be ;

Assignee to sue for debts due to Insolvent.

45. The Assignee, in his own name as such, shall have the exclusive right to sue for the recovery of all debts due to or claimed by the Insolvent of every kind and nature whatsoever; for rescinding agreements, deeds and instruments made in fraud of creditors and for the recovery back of monies alleged to have been paid in fraud of creditors, and to take, both in the prosecution and defence of suits, all the proceedings that the Insolvent might have taken for the benefit of the estate, or that any creditor might have taken for the benefit of the creditors generally ; and may intervene and represent the Insolvent in all suits or proceedings by or against him, which are pending at the time of his appointment, and on his application may have his name inserted therein, in the place of that of the Insolvent; And if after the appointment of an assignee, and before he has obtained his discharge under this Act, the Insolvent shall sue out any writ or institute any proceeding of any kind or nature whatsoever, he shall give to the opposite party such security for costs as shall be ordered by the Court before which such suit or proceeding is pending; before such party shall be bound to plead to the same and before any proceeding can be taken therein subsequent to the return thereof ;

If the Insolvent sues for the same:

If a partner becomes insolvent partnership thereby dissolved, &c.

46. If a partner in an unincorporated trading company or copartnership, becomes insolvent within the meaning of this Act, and an Assignee is appointed to the estate of such Insolvent, such partnership shall thereby be held to be dissolved; and the Assignee shall have all the rights of action and remedies against the other partners in such company or copartnership, which any partner could have or exercise by law or in equity against his copartners after the dissolution of the firm; and may avail himself of such rights of action and remedies, as if such copartnership or company had expired by efflux of time ;

Sale of debts the collection of which would be too onerous.

47. 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 ;

Rights of purchasers.

48. 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 K), 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 ;

Sale of real estate.

49. 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; and if the price offered for any real estate at any public sale duly advertised as aforesaid, is, in the opinion of the Assignee, too small, he may withdraw such real estate, and sell it subsequently under such directions as he receives from the creditors;

50. 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, *hypothèques* 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 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 L.) 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, for any part of the purchase money; and he 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; 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.

51. In the Province of Quebec such sale may be made subject to all such charges and *hypothèques* as are permitted by the law of the said province to remain chargeable thereon, when sold by the sheriff, and also subject to such other charges and *hypothèques* thereon, as are not due at the time of the sale, the time of payment thereof not being extended by the conditions of such sale, and also subject to such other charges, and *hypothèques* 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 *hypothèques* 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 Registrars 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: And the collocation and distribution of the money arising from such sale shall be made in the dividend sheet in the same manner as to all the essential parts thereof, as the collocation and distribution of monies 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 provision of this Act:—

Code of Procedure to apply.

52. Every interim Assignee, Guardian and Assignee shall be subject to the summary jurisdiction of the Court or Judge in the same manner

Assignees, guardians,

&c., to be subject to the orders of the Court, or Judge, &c. and to the same extent as the ordinary officers of the Court are subject to its jurisdiction, and the performance of their respective duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, *hypothèque*, lien or right of property upon, in or to any effects or property in the hands, possession or custody of the Assignee, may be obtained, by an order of the Judge on summary petition in vacation, or of the Court on a rule in term, and not by any suit, attachment, opposition, seizure or other proceeding of any kind whatever: and obedience by the Assignee to such order may be enforced by such Judge or Court under the penalty of imprisonment, as for contempt of Court or disobedience thereto, or he may be dismissed, in the discretion of the Court or Judge; 5 10

Case of death or removal of assignee provided for. **53.** Before the period at which dividends may be declared any Assignee may be removed by the Judge, with his own consent, or upon proof of fraud or dishonesty in the custody or management of the estate, upon the application of any creditor; and if such removal takes place, or if the Assignee be dismissed by the Judge or dies, more than fifteen days before the said period, the Judge may appoint another assignee in the same manner as he can appoint an Assignee to an estate in compulsory liquidation; but if the assignee is removed or is dismissed or dies within fifteen days of the said period, the Judge shall order a meeting of creditors to be held for the purpose of appointing another Assignee, and shall cause notice of such meeting to be given by advertisement; 15 20

Removal of assignee on resignation, &c. **54.** Any Assignee may be removed, either at the will of the creditors or upon his own resignation, after the period at which dividends may be declared, by a resolution passed by the creditors present or represented at a meeting duly called for the purpose; and if the Assignee dies or is removed by the Judge within fifteen days before the said period, or if the removal is effected by the creditors or the assignee dies or is removed after the said period, they shall have the right of appointing another assignee, either at the meeting by which he is removed, or at any other called for the purpose; 25 30

Appointment by Creditors.

Continuance of responsibility. **55.** The Assignee so removed or dismissed shall, nevertheless, remain subject to the summary jurisdiction of the court, and of any Judge thereof, until he shall have fully accounted for his acts and conduct while he continued to be Assignee; 3

Remuneration of assignee interim assignee, and guardian. **56.** The remuneration of the interim Assignee, Guardian and Assignee respectively, shall be fixed by the creditors at their first meeting or at any other meeting called for the purpose; but if not so fixed before a final dividend is declared, shall be put into the dividend sheet at a rate for the interim Assignee or Guardian, such as the Assignee shall deem reasonable, and for the Assignee not exceeding five per centum upon the cash receipts,—subject to contestation by any party interested as being insufficient or as exceeding the value of the services rendered, in the same manner as any other item of the dividend sheet; But no sum of money shall be inserted as a remuneration to the Assignee unless the question of such remuneration shall have been previously brought before a meeting of creditors competent to decide it; 40 45

In case of death of assignee. **57.** Upon the death of an Assignee the estate of the Insolvent shall not descend to the heirs or representatives of the Assignee, but shall become vested in any Assignee who shall be appointed by the Creditors in his place and stead; and in case of the office of Assignee becoming vacant from any cause, the estate shall be under the control of the Judge, until a new Assignee is appointed;— 50 55

58. After the declaration of a final dividend the Assignee may prepare his final account, and may present a petition to the Judge for his discharge from the office of Assignee after giving notice of such petition to the Insolvent and also to the Inspectors if any have been appointed; and 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 thereupon the Judge after causing such 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 refuse or grant conditionally, or unconditionally the prayer of such petition.

Final account
and discharge
of assignee.

OF DIVIDENDS.

59. Upon the expiration of the period of one month from the first insertion of the advertisements giving notice of the appointment of an Assignee, 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 at any similar intervals shall prepare dividends of the estate of the insolvent;

Accounts and
statements by
assignee.

60. 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, 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 shall be entitled to prove against and rank upon the estate for such debt, to the same extent and with the same effect as such creditor might have done;

What claims
shall rank on
the estate:

61. 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 such reserve will probably retain the estate open for an undue length of time, he may, unless an estimate of the value thereof be agreed to between the claimant and the Assignee, order the Assignee to make an award upon the value of such contingent or conditional claim, and thereupon the Assignee shall make an award after the same investigation, and in the same manner and subject to a similar appeal, as is hereinafter provided for the making of awards upon disputed claims and dividends, and for appeals from such awards; and in every such case the value so established or agreed to shall be ranked upon as a debt payable absolutely;

Case of contingent
claims provided for.

62. 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 on 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.

Seizure in execution after appointment of assignee: its effect.

63. No lien or privilege upon either the personal or real estate of the Insolvent shall be created for the amount of any judgement 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 shall have been assigned to an interim Assignee, or shall have been placed in compulsory liquidation under this Act. 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 issued;

As to creditors holding security for their claims.

64. 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 security for a debt of the firm, he shall specify the nature and amount of such security or liability in his claim, and shall therein on his oath put a specified value thereon; and shall put a value on the liability of the party primarily liable thereon, as being his security for the payment thereof; and the assignee, under the authority of the creditors, may either consent to the right to rank for such liability, or to the retention of the property or effects constituting such security or on which it attaches, by the creditor, at such specified value, or he may require from such creditor an assignment of such liability, or an assignment and delivery of such security, property or effects, at an advance of ten per centum upon such specified value, to be paid by him out of the estate so soon as he has realized such security, in which he shall be bound to the exercise of ordinary diligence; and in either of such cases the difference between the value at which the liability or security is retained or assumed, and the amount of the claim of such creditor, shall be the amount for which he shall rank and vote as said; and if a creditor holds a claim based upon negotiable instruments upon which the Insolvent is only indirectly or secondarily liable, and which is not mature or exigible, such creditor shall be considered to hold security within the meaning of this clause, but after the maturity of such liability and its non-payment he shall be entitled to amend his claim and treat such liability as insecure;

If the security is on realty or shipping.

65. But if the security consists of a mortgage upon real estate, or upon ships or shipping, the property mortgaged shall only be assigned and delivered to the creditor, subject to all previous mortgages, *hypothèques* and liens thereon, holding rank and priority before his claim, and upon his assuming and binding himself to pay all such previous mortgages, *hypothèques* and liens, and upon his securing such previous charges upon the property mortgaged, in the same manner and to the same extent as the same were previously secured thereon; and after the holders of such previous mortgages, *hypothèques* and liens shall have no further recourse or claim upon the estate of the Insolvent; and if there be mortgages, *hypothèques*, or liens thereon subsequent to those of such creditor, he shall only obtain the property by consent of the subsequently secured creditors; or upon their yielding their claims specifying their security thereon as of no value, or upon paying them the value by them placed thereon; or upon giving security to the assignee that the estate shall not be troubled by reason thereof;

Proceeding on the filing of a secured claim.

66. Upon a secured claim being filed, with a valuation of the security, it shall be the duty of the Assignee to procure the authority of the inspectors or of the creditors at their first meeting thereafter, to consent to the retention of the security by the creditor, or to require from him an assignment and delivery thereof; and if any meeting of inspectors or of creditors takes place without deciding upon the course to be adopted in respect of such security the Assignee shall act in the premises according to his discretion and without delay;

- 67.** The amount due to a creditor upon each separate item of his claim at the time of the execution of a deed of assignment, or of the issue of a writ of attachment, as the case may be, and which shall remain due at the time of proving such claim, shall form part of the amount for which he shall rank upon the estate of the insolvent, until such item of claim be paid in full, except in cases of deduction of the proceeds or of the value of security, as hereinbefore provided; but no claim or part of a claim shall be permitted to be ranked upon more than once, whether the claim so to rank be made by the same person or by different persons; and the Assignee may at any time require from any creditor a supplementary oath declaring what amount, if any, such creditor has received in payment of any item of the debt upon which his claim is founded, subsequent to the making of such claim, together with the particulars of such payment; and if any creditor refuses to produce or make such oath before the Assignee within a reasonable time after he has been required so to do, he shall not be collocated in the dividend sheet;
- 68.** If the insolvent owes debts both individually and as a member of a co-partnership, or as a member of two different co-partnerships, the claims against him shall rank first upon the estate by which the debts they represent were contracted, and shall only rank upon the other after all the creditors of that other have been paid in full;
- 69.** The creditors, or the same proportion of them that may grant a discharge to the debtor under this Act, may allot to the insolvent, by way of allowance, any sum of money, or any property they may think proper; and the allowance so made shall be inserted in the dividend sheet, and shall be subject to contestation like any other item of collocation therein, but only on the ground of fraud or deceit in procuring it, or of the absence of consent by a sufficient proportion of the creditors;
- 70.** No costs incurred in suits against the insolvent after due notice of an assignment, or of the issue of a writ of attachment in compulsory liquidation has been given according to the provisions of this Act, shall rank upon the estate of the insolvent; but all the taxable costs incurred in proceedings against him up to that time shall be added to the demand for the recovery of which such proceedings were instituted; and shall rank upon the estate as if they formed part of the original debt;
- 71.** Clerks and other persons in the employ of the insolvent in and about his business or trade shall be collocated in the dividend sheet by special privilege for any arrears of salary or wages due and unpaid to them at the time of the execution of a deed of assignment or of the issue of a writ of attachment under this Act, not exceeding three months of such arrears; but such privileged amount may be increased by order of the creditors;
- 72.** So soon as a dividend sheet is prepared, notice thereof (Form M) shall be given by advertisement, and after the expiry of one judicial day from the day of the last publication of such advertisement, all dividends which have not been objected to within that period shall be paid;
- 73.** If it appears to the assignee on his examination of the books of the Insolvent, or otherwise, that the Insolvent has creditors who have not taken the proceedings requisite to entitle them to be collocated, it shall be his duty to reserve dividends for such creditors according to the nature of the claims, and to notify them of such reserve, which notification may be by letter through the post, addressed to such creditors'

Rank of several items of a creditor's claim.

Oath of creditor may be required.

Insolvent owing debts as members of co-partnership.

Allowance to insolvent, how made, &c.

As to costs in suits against insolvent.

Privilege of clerks, &c., for wages.

Notice of dividend sheet, and payment.

Debts of insolvent for which claims are not filed.

residence as nearly as the same can be ascertained by the Assignee; and if such creditors 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;

74. If any claim be objected to at any time, or if any dividend be 5
 objected to within the said period of one day, 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
 Assignee shall proceed thereon as hereinafter provided, shall hear and 10
 examine the parties and their witnesses under oath (which oath the
 Assignee is hereby empowered to administer), and shall take clear notes
 in writing of the parol evidence adduced before him, and shall examine
 and verify the statements submitted to him, by the books and accounts
 of the Insolvent, and by such evidence, vouchers and statements as may 15
 be furnished to him, and shall make an award in the premises, and as
 to the costs of such contestation, which award shall be deposited in
 the Court, and shall be final, unless appealed from within three days
 from the date of its communication to the parties to the dispute;

75. The Assignee shall not receive or notice any objection to any 20
 claim, dividend or collocation, unless such objection shall be filed before
 him in writing, stating distinctly the grounds of such objection,
 together with evidence of the previous service of a copy thereof on the
 claimant; and the claimant shall have three *days* thereafter to answer
 the same, which time, however, may be enlarged by the Assignee, with 25
 a like delay to the contestant to reply; and upon the completion of an
 issue upon such objection the Assignee shall fix a day for proceeding to
 take evidence thereon, and shall thereafter proceed therewith from day
 to day, unless he shall otherwise order, until the making of his award
 in the premises; 30

76. It shall be the duty of the inspectors to examine the claims filed
 before the Assignee, and to obtain information as to their correctness,
 and when they consider it expedient that any claim, dividend or collo-
 cation be contested, they may order the contestation thereof at the
 expense of the estate; and such contestation may be made in their 35
 names or in the names of any creditor consenting thereto.

77. The award of the assignee as to costs may be made executory
 by execution in the same manner as an ordinary judgment of the
 Court, by means of an order of the Judge, obtained upon the applica-
 tion of the party to whom costs are awarded, made after notice to the 40
 opposite party; and the creditors may by resolution authorize and
 direct the costs of the contestation of any claim or any dividend to be
 paid out of the estate, and may make such order either before, pending
 or after any such contestation;

78. If, at the time of the issue of a Writ of Attachment, or the 45
 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 guardian, interim 50
 Assignee or 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 be paid by privilege out of the proceeds of the
 sale of such property, if made under such writ or order; but if such 55
 sale be proceeded with, the moneys levied therefrom shall be paid over

to the Assignee for distribution, according to the rank and priority of the claimants thereon, and the officer charged with the execution shall make his return of such moneys to the Assignee and pay them over to him, and his return to the Court from which the writ issued declaring
5 that he has done so;

79. 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 the interest accrued thereon, to the Government of Canada, and
10 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;

Dividends un-
claimed how
dealt with.

80. 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 In-
15 solvent, such balance shall be paid over to the Insolvent upon his petition to that effect, duly notified to the creditors by advertisement and granted by the Judge.

Balance pay-
able to
insolvent.

OF LEASES.

81. If the Insolvent holds under a lease, property having a value above and beyond the amount of any rent payable under such lease,
20 the Assignee shall make a report thereon to the Judge, containing his estimate of the value of 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, after such notice of such sale as he shall see fit to order; and at the time and place appointed such
25 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 and to all the covenants and conditions contained in the lease, and all such covenants and conditions shall be binding upon the lessor and upon the purchaser, as if the pur-
30 chaser had been himself lessee and a party with the lessor to the lease;

Lease more
valuable than
the rent to be
sold.

82. 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 respect-
35 ing 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 the end of the then current yearly term,
40 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;

Other cases
of lease, how
dealt with.

83. 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
45 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
50 under oath, in the same manner as in ordinary claims upon the estate, and the Assignee shall proceed forthwith to make an award upon such claim, in the same manner, and after similar investigation and with the same right of appeal, as is hereinprovided for in case of claims or dividends objected to;

If the lessor
claims dam-
ages for re-
ceiving any
property be-
fore the end
of the lease.

Estimation of
such damages

84. In making such claim, and in any award 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 damages are finally awarded to the lessor he shall rank for the amount upon the estate as an ordinary creditor ;

Preferential
claim of
landlord
limited.

85. The preferential lien of the landlord for rent in the Provinces of Ontario, New Brunswick or Nova Scotia 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.

OF APPEAL.

Appeal to
the Judge
from award
of assignee.

86. There shall be an appeal to the Judge from the award of an Assignee made under this Act, which Appeal shall be by summary petition, of which notice shall be given to the opposite party and to the Assignee, within three days from the day on which the award is notified to the party complaining of it, and which shall be presented forthwith after the expiration of the delay required for notice of presentation ; and the Assignee shall attend before the Judge at the time and place indicated in such notice, and shall produce before him all evidence, notes of evidence, books, or proved extracts from books, documents, vouchers of papers having reference to the matter in dispute ; and thereupon the Judge may confirm such award, or modify it, or refer it back to the Assignee for the taking of evidence, by such order as will satisfy the ends of Justice ; and, pending any appeal, the Assignee shall reserve a dividend equal to the amount of the dividend claimed ;

Appeal from
order of
Judge.

87. If any of the parties to any appeal, petition, contestation, matter or thing upon which a Judge has made any final order or judgement are dissatisfied with such order or judgement, they may in the Province of Quebec move to revise the same or may appeal therefrom in like manner as from any final judgement of the Superior Court, to the Court of Queen's Bench on the appeal side thereof ; in the Province of Ontario they may appeal therefrom to either of the Superior Common Law Courts 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 ; and in the Province of Nova Scotia to the Supreme Court of Nova Scotia or to any one of the Judges of the said Court ; but any appeal to a single Judge in the Provinces of Ontario, New Brunswick or Nova Scotia 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 ;

Conditions of
appeal,

88. Such appeal shall not be permitted, unless within five days from the day on which the order, or judgement is rendered, or on which, in the Province of Quebec the delay for moving to revise the same expires if no motion in revision be made, the party desiring to appeal causes to be served upon the opposite party and upon the Assignee, a petition in appeal, setting forth the proceeding before the Judge, and his decision thereon, and praying for its revision, with a notice of the day on which such petition is to be presented, and also within the said period of five days causes security to be given before the Judge by two sufficient sureties, that he will duly prosecute such appeal, and pay all costs incurred by reason thereof by the respondent ;

Security.

89. If the party appellant does not present his petition on the day fixed for that purpose, the Court or Judge selected to be appealed to, as the case may be, shall order the record to be returned to the person of officer entitled to the custody thereof, and the party
 5 respondent may, on the following or any other day during the same term produce before the Court, or within six days thereafter before the Judge, the copy of petition served upon him, and obtain costs thereon against the appellant;

Costs on appellant not proceeding according to

OF FRAUDS AND FRAUDULENT PREFERENCES.

10 90. All gratuitous contracts, or conveyances, or contracts or conveyance without consideration, or with a merely nominal consideration, made by a debtor afterwards becoming an Insolvent with or to any person whomsoever, whether such person be his creditor or not, within
 15 three months next preceding the date of the Assignment or of the issue of the Writ of Attachment in compulsory liquidation, and all contracts by which creditors are injured, obstructed, or delayed, made by a debtor unable to meet his engagements, and afterwards becoming
 20 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 ;

Gratuitous contracts made within 3 months of insolvency presumed fraudulent and void.

25 91. A contract or conveyance for consideration 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 the execution of a deed of assignment or of the issue of a Writ of Attachment under this Act, is voidable, and may be set aside by any Court of competent jurisdiction, upon such terms as to the protection of such person from
 30 actual loss or liability by reason of such contract, as the Court may order ;

Certain others voidable.

35 92. All contracts, or conveyances made and acts done by a debtor, 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
 40 that such contracts, conveyances, or acts be in consideration, or in contemplation of marriage ;

All contracts made with intent to impede or defraud creditors void.

45 93. 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 immovable, 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
 50 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 the execution of a deed of assignment, or the issue of a Writ of Attachment under this Act, it shall be presumed to have been so made
 55 in contemplation of insolvency ;

Preferential sales, &c., presumed fraudulent and void.

94. Every payment made within thirty days next before the execution of a deed of assignment, or the issue of a Writ of Attachment

Payments made under certain cir-

cumstances to a debtor to be void.

under this Act, by a debtor unable to meet his engagements in full, to a person knowing such inability, or having probable cause for believing the same to exist, is void, and the amount paid may be recovered back by suit in any competent 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 ;

Transfers of debts of insolvent within thirty days of his insolvency.

95. Any transfer of a debt due by the Insolvent, made within thirty days next previous to the execution of a deed of assignment or the issue of a Writ of Attachment under this Act, or at any time afterwards, 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, &c., by person knowing himself unable to pay, how punishable.

96. Any person who purchases goods on credit or procures, advances in money, knowing or believing himself to be unable to meet his 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, and who shall not afterwards have 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 ; and if such debt or debts be incurred by a trading company, then every member thereof who shall not prove himself to have been ignorant of the incurring, and of the intention to incur, such debt or debts, shall be similarly liable ; provided always, that in the suit of 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 judgement rendered in such suit or proceeding ;

Fraud must be proved.

97. 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 judgement in the premises, adjudge the term of imprisonment which the defendant shall undergo ; and he shall forthwith order and direct the defendant immediately to be taken into custody and imprisoned accordingly ; but such judgement shall not affect the ordinary remedies for the revision thereof, or of any proceeding in the case.

Award of imprisonment.

OF COMPOSITION AND DISCHARGE.

Deed of composition, when rated.

98. A deed of composition and discharge, executed by the majority in number of those of the creditors of an Insolvent who are respectively creditors for sums of one hundred dollars and upwards, and who represent at least three fourths in value of the liabilities of the Insolvent subject to be computed in ascertaining such proportion, shall have the same effect with regard to the remainder of his creditors, and be binding to the same extent upon him and upon them, as if they were also parties to it ; and such a deed may be invoked and acted upon under this Act,

although made either before, pending or after proceedings upon an assignment, or for the compulsory liquidation of the estate of the insolvent; the whole subject to the exceptions contained in section *one hundred and four* of this Act;

- 5 **99.** Such deed of composition and discharge may be so made 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 paid; and such deed may contain instructions to the Assignee as to the manner in which he is to proceed, and to deal with the estate and effects of the Insolvent, subsequent to the deposit of such deed with him, which instructions shall be obeyed by the Assignee: 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 Creditors holding claims which were proveable before the confirmation of such deed shall not rank with those who have acquired claims subsequent to the confirmation thereof for any greater sum than the balance of composition remaining unpaid, but shall have the right to rank after payment of such subsequent Creditors for the entire balance of their original claims then remaining unpaid, and shall be computed for all purposes for which the proportions of Creditors require to be ascertained, as Creditors for the full amount of such last mentioned balance;
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- 25 **100.** 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 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 may be;
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- 40 **101.** If the Insolvent procures and deposits with the Assignee a deed of composition and discharge, duly executed as aforesaid, the Assignee shall immediately give notice of such deposit by advertisement; and if opposition to such composition and discharge be not made by a creditor, within three juridical days after the last publication of such notice, by filing with the Assignee a declaration in writing, that he objects to such composition and discharge, the Assignee shall act upon such deed of composition and discharge according to its terms; but if opposition be made thereto within the said period, or if made be not withdrawn, then he shall abstain from taking any action upon such deed until the same has been confirmed, as hereinafter provided;
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- 50 **102.** The consent in writing of the said proportion of creditors to the discharge of a debtor after an assignment, or after his estate has been put in compulsory liquidation, absolutely frees and discharges him from all liabilities whatsoever (except such as are hereinafter specially excepted) existing against him and proveable against his estate, 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 sup-
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Form and effect of such deed.

Deed of transfer conveyance to insolvent. Its effect.

Duty of assignee receiving a deed of composition.

Effect of consent of proper number of creditors to a discharge.

plementary 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, 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; 5

103. A discharge without composition 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 *hypothèque*, lien or collateral security held by any such creditor as security for any debt thereby discharged; 10 15

104. 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 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, unless the creditor thereof shall file or claim therefor: nor shall any such discharge apply without such consent to any debt due as a balance of account due by the insolvent as an 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 debt due as a balance of account by the insolvent as assignee, tutor, curator, trustee, executor, administrator or public officer, 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; 20 25 30 40

105. An insolvent who has procured a consent to his discharge or the execution of a deed of composition and discharge, within the meaning of this Act, may file in the office of the court the consent or deed of composition and discharge, and may then give notice (Form N.) 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 and New Brunswick 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, New Brunswick or Nova Scotia, in one newspaper, and if in the Province of Quebec, in one newspaper published in French, and in one newspaper published in English, 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, either upon the ground of fraud or fraudulent preference within the meaning of this Act, or of fraud or evil practice in 45 50 55

Discharge without composition not to affect secondary liabilities.

Discharge under this Act not to apply to certain debts.

Confirmation of discharge: and on what conditions it shall be granted.

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 insufficiency in number or value of the creditors consenting to or executing the same, 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 that he is wilfully in default to obey any provision of this Act, or any order of the Court or Judges; and if any of the said grounds be proved, the confirmation of his discharge shall be refused and such discharge set aside and annulled; 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 this Act, shall not be a sufficient ground for contesting the confirmation of the discharge of an Insolvent;

106. If the insolvent does not deposit such consent or such deed of composition and discharge, as the case may be, in the court, and give notice of his application for a confirmation of such discharge within two months from the time at which the same has been effected under this Act, and proceed therewith thereafter according to such notice, any creditor for a sum exceeding two hundred dollars, may cause to be served a notice in writing upon the insolvent, requiring him to file in the Court the consent, or the deed of composition and discharge, as the case may be; and may thereupon give one month's notice to the Insolvent (Form O.) of his intention to apply by petition to the Court or Judge who has authority under this Act to confirm such discharge, on a day named in such notice, for the annulling of the discharge; and on the day so named may present a petition to the Court or Judge, in accordance with such notice, setting forth the reasons in support of such application, which may be any of the reasons upon which a confirmation of discharge may be opposed; and upon such application, if the insolvent has not at least one week before the day fixed for the presentation thereof, filed in the office of the court the consent or deed under which the discharge is effected, the discharge shall be annulled without further inquiry, except as to the service upon him of the notice to file the same; but if such consent or deed be so filed, or if upon special application leave be granted him to file the same at a subsequent time and he do then file the same, the Court or Judge, as the case may be, shall proceed thereon as upon an application for confirmation of such discharge;

If the insolvent does not file the consent or deed, for confirmation within a certain time, a creditor may notify him to do so.

107. 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; But if the evidence adduced upon such contestation, though insufficient to sustain any of the grounds hereinbefore detailed as forming valid grounds for contesting such confirmation, 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 an assignment or the issue of a Writ of Attachment); or negligence in keeping his

Powers of Court or Judge on application for confirmation of discharge, &c.

books 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; 5

How the discharge shall be provable.

108. Until the Court or Judge, as the case may be, has confirmed such discharge, the burden of proof of the discharge being completely effected under the provisions of this Act, shall be upon the insolvent; but the confirmation thereof, if not reversed in appeal, shall render the discharge thereby confirmed, final and conclusive; and an authentic copy of the judgment confirming the same shall be sufficient evidence, as well of such discharge as of the confirmation thereof; 10

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

109. 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 P.) for two months in the manner hereinbefore provided for notice of application for confirmation of discharge; 15 20

Proceedings on such application.

110. Upon such application any creditor of the insolvent, or the assignee by authority of the creditors, 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 thereupon the Court or Judge, as the case may be, after hearing the insolvent, and the objecting creditor, 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; 25 30 35

Suspension of discharge on application of creditors.

111. If at any time before judgment upon an application for obtaining a discharge, the creditors or the same proportion of them, that may bind the remainder by a consent to a discharge—shall file before Court, or Judge before whom such application is pending, a declaration in writing, setting forth that it is their desire that the discharge of the Insolvent should (if granted) be suspended for a period therein named not exceeding five years, or that it should be classed as second class, or both; and thereupon if such Court or Judge should be of opinion that the Insolvent is not shewn to have done or omitted anything, the doing or omission of which would deprive him of the right to his discharge under this Act (but not otherwise) and shall therefore be of opinion to grant his discharge, such Judge shall declare such opinion, and shall thereupon grant such discharge, but suspending the same as required by such declaration of the creditors; 40 45 50

Discharge, if obtained by fraud, to be void.

112. Every consent to a discharge or composition, or confirmation, of any discharge or composition, which has been 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 55

meaning of the provisions of this Act in that behalf, shall be null and void.

EXAMINATION OF THE INSOLVENT AND OTHERS.

113. Immediately upon the expiry of the period of one month from the first insertion of the advertisement giving notice of the appointment of an assignee, a meeting of the creditors shall be held for the public examination of the insolvent, who shall be summoned to attend such meeting, the same being first duly called by advertisement: and at such meeting the insolvent may be examined on oath, sworn before the assignee, by or on behalf of any creditor present, in his turn; and the examination of the insolvent shall be reduced to writing by the assignee, and signed by the insolvent; and any question put to the insolvent at such meeting which he shall answer evasively, or refuse to answer, shall also be written in such examination, with the replies made by the insolvent to such questions; and the insolvent shall sign such examination, or if he refuse to sign the same, his refusal shall be entered at the foot of the examination, with the reasons of such refusal, if any, as given by himself; and such examination shall be attested by the assignee and shall be filed in the office of the Court;

Examination of insolvent, how conducted.

How attested.

114. The insolvent may also be from time to time examined as to his estate and effects upon oath, before the Judge, by the assignee or by any creditor, upon an order from the Judge obtained without notice to the Insolvent, upon petition, setting forth satisfactory reasons for such order,—and he may also be examined in like manner upon a *subpoena* issued as of course without such order, in any case in which a writ of attachment has been issued against his estate and effects; which *subpoena* may be procured by the plaintiff, or by any creditor intervening in the action for that purpose, or by the assignee, at any time after the return of the writ of attachment;

Further examination of Insolvent.

115. The insolvent may also be examined on his application for a discharge or for confirmation of a discharge, or upon the application of any creditor for annulling a discharge; or upon any petition by him in the course of proceedings for the compulsory liquidation of his estate;

Subsequent examination.

116. Any other person who is believed to possess information respecting the estate or effects of the insolvent, may also be from time to time examined before the Judge upon oath, as to such estate or effects, upon an order from the Judge to that effect, which order the Judge may grant upon petition setting forth satisfactory reasons for such order, without notice to the insolvent or to the person to be so examined;

Other persons may be examined on order of the Judge.

117. The insolvent shall attend all meetings of his creditors, when summoned so to do by the assignee, and shall answer all questions that may be put to him at such meetings touching his business, and touching his estate and effects; and for every such attendance he shall be paid such sum as shall be ordered at such meeting, but not less than one dollar;

Insolvent to attend meetings.

118. If it be made known to the Judge by the Assignee by Petition substantiated under oath that any probable cause exists therefor; the Judge may order the wife of the Insolvent to be examined as to the retention or concealment by or on behalf of the Insolvent, or any other person, of any of the estate or effects of the Insolvent.

Examination wife of Insolvent.

OF PROCEDURE GENERALLY.

To what assets certain sections shall apply.

119. The operation of sections *nine* and *thirty-two* of this Act, shall extend to all the assets of the insolvent, of every kind and description, although they are actually under seizure under any ordinary writ of attachment, or under any writ of execution, so long as they are not actually sold by the Sheriff or Sheriff's officer under such writ; but in the Provinces of Nova Scotia and New Brunswick this section shall not apply to any writ of execution in the hands of the Sheriff, at the time of the coming into force of this Act; and the rights, liens and privileges of the seizing or attaching creditor, for his costs upon any such writ, shall be the same as they were previous to the passing of this Act, in the Province in which such writ shall have issued;

Notices under this Act how given.

120. Notices of meetings of creditors and all other notices herein required to be given by advertisement, without special designation of the nature of such notice, shall be so given by publication thereof for two weeks in the *Official Gazette*, also in the Province of Quebec in every issue during two weeks of one newspaper in English and one in French, and in the Provinces of Ontario, New Brunswick and Nova Scotia, in one newspaper in English, published at or nearest to the place where the proceedings are being carried on; and in any case, unless herein otherwise provided, the Assignee or person giving such notice shall also address notice thereof to all creditors and to all representatives of foreign creditors within the Dominion, and shall mail the same with the postage thereon paid, at the time of the insertion of the first advertisement;

How questions at meetings of creditors shall be decided.

121. All questions discussed at meetings of creditors shall be decided by the majority in number of all creditors for sums of one hundred dollars and upwards, present or represented at such meeting, and representing also the majority in value of such creditors, 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;

Questions as to number and value of creditors voting how decided.

122. If for any purpose it becomes necessary to ascertain the proportion of the creditors of an insolvent who have voted at any meeting or concurred in any act or document, and if it be found that the whole of the creditors holding claims against an insolvent for sums of one hundred dollars and upwards, do not represent the proportion in value of the liabilities of the insolvent subject to be computed in that behalf and required to give validity to such vote, act or documents such proportion may be completed by the votes or concurrence of creditors holding claims of less than one hundred dollars;

Notice pending delay.

123. Whenever a meeting of creditors cannot be held, or an application made, until the expiration of a delay named herein, notice of such meeting or application may be given pending such delay;

Certain things may be done at first meeting, though not mentioned in notice.

124. If the first meeting of creditors which takes place after the expiry of the period of one month from the advertisement of the appointment of an assignee 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, 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, notwithstanding anything to the contrary in this Act

contained, due regard being had, however, to the proportions of creditors required by this Act for any such vote, resolution, order or regulation ;

125. The claims of creditors (Form Q) shall be furnished to the Assignee or interim Assignee as the case may be, in writing, and they shall be attested under oath, taken in Canada before any 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 this Dominion or of any Province therein to take affidavits to be used in any part of this Dominion ;

Form and attestation of claims.

126. Any affidavit requiring to be sworn in proceedings in insolvency, may be sworn before any Commissioner for taking affidavits, appointed by any of the Courts of Law or of Equity in any of the said Provinces ; or before any Judge having civil jurisdiction in any of the said Provinces ; and such affidavit may be made by the party interested, or by his agent in that behalf having a personal knowledge of the matters therein stated.

Affidavits, how to be made.

127. The Statutes 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 ;

Set-offs, how allowed.

128. One clear 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 ;

Service of papers under this Act.

129. 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, and may also on petition of either of the parties to a contestation before an Assignee, order the issue of such a commission by the Assignee ;

Commissions for examination of witnesses.

130. In any proceeding or contestation in insolvency, the Court or Judge, or the Assignee as the case may be, may order a writ of *subpoena ad testificandum* or of *subpoena duces tecum* to issue, commanding the attendance as a witness of any person within the limits of Canada.

Subpoenas to witness.

131. All rules, writs of subpoena, orders and warrants, issued by any Judge, Court or Assignee 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 ;

Service of process, &c.

132. In case any person so served with a writ of *subpoena* or with an order to appear for examination, does not appear according to the

Service of writs and process.

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 therewith 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 may reside, 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 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 signed by the Court, 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 of transmission is made, shall be *prima facie* proof of such writ or process, service, return, and of such default:—

Proof of service.

Expenses must be tendered to person summoned.

133. 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 such 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;

Forms under this Act.

134. 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;

Foreign discharges not to bar debts contracted in Canada.

135. 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;

As to amendments in proceedings under this Act.

136. The rules of procedure as to amendments of pleadings, which are 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;

137. The death of the Insolvent, pending proceedings upon a voluntary assignment or in compulsory 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, and 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 *the said Act* and this Act had not been passed;

Provision in case of death of Insolvent.

138. 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 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 incumbered or not, as the case may be; and the costs of the judgment of confirmation of the discharge of the insolvent, or of the discharge if obtained direct from the Court, the remuneration of the assignee and the cost of his discharge, being first taxed by the Judge after notice to the inspectors, or to at least three Creditors, shall also be paid therefrom as the last privileged charge thereon;

Costs; on what property and in what order chargeable.

139. The Judge shall have the power, upon special cause being shewn before him under oath for so doing, to order the Postmaster at the place of residence of the insolvent to deliver letters addressed to him received 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 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 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.

Provision as to letters addressed to Insolvent by Post.

140. If the Judge holds a claim against the estate of an insolvent, he shall be *ipso facto* disqualified from acting as a Judge in any matter connected with such claim; and in such case the Judge competent to act in matters of insolvency, who resides nearest to the place of business of the insolvent, and who is not disqualified under this section, shall be the Judge who shall have jurisdiction in such matter, in the place and stead of the Judge so disqualified; and if the Assignee to any estate be a claimant thereon as a creditor, or be collocated for any charges or remuneration, or be the agent, attorney or representative of any claimant thereon, he shall not hear, award or determine upon any contestation of his own claim or collocation, or of the claim of the person represented by him, or of any dividend thereon, or upon any contestation or issue raised by him, or by the person represented by him; but in such case such contestation shall be decided by the Judge, subject to appeal, as hereinbefore provided; and upon a suggestion being filed before the Judge, or the Assignee, as the case may be, of

Provision as to cases in which the Judge or Assignee has a claim on the estate.

his disqualification under this section, the Judge or Assignee shall be bound within twenty-four hours thereafter, to declare under his hand, by a writing filed with the Assignee, whether such Judge or Assignee is so disqualified or not, and if he does not, shall be conclusively held to be so disqualified; and the validity or correctness of such declaration may be contested, in the case of the Judge, by summary petition before the Judge who would be competent to act in the place or stead of the Judge alleged to be disqualified, and in the case of the Assignee, by the Judge. 5

Rules of practice and Tariff of fees in the Province of Quebec.

141. 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, and 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; but until such rules of practice and tariff of fees have been made, the rules of practice and tariff of fees in Insolvency, now in force in the said Province, shall continue and remain in full force and effect; 10 15 20 25

And in the other Provinces.

142. 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,—and in the Province of Nova Scotia, the Judges of the Supreme Court of Nova Scotia, or the majority of them,—shall forthwith make, and frame and settle such forms rules and regulations, as shall 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, 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; 30 35 40

Registration of marriage contracts in Quebec.

143. 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 or money, shall enregister the same, if it be not already enregistered, within three months from the *execution thereof*; and every person not 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 there 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 paragraph of section twelve of the Insolvent 45 50 55

Act of 1864, and shall not relieve any person from the consequences of any negligence in the observance of the provisions of the said paragraph ;

144. The words "any official assignee," used in the second section of the Act twenty-ninth Victoria, Cap. eighteen, are hereby declared to have meant, and to mean, any official assignee whatever, and shall be construed as if they were followed by the words "resident or appointed, in any part of the Province of Canada." But this declaration shall not affect any contestation heretofore determined or now pending respecting the validity of any assignment heretofore made to an official assignee resident in a county or district different from that in which the domicile or place of business of the insolvent was situate at the time of such assignment ;

Certain words in 29 Vict., c. 18, interpreted.

145. The words "before Notaries" shall mean executed in notarial form, according to the law of the Province of Quebec ; the words "the Judge" shall, in the Province of Quebec, signify a Judge of the Superior Court of the Province of Quebec, having jurisdiction at the domicile of the insolvent,—in the Provinces of Ontario and New Brunswick a Judge of the County Court of the County or Union of Counties in which the proceedings are carried on,—and in the Province of Nova Scotia, a Judge of Probate,—except in cases proceeding in the city of Halifax, in which case it shall mean a Judge of the Supreme Court of Nova Scotia ; and the words "the Court," shall, in the Province of Quebec, signify the said Superior Court, and in the Provinces of Ontario and New Brunswick the County Court, and in the Province of Nova Scotia the Supreme Court of Nova Scotia, unless it is otherwise expressed or unless the context plainly requires a different construction ;

Certain words in this Act interpreted.

146. The word "day" shall mean a juridical day ; the words "Official Gazette" shall mean the Gazette which is used in any Province as the official medium of communication between the Lieutenant Governor and the people ; the word "Creditor" shall be held to mean every person to whom the insolvent is liable, whether primarily or secondarily, and whether as principal or surety, and who shall have proved his claim against the estate of an insolvent in the manner provided by this Act. But no proceeding, discharge or composition had or consented to previous to the passing of this Act, and not now the subject of dispute and in litigation on the ground that a creditor voting thereon or a party thereto had not proved his claim, shall be held invalid by reason of any such creditor not having previously proved his claim as aforesaid, notwithstanding that such creditor or the claims he represents be requisite to complete the proportion necessary to give validity under this Act to such proceeding, discharge or composition ; the word "collocated" shall mean ranked or placed in the dividend sheet for some dividend or sum of money ; and all the provisions of this Act respecting traders, shall be held to apply equally to unincorporated trading companies and co-partnerships ; and the chief office or chief place of business of such unincorporated trading companies and co-partnerships shall be their domicile for the purposes of this Act : and the words "Board of Trade" in the said Act, and in this Act shall mean any body of persons openly exercising the ordinary functions of a Board of Trade or Chamber of Commerce, whether incorporated or not ;

Other words interpreted.

147. After the expiration of one year from the appointment of an Assignee, no suit or proceeding shall be instituted or commenced for the setting aside of any Act or proceeding preliminary to such appointment or of such appointment ; nor shall any such appointment or the proceedings preliminary thereto be impeached, or the validity thereof put in issue by any pleading in any suit or proceeding. But after the

Limitation of proceedings to set aside anything done.

expiration of the said period, as to all persons not previously contesting the same and until set aside by the decision of a Court of law or of equity, upon a previous contestation thereof, such appointment and the proceedings preliminary thereto, shall be conclusively presumed to be valid and sufficient.

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OFFENCES AND PENALTIES.

148. Every Interim Assignee to whom an assignment is made under this Act, every guardian appointed under a writ of attachment in compulsory liquidation, and every Assignee appointed under the provisions of this Act, is an agent within the meaning of the

Interim Assignees, &c., to be deemed agents for certain purposes.

and every provision of this Act, or resolution of the creditors, relating to the duties of an interim Assignee, guardian or Assignee, shall be held to be a direction in writing, within the meaning of the said

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and in an indictment against an interim Assignee, guardian or Assignee under any of the said sections, the right of property in any moneys, security, matter or thing, may be laid in "the creditors of the insolvent (*naming him*.) under the Insolvent Act of 1869," or in the name of any Assignee subsequently appointed, in his quality of such Assignee;

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149. From and after the coming into force of this Act, any insolvent 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 shall be 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 misdemeanors

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If he shall 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 or transferred 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, if any, 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 portion 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 discovering property.

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Removing property.

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

Not denouncing false claims.

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

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False schedule.

If he shall with intent to defraud, willfully and fraudulently omit from his schedule any effects or property whatsoever ;

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Withholding books, &c.

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

Falsifying books, &c.

If he shall with intent to conceal the state of his affairs, or to defeat the object of the present Act, or of any part thereof, part with, conceal, destroy, alter, mutilate or falsify, or cause 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 make or be privy to the making of any false or fraudulent entry or statement

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in or omission from any book, paper, document or writing relating thereto;

If, being a trader, he shall, at his examination at any time, or at any meeting of his creditors held under this Act, have attempted to
 5 account for any of his property by fictitious losses or expenses; Stating fictitious losses.

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

150. If any creditor of an insolvent, directly or indirectly, takes
 or receive from such insolvent, any payment, gift, gratuity or prefer-
 ence, or any promise of payment, gift, gratuity or preference, as a con-
 sideration or inducement to consent to the discharge of such insolvent,
 15 or to execute a deed of composition and discharge with him, or if any
 creditor 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
 20 amount improperly ranked for as the case may be; and the same shall
 be recoverable by the assignee 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; Creditors taking consideration for granting discharge, &c.

151. If, after the issue of a writ of attachment in insolvency, or the
 25 execution of a deed of assignment, as the case may, the insolvent re-
 tains 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,
 30 such portion of his 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
 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
 35 moneys so retained; and in default of such 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. Insolvent receiving money, &c., and not handing the same to Assignee.

152. The deeds of assignment and of release, or in the Province of
 40 Quebec, authentic copies thereof, or a duly authenticated copy of the
 record of appointment of an assignee, or a copy of the instrument of
 appointment of the interim Assignee when he becomes Assignee, certified
 by the Clerk or Prothonotary of the Court in which such instrument
 is deposited, under the seal of such Court, according to the mode in
 45 which the Assignee is alleged to be appointed, 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 antec-
 edent thereto; Certain documents to be evidence.

153. One per centum upon all moneys proceeding from the sale by
 50 an Assignee, under the provisions of this Act, of any immoveable prop-
 erty in the Province of Quebec, shall be retained by the Assignee out
 of such moneys, and shall by such as Assignee, be paid over to the sheriff
 of the district, or of either of the counties of Gaspé or Bonaventure, as
 the case may be, within which the immovable property sold shall be
 55 situate, to form part of the Building and Jury Fund of such District
 or County; Contribution to Building and Jury Fund in Quebec.

Governor in Council to have certain powers.

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

REPEAL OF ACTS.

Insolvent Act of 1864, and Act amending it repealed: saving certain provisions and matters.

155. 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, are hereby repealed, except in so far as 10 regards proceedings commenced and now pending thereunder, and as regards all contracts, acts, matters and things made and done before this Act shall come into force, to which the said Acts or any of the provisions thereof would have applied if not so repealed, and specially 15 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, matter 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, 20 the provisions of this Act shall for the future supersede those of the said Acts even in cases commenced and now 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 before or after this Act shall come into force and specially all securities 25 heretofore given by Official Assignees shall serve and avail hereafter as if given under this Act; and all other Acts and parts of Acts now in force in any of the said Provinces which are inconsistent with the provisions hereof are also hereby repealed.

Short title and commencement of Act.

156 This Act shall be called and known as "The Insolvent Act of 30 1869," and shall come into force and take effect on and after the first day of September next.

FORM A.

INSOLVENT ACT OF 1869.

In the matter of _____ an insolvent.

The Insolvent has made an assignment of his estate to me, and the Creditors are notified to meet at _____ in _____ on _____ the _____ day of _____ at (eight) o'clock _____ to receive statements of his affairs, and to appoint an Assignee (Date) and residence of Interim Assignee.

(Signature.)

Interim Assignee or Guardian.

(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.)

Interim Assignee,
or Guardian.

FORM B.

INSOLVENT ACT OF 1869.

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

Schedule of Creditors.

1. Direct Liabilities.

Name.	Residence.	Nature of Debt.	Amount.	Total.

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 C.

INSOLVENT ACT OF 1869.

This assignment made between
first part, and
witnesses,

of the
of the second part,

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 1869" the said party of the first part, being insolvent, has voluntarily assigned, and hereby does voluntarily assign to the said party of the second part, accepting thereof as interim 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 interim Assignee for the purposes and under the Act aforesaid.

In witness whereof, &c.

(or)

Done and passed, &c.

FORM D.

INSOLVENT ACT OF 1869.

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

This deed of release made under the provisions of the said Act between (C. D.,) interim Assignee to the estate of the said insolvent of the first part; and (E. F.,) of the second part, witnesses :

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 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 of execution of documents prevailing t here.

FORM D D.

INSOLVENT ACT OF 1869.

In the matter of _____, an Insolvent.

This instrument witnesses, that a meeting of the creditors of the insolvent having been duly called by advertisement, to be held at _____, in _____, at _____ o'clock, this day, for the appointment of an assignee to the insolvent's estate, such meeting was duly held, and _____ was duly appointed thereat to be such Assignee (or no appointment of Assignee was made at such meeting ; or no meeting was held by reason of no creditor attending such meeting ; or the appointment to be such Assignee made at the said meeting became of no effect by reason of his refusal to accept the same) by means whereof the said _____ (the interim Assignee) became Assignee to the said estate.

Place _____ date _____
 Signatures of chairman _____ and of Creditors _____ or of
 Interim Assignee.

The said (*interim Assignee*). being duly sworn deposes that the foregoing declaration is true: and he hath signed.

Sworn before me at
this
Judge }

FORM E.

INSOLVENT ACT OF 1869.

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 Act, for the benefit of your creditors.

place *date*
(Signature of creditor or creditors.)

FORM F.

INSOLVENT ACT OF 1869.

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:

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 hereof;)

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 insolvent within the meaning of the Insolvent Act of 1869, and has rendered himself liable to have his estate placed in compulsory 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 compulsory liquidation.*)

And to have signed; (*or I declare that I cannot sign,*)
this day of 186 . }

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

(FORM G.)

INSOLVENT ACT OF 1869.

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.

To the Sheriff of our District (or County) of

No.

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 so made under and by virtue of this Writ, 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 Dis-

trict) 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 1869, and further to do and
receive what, in our said Court before Us, in this behalf shall be con-
sidered ; 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 sixty-
in the year of our Reign.

(FORM H.)

INSOLVENT ACT OF 1869.

A. B.,
Plff.

C. D.,
Deft.

A writ of attachment has issued in this cause.

(Place date.

(Signature.)

Sheriff.

(FORM I.)

INSOLVENT ACT OF 1869.

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 K.)

INSOLVENT ACT OF 1869.

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.

C. D., Assignee.

E. F.

(FORM L.)

This deed, made under the provisions of the Insolvent Act of 1869, 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 said 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 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 to 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 made, the said C. D. hereby specially mortgages and hypothecates to and in favour of the said A. B., in his said capacity, the lot of land and premises hereby sold. In witness,

Signed, sealed, and delivered
in the presence of
E. F.

A. B. [L. S.]
C. D. [L. S.]

(FORM M.)

INSOLVENT ACT OF 1869.

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 N.)

INSOLVENT ACT OF 1869.

CANADA, } In the (name of Court)
PROVINCE OF } In the matter of A. B. (or A.
District (or County) of } 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 of his Attorney ad litem.)

FORM O.

INSOLVENT ACT OF 1869.

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

Take notice that the undersigned creditor hereby requires you to file in the office of this Court, the consent of your creditors, (or the deed of composition and discharge executed by them,) under which you claim to be discharged under the said Act; and on _____ the day of _____ next, at ten of the clock in the forenoon, or as soon as counsel can be heard, the undersigned will apply to the said Court (or to the Judge of the said Court, as the case may be) for the annulling of such discharge.

(Place)

(date.)

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

FORM P.

INSOLVENCY ACT OF 1869.

CANADA, } In the (name of Court)
PROVINCE OF } In the matter of A. B. (or A. B. & Co.)
District (or County) of } an insolvent.
On _____ the _____ day of _____ next, the undersign-

ed 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 Q.

INSOLVENT ACT OF 1869.

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 and the said firm is composed of myself and of E. F. of,) deposited to, or a member of the firm of claimants in the matter,

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 documents 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.

FORM P.

INSOLVENT ACT OF 1869.

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

next the undersigned

day of

CANADA
PROVINCE OF
District or County of

No. 9.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act respecting Insolvency.

Received and read, first time, Wednesday, 21st
April, 1869.

Second reading, Friday, 23rd April, 1869.

Hon. SIR J. A. MACDONALD.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting Offences relating to the Coin.

WHEREAS, it is expedient to assimilate, amend and consolidate the Statute Law of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, respecting Offences relating to the Coin, and to extend the same as so consolidated, to all Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

- 1.** In the interpretation of and for the purposes of this Act, the expression “current gold or silver coin” shall include any gold or silver coined in any of Her Majesty’s mints, or gold or silver coin of any foreign Prince, or State or country or other coin lawfully current, by virtue of any proclamation or otherwise, in Canada, or any other part of Her Majesty’s Dominions; and the expression “current copper coin” shall include any copper coin and any coin of bronze or mixed metal coined in any of Her Majesty’s mints, or lawfully current, by virtue of any proclamation or otherwise, in Canada, or any other part of Her Majesty’s Dominions, and the expression “false or counterfeit coin resembling or apparently intended to resemble or pass for current gold or silver coin” or other similar expression, shall include any of the current coin which has been gilt, silvered, washed, coloured or cased over, or in any manner altered, so as to resemble or be apparently intended to resemble or pass for any of the current coin of a higher denomination; and the expression “current coin,” shall include any coin coined in any of Her Majesty’s mints, or lawfully current, by virtue of any proclamation or otherwise, in Canada, or any other part of Her Majesty’s Dominions, and whether made of gold, silver, copper, bronze, or mixed metal; and where the having any matter in the custody or possession of any person is mentioned in this Act, it shall include, not only the having of it by himself in his personal custody or possession, but also the knowingly and wilfully having it in the actual custody or possession of any other person, and also the knowingly and wilfully having it in any dwelling-house or other building, lodging, apartment, field, or other place, open or inclosed, whether belonging to or occupied by himself or not, and whether such matter is so had for his own use or benefit, or for that of any other person.
- 2.** Whosoever falsely makes or counterfeits any coin resembling or apparently intended to resemble or pass for any current gold or silver coin, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.
- 3.** Whosoever gilds or silvers, or with any wash or materials capable of producing the colour or appearance of gold or of silver, or by any means whatsoever, washes, cases over, or colours any coin whatsoever resembling or apparently intended to resemble or pass for any current gold or silver coin, or gilds or silvers or with any wash or materials capable of producing the colour or appearance of gold or of silver, or by any means whatsoever, washes, cases over or colours any piece of silver or copper, or of coarse gold or coarse silver, or of any metal or mixture

Interpretation of terms Current gold and silver coin.

Copper coin.

False or counterfeit coin.

Current coin.

What shall be having in possession.

Counterfeiting the gold or silver coin.

Colouring counterfeit coin or any pieces of metal with intent to make them pass for gold or silver coin.

of metals respectively, being of a fit size and figure to be coined, and with intent that the same shall be coined, into false and counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin, or gilds or with any wash or materials capable of producing the colour and appearance of gold, or by any means whatsoever, washes, cases over or colours any current silver coin, or files or in any manner alters such coin, with intent to make the same resemble or pass for any current gold coin, or gilds or silvers or with any wash or materials capable of producing the colour or appearance of gold or silver, or by any means whatsoever, washes, cases over or colours any current copper coin, or files or in any manner alters such coin with intent to make the same resemble or pass for any current gold or silver coin, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement.

Colouring or altering genuine coin, with intent to make it pass for a higher coin.

Impairing the gold or silver coin with intent, &c.

Unlawful possession of filings or clippings of gold or silver coin.

Buying or selling, &c., counterfeit gold or silver coin for lower value than its denomination

Importing counterfeit coin.

4. Whosoever impairs, diminishes or lightens any current gold or silver coin, with intent that the coin so impaired, diminished, or lightened, may pass for current gold or silver coin, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement.

5. Whosoever unlawfully has in his custody or possession any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution, or otherwise, which have been produced or obtained by impairing, diminishing, or lightening, any current gold or silver coin, knowing the same to have been so produced or obtained, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement.

6. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), buys, sells, receives, pays or puts off, or offers to buy, sell, receive, pay, or put off, any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current gold or silver coin, at or for a lower rate or value than the same imports, or was apparently intended to import, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement. And in any indictment for any such offence as in this section aforesaid, it shall be sufficient to allege that the party accused did buy, sell, receive, pay or put off, or did offer to buy, sell, receive, pay or put off, the false or counterfeit coin, at or for a lower rate of value than the same imports, or was apparently intended to import, without alleging at or for what rate, price or value, the same was bought, sold, received, paid or put off, or offered to be bought, sold, received, paid or put off.

7. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), imports or receives into Canada any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current gold or silver coin, knowing the same to be false or counterfeit, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for

any term less than two years, with or without hard labour, and with or without solitary confinement.

8. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), exports or puts on board any ship, vessel or boat, or on any railway, or carriage, or vehicle of any description whatsoever, for the purpose of being exported from Canada, any false or counterfeit coin, resembling, or apparently intended to resemble or pass for any current coin, or for any foreign coin of any prince, country, or state, knowing the same to be false or counterfeit, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labour, and with or without solitary confinement.

Exporting counterfeit coin.

9. Whosoever tenders, utters or puts off any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current gold or silver coin, knowing the same to be false or counterfeit, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years, and not less than two years, or to be imprisoned in any other gaol or place of confinement, for any term less than two years, with or without hard labour, and with or without solitary confinement.

Uttering counterfeit gold or silver coin.

10. Whosoever tenders, utters, or puts off as being current, any gold or silver coin of less than its lawful weight, knowing such coin to have been impaired, diminished or lightened, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for a period not exceeding one year, with or without hard labour, and with or without solitary confinement.

Passing light gold or silver coin.

11. Whosoever has in his custody or possession any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current gold or silver coin, knowing the same to be false or counterfeit, and with intent to utter or put off any such false or counterfeit coin, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years nor less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Having counterfeit gold or silver coin in possession, &c., with intent, &c.

12. Whosoever, having been convicted, either before or after the passing of this Act, of any such misdemeanor as in any of the last three preceding sections mentioned, or of any misdemeanor or felony against this or any former Act heretofore in force in Canada, or in any of the Provinces thereof, relating to the coin, afterwards commits any of the misdemeanors in any of the said sections mentioned, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Every second offence of uttering, &c., after a previous conviction shall be felony.

13. Whosoever, with intent to defraud, tenders, utters, or puts off, as or for any current gold or silver coin, any coin not being such current gold or silver coin, or any medal, or piece of metal or mixed metals, resembling in size, figure and colour, the current coin as or for which the same is so tendered, uttered, or put off, such coin, medal, or piece of metal or mixed metals so tendered, uttered, or put off, being of less value than the current coin as or for which the same is so tendered, uttered, or put off, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a

Uttering foreign coin, medals, &c., as current coin, with intent to defraud.

Penitentiary, for any term not exceeding one year, with or without hard labour, and with or without solitary confinement.

Counterfeit-
ing, &c., cop-
per coin.

14. Whosoever falsely makes or counterfeits any coin resembling or apparently intended to resemble or pass for any current copper coin ; and whosoever without lawful authority or excuse (the proof of which shall lie on the party accused), knowingly makes or mends, or begins, or proceeds to make or mend, or buy or sell, or have in his custody or possession any instrument, tool or engine adapted and intended for the counterfeiting any current copper coin, or buys, sells, receives, pays, or puts off, or offers to buy, sell, receive, pay, or put off, any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current copper coin, at or for a lower rate of value than the same imports, or was apparently intended to import, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 5 10 15

Uttering base
copper coin.

15. Whosoever tenders, utters, or puts off any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current copper coin, knowing the same to be false or counterfeit, or has in his custody or possession three or more pieces of false or counterfeit coin, resembling or apparently intended to resemble or pass for any current copper coin, knowing the same to be false or counterfeit, with an intent to utter or put off the same or any of them, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term not exceeding one year, with or without hard labour, or with or without solitary confinement. 20 25

Defacing the
coin by
stamping
words
thereon.

16. Whosoever defaces any current gold, silver or copper coin by stamping thereon any names or words, whether such coin is or is not thereby diminished or lightened, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than the Penitentiary, for any term not exceeding one year, with or without hard labour. 30 35

Tender of
coin so de-
faced not to
be a legal
tender, and
penalty for
uttering the
same.

17. No tender of payment in money made in any gold, silver or copper coin so defaced by stamping, as in the last preceding section mentioned, shall be allowed to be a legal tender ; and whosoever tenders, utters, or puts off any coin so defaced, shall, on conviction before two Justices of the Peace, be liable to forfeit and pay any sum not exceeding *ten dollars* ; Provided that it shall not be lawful for any person to proceed for any such last mentioned penalty without the consent of Her Majesty's Attorney General for the Province in which such offence is alleged to have been committed. 40

Counterfeit-
ing foreign
gold and
silver coin,
not current in
Canada.

18. Whosoever makes or counterfeits any kind of coin not being current gold or silver coin, but resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state or country, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 45 50

Bringing such
counterfeit
coin into
Canada.

19. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), brings or receives into Canada, any such false or counterfeit coin, resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state 55

or country, not being current coin, knowing the same to be false or counterfeit, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

20. Whosoever tenders, utters, or puts off any such false or counterfeit coin, resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state or country, not being current coin, knowing the same to be false or counterfeit, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years, nor less than two years, or to be imprisoned in any gaol or place of confinement other than a Penitentiary for any term not exceeding six months, with or without hard labour.

Penalty for uttering such counterfeit foreign coin:

21. Whosoever, having been so convicted as in the last preceding section mentioned, afterwards commits the like offence of tendering, uttering, or putting off any such false or counterfeit coin, as aforesaid, knowing the same to be false or counterfeit, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary for any term less than two years; and whosoever, having been so convicted of a second offence, afterwards commits the like offence of tendering, uttering, or putting off any such false or counterfeit coin, as aforesaid, knowing the same to be false or counterfeit, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Second offence of uttering such counterfeit foreign coin.

22. Whosoever, without lawful authority or excuse, the proof whereof shall lie on the party accused, has in his possession or custody any forged, false or counterfeited piece or coin, counterfeited to resemble any foreign gold or silver coin described in the four next preceding sections of this Act mentioned, knowing the same to be false or counterfeit, with intent to put off any such false or counterfeit coin, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years nor less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement.

Having such coin in possession.

23. Whosoever falsely makes or counterfeits any kind of coin, not being current coin, but resembling or apparently intended to resemble or pass for any copper coin, or any other coin made of any metal or mixed metals, of less value than the silver coin, of any foreign prince, state or country, is guilty of a misdemeanor, and shall be liable, for the first offence, to be imprisoned in any gaol or place of confinement, other than the Penitentiary, for any term not exceeding one year; and for the second offence, to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Counterfeiting foreign coin other than gold and silver coin.

24. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), knowingly makes or mends or begins or proceeds to make or mend, or buy or sell, or have in his custody or possession any puncheon, counter puncheon, matrix, stamp, die, pattern, or mould, in or upon which there shall be made or impressed, felony.

Making, mending, or having possession of any coining tools, felony.

or which will make or impress, or which shall be adapted and intended to make or impress the figure, stamp, or apparent resemblance of both or either of the sides of any current gold or silver coin, or of any coin of any foreign prince, state or country, or any part or parts of both or either of such sides; or makes or mends, or begins or proceeds to make or mend, or buys or sells or has in custody or possession any edger, edging or other tool, collar, instrument, or engine adapted and intended for the marking of coin round the edges with letters, grainings, or other marks or figures, apparently resembling those on the edges of any such coin as in this section aforesaid, knowing the same to be so adapted and intended as aforesaid, or makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his custody or possession, any press for coinage, or any cutting engine for cutting by force of a screw or of any other contrivance, round blanks out of gold, silver, or other metal or mixture of metals, or any other machine, knowing such press to be a press for coinage, or knowing such engine or machine to have been used or to be intended to be used for or in order to the false making or counterfeiting of any such coin as in this section aforesaid, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement.

Conveying tools or moneys out of the mint without authority, felony.

25. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), knowingly conveys out of any of Her Majesty's mints into Canada, any puncheon, counter puncheon, matrix, stamp, die, pattern, mould, edger, edging, or other tool, collar, instrument, press or engine, used or employed in or about the coining of coin, or any useful part of any of the several matters aforesaid, or any coin, bullion, metal or mixture of metals, is guilty of felony and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement.

Coin suspected to be diminished or counterfeit may be cut by any person to whom it is tendered. Who shall bear the loss.

26. Where any coin is tendered as current gold or silver coin to any person who suspects the same to be diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for such person to cut, break, bend or deface such coin, and if any coin so cut, broken, bent or defaced, appears to be diminished otherwise than by reasonable wearing, or to be counterfeit, the person tendering the same shall bear the loss thereof; but if the same is of due weight, and appears to be lawful coin, the person cutting, breaking, bending or defacing the same, shall be bound to receive the same at the rate it was coined for, and if any dispute arises whether the coin so cut, broken, bent or defaced, is diminished in manner aforesaid, or counterfeit, it shall be heard and finally determined in a summary manner by any Justice of the Peace, who is hereby empowered to examine, upon oath, as well the parties as any other person, in order to the decision of such dispute, and if he entertains any doubt in that behalf, he may summon three persons, the decision of a majority of whom shall be final; and the Receivers of every branch of Her Majesty's revenue in Canada, are hereby required to cut, break, or deface, or cause to be cut, broken or defaced, every piece of counterfeit or unlawfully diminished gold or silver coin which shall be tendered to them in payment of any part of Her Majesty's revenue in Canada.

Provision for the discovery and seizure of counterfeit coin and coin-

27. If any person finds or discovers in any place whatever, or in the custody or possession of any person having the same without lawful authority or excuse, any false or counterfeit coin resembling or apparently intended to resemble or pass for any current gold, silver

or copper coin, or any coin of any foreign prince, state or country, or any instrument, tool or engine whatsoever, adapted and intended for the counterfeiting of any such coin, or any filings or clippings, or any gold or silver bullion, or any gold or silver, in dust, solution or otherwise, which has been produced or obtained by diminishing or lightening any current gold or silver coin, the person so finding or discovering may, and he is hereby required to seize the same and to carry the same forthwith before some Justice of the Peace; and in case it is proved, on the oath of a credible witness, before any Justice of the Peace, that there is reasonable cause to suspect that any person has been concerned in counterfeiting current gold, silver or copper coin, or any such foreign or other coin as is in this Act before mentioned, or has in his custody or possession any such false or counterfeit coin, or any instrument, tool or engine whatsoever, adapted and intended for the making or counterfeiting of any such coin, or any other machine used or intended to be used for making or counterfeiting any such coin, or any such filings, clippings or bullion, or any such gold or silver, in dust, solution or otherwise, as aforesaid, any Justice of the Peace, may by warrant under his hand, cause any place whatsoever belonging to or in the occupation or under the control of such suspected person to be searched, either in the day or in the night, and if any such false or counterfeit coin, or any such instrument, tool or engine, or any such machine, or any such filings, clippings, or bullion, or any such gold or silver, in dust, solution or otherwise, as aforesaid, is found in any place so searched, to cause the same to be seized and carried forthwith before some Justice of the Peace; and whensoever any such false or counterfeit coin, or any such instrument, tool or engine, or any such machine, or any such filings, clippings or bullion, or any such gold or silver, in dust, solution or otherwise, as aforesaid, is in any case whatsoever seized and carried before a Justice of the Peace, he shall, if necessary, cause the same to be secured, for the purpose of being produced in evidence against any person who may be prosecuted for an offence against this Act, and all such false and counterfeit coin, and all instruments, tools and engines, adapted and intended for the making or counterfeiting of coin, and all such machines, and all such filings, clippings and bullion, and all such gold and silver, in dust, solution or otherwise, as aforesaid, after they have been produced in evidence, or when they have been seized and are not required to be produced in evidence, shall forthwith by the order of the Court, be defaced or otherwise disposed of as the Court may direct.

28. If any false or counterfeit coin be produced in any Court of Law, the Court shall order the same to be cut in pieces in open Court, or in the presence of a Justice of the Peace, and then delivered to or for the lawful owner thereof, if such owner claims the same.

29. Where any person tenders, utters, or puts off any false or counterfeit coin in any one province of Canada, or in any one district, county or jurisdiction therein, and also tenders, utters, or puts off any other false or counterfeit coin, in any other province, district, county or jurisdiction, either on the day of such first mentioned tendering, uttering or putting off, or within the space of ten days next ensuing, or where two or more persons, acting in concert in different provinces, or in different districts, counties or jurisdictions therein, commit any offence against this Act, every such offender may be dealt with, indicted, tried and punished, and the offence laid and charged to have been committed, in any one of the said provinces, or districts, counties or jurisdictions, in the same manner in all respects as if the offence had been actually and wholly committed within one province, district, county or jurisdiction.

ing tools, for securing them as evidence and for ultimately disposing of them.

Counterfeit coin, how disposed of.

Venue.

What shall be sufficient proof of coin being counterfeit.

30. Where, upon the trial of any person charged with any offence against this Act, it becomes necessary to prove that any coin produced in evidence against such person is false or counterfeit, it shall not be necessary to prove the same to be false and counterfeit by the evidence of any moneyer or other officer of Her Majesty's Mint, or other person employed in producing the lawful coin in Her Majesty's dominions or elsewhere, whether the coin counterfeited be current coin, or the coin of any foreign prince, state or country, not current in Canada, but it shall be sufficient to prove the same to be false or counterfeit by the evidence of any other credible witness. 5 10

Differences in date, &c., of true and false coin not ground for acquittal.

31. Upon the trial of any person accused of any offence alleged to have been committed against the form of any Statute of Canada or of any of the provinces, passed or to be passed respecting the currency or coin, or against the provisions of this Act, no difference in the date or year, or in any legend, marked upon the lawful coin described in the indictment, and the date or year or legend marked upon the false coin counterfeited to resemble or pass for such lawful coin, or upon any die plate, press, tool or instrument used, constructed, devised, adapted or designed, for the purpose of counterfeiting or imitating any such lawful coin, shall be considered a just or lawful cause or reason for acquitting any such person of such offence; and it shall in any case be sufficient to prove such general resemblance to the lawful coin as will shew an intention that the counterfeit should pass for it. 15 20 25

When the counterfeiting coin shall be complete.

32. Every offence of falsely making or counterfeiting any coin, or of buying, selling, receiving, paying, tendering, uttering or putting off, or of offering to buy, sell, receive, pay, utter, or put off, any false or counterfeit coin, against the provisions of this Act, shall be deemed to be complete, although the coin so made or counterfeited, or bought, sold, received, paid, tendered, uttered or put off, or offered to be bought, sold, received, paid, tendered, uttered or put off, was not in a fit state to be uttered, or the counterfeiting thereof was not finished or perfected. 30

Any person may apprehend offenders against this Act.

33. It shall be lawful for any person whatsoever to apprehend any person who is found committing any indictable offence against this Act, and to convey or deliver him to some peace officer, constable, or officer of police, in order to his being conveyed, as soon as reasonably may be, before a Justice of the Peace or some other proper officer, to be dealt with according to law. 35 40

Fine and sureties for keeping the peace; in what cases.

34. Whenever any person is convicted of any indictable misdemeanor punishable under this Act, the Court may, if it thinks fit, in addition to or in lieu of any of the punishments by this Act authorized, fine the offender and require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this Act, the Court may, if it thinks fit, require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized; Provided that no person shall be imprisoned under this section for not finding sureties for any period exceeding one year. 45 50

Proviso.

Summary proceedings &c.

35. Every offence hereby made punishable on summary conviction or other summary proceedings under this Act, may be prosecuted in the manner directed by the Act of the present session respecting the duties of Justices of the Peace out of sessions, in relation to summary convictions and orders, or in such other manner as may be directed by 55

any Act that may be passed for like purposes, so far as no provision is hereby made for any matter or thing which may be required to be done in course of such prosecution, and all provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

36. The Act of the Parliament of the United Kingdom passed in the Session thereof, held in the sixteenth and seventeenth years of Her Majesty's Reign, and intituled, *An Act for the punishment of offences in the Colonies in relation to the Coin*, and the Act of the said Parliament therein cited and amended, shall not apply to or be in force in Canada, after this Act takes effect.

37. This Act shall commence and take effect on the first day of , one thousand eight hundred and

3

Commencement of Act.

SAVATTO

No. 10.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act respecting Offences relating to
the Coin.

Received and read, First time, Wednesday, 21st
April, 1869.

Second reading, Friday, 23rd April, 1869.

Hon. Sir JOHN A. MACDONALD.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting Offences against the Person.

WHEREAS it is expedient to assimilate, amend and consolidate Preamble.
the Statute Law of the several Provinces of Quebec, Ontario,
Nova Scotia and New Brunswick, relating to offences against the per-
son and to extend the same as so consolidated to all Canada; Therefore,
5 Her Majesty, by and with the advice and consent of the Senate and
House of Commons of Canada, enacts as follows:

Homicide.

1. Whosoever is convicted of murder shall suffer death as a felon.
2. Upon every conviction for murder, the Court shall pronounce Murder.
sentence of death, and the same may be carried into execution, and all Sentence for
10 other proceedings upon such sentence and in respect thereof may be murder.
had and taken in the same manner, and the Court before which the
conviction takes place shall have the same powers in all respects, as
after a conviction for any other felony for which a prisoner may be
sentenced to suffer death as a felon.
- 20 3. All persons who conspire, confederate and agree to murder any Conspiring or
person, whether he be a subject of Her Majesty or not, and whether he soliciting to
be within the Queen's dominions or not, and whosoever solicits, encour- murder.
ages, persuades, endeavours to persuade or proposes to any person to
murder any other person, whether he be a subject of Her Majesty or not,
25 and whether he be within the Queen's dominions or not, are and is guilty
of a misdemeanor, and shall be liable to be imprisoned in the Peniten-
tiary for any term not exceeding ten years and not less than two years,
or to be imprisoned in any other gaol or place of confinement for any
term less than two years, with or without hard labour.
- 30 4. Every accessory after the fact to murder, shall be liable to Punishment
be imprisoned in the Penitentiary for life or for any term not less of accessories
than two years, or to be imprisoned in any other gaol or place of con- after the fact.
finement for any term less than two years, with or without hard
labour.
- 35 5. Whosoever is convicted of manslaughter shall be liable to be im- Manslaugh-
prisoned in the Penitentiary for life, or for any term not less than two ter.
years, or to be imprisoned in any other gaol or place of confinement
for any term less than two years, with or without hard labour, or to
pay such fine as the Court may award, in addition to or without any
40 such other discretionary punishment as aforesaid.
6. In any indictment for murder or manslaughter, or for being an Indictment
accessory to any murder or manslaughter, it shall not be necessary to for murder or
set forth the manner in which, or the means by which, the death of the manslaughter
deceased was caused, but it shall be sufficient in any indictment for
45 murder to charge that the defendant did feloniously, wilfully, of his
malice aforethought, kill and murder the deceased; and it shall be
sufficient in any indictment for manslaughter to charge that the defen-

dant did feloniously kill and slay the deceased ; and it shall be sufficient in any indictment against any accessory to any murder or manslaughter to charge the principal with the murder or manslaughter (as the case may be), in the manner hereinbefore specified, and then to charge the defendant as an accessory, in the manner heretofore used and accustomed, or by law provided. 5

Excusable homicide.

7. No punishment or forfeiture shall be incurred by any person who kills another by misfortune, or in his own defence, or in any other manner without felony.

Petit treason.

8. Every offence which before the abolition of the crime of petit treason, would have amounted to petit treason, shall be deemed to be murder only, and no greater offence ; all persons guilty in respect thereof, whether as principals or accessories, shall be dealt with, indicted, tried and punished as principals and accessories in murder. 10

Provision for trial of murder or manslaughter where the death or cause of death only happens in Canada.

9. Where any person, being feloniously stricken, poisoned, or otherwise hurt, upon the sea, or at any place out of Canada, shall die of such stroke, poisoning, or hurt, in Canada, or, being feloniously stricken, poisoned, or otherwise hurt at any place in Canada, shall die of such stroke, poisoning, or hurt, upon the sea, or at any place out of Canada, every offence committed in respect of any such case, whether the same amounts to murder or manslaughter, or of being accessory to murder or manslaughter, may be dealt with, inquired of, tried, determined and punished in the district, county or place in Canada in which such death, stroke, poisoning, or hurt happens, in the same manner in all respects as if such offence had been wholly committed in that district, county or place. 15 20 25

Attempts to murder.

Administering poison or wounding with intent to murder.

10. Whosoever administers or causes to be administered to or to be taken by any person, any poison or other destructive thing, or by any means whatsoever, wounds or causes any grievous bodily harm to any person, with intent, in any of the cases aforesaid, to commit murder, is guilty of felony, and shall suffer death as a felon. 30

Destroying or damaging a building with gunpowder with intent to murder.

11. Whosoever, by the explosion of gunpowder or other explosive substance, destroys, or damages any building, with intent to commit murder, is guilty of felony and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 35

Setting fire to or casting away a ship with intent to murder.

12. Whosoever sets fire to any ship or vessel, or any part thereof, or any part of the tackle, apparel, or furniture thereof, or any goods or any chattels being therein, or casts away or destroys any ship or vessel, with the intent in any of such cases to commit murder, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 40 45

Attempting to administer poison, or shooting or attempting to shoot at, or attempting to drown, &c., with intent to murder.

13. Whosoever attempts to administer to, or attempts to cause to be administered to, or to be taken by, any person, any poison or other destructive thing, or shoots at any person, or by drawing a trigger or in any other manner, attempts to discharge any kind of loaded arms at any person, or attempts to drown, suffocate or strangle any person, with intent in any of the cases aforesaid to commit murder, whether any 50

bodily injury be effected or not, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, 5 and with or without solitary confinement.

14. Whosoever, by any means other than those specified in any of the preceding sections of this Act, attempts to commit murder, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any 10 other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

By any other means attempting to commit murder.

Letters threatening to murder.

15. Whosoever maliciously sends, delivers, or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person, is guilty of 15 felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding ten years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with 20 or without whipping.

Sending letters threatening to murder

Acts causing or tending to cause danger to life or bodily harm.

16. Whosoever unlawfully and maliciously prevents or impedes any person, being on board of or having quitted any ship or vessel in distress, or wrecked, stranded, or cast on shore, in his endeavour to save his life, or unlawfully and maliciously prevents or impedes any person 25 in his endeavour to save the life of any such person as in this section first aforesaid, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without 30 solitary confinement.

Impeding a person endeavoring to save himself from shipwreck.

17. Whosoever unlawfully and maliciously, by any means whatsoever, wounds or causes any grievous bodily harm to any person, or shoots at any person, or, by drawing a trigger or in any other manner, attempts to discharge any kind of loaded arms at any person, with intent 35 in any of the cases aforesaid to maim, disfigure or disable any person, or to do some other grievous bodily harm to any person, or with the intent to resist or prevent the lawful apprehension or detainer of any person, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be 40 imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Shooting or attempting to shoot, or wounding with intent to do grievous bodily harm.

18. Any gun, pistol, or other arm, loaded in the barrel with gun-powder or other explosive substance, and ball, shot, slug or other 55 destructive material, or charged with compressed air and having ball, shot, slug or other destructive material in the barrel, shall be deemed to be loaded arms, within the meaning of this Act, although the attempt to discharge the same may fail for want of proper priming or other cause.

What shall constitute loaded arms.

60 19. Whosoever unlawfully and maliciously wounds or inflicts any

Inflicting

bodily injury with or without weapon. grievous bodily harm upon any other person, either with or without any weapon or instrument, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour: and if upon the trial of any indictment for any felony (except in cases of murder or manslaughter), the indictment alleges that the defendant did cut, stab, wound or inflict grievous bodily harm on any person, and the jury be satisfied that the defendant is guilty of the cutting, stabbing or wounding, or inflicting grievous bodily harm, charged in the indictment, but be not satisfied that the defendant is guilty of the felony charged in such indictment, the jury may acquit of the felony, and find the defendant guilty of unlawfully cutting, stabbing or wounding, or inflicting grievous bodily harm, and such defendant shall be liable to be imprisoned in the Penitentiary for any term not exceeding five years and not less than two years, or to be imprisoned in any gaol or place of confinement, other than the Penitentiary, for any term less than two years.

As to the Indictment and Verdict.

Attempting to choke, &c., in order to commit an indictable offence. **20.** Whosoever by any means whatsoever attempts to choke, suffocate or strangle any other person, or by any means calculated to choke, suffocate or strangle, attempts to render any other person insensible, unconscious, or incapable of resistance, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing any indictable offence, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and if a male with or without whipping.

Using chloroform, &c., to commit any indictable offence. **21.** Whosoever unlawfully applies or administers to, or causes to be taken by, or attempts to apply or administer to, or attempts or causes to be administered to or taken by any person, any chloroform, laudanum, or other stupifying or overpowering drug, matter or thing, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing any indictable offence, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any other term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and if a male with or without whipping.

Maliciously administering poison, &c., so as to endanger life or inflict grievous bodily harm. **22.** Whosoever unlawfully and maliciously administers to, or causes to be administered to or taken by any other person, any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding ten years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Maliciously administering poison, &c., with intent to injure, aggravate or annoy any other person. **23.** Whosoever unlawfully and maliciously administers to, or causes to be administered to or taken by any other person, any poison or other destructive or noxious thing, with intent to injure, aggravate, or annoy such person, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

24. If, upon the trial of any person for any felony in the last but one preceding section mentioned, the jury are not satisfied that such person is guilty thereof, but are satisfied that he is guilty of any misdemeanor in the last preceding section mentioned, then, and in every such case, the jury may acquit the accused of such felony, and find him guilty of such misdemeanor, and thereupon he shall be punished in the same manner as if convicted upon an indictment for such misdemeanor.

Jury may find guilty of misdemeanor though not of felony.

25. Whosoever, being legally liable, either as a husband, parent, guardian or committee, master or mistress, nurse or otherwise, to provide for any person as wife, child, ward, lunatic or idiot, apprentice or servant, infant or otherwise, necessary food, clothing, or lodging, wilfully and without lawful excuse, refuses or neglects to provide the same, or unlawfully or maliciously does, or causes to be done, any bodily harm to any such apprentice or servant, so that the life of such apprentice or servant is endangered, or the health of such apprentice or servant has been, or is likely to be, permanently injured, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Not providing wife, child, apprentices or servants, &c., with food, &c., whereby life is endangered, &c.

26. Whosoever unlawfully abandons or exposes any child being under the age of two years, whereby the life of such child is endangered, or the health of such child has been, or is likely to be permanently injured, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Exposing children whereby life is endangered

27. Whosoever unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burns, maims, disfigures, disables or does any grievous bodily harm to any person, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Causing bodily injury by gunpowder, &c.

28. Whosoever unlawfully and maliciously causes any gunpowder or other explosive substance to explode, or sends or delivers to, or causes to be taken or received by any person, any explosive substance, or any other dangerous or noxious thing, or puts or lays at any place, or casts or throws at or upon, or otherwise applies to any person, any corrosive fluid, or any destructive or explosive substance, with intent in any of the cases aforesaid, to burn, maim, disfigure or disable any person, or to do some grievous bodily harm to any person, whether any bodily harm be effected or not, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement, for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Causing gunpowder to explode, or sending to any person an explosive substance, or throwing corrosive fluid on a person with intent to do grievous bodily harm.

29. Whosoever unlawfully and maliciously places or throws in, into, upon, against or near any building, ship or vessel, any gunpowder or other explosive substance, with intent to do any bodily injury to any person, whether or not any explosion takes place, and whether or not any bodily injury is effected, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen

Placing gunpowder near a building with intent to do bodily harm to any person.

years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Settingspring guns, &c., with intent to inflict grievous bodily harm. **30.** Whosoever sets or places, or causes to be set or placed, any spring-gun, man-trap, or other engine calculated to destroy human life or inflict grievous bodily harm, with the intent that the same or whereby the same may destroy or inflict grievous bodily harm, upon any trespasser or other person coming in contact therewith, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour;—and whosoever knowingly and wilfully permits any such spring-gun, man-trap, or other engine which may have been set or placed in any place, then being in or afterwards coming into his possession or occupation, by some other person, to continue so set or placed shall be deemed to have set or placed such gun, trap or engine with such intent as aforesaid: Provided, that nothing in this section contained shall extend to make it illegal to set or place any gin or trap such as may have been or may be usually set or placed with the intent of destroying vermin.

Placing wood &c., on a railway with intent to endanger passengers. **31.** Whosoever unlawfully and maliciously puts or throws upon or across any railway any wood, stone, or other matter or thing, or unlawfully and maliciously takes up, removes or displaces any rail, sleeper, or other matter or thing belonging to any railway, or unlawfully and maliciously turns, moves or diverts any point, or other machinery belonging to any railway, or unlawfully and maliciously makes or shows, hides or removes any signal or light upon or near to any railway, or unlawfully or maliciously does or causes to be done any other matter or thing, with intent, in any of the cases aforesaid, to endanger the safety of any person travelling or being upon such railway, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour; and if a male under the age of sixteen years, with or without whipping.

Casting stones, &c., upon a railway carriage with intent to endanger the safety of any person therein. **32.** Whosoever unlawfully and maliciously throws, or causes to fall or strike at, against, into or upon any engine, tender, carriage or truck used upon any railway, any wood, stone, or other matter or thing, with intent to injure or endanger the safety of any person being in or upon such engine, tender, carriage or truck, or in or upon any other engine, tender, carriage or truck of any train, of which such first-mentioned engine, tender, carriage or truck forms part, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Doing anything to endanger passengers by railway. **33.** Whosoever, by any unlawful act, or by any wilful omission or neglect of duty, endangers or causes to be endangered the safety of any person conveyed or being in or upon a railway, or aids or assists therein, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary, for any term less than two years, with or without hard labour.

Drivers of carriages injuring persons by furious driving. **34.** Whosoever, having the charge of any carriage or vehicle, by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person

whatsoever, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary, for any term less than two years, with or without hard labour.

- 35.** Whosoever, by any unlawful act, or by doing negligently or Negligently
5 omitting to do any act, which it is his duty to do, causes grievous bodily causing bodily
injury to any other person, is guilty of a misdemeanor, and shall be injury.
liable to be imprisoned in any gaol or place of confinement other than
a Penitentiary for any term less than two years.

Assaults.

- 36.** Whosoever by threats or force, unlawfully obstructs or prevents, Obstructing
10 or endeavors to obstruct or prevent any clergyman or other minister in or assaulting
from celebrating Divine Service, or otherwise officiating in any church, a clergyman
chapel, meeting-house, school-house or other place used for Divine Worship, or other min-
or in or from the performance of his duty in the lawful burial of the dead, ister in the
in any church-yard or other burial place, or strikes or offers any violence discharge of
15 to, or upon any civil process, or under the pretence of executing any civil his duties.
process, arrests any clergyman or other minister who is engaged in or,
to the knowledge of the offender, is about to engage in any of the rites
or duties in this section aforesaid, or who, to the knowledge of the
offender, is going to perform the same, or returning from the perform-
20 ance thereof, is guilty of a misdemeanor, and shall be liable to be im-
prisoned in any gaol or place of confinement, other than a Penitentiary
for any term less than two years, with or without hard labour.

- 37.** Whosoever wilfully disturbs, interrupts, or disquiets any assem- Disturbing
25 blage of persons met for religious worship, or for any moral, social congregations
or benevolent purpose, by profane discourse, by rude, or indecent beha- met for reli-
viour, or by making a noise, either within the place of such meeting gious worship
or so near it as to disturb the order or solemnity of the meeting,
may be arrested on view by any peace officer present at such meeting
or by any other person present thereto verbally authorized by any
30 Justice of the Peace present thereat, and detained until he can
be brought before a Justice of the Peace; and such offender shall,
upon conviction thereof before a Justice of the Peace, on the
oath of one or more credible witnesses, forfeit and pay such sum
of money, not exceeding twenty dollars, as the said Justice may think
35 fit, and costs, within the period specified for the payment thereof, by
the convicting Justice at the time of the conviction—and in default of
payment, such Justice shall issue his warrant to a constable to levy
such fine and costs within a time to be specified in the warrant, and if
no sufficient distress can be found, such Justice shall commit the offender
40 to the Common Gaol of the District, County or place wherein the
offence was committed, for any term not exceeding one month, unless
the fine and costs be sooner paid.

- 38.** Whosoever assaults, and strikes or wounds any magistrate, offi- Assaulting a
45 cer or other person whatsoever, lawfully authorized in or on account mag strate,
of the exercise of his duty, in or concerning the preservation of any &c., engaged
vessel in distress, or of any vessel, goods or effects wrecked, stranded, in preserving
or cast on shore, or lying under water, is guilty of a misdemeanour, and wreck.
shall be liable to be imprisoned in the Penitentiary for any term not
exceeding seven years, and not less than two years, or to be imprisoned
50 in any other gaol or place of confinement for any term less than two
years, with or without hard labour.

- 39.** Whosoever assaults any person with intent to commit felony, or Assault with
assaults, resists, or wilfully obstructs any revenue or peace officer in the intent to com-
due execution of his duty, or any person acting in aid of such officer, or mit felony or
on peace offi-
cers, &c.

assaults any person with intent to resist or prevent the lawful apprehension or detainer of himself, or of any other person for any offence, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary for any term less than two years, with or without hard labour.

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Assaults with intent to obstruct the sale of grain, &c.; or its free passage.

Proviso.

40. Whosoever beats or uses any violence or threat of violence to any person with intent to deter or hinder him from buying, selling or otherwise disposing of, any wheat or other grain, flour, meal, malt or potatoes, or other produce or goods, in any market or other place, or beats or uses any such violence or threat to any person having the charge or care of any wheat or other grain, flour, meal, malt or potatoes, whilst on the way to or from any city, market town or other place, with intent to stop the conveyance of the same, shall on conviction thereof before two Justices of the Peace be liable to be imprisoned and kept to hard labour in any gaol or place of confinement, other than a Penitentiary, for any term not exceeding three months; provided that no person punished for any such offence by virtue of this section shall be punished for the same offence by virtue of any other law whatsoever.

Assaults on seamen, &c.

Proviso.

41. Whosoever unlawfully and with force hinders or prevents any seaman, stevedore, ship-carpenter or other person usually working at or on board any ship or vessel, from working at or exercising his lawful trade, business or occupation, or beats, or uses any violence to any such person with intent to hinder or prevent him from working at or exercising the same, shall, on conviction thereof before two Justices of the Peace, be liable to be imprisoned and kept to hard labour in any gaol or place of confinement other than a Penitentiary for any term not exceeding three months; provided that no person for any such offence by reason of this section shall be punished for the same offence by any other law whatsoever.

Assaults arising from combination.

42. Whosoever, in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or of any unlawful combination or conspiracy respecting any trade, business or manufacture, or respecting any person concerned or employed therein, unlawfully assaults any person, or in pursuance of any such combination or conspiracy, uses any violence or threat of violence to any person, with a view to hinder him from working or being employed at such trade, business or manufacture, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labour.

Persons committing any common assault or battery may be imprisoned or compelled by any magistrate to pay fine and costs not exceeding \$20.

43. Where any person unlawfully assaults or beats any other person, any Justice of the Peace, upon complaint by or on behalf of the party aggrieved, praying him to proceed summarily on the complaint, may hear and determine such offence, and the offender shall, upon conviction thereof before him, at the discretion of the Justice, either be committed to any gaol or place of confinement, other than the Penitentiary, there to be imprisoned, with or without hard labour, for any term not exceeding two months, or else shall forfeit and pay such fine as shall appear to the Justice to be meet, not exceeding the sum of twenty dollars, together with costs (if ordered); and if such fine so awarded, together with the costs (if ordered), are not paid, either immediately after the conviction or within such period as the said Justice shall, at the time of the conviction, appoint, he may commit the offender to any gaol or place of confinement, other than a Penitentiary, there to be imprisoned for any term not exceeding two months, unless such fine and costs be sooner paid.

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44. If the Justice, upon the hearing of any case of assault or battery upon the merits, where the complaint was preferred by or on behalf of the party aggrieved, under the last preceding section, deems the offence not to be proved, or finds the assault or battery to have been justified, or so trifling as not to merit any punishment, and accordingly dismisses the complaint, he shall forthwith make out a certificate under his hand, stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.

If the magistrate dismisses the complaint he shall make out a certificate to that effect.

45. If any person against whom any such complaint as in either of the last two preceding sections mentioned, has been preferred, by or on the behalf of the party aggrieved, has obtained such certificate, or having been convicted, has paid the whole amount adjudged to be paid or has suffered the imprisonment, or imprisonment with hard labour awarded, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.

Certificate or conviction shall be a bar to any other proceedings.

46. Provided, that in case the Justice finds the assault or battery complained of to have been accompanied by an attempt to commit felony, or is of opinion that the same is, from any other circumstance, a fit subject for prosecution by indictment, he shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as if he had no authority finally to hear and determine the same: Provided also, that nothing herein contained shall authorize any Justice to hear and determine any case of assault or battery, in which any question shall arise as to the title to any lands, tenements, hereditaments, or any interest therein or accruing therefrom, or as to any bankruptcy or insolvency, or any execution under the process of any Court of Justice.

These provisions not to apply to certain cases.

Proviso.

47. Whosoever is convicted upon an indictment, of any assault occasioning actual bodily harm, shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour; and whosoever is convicted upon an indictment for a common assault, shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term not exceeding one year, with or without hard labour.

Assault occasioning bodily harm.

Common assault.

48. Neither the Justices of the Peace acting in and for any District, County, Division, City or place, nor any Judge of the Sessions of the Peace, nor the Recorder of any City, shall, at any Session of the Peace, or at any adjournment thereof, try any person for any offence under the twenty-seventh, twenty-eight, or twenty-ninth Sections of this Act.

Court of Q. S. not to try certain offences.

Rape, abduction and defilement of women.

49. Whosoever commits the crime of rape is guilty of felony, and shall suffer death as a felon.

Rape.

50. Whosoever by false pretences, false representations, or other fraudulent means, procures any woman or girl under the age of twenty-one years, to have illicit carnal connection with any man other than the procurer, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labour.

Procuring the defilement of girl under age.

51. Whosoever unlawfully and carnally knows and abuses any girl under the age of ten years, is guilty of felony, and shall suffer death as a felon.

Carnally knowing a girl under ten years of age.

Carnally knowing a girl between the ages of ten and twelve.

52. Whosoever unlawfully and carnally knows and abuses any girl being above the age of ten years and under the age of twelve years is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour. 5

Attempt to commit such offence.

53. Whosoever shall be convicted of any indecent assault upon any female, or of any attempt to have carnal knowledge of any girl under twelve years of age, shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than 10 two years, with or without hard labour.

Abduction of a woman against her will, from motives of lucre.

54. Where any woman of any age has any interest, whether legal or equitable, present or future, absolute, conditional or contingent in any real or personal estate, or is a presumptive heiress or co-heiress or presumptive next of kin, or one of the presumptive next of kin to any one having such interest, whosoever from motives of lucre, takes away or detains such woman against her will with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, and whosoever fraudulently allures, takes away or detains such woman, being under the age of twenty-one years, out of the possession and against the will of her father and mother or of any other person having the lawful care or charge of her, with intent to marry or carnally know her or to cause her to be married or carnally known by any other person, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years,—or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour; and whosoever is convicted of any offence against this section shall be incapable of taking any estate or interest, legal or equitable, in any real or personal property of such woman, or in which she has any such interest, or which shall come to her as such heiress, co-heiress or next of kin as aforesaid; and if any such marriage as aforesaid shall have taken place, such property shall, upon such conviction be settled in such manner as the Court of Chancery in Ontario, the Supreme Court in Nova Scotia or New Brunswick, or the Superior Court in Quebec, shall appoint, upon any information at the suit of the Attorney General for the Province in which the property is situate. 15 20 25 30 35

Fraudulent abduction of a girl under age against the will of her father, &c.

Offender incapable of taking any of her property.

Forcible abduction of any woman with intent to marry her.

55. Whosoever by force, takes away or detains against her will any woman, of any age, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years,—or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour. 40

Abduction of a girl under sixteen years of age.

56. Whosoever unlawfully takes or causes to be taken any unmarried girl being under the age of sixteen years, out of the possession and against the will of her father or mother or of any other person having the lawful care or charge of her, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labour. 45 50

Child Stealing.

Child stealing.

57. Whosoever unlawfully, either by force or fraud, leads or takes away or decoys or entices away or detains any child under the age of fourteen years, with intent to deprive any parent, guardian or other

person having the lawful care or charge of such child, of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong, and who-
 5 soever, with any such intent, receives or harbours any such child, know-
 ing the same to have been by force or fraud led, taken, decoyed, enticed
 away or detained, as in this section before mentioned, is guilty of felony,
 and shall be liable to be imprisoned in the Penitentiary for any term not
 exceeding seven years and not less than two years, or to be imprisoned
 10 in any other gaol or place of confinement for any term less than two
 years, with or without hard labour, and if a male under the age of
 sixteen years, with or without whipping; Provided that no person who
 has claimed any right to the possession of such child, or is the mother,
 or has claimed to be the father of an illegitimate child, shall be liable
 to be prosecuted by virtue hereof on account of the getting possession
 15 of such child or taking such child out of the possession of any person
 having the lawful charge thereof.

Bigamy.

58. Whosoever, being married, marries any other person during the
 20 life of the former husband or wife, whether the second marriage has
 taken place in Canada or elsewhere, is guilty of felony, and shall be
 liable to be imprisoned in the Penitentiary for any term not exceeding
 seven years and not less than two years, or to be imprisoned in any
 other gaol or place of confinement for any term less than two years, with
 25 or without hard labour; and any such offence may be dealt with, en-
 quired of, tried, determined, and punished in any district, county or
 place in Canada, where the offender is apprehended or is in custody,
 in the same manner in all respects as if the offence had been actually
 committed in that district, county or place; Provided that nothing in
 30 this section contained shall extend to any second marriage contracted
 elsewhere than in Canada by any other than a subject of Her Majesty
 resident in Canada and leaving the same with intent to commit the offence,
 or to any person marrying a second time whose husband or wife has been
 continually absent from such person for the space of seven years then
 35 last past, and was not known by such person to be living within that
 time, or shall extend to any person who, at the time of such second
 marriage, was divorced from the bond of the first marriage, or to any
 person whose former marriage has been declared void by the sentence
 of any court of competent jurisdiction.

Proviso.

Bigamy.

Offence may be dealt with where offender shall be apprehended. Not to extend to second marriages, &c, herein stated.

Husband or wife absent 7 years, &c.

Attempts to procure abortion.

59. Every woman, being with child, who, with intent to procure her
 40 own miscarriage, unlawfully administers to herself any poison or other
 noxious thing, or unlawfully uses any instrument or other means what-
 soever with the like intent, and whosoever, with intent to procure the
 miscarriage of any woman, whether she be or be not with child, unlaw-
 fully administers to her or causes to be taken by her any poison or other
 noxious thing, or unlawfully uses any instrument or other means what-
 soever with the like intent, is guilty of felony, and shall be liable to be
 imprisoned in the Penitentiary for life or for any term not less than
 two years,—or to be imprisoned in any other gaol or place of confine-
 50 ment for any term less than two years, with or without hard labour,
 and with or without solitary confinement.

Administering drugs or using instruments to procure abortion.

60. Whosoever unlawfully supplies or procures any poison or other
 noxious thing, or any instrument or thing whatsoever, knowing that the
 same is intended to be unlawfully used or employed with intent to
 55 procure the miscarriage of any woman, whether she be or be not with
 child, is guilty of a misdemeanor, and shall be liable to be imprisoned

Procuring drugs, &c., to cause abortion.

in the Penitentiary for the term of two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Concealing the birth of a Child.

Concealing the birth of a child. **61.** If any woman is delivered of a child, every person who by any secret disposition of the dead body of the said child, whether such child died before, at or after its birth, endeavours to conceal the birth thereof, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than the Penitentiary, for any term less than two years, with or without hard labour; **Provided** that if any person tried for the murder of any child, be acquitted thereof, it shall be lawful for the jury, by whose verdict such person is acquitted, to find in case it so appears in evidence, that the child had recently been born, and that such person did, by some secret disposition of such child or of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if such person had been convicted upon an indictment for the concealment of birth.

Act of 21 James I, not to be in force in Canada, &c. **62.** No part of the Act passed in the twenty-first year of the reign of King James the First, intituled, *An Act to prevent the destroying and murdering of bastard children*, shall extend to, or be in force in Canada, and the trial of any woman charged with the murder of any issue of her body, male or female, which being born alive, would by law be bastard, shall proceed and be governed by such and like rules of evidence and presumption, as are by law used and allowed to take place in respect to other trials for murder, and as if the said Act passed in the reign of King James the First had never been made.

Unnatural Offences.

Sodomy and bestiality. **63.** Whosoever is convicted of the abominable crime of buggery committed either with mankind or with any animal, shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years.

Attempt to commit an infamous crime. **64.** Whosoever attempts to commit the said abominable crime, or is guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding ten years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Proof in certain cases.

Carnal knowledge defined. **65.** Whenever, upon the trial of any offence punishable under this Act, it is necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete on proof of any degree of penetration only.

Making Gunpowder to commit offences and searching for the same.

Making or having gunpowder, &c., with intent to commit any felony against this Act. **66.** Whosoever knowingly has in his possession, or makes or manufactures any gunpowder, or explosive substance or any dangerous or noxious thing, or any machine, engine, instrument or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit any of the felonies in this Act, or in any other Act mentioned, is guilty of a misdemeanour, and shall be liable to be

imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labor, and with or without solitary confinement, and if a male under the age of sixteen years, with or without whipping.

5 **67.** Any Justice of the Peace for any District, County or place in which any such gunpowder, or other explosive, dangerous or noxious substance or thing, or any such machine, engine, instrument or thing is suspected to be made, kept or carried for the purpose of being used in committing any of the felonies in this Act, or in any other Act mentioned, upon reasonable cause assigned upon oath by any person, may issue a warrant under his hand and seal for searching in the day time, any house, mill, magazine, storehouse, warehouse, shop cellar, yard, wharf or other place, or any carriage, waggon, cart, ship, boat or vessel, in which the same is suspected to be made, kept or carried for such purpose as hereinbefore mentioned; and every person acting in the execution of any such warrant may seize any gunpowder or explosive substance or any dangerous or noxious thing, or any machine, engine or instrument or thing which he has good cause to suspect is intended to be used in committing or enabling any other person to commit any offence against this Act, and with all convenient speed after the seizure shall remove the same to such proper place as he thinks fit, and detain the same until ordered by a Judge of one of Her Majesty's Superior Courts of Criminal Jurisdiction, to restore it to the person who may claim the same.

Justices may issue warrants for searching houses, &c., in which explosive substances are suspected to be made for the purpose of committing felonies against this Act.

25 **68.** Any gunpowder, explosive substance or dangerous or noxious thing, or any machine, engine, instrument or thing intended to be used in committing or enabling any other person to commit any offence against this Act, and seized and taken possession of under the provisions hereof, shall, in the event of the person in whose possession the same is found, or of the owner thereof being convicted for an offence under this Act, be forfeited; and the same shall be sold under the direction of the Court before which any such person may be convicted, and the proceeds thereof shall be paid into the hands of the Receiver General, to and for the use of the Dominion.

Disposal of such substances.

Kidnapping

35 **69.** Whosoever, without lawful authority, forcibly seizes and confines or imprisons any other person within Canada, or kidnaps any other person with intent—

Kidnapping

1. To cause such other person to be secretly confined or imprisoned in Canada against his will; or,

40 2. To cause such other person to be unlawfully sent or transported out of Canada against his will; or,

3. To cause such other person to be sold or captured as a slave, or in any way held to service against his will,

Is guilty of felony, and shall be liable to be imprisoned in the Penitentiary, for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years.

Punishment.

70. Upon the trial of any offence under the two next preceding sections, the non-resistance of the person so kidnapped or unlawfully confined, there to, shall not be a defence, unless it appears to the satisfaction of the Court that the person so kidnapped or unlawfully confined, was not a defence.

Non-resistance not to be defence.

tion of the Court and Jury that it was not caused by threats, duress, or force or exhibition of force.

Where offences are triable.

71. Every offence against the two next preceding sections may be tried either in the district, county or place in which the same was committed, or in any district, county or place into or through which any person so kidnapped or confined, was carried or taken while under such confinement; but no person who has been once duly tried for any such offence, shall be liable to be again indicted or tried for the same offence. 5

Carrying Bowie-knives, Daggers, &c., about the person.

Carrying bowie-knives.

72. Whosoever carries about his person any Bowie-knife, Dagger or Dirk, or any weapons called or known as Iron Knuckles, Skull-crackers or Slung Shot, or other offensive weapons of a like character, or secretly carries about his person any instrument loaded at the end, or sells or exposes for sale publicly or privately, any such weapon, shall be liable, on conviction thereof, before any Justice of the Peace, to a fine of not less than *ten* nor more than *forty dollars*, and in default of payment thereof, to be imprisoned in any gaol or place of confinement for a term not exceeding thirty days. 15

Carrying sheath-knives in seaport towns.

73. Whosoever is found in any of the Seaport Towns or Cities in Canada, carrying about his person any Sheath-knife, shall be liable on conviction thereof before any Justice of the Peace, to the like pains and penalties as in the next preceding section; provided, however, that nothing herein contained shall apply to seamen or riggers when occupied or engaged in their lawful trade or calling. 20

How offences may be tried.

74. Whosoever is charged with having committed any offence against the provisions of the last two preceding sections of this Act, may be tried and dealt with in pursuance of the Act of the present Session respecting the prompt and summary Administration of Criminal Justice in certain cases. 25

Weapon to be destroyed.

75. It shall be the duty of the Court or Justice before whom any person is convicted under the three last preceding sections of this Act, to impound the weapon for carrying which such person is convicted, and to cause the same to be destroyed. 30

Time of prosecution limited.

76. All prosecutions under the four next preceding sections of this Act shall be commenced within one month from the commission of the offence charged. 35

Other Matters.

Fine and sureties for keeping the peace; in what cases.

77. When any person is convicted of any indictable misdemeanor punishable under this Act, the Court may, if it think fit, in addition to or in lieu of any punishment by this Act authorized, fine the offender, and require him to enter into his own recognizances and to find sureties, both or either, for keeping the peace and being of good behaviour; and such fine may be proportioned to the means of the offender, and in case of any felony punishable under this Act otherwise than with death, the Court may, if it think fit, require the offender to enter into his own recognizances and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized; Provided that no person shall be imprisoned for not finding sureties under this section for any period exceeding one year. 40

No certiorari.

Proviso.

On a conviction for an assault the

78. When any person is convicted on any indictment of any assault whether with or without battery and wounding, or either of them, such

person may, if the Court thinks fit, in addition to any sentence which the Court may deem proper for the offence, be adjudged to pay to the prosecutor his actual and necessary costs and expenses of the prosecution, and such moderate allowance for loss of time as the Court shall, by affidavit or other inquiry and examination, ascertain to be reasonable; and unless the sums so awarded are sooner paid, the offender shall be imprisoned in any gaol or place of confinement other than a Penitentiary, for any term the Court shall award, not exceeding three months, in addition to the term of imprisonment (if any) to which the offender may be sentenced for the offence.

Court may order payment of the prosecutor's costs by the defendant.

79. The Court may, by warrant under hand and seal, order such sum as shall be so awarded to be levied by distress and sale of the goods and chattels of the offender, and paid to the prosecutor, and that the surplus, if any, arising from such sale shall be paid to the owner; and in case such sum shall be so levied, the imprisonment awarded until payment of such sum shall thereupon cease.

Such costs may be levied by distress.

80. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by the Act of the present Session, intituled *An Act respecting the duties of Justices of the Peace, out of sessions, in relation to summary convictions and orders*, or in such other manner as may be directed in any Act that may be passed for like purposes, and all provisions contained in such Acts shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

Summary proceedings.

81. This Act shall commence and take effect on the first day of one thousand eight hundred and

Commencement of Act.

No. 11.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act respecting Offences against the
Person.

Received and read, First time, Wednesday, 21st
April, 1869:

Second reading, Friday, 23rd April, 1869.

Hon. Sir JOHN A. MACDONALD.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting Malicious Injuries to Property.

WHEREAS it is expedient to assimilate, amend and consolidate the Statute Law of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, relating to Malicious Injuries to Property, and to extend the same as so consolidated to all Canada : Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Injuries by fire to buildings and goods therein.

1. Whosoever unlawfully and maliciously sets fire to any church, chapel, meeting-house, or other place of divine worship, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.
2. Whosoever unlawfully and maliciously sets fire to any dwelling-house, any person being therein, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.
3. Whosoever unlawfully and maliciously sets fire to any house, stable, coach-house, out-house, warehouse, office, shop, mill, malt-house, hop-oast, barn, storehouse, granary, hovel, shed or fold, or to any farm building, or to any building or erection used in farming land, or in carrying on any trade or manufacture, or any branch thereof, whether the same is then in the possession of the offender, or in the possession of any other person, with the intent thereby to injure or defraud any person, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term not less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.
4. Whosoever unlawfully and maliciously sets fire to any station, engine-house, warehouse, or other building, belonging or appertaining to any railway, port, dock, or harbour, or to any canal or other navigation, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Punishment
for setting fire
to any of Her
Majesty's
dock-yards,
ships, &c.

5. Whosoever unlawfully and maliciously sets on fire or burns, or otherwise destroys or causes to be set on fire or burnt, or otherwise destroyed, or aids, procures, abets or assists, in the setting on fire or burning, or otherwise destroying, of any of Her Majesty's ships or vessels of war, whether afloat or building, or begun to be built in any of Her Majesty's dock-yards, or building or repairing by contract in any private yard for the use of Her Majesty, or any of Her Majesty's arsenals, magazines, dock-yards, rope-yards, victualling offices, or any of the buildings erected therein or belonging thereto, or any timber or material there placed, for building, repairing or fitting out of ships or vessels, or any of Her Majesty's military, naval, or victualling stores, or other ammunition of war, or any place or places where any such military, naval, or victualling stores, or other ammunition of war are kept, placed or deposited, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to
any public
building.

6. Whosoever unlawfully and maliciously sets fire to any building other than such as are in this Act before mentioned, belonging to the Queen or to any county, riding, division, city, town, village, parish, or place, or belonging to any university or college, or hall of any university, or to any corporation, or to any unincorporated body or society of persons, associated together for any lawful purpose, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to
ther build -

7. Whosoever unlawfully and maliciously sets fire to any building other than such as are in this Act before mentioned, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to
goods in any
building, the
setting fire to
which is felony.

8. Whosoever unlawfully and maliciously sets fire to any matter or thing, being in, against or under any building, under such circumstances that if the building were thereby set fire to the offence would amount to felony, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Attempting
to set fire to
buildings.

9. Whosoever unlawfully and maliciously, by any overt act, attempts to set fire to any building, or any matter or thing in the last preceding section mentioned, under such circumstances that if the same were thereby set fire to the offender would be guilty of felony, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injuries by explosive substances to buildings and goods therein.

10. Whosoever unlawfully and maliciously, by the explosion of gunpowder, or other explosive substance, destroys, throws down, or damages the whole or any part of any dwelling-house, any person being therein, or of any building, whereby the life of any person is endangered, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Destroying, &c., a house with gunpowder, any person being therein.

11. Whosoever unlawfully and maliciously places or throws in, into, upon, under, against or near any building any gunpowder or other explosive substance with intent to destroy or damage any building, or any engine, machinery, working tools, fixtures, goods or chattels, whether or not any explosion takes place, and whether or not any damage is caused, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Attempting to destroy buildings with gunpowder.

Injuries to buildings by rioters, &c.

12. If any persons riotously and tumultuously assembled together to the disturbance of the public peace unlawfully and with force demolish or pull down or destroy, or begin to demolish, pull down or destroy any church, chapel, meeting-house or other place of divine worship, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn, granary, shed, hovel, or fold, or any building or erection used in farming land, or in carrying on any trade or manufacture or any branch thereof, or any building other than such as are in this section before mentioned, belonging to Her Majesty, or to any county, riding, city, town, village, parish or place, or to any inn of court, or to any corporation, or to any unincorporated body or society or persons associated for any lawful purpose, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture or in any branch thereof, or any steam engine or other engine for sinking, working, ventilating or draining any mine, or any staith, building or erection used in conducting the business of any mine, or any bridge, waggon-way or trunk for conveying minerals from any mine, every such offender is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Rioters demolishing church, building, &c.

13. If any persons riotously and tumultuously assembled together to the disturbance of the public peace, unlawfully and with force injure or damage any such church, chapel, meeting-house, place of divine worship, house, stable, coach-house, outhouse, warehouse, office, shop, mill, malt-house, hop-oast, barn, granary, shed, hovel, fold, building, erection, machinery, engine, staith, bridge, waggon-way, or trunk as in the last preceding section mentioned, every such offender is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for

Rioters injuring buildings, machinery, &c.

Proviso. any term less than two years, with or without hard labour ; Provided that if upon the trial of any person for any felony in the last preceding section mentioned the jury are not satisfied that such person is guilty thereof, but are satisfied that he is guilty of any offence in this section mentioned, then the jury may find him guilty thereof, and he may be 5 punished accordingly.

Injuries to buildings by tenants.

Tenants of houses, &c., maliciously injuring them 14. Whosoever, being possessed of any dwelling-house or other building, or part of any dwelling-house or other building, held for any term of years or other less term, or at will, or held over after the termination of any tenancy, unlawfully and maliciously pulls down or 10 demolishes, or begins to pull down or demolish the same or any part thereof, or unlawfully or maliciously pulls down or severs from the freehold any fixture being fixed in or to such dwelling-house or building, or part of such dwelling-house or building, is guilty of a misdemeanor.

Injuries to manufactures, machinery, &c.

Destroying goods in process of manufacture, certain machinery, &c. 15. Whosoever unlawfully and maliciously cuts, breaks or destroys 15 or damages with intent to destroy or to render useless any goods or article of silk, woollen, linen, cotton, hair, mohair, or alpaca, or of any one or more of those materials mixed with each other or mixed with any other material, or any framework-knitted piece, stocking, hose, or lace, being in the loom or frame, or on any machine or engine, or on 20 the rack or tenters, or in any stage, process or progress of manufacture, or unlawfully and maliciously cuts, breaks, or destroys or damages with intent to destroy or render useless any warp or shute of silk, woollen, linen, cotton, hair, mohair, or alpaca, or of any one or more of those materials mixed with each other or mixed with any other material, 25 or unlawfully and maliciously cuts, breaks, or destroys, or damages with intent to destroy or render useless, any loom, frame, machine, engine, rack, tackle, tool, or implement, whether fixed or moveable, prepared for or employed in carding, spinning, throwing, weaving, fulling, shearing, or otherwise manufacturing or preparing any such goods or articles, 30 or by force enters into any house, shop, building or place, with intent to commit any of the offences in this section mentioned, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, 35 with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Destroying machines in other manufactures, thrashing machines, &c. 16. Whosoever unlawfully and maliciously cuts, breaks or destroys, or damages with intent to destroy or render useless, any machine or engine, whether fixed or moveable, used or intended to be used for 40 sowing, reaping, mowing, thrashing, ploughing or draining, or for performing any other agricultural operation, or any machine or engine, or any tool or implement, whether fixed or moveable, prepared for or employed in any manufacture whatsoever (except the manufacture of silk, woollen, linen, cotton, hair, mohair, or alpaca goods, or goods of any 45 one or more of those materials mixed with each other or mixed with any other material, or any framework-knitted piece, stocking, hose, or lace), is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of con- 50 finement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injury to corn, trees and vegetable productions.

17. Whosoever unlawfully and maliciously sets fire to any crop of hay, grass, corn, grain, or pulse, or of any cultivated vegetable produce, whether standing or cut down, or to any part of any wood, coppice, or plantation of trees, or to any heath, gorse, furze or fern, wheresoever the same may be growing, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to
crops of corn,
&c.

18. Whosoever unlawfully and maliciously sets fire to any stack of corn, grain, pulse, tares, hay, straw, haulm or stubble, or of any cultivated vegetable produce, or of furze, gorse, heath, fern, turf, peat, coals, charcoal, wood, or bark, or to any steer or pile of wood or bark, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to
stacks of
corn, &c.

19. Whosoever unlawfully and maliciously, by any overt act, attempts to set fire to any such matter or thing as in either of the last two preceding sections mentioned, under such circumstances that if the same were thereby set fire to the offender would be, under either of such sections, guilty of felony, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Attempting
to set fire to
any crops of
corn, &c.

20. Whosoever unlawfully and maliciously cuts or otherwise destroys any hop-binds growing on poles in any plantation of hops, or on grape vines growing in any vineyard, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Destroying
hop-binds.

21. Whosoever unlawfully and maliciously cuts, breaks, barks, roots up or otherwise destroys or damages the whole or any part of any tree, sapling or shrub, or any underwood growing in any park, pleasure ground, garden, orchard or avenue, or in any ground adjoining or belonging to any dwelling house (in case the amount of the injury done exceeds the sum of five dollars) is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Destroying,
&c., trees,
&c., worth
more than \$5,
growing in a
pleasure
ground, &c.

22. Whosoever unlawfully and maliciously cuts, breaks, barks, roots up, or otherwise destroys or damages the whole or any part of any tree, sapling or shrub, or any underwood growing in any public street or place or else-

Destroying,
&c., shrubs,
&c., worth
more than

\$20 growing elsewhere than in a pleasure ground, &c.

where than in any park, pleasure ground, garden, orchard or avenue, or in any ground adjoining or belonging to any dwelling-house (in case the amount of injury done exceeds the sum of twenty dollars), is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping. 5

Damaging trees where-soever growing, to the amount of 25 cents.

23. Whosoever unlawfully and maliciously cuts, breaks, barks, root, up or otherwise destroys or damages the whole or any part of any tree, sapling or shrub, or any underwood, wheresover the same may be growing, the injury done being to the amount of twenty-five cents at the least, shall, on conviction thereof before any Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one month, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding *five* dollars, as to the Justice seems meet; and whosoever, having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof in like manner, shall, for such second offence, be liable to be committed to the common gaol or other place of confinement, there to be kept at hard labour, for such term, not exceeding three months, as the convicting Justice thinks fit, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding twenty dollars, as to the Justice seems meet; and whosoever, having been twice convicted of any such offence (whether both or either of such convictions have take place before or after the passing of this Act), afterwards commits any of the said offences in this section before mentioned, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping. 10 15 20 25 30 35

Second offence.

Third offence.

Destroying any fruit or vegetable production in a garden.

24. Whosoever unlawfully and maliciously destroys, or damages with intent to destroy, any plant, root, fruit or vegetable production, growing in any garden, orchard, nursery ground, house, hot-house, greenhouse or conservatory, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or other place of confinement, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding three months, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding twenty dollars, as to the Justice seems meet; and whosoever, having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the said offences in this section before mentioned, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for the term of two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping. 40 45 50

Second offence.

Destroying &c., vegetable productions not growing in garden, &c.

25. Whosoever unlawfully and maliciously destroys, or damages with intent to destroy, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or 55

in the course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard or nursery ground, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or other place of
 5 confinement, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one month, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding five dollars, as to the Justice seems meet; and in default of payment thereof, together with the costs (if ordered),
 10 shall be committed as aforesaid, for any term not exceeding one month, unless payment be sooner made; and whosoever, having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof in like manner, shall be committed to the
 15 common gaol or other place of confinement, there to be kept to hard labour, for such term, not exceeding three months, as the convicting Justice thinks fit.

Second offence.

Injuries to fences.

26. Whosoever unlawfully and maliciously cuts, breaks, throws down, or in anywise destroys any fence of any description whatsoever,
 20 or any wall, stile or gate, or any part thereof respectively, shall, on conviction thereof before a Justice of the Peace, for the first offence forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding five dollars, as to the Justice seems meet; and whosoever, having been convicted of any such offence, either
 25 against this or any former Act or law, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof in like manner, shall be committed to the common gaol or other place of confinement, there to be kept to hard labour for such term, not exceeding three months, as the convicting Justice thinks fit.

Destroying, &c., and fence, &c.

Second offence.

Injuries to mines.

27. Whosoever unlawfully and maliciously sets fire to any mine of coal, cannel coal, anthracite, or other mineral fuel, or to any mine or well of oil or other combustible substance, is guilty of felony, and shall
 30 be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard
 35 labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to a coal mine, &c.

28. Whosoever unlawfully and maliciously, by any overt act, attempts to set fire to any mine or to any such oil well, as aforesaid,
 40 under such circumstances that if the same were thereby set fire to the offender would be guilty of felony, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or
 45 without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Attempting to set fire to a mine.

29. Whosoever unlawfully and maliciously causes any water, earth, rubbish or other substance, to be conveyed or run or fall into any mine,
 50 or into any oil well, or into any subterraneous passage communicating therewith, with intent thereby to destroy or damage such mine or well, or to hinder or delay the working thereof, or, with the like intent, unlawfully and maliciously pulls down, fills up, or obstructs or damages

Conveying water into a mine, obstructing the shaft, &c.

with intent to destroy, obstruct, or render useless, any airway, waterway, drain, pit, level or shaft, of or belonging to any mine or well, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping; Provided that this section shall not extend to any damage committed underground by any owner of any adjoining mine or well in working the same, or by any person duly employed in such working.

Proviso.

Damaging steam engines staiths, waggon-ways &c. for working mines.

30. Whosoever unlawfully and maliciously pulls down or destroys, or damages with intent to destroy or render useless any steam engine or other engine for sinking, draining, ventilating, or working, or for in anywise assisting in sinking, draining, ventilating or working any mine or well, or any appliance or apparatus in connection with any such steam or other engine, or any staith, building or erection used in conducting the business of any mine or well, or any bridge, waggon-way or trunk for conveying minerals or oil from any mine or well, whether such engine, staith, building, erection, bridge, waggon-way or trunk, be completed or in an unfinished state, or unlawfully and maliciously stops, obstructs or hinders the working of any such steam or other engine, or of any such appliance or apparatus as aforesaid, with intent thereby to destroy or damage any mine or well, or to hinder, obstruct or delay the working thereof, or unlawfully and maliciously wholly or partially cuts through, severs, breaks, or unfastens, or damages with intent to destroy or render useless any rope, chain or tackle, of whatsoever material the same shall be made, used in any mine or well, or in or upon any inclined plane, railway or other way, or other work whatsoever, in anywise belonging or appertaining to or connected with or employed in any mine or well, or the working or business thereof, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injuries to sea and river banks, and to works on rivers, canals, &c.

Destroying any sea bank or wall on any canal, dam, for hydraulic purposes, &c.

31. Whosoever unlawfully and maliciously breaks down or cuts down, or otherwise damages or destroys any sea bank, sea wall, dyke or aboteau, or the bank, dam, or wall of or belonging to any river, canal, drain, reservoir, pool or marsh, whereby any land or building is or is in danger of being overflowed or damaged, or unlawfully and maliciously throws, breaks or cut down, levels, undermines, or otherwise destroys any quay, wharf, jetty, lock, sluice, floodgate, weir, tunnel, towing-path, drain, water-course, or other work belonging to any port, harbour, dock, or reservoir, or on or belonging to any navigable river or canal, or any dam or structure erected to create or utilize, any hydraulic power, or any embankment for the support thereof, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Removing piles of any sea bank, &c., or obstructing navigation of a river or canal.

32. Whosoever unlawfully and maliciously cuts off, draws up, or removes any piles, stone or other materials fixed in the ground and used for securing any sea bank or sea wall, or the bank, dam or wall of any river, canal, drain, aqueduct, marsh, reservoir, pool, port, harbour,

dock, quay, wharf, jetty or lock, or unlawfully and maliciously opens or draws up any floodgate or sluice, or does any other injury or mischief to any navigable river or canal, with intent and so as thereby to obstruct or prevent the carrying on, completing or maintaining the navigation thereof, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injuries to ponds.

33. Whosoever unlawfully and maliciously cuts through, breaks down, or otherwise destroys the dam, floodgate or sluice of any fish-pond, or of any water which is private property, or in which there is any private right of fishery, with intent thereby to take or destroy any of the fish in such pond or water, or so as thereby to cause the loss or destruction of any of the fish, or unlawfully and maliciously puts any lime or other noxious material in any such pond or water, with intent thereby to destroy any of the fish that may then be, or that may thereafter be put therein, or unlawfully and maliciously cuts through, breaks down, or otherwise destroys the dam or floodgate of any mill-pond, reservoir or pool, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Breaking down the dam of a fishery, &c., or mill-dam, or poisoning fish.

Injuries to bridges, viaducts, and toll-bars.

34. Whosoever unlawfully and maliciously pulls or throws down, or in any wise destroys, any bridge, (whether over any stream of water or not), or any viaduct or aqueduct, over or under which bridge, viaduct or aqueduct any highway, railway, or canal passes, or does any injury with intent and so as thereby to render such bridge, viaduct or aqueduct, or the highway, railway or canal passing over or under the same, or any part thereof, dangerous or impassable, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injury to a public bridge.

35. Whosoever unlawfully and maliciously throws down, levels, or otherwise destroys, in whole or in part, any turnpike gate or toll-bar, or any wall, chain, rail, post, bar or other fence belonging to any turnpike gate or toll-bar, or set up or erected to prevent passengers passing by without paying any toll directed to be paid by any Act or law relating thereto, or any house, building or weighing engine erected for the better collection, ascertainment or security of any such toll, is guilty of a misdemeanor, and shall be liable to be punished by fine or imprisonment, or both in the discretion of the Court.

Destroying a turnpike gate toll house, &c.

Injuries to railway carriages and telegraphs.

36. Whosoever unlawfully and maliciously puts, places, casts or throws upon or across any railway, any wood, stone, or other matter or thing, or unlawfully and maliciously takes up, removes or displaces any rail, sleeper, or other matter or thing belonging to any railway, or

Placing wood &c., on railway with intent to obstruct or

overthrow
any engine,
&c.

unlawfully and maliciously turns, moves or diverts any point or other machinery belonging to any railway, or unlawfully and maliciously makes or shows, hides or removes any signal or light upon or near to any railway, or unlawfully and maliciously does or causes to be done, any other matter or thing, with intent in any of the cases aforesaid, to obstruct, upset, overthrow, injure or destroy any engine, tender, carriage or truck using such railway, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

Obstructing
engines or
carriages on
railways.

37. Whosoever, by any unlawful act, or by any wilful omission or neglect, obstructs, or causes to be obstructed, any engine or carriage using any railway, or aids or assists therein, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement for any term less than two years, with or without hard labour.

Injuries to
electric or
magnetic
telegraphs.

38. Whosoever unlawfully and maliciously cuts, breaks, throws down, destroys, injures or removes, any battery, machinery, wire, cable, post, or other matter or thing whatsoever, being part of or being used or employed in or about any electric or magnetic telegraph, or in the working thereof, or unlawfully and maliciously prevents or obstructs in any manner whatsoever, the sending, conveyance or delivery of any communication by any such telegraph, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labour, unless some greater punishment is provided for the offence by any other Act in force, in which case such offender may be indicted and punished under such Act.

Attempts to
injure such
telegraphs.

39. Whosoever unlawfully and maliciously, by any overt act, attempts to commit any of the offences in the last preceding section mentioned, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or any other place of confinement, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding three months, or else shall forfeit and pay such sum of money not exceeding *fifty dollars* as to the Justice seems meet.

Injuries to works of art, &c.

Destroying or
damaging
works of art
in museums,
churches, &c.
or in public
places.

40. Whosoever unlawfully and maliciously destroys or damages any book, manuscript, picture, print, statue, bust or vase, or any other article or thing kept for the purposes of art, science, or literature, or as an object of curiosity, in any museum, gallery, cabinet, library, or other depository, which museum, gallery, cabinet, library, or other depository is either at all times or from time to time open for the admission of the public or of any considerable number of persons to view the same, either by the permission of the proprietor thereof, or by the payment of money before entering the same, or any picture, statue, monument, or other memorial of the dead, painted glass, or other monument of work of art in any church, chapel, meeting-house or other place of divine worship, or in any building belonging to Her Majesty, or to any county, riding, city, town, village, parish or place, or to any university, or college or hall of any university, or in any street, square, church-yard, burial-ground, public garden or ground, or any statue or monument exposed to public view, or any ornament, railing or fence surrounding such statue or monument, or any fountain, lamp, post, or other thing of metal, glass, wood or other material in any street, square, or other public place, is guilty of a

misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement for any term not exceeding one year, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping; provided that nothing herein contained shall be deemed to affect the right of any person to recover, by action at law, damages for the injury so committed. Civil remedy saved.

Injuries to cattle and other animals.

41. The word "cattle" wherever used in this Act shall have the meaning assigned to it in the *Act respecting larceny and other similar offences*, passed in the present Session. Word "cattle" defined.

10 42. Whosoever unlawfully and maliciously kills, maims, wounds, poisons or injures any cattle, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement, for any term less than two years, with or without hard labour, and with or without solitary confinement. Killing or maiming cattle.

15 43. Whosoever unlawfully and maliciously attempts to kill, maim, wound poison or injure any cattle, or unlawfully and maliciously places poison in such a position as to be easily partaken of by any cattle, is guilty of a misdemeanor, and shall be liable to be punished by fine or imprisonment, or both, at the discretion of the Court. Wantonly attempting to poison cattle, &c.

20 44. Whosoever unlawfully and maliciously kills, maims, wounds, poisons or injures any dog, bird, beast, or other animal, not being cattle, but being either the subject of larceny at common law, or being ordinarily kept in a state of confinement, or kept for any domestic purpose, or purpose of lawful profit or advantage, or science, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or any other place of confinement, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding three months, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding *one hundred dollars* as to the Justice seems meet; and whosoever, having been convicted of any such offence, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof upon indictment, is guilty of a misdemeanor, and shall be liable to be punished by fine or imprisonment, or both, in the discretion of the Court: Provided always that the prosecutor may, if he sees fit, proceed before a Justice of the Peace as for a first offence. Killing or maiming other animals.
Second offence.

Injuries to ships.

45. Whosoever unlawfully and maliciously sets fire to, casts away, or in anywise destroys any ship or vessel, whether the same be complete or in an unfinished state, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement, for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping. Setting fire to a ship.

50 46. Whosoever unlawfully and maliciously sets fire to, or casts away, or in anywise destroys any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that has underwritten, or may underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life Setting fire to ships to prejudice the owner or underwriters.

or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Attempting to set fire to a vessel.

47. Whosoever unlawfully and maliciously, by any overt act, attempts to set fire to, cast away, or destroy any ship or vessel under such circumstances that if the ship or vessel were thereby set fire to, cast away or destroyed, the offender would be guilty of felony, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Placing gun-powder near a vessel with intent to damage it.

48. Whosoever unlawfully and maliciously places or throws in, into, upon, against or near any ship or vessel any gunpowder or other explosive substance, with intent to destroy or damage any ship or vessel, or any machinery, working-tools, goods, or chattels, whether or not any explosion takes place, and whether or not any injury is effected, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen and not less than two years,—or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Damaging ships otherwise than by fire.

49. Whosoever unlawfully and maliciously damages, otherwise than by fire, gunpowder or other explosive substance, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same, or render the same useless, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years; or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Exhibiting false signals, &c.

50. Whosoever unlawfully masks, alters, or removes any light or signal, or unlawfully exhibits any false light or signal, with intent to bring any ship, vessel, or boat into danger, or unlawfully and maliciously does anything tending to the immediate loss or destruction of any ship, vessel, or boat, and for which no punishment is hereinbefore provided, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Removing or concealing buoys and other sea marks.

51. Whosoever unlawfully and maliciously cuts away, casts adrift, removes, alters, defaces, sinks or destroys, or unlawfully and maliciously does any act with intent to cut away, cast adrift, remove, alter, deface, sink or destroy, or in any other manner unlawfully and maliciously injures or conceals any boat, buoy, buoy-rope, perch or mark used or intended for the guidance of seamen, or the purpose of navigation, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour,

and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

- 52.** Whosoever makes fast any vessel or boat to any such buoy, 5 beacon or sea mark, shall, on conviction thereof before any Justice of the Peace, forfeit a sum not exceeding ten dollars, and in default of payment, shall be liable to be imprisoned in any gaol or place of confinement for any term not exceeding one month. Penalty for making vessels fast to buoys, beacons, &c.
- 10 **53.** Whosoever unlawfully and maliciously cuts or loosens any boom on any river, or other water, or breaks or cuts loose any raft or crib of timber or saw-logs, is guilty of a misdemeanor, and shall be liable to be punished by fine and imprisonment for not less than six months, or both, in the discretion of the Court. Cutting booms or rafts adrift.
- 15 **54.** Whosoever unlawfully and maliciously destroys any part of any ship or vessel in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen and not less than 20 two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. Destroying wrecks or any article belonging thereto.

Sending letters threatening to burn and destroy.

- 55.** Whosoever sends, delivers or utters, or directly or indirectly 25 causes to be received, knowing the contents thereof, any letter or writing threatening to burn or destroy any house, barn or other building, or any rick or stack of grain, hay, or straw, or other agricultural produce, or any grain, hay or straw, or other agricultural produce, in or under any building, or any ship or vessel, or to kill, maim wound poison or injure any cattle, is guilty of felony, and shall be liable to be imprisoned in 30 the Penitentiary for any term not exceeding ten years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age 35 of sixteen years, with or without whipping. Sending letters threatening to burn or destroy houses, buildings, ships, &c.

Injuries not before provided for.

- 56.** Whosoever unlawfully and maliciously commits any damage, injury or spoil to or upon any real or personal property whatsoever, either of a public or a private nature, for which no punishment is hereinbefore provided, the damage, injury or spoil being to an amount 40 exceeding twenty dollars, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding five years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour. Persons committing malicious injuries, not before provided for, exceeding the amount of \$20.
- 45 **57.** Whosoever unlawfully or maliciously commits any damage, injury or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, shall, on conviction thereof before a Justice of the Peace, forfeit and pay such sum of money not exceeding *twenty dollars*, as to the Justice seems meet, and also such further sum of money as appears 50 to the Justice to be a reasonable compensation for the damage, injury, or spoil, so committed, not exceeding the sum of twenty dollars; which last mentioned sum of money shall, in the case of private property, be paid to the party aggrieved; and in the case of property

Application of money awarded. of a public nature, or wherein any public right is concerned, the money shall be applied in the same manner as every penalty imposed by a Justice of the Peace under this Act ; and if such sums of money, together with the costs (if ordered), are not paid, either immediately after the conviction, or within such period as the Justice shall at the time of the conviction appoint, the Justice may, commit the offender to the common gaol or other place of confinement, there to be imprisoned only, or to be imprisoned and kept to hard labour, as the Justice thinks fit, for any term not exceeding two months, unless such sum and costs be sooner paid ; Provided that nothing herein contained shall extend to any case where the party acted under a fair and reasonable supposition that he had a right to do the act complained of, nor to any trespass, not being wilful and malicious, committed in hunting, fishing, or in the pursuit of game, but every such trespass shall be punishable in the same manner as if this Act had not been passed.

Not to extend to certain cases.

Section 57 to extend to trees.

58. The provisions in the last preceding section contained shall extend to any person who unlawfully or maliciously commits any injury to any tree, sapling, shrub or underwood, for which no punishment is hereinbefore provided.

Making gunpowder to commit offences, and searching for the same.

Making or having gunpowder, &c., with intent to commit any felony against this Act. **59.** Whosoever makes or manufactures, or knowingly has in his possession any gunpowder or other explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument or thing, with intent thereby, or by means thereof to commit, or for the purpose of enabling any other person to commit any of the felonies in this Act mentioned, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Justices may issue warrants for searching houses, &c., for such gunpowder.

60. Any Justice of the Peace of any district, county or place, in which any machine, engine, implement or thing, or any gunpowder or other explosive, dangerous, or noxious substance is suspected to be made, kept or carried, for the purpose of being used for committing any of the felonies in this Act mentioned, upon reasonable cause assigned upon oath by any person, may issue a warrant, under his hand and seal, for searching in the daytime, any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf or other place, or any carriage, waggon, cart, ship, boat or vessel, in which the same is suspected to be made, kept or carried for such purpose as hereinbefore mentioned ; and every person acting in the execution of any such warrant may seize any gunpowder, explosive substance, or any dangerous or noxious thing, or any machine, engine or instrument or thing which he has good cause to suspect is intended to be used in committing or enabling any other person to commit any offence against this Act, and with all convenient speed after the seizure shall remove the same to such proper place as he thinks fit, and detain the same until ordered, by a Judge of one of Her Majesty's Superior Courts of Criminal Jurisdiction, to restore it to the person who may claim the same.

Searcher or seizer not to be liable to suit.

61. The searcher or seizer shall not be liable to any suit for such detainer, or for any loss of or damage which may happen to the property other than by the wilful act or neglect of himself or of the persons whom he intrusts with the keeping thereof.

In cases of conviction, how such

62. Any gunpowder, explosive substance or dangerous or noxious thing, or any machine, engine, instrument or thing intended to be used

in committing or enabling any other person to commit any offence against this Act, and seized and taken possession of under the provisions hereof, shall, in the event of the person in whose possession the same may be found, or of the owner thereof being convicted for any offence under this Act, be forfeited; and the same shall be sold under the direction of the Court before which any such person is convicted, and the proceeds thereof shall belong to the Province in which the offender is convicted, and shall be paid to the chief financial officer thereof for the use of such Province.

articles shall
be disposed
of.

Other matters.

10 **63.** Every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon summary conviction, shall equally apply and be enforced, whether the offence be committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

Malice
against owner
unnecessary.

20 **64.** Every provision of this Act not hereinbefore so applied, shall apply to every person who, with intent to injure or defraud any person, does any of the acts hereinbefore made penal, although the offender be in possession of the property against or in respect of which such act is done.

Act to apply
to persons in
possession of
property
injured.

65. It shall be sufficient in any indictment for any offence against this Act, where it is necessary to allege an intent to injure or defraud, to allege that the party accused did the act with intent to injure or defraud (as the case may be) without alleging an intent to injure or defraud any particular person; and on the trial of any such offence it shall not be necessary to prove an intent to injure or defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to injure or defraud, as the case may be.

Intent to in-
jure particu-
lar persons
need not be
stated in in-
dictment.

30 **66.** Any person found committing any offence against this Act, whether the same be punishable upon indictment or upon summary conviction, may be immediately apprehended, without a warrant, by any peace officer, or the owner of the property injured, or his servant, or any person authorized by him, and forthwith taken before some neighboring Justice of the Peace, to be dealt with according to law.

Persons in act
of committing
offence may
be apprehend-
ed.

40 **67.** Whosoever aid, abets, counsels or procures the commission of any offence which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, shall, on conviction before a Justice of the Peace, be liable for every first, second, or subsequent offence, of aiding, abetting, counselling or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this Act made liable.

Abettors in
offences pun-
ishable on
summary con-
viction.

45 **68.** In every case of a summary conviction under this Act, where the sum forfeited for the amount of the injury done, or imposed as a penalty by the Justice, is not paid, either immediately after the conviction or within such period as the Justice shall, at the time of the conviction, appoint, the convicting Justice (unless where otherwise specially directed) may commit the offender to the common gaol or other place of confinement, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the Justice, for any term not exceeding two months, where the amount of the sum forfeited or of the penalty imposed, or of both (as the case

If a person
summarily
convicted
does not pay,
&c., the Jus-
tice may com-
mit him.

may be), together with the costs, does not exceed twenty dollars ; and for any term not exceeding three months when the amount, with costs, exceeds twenty dollars ; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

Justice may discharge offender in certain cases.

69. Where any person is summarily convicted before a Justice of the Peace of any offence against this Act, and it is a first conviction, the Justice may, if he so thinks fit, discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved, for damages and costs, or either of them, as shall be ascertained by the Justice. 5 10

Summary conviction a bar to any other proceedings.

70. When any person convicted of any offence punishable upon summary conviction by virtue of this Act, has paid the sum adjudged to be paid, together with costs, under such conviction, or has received a remission thereof from the Crown, or has suffered the imprisonment awarded for non-payment thereof, or the imprisonment awarded in the first instance, or has been so discharged from his conviction by any Justice as aforesaid, he shall be released from all further or other proceedings for the same cause. 15

Fine and sureties for keeping the peace; in what cases.

71. Whenever any person is convicted of any indictable misdemeanor punishable under this Act, the Court may, if it think fit, in addition to or in lieu of any of the punishments by this Act authorized, fine the offender, and require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour ; and in case of any felony punishable under this Act, the Court may, if it thinks fit, require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized ; Provided that no person shall be imprisoned under this section for not finding sureties, for any period exceeding one year. 20 25

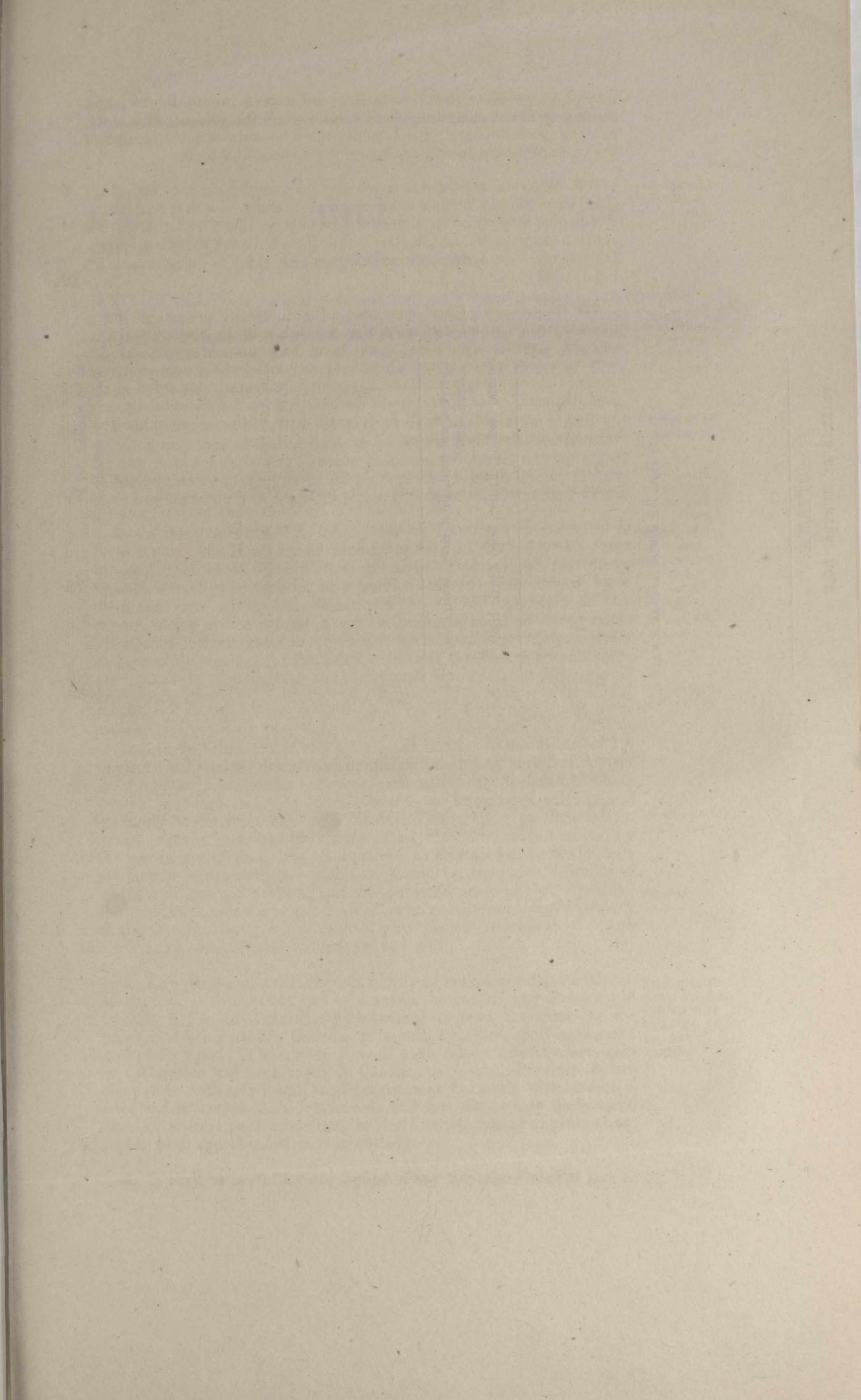
Proviso :

Summary proceedings.

72. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by the Act of this Session *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 in the course of such prosecution. 30 35

Commencement of Act.

73. This Act shall commence and take effect on the first day of , one thousand eight hundred and



No. 12.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act respecting Malicious Injuries to
Property.

Received and read, First time, Wednesday, 21st
April, 1869.

Second reading, Friday, 23rd April, 1869.

Hon. Sir JOHN A. MACDONALD,

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting Perjury.

WHEREAS it is expedient to assimilate, amend and consolidate the Statute Law relating to Perjury, in force in the several Provinces of Quebec, Ontario, Nova Scotia, and New Brunswick, and to extend the same as so consolidated to all Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Perjury or subornation of perjury is a misdemeanor; and any person guilty thereof shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement, for any term less than two years, and to pay such fine as the Court may award.

Perjury to be a misdemeanor.

2. In every case in which, by any Act or Law now or hereafter to be in force in the Dominion of Canada, or in any Province forming part of the Dominion of Canada, it is required or authorized that facts, matters or things be verified, or otherwise assured or ascertained, by or upon the oath, affirmation, declaration or affidavit of some or any person, if any person having in any such case taken or made any oath, affirmation or declaration so required or authorized, knowingly, wilfully and corruptly, upon such oath, affirmation or declaration, deposes, swears to or makes any false statement as to any such fact, matter or thing,—or if any person knowingly, wilfully and corruptly, upon oath or affirmation, deposes to the truth of any statement for so verifying, assuring or ascertaining any such fact, matter or thing, or purporting so to do,—or knowingly, wilfully and corruptly takes, makes, signs or subscribes any such affirmation, declaration or affidavit, as to any such fact, matter or thing, such statement, affidavit, affirmation or declaration being untrue, in the whole or any part thereof,—or knowingly, wilfully and corruptly omits from any such affidavit, affirmation or declaration, sworn or made under the provisions of any law, any matter which, by the provisions of such law, is required to be stated in such affidavit, affirmation or declaration,—such person shall be deemed to be guilty of wilful and corrupt perjury, and be punished accordingly; Provided that nothing herein contained shall affect any case amounting to perjury at the Common Law, or the case of any offence in respect of which other or special provision is made by any Act.

Making, &c., false oaths, declarations, &c., under any Act to be perjury.

Proviso.

3. Any person who wilfully and corruptly makes any false affidavit, affirmation, or declaration out of Canada, or out of any Province of Canada, before any functionary authorized to take the same for the purpose of being used in Canada, or in such Province, shall be deemed guilty of perjury, in like manner as if such false affidavit, affirmation or declaration had been made in Canada, or in such Province, before competent authority; and such person may be dealt with, indicted, tried and if convicted, be sentenced, and the offence may be laid and charged to have been committed, in that district, county or place where he has been apprehended or is in custody.

Trial, punishment, &c., for making false affidavits, &c., out of Canada.

4. It shall be lawful for any Judge of any Superior Court of Law or

Any Judge may direct

that a person guilty of perjury before him be prosecuted. Equity, or for any Judge of any Court of Record, or any Commissioner before whom any inquiry or trial is held, and which he is by law required or authorized to hold, in case it appears to him that any person has been guilty of wilful and corrupt perjury in any evidence given, or in any affidavit, affirmation, declaration, deposition, examination, answer or other proceedings made or taken before him, to direct such persons to be prosecuted for such perjury, in case there appears to such Judge or Commissioner a reasonable cause for such prosecution, and to commit such person so directed to be prosecuted until the next term, sittings or session of any Court having power to try for perjury, in the jurisdiction within which such perjury was committed, or to permit such person to enter into a recognizance with one or more sufficient surety or sureties conditioned for the appearance of such person, at such next term or session, and that he will then surrender and take his trial and not depart the Court without leave, and to require any person such Judge may think fit, to enter into a recognizance conditioned to prosecute or give evidence against such person so directed to be prosecuted as aforesaid. 5-10-15

All evidence material with respect to perjury.

5. All evidence and proof whatsoever, whether given or made orally, or by or in any affidavit, affirmation, declaration, examination or deposition, shall be deemed and taken to be material with respect to the liability of any person to be proceeded against and punished for wilful and corrupt perjury, or for subornation of perjury. 20

Venue in cases of perjury.

6. Any person accused of perjury may be tried, convicted and punished in any district, county or place where he is apprehended or is in custody. 25

Form of indictment in perjury.

7. In any indictment for perjury, or for unlawfully, illegally, falsely, fraudulently, deceitfully, maliciously or corruptly, taking, making, signing or subscribing any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate or other writing, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what Court or before whom the oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate or other writing was taken, made, signed or subscribed, without setting forth the bill, answer, information, indictment, declaration, or any part of any proceeding either in law or equity, and without setting forth the commission or authority of the Court or person before whom such offence was committed. 30-35

Form of indictment for subornation of perjury.

8. In every indictment for subornation of perjury, or for corrupt bargaining or contracting with any person to commit wilful and corrupt perjury, or for inciting, causing or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously or corruptly, to take, make, sign or subscribe any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient, whenever such perjury or other offence aforesaid has been actually committed, to allege the offence of the person who actually committed such perjury or other offence, in the manner hereinbefore mentioned, and then to allege that the defendant unlawfully, wilfully and corruptly, did cause and procure the said person, the said offence in manner and form aforesaid to do and commit; and whenever such perjury or other offence aforesaid has not actually been committed, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury. 40-45-50-55

Certificate of trial at which **9.** A certificate, containing the substance and effect only (omitting the formal part) of the indictment and trial for any felony or misde-

BILL.

An Act respecting Perjury.

Received and read, First time, Wednesday, 21st
April, 1869.

Second reading, Friday, 23rd April, 1869.

Hon. Sir JOHN A. MACDONALD.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting Indictable Offences by Forgery.

WHEREAS it is expedient to assimilate, amend and consolidate the Statute Law of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, respecting indictable offences by Forgery, and to extend the same as so consolidated to all Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

As to forging Her Majesty's Seals, &c.

1. Whosoever forges or counterfeits or utters knowing the same to be forged or counterfeited, the Great Seal of the United Kingdom, or the Great Seal of the Dominion of Canada, or of any one of the late Provinces of Upper Canada, Lower Canada or Canada, or of any one of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, or of any one of Her Majesty's Colonies or Possessions, Her Majesty's Privy Seal, any Privy Signet of Her Majesty, Her Majesty's Royal Sign Manual, or any of Her Majesty's Seals appointed by the twenty-fourth Article of the Union between England and Scotland to be kept, used and continued in Scotland, the Great Seal of Ireland, or the Privy Seal of Ireland, or the Privy Seal or Seal at Arms of the Governor General of Canada, or of the Lieutenant-Governor of either of the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, or of any person who at any time administered the Government of any of the Provinces now constituting Canada, or of the Governor or Lieutenant-Governor of any one of Her Majesty's Colonies or Possessions, or forges or counterfeits the stamp or impression of any of the seals aforesaid, or utters any document or instrument whatsoever, having thereon, or affixed thereto the stamp or impression of any such forged or counterfeited seal, knowing the same to be the stamp or impression of such forged or counterfeited seal, or any forged or counterfeited, stamp or impression made or apparently intended to resemble the stamp or impression of any of the seals aforesaid, knowing the same to be forged or counterfeited, or forges, or alters, or utters, knowing the same to be forged or altered, any document or instrument having any of the said stamps or impressions thereon or affixed thereto, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

2. Whosoever forges or fraudulently alters any document bearing or purporting to bear the signature of the Governor of Canada, or of any deputy of the Governor, or of the Lieutenant-Governor of any one of the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, or

Forging the
great seal,
privy seal,
&c.

Forging or
uttering an
document
bearing the
signature of

the Governor of any person, who, at any time, administered the Government of any of the Provinces now constituting Canada, or offers, utters, disposes of or puts off, any such forged or fraudulently altered document as aforesaid, knowing the same to be so forged or altered, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 5

Forging or altering copies of Letters Patent, &c.

3. Whosoever forges or alters, or in any way publishes, puts off or utters as true, knowing the same to be forged or altered, any copy of letters patent, or of the enrolment or enregistration of letters patent, or of any certificate thereof made or given, or purporting to be made or given by virtue of any Statute of Canada, of any one of the late Provinces of Upper Canada, Lower Canada, or Canada, or of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not more than seven years, nor less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour. 10 15

Forging or altering any public Register, &c.

4. Whosoever forges or counterfeits or alters, any public register or book, appointed by law to be made or kept, or any entry therein, or wilfully certifies or utters any writing as and for a true copy of such public register or book, or of any entry therein, knowing such writing to be counterfeit or false, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not more than fourteen years, nor less than two years, or in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 20 25

As to forging transfers of stock, &c.

Forging transfer of certain stock, &c., or power of attorney relating thereto.

5. Whosoever forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any transfer of any share or interest of or in any stock, annuity, or other public fund which now is or hereafter may be transferable in any of the Books of the Dominion of Canada, or of any one of the Provinces of Quebec, Ontario, Nova Scotia or New Brunswick, respectively, or of any Bank at which the same may be transferable, or of or in the capital stock of any body corporate, company or society, which now is or hereafter may be established by charter, or by, under, or by virtue of any Act of Parliament of the United Kingdom or of any of the late Provinces of Upper Canada, Lower Canada or of Canada, or of the Dominion of Canada, or by any Act of the Legislature of either of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, or forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, public fund, or capital stock, or any claim for a grant of land from the Crown in Canada, or for any scrip or other payment or allowance in lieu of any such grant of land, or to receive any dividend or money payable in respect of any such share or interest, or demands or endeavors to have any such share or interest transferred, or to receive any dividend or money payable in respect thereof, or any such grant of land or scrip or payment or allowance in lieu thereof as aforesaid, by virtue of any such forged or altered power of attorney or other authority, knowing the same to be forged or altered, with intent in any of the cases aforesaid 30 35 40 45 50

to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without
5 solitary confinement.

6. Whosoever falsely and deceitfully personates any owner of any share, or interest of or in any stock, annuity or other public fund, which now is or hereafter may be transferable in any of the Books of the Dominion of Canada, or of any one of the Provinces of Quebec,
10 Ontario, Nova Scotia or New Brunswick, or of any Bank at which the same may be transferable, or any owner of any share, or interest of or in the capital stock of any body corporate, company or society which now is or hereafter may be established by charter, or by, under, or by virtue of any Act of Parliament of the United Kingdom, or of any of
15 the late Provinces of Upper Canada, Lower Canada or Canada, or of the Dominion of Canada, or by any Act of the Legislature of any one of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, or of any claim for a grant of land from the Crown in Canada, or for any scrip or other payment or allowance in lieu of such grant of land, or
20 any owner of any dividend or money payable in respect of any such share or interest as aforesaid, and thereby transfers or endeavors to transfer any share or interest belonging to any such owner, or thereby receives or endeavors to receive any money due to any such owner, or to obtain any such grant of land, or such scrip or allowance in lieu thereof as aforesaid, as if such offender were the true and lawful owner, is guilty
25 of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Personating the owner of certain stock, &c., and transferring or endeavoring to transfer or receive the dividends.

7. Whosoever forges any name, hand-writing, or signature, purporting to be the name, hand-writing or signature of a witness attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, public fund, or capital stock, or grant of land or scrip or allowance in lieu thereof, as in
35 either of the last two preceding sections mentioned, or to receive any dividend or money payable in respect of any such share or interest, or offers, utters, disposes of, or puts off any such power of attorney, or other authority, with any such forged name, hand-writing or signature thereon, knowing the same to be forged, is guilty of felony, and shall
40 be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without so litary confinement.

Forging attestation to power of attorney for transfer of stock, &c.

8. Whosoever wilfully makes any false entry in, or wilfully alters
45 any word or figure in any of the books of the account kept by the Government of Canada, or of any one of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, or of any Bank at which any of the books of account of the Government of Canada, or of either of the Provinces of Ontario Quebec, Nova Scotia or New Brunswick are
50 kept, in which books the accounts of the owners of any stock, annuities or other public funds, which now are or hereafter may be transferable in such books, are entered and kept, or in any manner wilfully falsifies any of the accounts of any of such owners in any of the said books, with intent in any of the cases aforesaid to defraud, or
55 wilfully makes any transfer of any share or interest of or in any stock, annuity or other public fund which now is or hereafter may be transferable as aforesaid, in the name of any person not being the true and lawful owner of such share or interest, with intent to defraud is

Making false entries in the books of public fund.

guilty of felony, and shall be liable to imprisonment in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Clerks making out false dividend warrants, &c.

9. Whosoever being a clerk, officer or servant of, or other person employed or entrusted by the Government of Canada, or of any one of the Provinces of Ontario, Quebec, Nova Scotia, or New Brunswick, or being a Clerk or officer or servant of, or other person employed or entrusted by any bank in which any of such books and accounts as are mentioned in the next preceding section are kept, knowingly makes out, or delivers any dividend warrant, or warrant for payment of any annuity, interest or money payable as aforesaid, for a greater or less amount than the person on whose behalf such warrant is made out is entitled to, with intent to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to forging debentures, stock, exchequer bills, &c.

Forging exchequer bills, bonds and debentures. Dominion Notes, &c., or indorsements thereon.

10. Whosoever forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any debenture or other security, issued under the authority of any Act of the Legislature of any one of the late Provinces of Upper Canada, Lower Canada or Canada, or of the Parliament of Canada, or of the Legislature of any one of the Provinces of Quebec, Ontario, Nova Scotia or New Brunswick, or any exchequer bill or exchequer bond, or any Dominion or Provincial note, or any endorsement on or assignment of any such debenture, exchequer bill or exchequer bond, or other security, issued under the authority of any Act of the Legislature of any one of the late Provinces of Upper Canada, Lower Canada, or Canada, or of the Parliament of Canada, or of the Legislature of any one of the Provinces of Quebec, Ontario, Nova Scotia or New Brunswick, or any coupon, receipt or certificate for interest accruing thereon, or any scrip in lieu of land as aforesaid, with intent to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Making plates &c., in imitation of those used for debentures, exchequer bills, &c.

11. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), makes, or causes, or procures to be made, or aids, or assists in making, or knowingly has in his custody or possession, any frame, mould or instrument, having therein any words, letters, figures, marks, lines, or devices, peculiar to or appearing in the substance of any paper provided or to be provided and used for any such debentures, exchequer bills, or exchequer bonds, Dominion Notes or Provincial Notes, or other securities as aforesaid, or any machinery for working any threads into the substance of any such paper, or any such thread, and intended to imitate such words, letters, figures, marks, lines, threads, or devices, or any plate peculiarly employed for printing such debentures, exchequer bills, or exchequer bonds, or such notes, or other securities, or any die or seal peculiarly used for preparing any such plate, or for sealing such debentures, exchequer bills or exchequer bonds, notes or other securities, or any plate, die or seal, intended to imitate any such plate, die, or seal as aforesaid, is guilty of felony, and shall be liable to be imprisoned in the Peniten-

tiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

- 5 **12.** Whosoever, without lawful authority or excuse (the proof where-
of shall lie on the party accused), makes, or causes, or procures to be
made, or aids or assists in making any paper in the substance of which
appear any words, letters, figures, marks, lines, threads or other devices
peculiar to and appearing in the substance of any paper provided or to
10 be provided or used for such debentures, exchequer bills, or exchequer
bonds, notes, or other securities, aforesaid, or any part of such words,
letters, figures, marks, lines, threads or other devices, and intended to
imitate the same, or knowingly has in his custody or possession any paper
whatsoever, in the substance whereof appear any such words, letters,
15 figures, marks, lines, threads or devices as aforesaid, or any parts of
such words, letters, figures, marks, lines, threads or other devices and
intended to imitate the same, or causes or assists in causing any
such words, letters, figures, marks, lines, threads or devices as afore-
said, or any part of such words, letters, figures, marks, lines, threads
20 and other devices, and intended to imitate the same, to appear in the
substance of any paper whatever, or takes, or assists in taking an
impression of any such plate, die, or seal, as in the last preceding sec-
tion mentioned, is guilty of felony, and shall be liable to be imprisoned
in the Penitentiary for any term not exceeding seven years and not
25 less than two years, or to be imprisoned in any other gaol or place of
confinement for any term less than two years, with or without hard
labour, and with or without solitary confinement.

Making paper
in imitation
of that used
for debentures,
exchequer bills, &c.

- 30 **13.** Whosoever, without lawful authority or excuse (the proof where-
of shall lie on the party accused), purchases, or receives, or knowingly
has in his custody or possession, any paper manufactured and provided
by or under the directions of the Government of Canada, or of any one
of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick,
for the purpose of being used as such debentures, exchequer bills, or
exchequer bonds, notes, or other securities as aforesaid, before such paper
35 has been duly stamped, signed and issued for public use, or any
such plate, die or seal, as in the two last preceding sections mentioned,
is guilty of a misdemeanor, and shall be liable to be imprisoned in any
gaol or place of confinement other than a Penitentiary, for any term
less than two years, with or without hard labour.

Having in
possession
paper, &c.,
for debentures,
exchequer bills, &c.

As to forging Stamps.

- 40 **14.** Whosoever forges, counterfeits or imitates or procures to be
forged, counterfeited or imitated any stamp or stamped paper, issued
or authorized to be used by any Act of the Parliament of Canada,
or of the Legislature of any of the Provinces of Quebec, Ontario, Nova
Scotia or New Brunswick, by means whereof any duty thereby im-
45 posed may be paid, or any part or portion of any such stamp,—or
knowingly uses, offers, sells or exposes to sale, any such forged, coun-
terfeited or imitated stamp,—or engraves, cuts, sinks or makes any
plate, die or other thing whereby to make or imitate such stamp or any
part or portion thereof, except by permission of any officer or person
50 who, being duly authorized in that behalf by the Government of
Canada or of any of the Provinces aforesaid, may lawfully grant such
permission—or has possession of any such plate, die or other thing,
without such permission, or, without such permission uses or has
possession of any such plate, die or thing lawfully engraved, cut or
55 made,—or tears off or removes from any instrument, on which a duty
is payable, any stamp by which such duty has been wholly or in part
paid, or removes from any such stamp any writing or mark indicating

Forging
stamps or
stamped
paper.

that it has been used for or towards the payment of any such duty,— is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding twenty-one years, and not less than two years, or in any other gaol or place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement. 5

As to forging bank notes.

Forging
bank notes,
&c.

15. Whosoever forges, or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any note or bill of exchange of any body corporate, company or person carrying on the business of bankers, commonly called a bank note, a bank bill of exchange, or a bank post bill, or any endorsement on or assignment of any bank note, bank bill of exchange, or bank post bill, with intent to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement. 15

Purchasing
or receiving
or having
forged bank
notes.

16. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), purchases or receives from any other person, or has in his custody or possession any forged bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, knowing the same to be forged, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labor. 25

As to making paper and engraving plates, &c., for bank notes, &c.

Making or
having
moulds for
making paper
with words
used for
Dominion
Notes, &c.,
or selling
such paper.

17. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), makes or uses, or knowingly has in his custody or possession, any frame, mould or instrument for the making of paper used for Dominion or Provincial notes, or for Bank-notes with any words used in such notes, or any part of such words intended to resemble or pass for the same, visible in the substance of the paper, or for the making of paper with curved or waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or with any number, sum or amount expressed in a word or words in letters, visible in the substance of the paper, or with any device or distinction peculiar to and appearing in the substance of the paper used for such notes, respectively, or makes, uses, sells, exposes to sale, utters or disposes of, or knowingly has in his custody or possession any paper whatsoever with any words used in such notes, or any part of such words, intended to resemble and pass for the same, visible in the substance of the paper, or any paper with curved or waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or with any number, sum, or amount expressed in a word or words in letters, appearing visible in the substance of the paper, or with any device or distinction peculiar to and appearing in the substance of the paper used for any such notes respectively, or by any art or contrivance causes any such words or any part of such words, intended to resemble and pass for the same, or any device or distinction peculiar to and appearing in the substance of the paper used for any such notes, respectively, to appear visible in the substance of any paper, or causes the numerical sum or amount of any such note, in a word or words in letters to appear visible in the substance of the paper, whereon the same is written or printed, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for 50

any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

18. Nothing in the last preceding section contained shall prevent
 5 any person from issuing any bill of exchange or promissory note having
 the amount thereof expressed in a numerical figure or figures denoting
 the amount thereof in pounds or dollars, appearing visible in the sub-
 stance of the paper upon which the same is written or printed, nor shall
 prevent any person from making, using or selling any paper having
 10 waving or curved lines, or any other devices in the nature of water-
 marks visible in the substance of the paper, not being bar lines or laying
 wire lines, provided the same are not so contrived as to form the
 groundwork or texture of the paper, or to resemble the waving or
 curved laying wire lines, or bar lines, or the water-marks of the paper
 15 used for Dominion Notes or Provincial Notes or Bank Notes, as
 aforesaid.

Proviso as to
 paper used for
 bills of ex-
 change, &c.

19. Whosoever, without lawful authority or excuse (the proof where-
 of shall lie on the party accused), engraves, or in anywise makes upon
 any plate whatsoever, or upon any wood, stone, or other material, any
 20 promissory note, or part of a promissory note, purporting to be a
 Dominion or Provincial Note or Bank Note, or to be a blank Dominion
 or Provincial Note or Bank Note, or to be a part of any Dominion or
 Provincial Note or Bank Note as aforesaid, or any name, word or
 character, resembling, or apparently intended to resemble, any sub-
 25 scription to any such Dominion or Provincial Note or Bank Note, as
 aforesaid, or use any such plate, wood, stone or other material, or any
 other instrument or device for the making or printing of any such note,
 or part of such note, or knowingly has in his custody or possession any
 such plate, wood, stone, or other material, or any such instrument or
 30 device, or knowingly offers, utters, disposes of, or puts off, or has in his
 custody or possession any paper upon which any blank Dominion or
 Provincial Note or Bank Note, or part of any such note, or any name,
 word or character resembling, or apparently intended to resemble, any
 such subscription, is made or printed, is guilty of felony, and shall be
 35 liable to be imprisoned in the Penitentiary for any term not exceeding
 fourteen years and not less than two years, or to be imprisoned in any
 other gaol or place of confinement for any term less than two years,
 with or without hard labour, and with or without solitary confinement.

Engraving or
 having any
 plate, &c., for
 making Do-
 minion or Pro-
 vincial notes
 or notes of
 any bank, or
 having such
 plate or utter-
 ing or having
 paper upon
 which a blank
 bank note,
 &c., may be
 printed.

20. Whosoever, without lawful authority or excuse (the proof where-
 40 of shall lie on the party accused), engraves or in anywise makes upon
 any plate whatsoever, or upon any wood, stone or other material, any
 word, number, figure, device, character or ornament, the impression
 taken from which resembles, or is apparently intended to resemble any
 part of a Dominion or Provincial Note or Bank Note, or uses, or know-
 45 ingly has in his custody or possession any such plate, wood, stone, or
 other material, or any other instrument or device for the impressing or
 making upon any paper or other material any word, number, figure, char-
 acter or ornament, which resembles, or is apparently intended to resemble
 any part of any such note, as aforesaid, or offers, utters, disposes of or
 50 puts off, or has in his custody or possession any paper or other material
 upon which there is an impression of any such matter as aforesaid, is
 guilty of felony, and shall be liable to be imprisoned in the Penitentiary
 for any term not exceeding fourteen years and not less than two years,
 or to be imprisoned in any other gaol or place of confinement for any
 55 term less than two years, with or without hard labour, and with or
 without solitary confinement.

Engraving on
 a plate, &c.,
 any word,
 number, or
 device, re-
 sembling part
 of a Dominion
 or Provincial
 or bank note
 or using or
 having any
 such plate,
 &c., or utter-
 ing or having
 any paper on
 which any
 such word,
 &c., is im-
 pressed.

21. Whosoever, without lawful authority or excuse (the proof whereof
 shall lie on the party accused), makes or uses any frame, mould, or
 60

Making or
 having mould
 for making

paper with the name of any banker, or making or having such paper.

instrument for the manufacture of paper with the name or firm of any bank or body corporate, company or person carrying on the business of bankers appearing visible in the substance of the paper, or knowingly has in his custody or possession, any such frame, mould or instrument, or makes, uses, sells, or exposes to sale, utters or disposes of, or knowingly has in his custody or possession, any paper in the substance of which the name or firm of any such bank, body corporate, company or person appears visible, or by any art or contrivance causes the name or firm of any such bank, body corporate, company, or person to appear visible in the substance of the paper upon which the same is written or printed, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Engraving plates for foreign bills or notes, or using or having such plates, or uttering paper on which any part of any such bill or note is printed.

22. Whosoever forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any bill of exchange, promissory note, undertaking or order for payment of money, in what ever language or languages the same may be expressed, and whether the same is or is not under seal, purporting to be the bill, note, undertaking or order of any foreign Prince or State, or of any minister or officer in the service of any foreign Prince or State, or of any body corporate or body of the like nature constituted or recognized by any foreign Prince or State, or of any person or company of persons resident in any country not under the dominion of Her Majesty, or whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), engraves or in anywise makes upon any plate whatever, or upon any wood, stone or other material, any bill of exchange, promissory note, undertaking, or order for payment of money, or any part of any bill of exchange, promissory note, undertaking, or order for payment of money, in whatsoever language the same may be expressed, and whether the same is or is not, or is or is not intended to be, under seal, purporting to be the bill, note, undertaking or order, or part of the bill, note, undertaking or order of any foreign prince or state, or of any minister or officer in the service of any foreign prince or state, or of any body corporate, or body of the like nature, constituted or recognized by any foreign prince or state, or of any person or company of persons resident in any country not under the dominion of Her Majesty, or uses or knowingly has in his custody or possession any plate, stone, wood, or other material, upon which any such foreign bill, note, undertaking, or order, or any part thereof, is engraved or made, or knowingly offers, utters, disposes of, or puts off, or has in his custody or possession, any paper upon which any part of any such foreign bill, note, undertaking or order is made, or printed, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to forging deeds, wills, bills of exchange, &c.

Forging deeds bonds, &c.

23. Whosoever, with intent to defraud, forges, or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any deed, or any bond, or writing obligatory, or any assignment at law or in equity, of any such bond or writing obligatory, or forges any name, hand-writing or signature purporting to be the name, hand-writing or signature of a witness attesting the execution of any deed, bond or writing obligatory, or offers, utters, disposes of, or puts off, any deed, bond, or writing obligatory, having thereon any such

forged name, hand-writing or signature, knowing the same to be forged, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than
5 two years, with or without hard labour, and with or without solitary confinement.

24. Whosoever, with intent to defraud, forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any will, testament, codicil, or testamentary instrument, is guilty of
10 felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

25. Whosoever forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any bill of exchange, or
15 any acceptance, indorsement or assignment of any bill of exchange, or any promissory note for the payment of money, or any indorsement on or assignment of any such promissory note, with intent to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary
20 for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

26. Whosoever forges, or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any undertaking, warrant, order, authority, or request, for the payment of money, or
25 for the delivery or transfer of any goods or chattels, or of any note, bill, or other security for the payment of money, or for procuring or giving credit, or any indorsement on or assignment of any such undertaking, warrant, order, authority, or request, or any accountable receipt,
30 acquittance or receipt, for money, or for goods, or for any note, bill, or other security for the payment of money, or any indorsement on or assignment of any such accountable receipt, or any account, book or thing written or printed or otherwise made capable of being read, with
35 intent, in any of the cases aforesaid, to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

27. Whosoever, with intent to defraud, draws, makes, signs, accepts or indorses, any bill of exchange or promissory note, or any undertaking, warrant, order, authority, or request for the payment of
40 money, or for the delivery or transfer of goods or chattels, or of any bill, note, or other security for money, by procuration or otherwise, for, in the name, or on the account of any other person, without lawful
45 authority or excuse, or offers, utters, disposes of, or puts off, any such bill, note, undertaking, warrant, order, authority, or request, so drawn, made, signed, accepted, or indorsed by procuration or otherwise, without lawful authority or excuse, as aforesaid, knowing the same to have
50 been so drawn, made, signed, accepted, or indorsed as aforesaid, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and
55 with or without solitary confinement.

28. Whenever any cheque or draft on any banker is crossed with the name of a banker, or with two transverse lines with the words "and
Obliterating crossing on cheques.

company," or any abbreviation thereof, whosoever obliterates, adds to, or alters any such crossing, or offers, utters, disposes of, or puts off, any cheque or draft whereon any such obliteration, addition, or alteration has been made, knowing the same to have been made, with intent in any of the cases aforesaid to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 5

Forging debentures.

29. Whosoever fraudulently forges, or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or fraudulently altered, any debenture issued under any lawful authority whatsoever, either within Her Majesty's dominions, or elsewhere, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 15

As to forging private marks, &c.

Forging such marks.

30. Whosoever knowingly and wilfully, and with intent to defraud, forges or counterfeits, or causes or procures to be forged or counterfeited any private mark, token, stamp or label of any manufacturer, mechanic or other person, upon or with respect to any goods, wares or merchandise whatsoever, is guilty of felony, and shall be liable to be imprisoned in any Common Gaol or place of confinement other than a Penitentiary for any term less than two years. 20 25

Vending goods falsely marked.

31. Whosoever vends any goods, wares or merchandise, having thereon any forged or counterfeited private mark, token, stamp or label, purporting to be the private mark, token, stamp or label of any other person, knowing the same at the time of the sale thereof by him, to be forged or counterfeited, is guilty of a misdemeanor, and shall be liable to be imprisoned in any Common Gaol or place of confinement other than a Penitentiary for any term not exceeding six months, or to a fine of not more than one hundred dollars or both, in the discretion of the Court. 30

Forging Railway tickets, &c.

32. Whosoever knowingly forges, or utters, knowing the same to be forged, any ticket or order for a free or paid passage on any Railway or on any Steam or other Vessel, with intent to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for a term not exceeding three years nor less than two years, or to be imprisoned in any common gaol or place of confinement other than a Penitentiary for any term less than two years. 35 40

As to forging records, process, instruments of evidence, &c.

Forging proceedings of Courts of Record or Courts of Equity, &c.

33. Whosoever forges or fraudulently alters or offers, utters, disposes of, or puts off, knowing the same to be forged or fraudulently altered, any record, writ, return, panel, process, rule, order, warrant, interrogatory, deposition, affidavit, affirmation, recognizance, *cognovit actionem*, or warrant of attorney, or any original document whatsoever, of or belonging to any Court of Record, or any bill, petition, process, notice, rule, answer, pleading, interrogatory, deposition, affidavit, affirmation, report, order, or decree, or any original document whatsoever of or belonging to any Court of Equity or Court of Admiralty, or any original document whatsoever of or belonging to any Court of Justice, or any document or writing, or any copy of any document or writing used 45 50

or intended to be used as evidence in any Court in this section mentioned, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement 5 for any term less than two years, with or without hard labour, and with or without solitary confinement.

34. Whosoever, being the clerk of any Court, or other officer having the custody of the records of any Court, or being the deputy of any such clerk or officer, utters any false copy or certificate of any record, knowing the same to be false; and whosoever, other than such clerk, 10 officer or deputy, signs or certifies any copy or certificate of any record as such clerk, officer or deputy; and whosoever forges or fraudulently alters, or offers, utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any copy or certificate of any record, or offers, utters, disposes of or puts off, any copy or certificate of any 15 record having thereon any false or forged name, hand-writing or signature, knowing the same to be false or forged; and whosoever forges the seal of any Court of Record, or forges or fraudulently alters any process of any Court whatsoever, or serves or enforces any forged process of any Court whatsoever, knowing the same to be forged, or delivers or causes 20 to be delivered to any person any paper, falsely purporting to be any such process, or a copy thereof, or to be any judgment, decree or order of any Court of law or equity, or a copy thereof, knowing the same to be false, or acts or professes to act under any such false process, knowing the same to be false, is guilty of felony, and shall be liable, to be 25 imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Uttering false copies or certificates of records, process of courts not of record, and using forged process.

35. Whosoever forges or fraudulently alters or offers, utters, dis- 30 poses of or puts off, knowing the same to be forged or fraudulently altered, any instrument, whether written or printed, or partly written and partly printed, which is or shall be made evidence by any Act passed by the Legislature of any one of the late Provinces of Upper Canada, Lower Canada or Canada, or passed or to be passed by the 35 Parliament of Canada or by the Legislature of any one of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, and for which offence no other punishment is herein provided, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years nor less than two years, or to be imprisoned in 40 any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Forging instruments made evidence by any Act of Parliament.

36. Whenever any such instrument has been admitted in evidence, the Court or the Judge or person who has admitted the same, may at 45 the request of any party against whom the same has been admitted in evidence, direct that the same shall be impounded and be kept in custody of some Officer of the Court or other proper person, for such period, and subject to such conditions as to the Court, Judge or person admitting the same, may seem meet.

Document may be impounded on request of parties against whom it may have been used.

As to forging notarial acts, registers of deeds, &c.

50 37. Whosoever forges or fraudulently alters, or offers, utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any notarial act or instrument, or copy, purporting to be an authenticated copy thereof, or any *proces verbal* of a surveyor, or like copy thereof, or forges, or fraudulently alters, or offers, utters, disposes of or puts off,

Forgery as to notarial instruments, or as to the registry of deeds.

knowing the same to be forged or fraudulently altered, any duplicate of any instrument, or any memorial, affidavit, affirmation, entry, certificate, indorsement, document, or writing, made or issued under the provisions of any Act heretofore passed by the Legislature of any one of the late Provinces of Upper Canada, Lower Canada or Canada, or 5 passed or hereafter to be passed by the Parliament of Canada, or by the Legislature of any one of the Provinces of Ontario, Quebec, Nova Scotia, or New Brunswick, for or relating to the registry of deeds, or other instruments or documents respecting or concerning the title to or claims upon any real or personal property whatever, or forges, or counterfeits 10 the seal of or belonging to any office for the registry of deeds, or other instruments as aforesaid, or any stamp or impression of any such seal; or forges any name, hand-writing or signature, purporting to be the name, hand-writing or signature of any person to any such memorial, affidavit, affirmation, entry, certificate, indorsement, document, or 15 writing, required or directed to be signed by or by virtue of any Act, passed, or to be passed, or offers, utters, disposes of, or puts off, any such memorial or other writing as in this section before mentioned, having thereon any such forged stamp or impression of any such seal, or any such forged name, hand-writing or signature, knowing the same to be forged, is guilty of felony, and shall be liable to be imprisoned in 20 the Penitentiary, for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to forging orders, &c., of Justices of the Peace.

Forging orders of justices, recognizances, affidavits, &c.

38. Whosoever, with intent to defraud, forges or alters, or offers, 25 utters, disposes of or puts off, knowing the same to be forged or altered, any summons, conviction, order or warrant, of any Justice of the Peace, or any recognizance purporting to have been entered into before any Justice of the Peace or other officer authorized to take the same, or any examination, deposition, affidavit, affirmation or solemn 30 declaration, taken or made before any Justice of the Peace, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years nor less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without 35 solitary confinement.

As to forging the names of Judges, &c.

Forging name of Judges, &c.

39. Whosoever, with intent to defraud, forges or alters any certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing made or purporting to be made by any Judge, officer or clerk, of any Court in Canada, or the 40 name, hand-writing or signature of any such Judge, officer or clerk, as aforesaid, or offers, utters, disposes of, or puts off any such certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing, knowing the same to be forged or altered, is guilty of felony, and shall be liable to be imprisoned in the Peniten- 45 tiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to falsely acknowledging recognizances, &c.

Acknowledging recogniz-

40. Whosoever, without lawful authority or excuse (the proof where- 50 of shall lie on the party accused), in the name of any other person ac-

knowledges any recognizance of bail, or any *cognovit actionem*, or judgment, or any deed or other instrument, before any Court, Judge, Notary, or other person lawfully authorized in that behalf, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to forging marriage licenses.

41. Whosoever forges or fraudulently alters any license or certificate for marriage, or offers, utters, disposes of or puts off any such license or certificate, knowing the same to be forged or fraudulently altered, is guilty of felony, and shall be liable, to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Forging or uttering forged marriage license or certificate.

As to forging registers of births, marriages, and deaths.

42. Whosoever unlawfully destroys, defaces or injures, or causes or permits to be destroyed, defaced or injured, any register of births, baptisms, marriages, deaths or burials, which now is or hereafter shall be by law authorized or required to be kept in Canada or in any one of the provinces of Ontario, Quebec, Nova Scotia or New Brunswick, or any part of any such register, or any certified copy of any such register, or of any part thereof, or forges or fraudulently alters in any such register any entry relating to any birth, baptism, marriage, death or burial, or any part of any such register, or any certified copy of such register, or of any part thereof, or knowingly and unlawfully inserts, or causes or permits to be inserted in any such register, or in any certified copy thereof, any false entry of any matter relating to any birth, baptism, marriage, death or burial, or knowingly and unlawfully gives any false certificate relating to any birth, baptism, marriage, death or burial, or certifies any writing to be a copy or extract from any such register, knowing such writing, or the part of such register whereof such copy or extract is so given, to be false in any material particular, or forges or counterfeits the seal of or belonging to any register office or burial board, or offers, utters, disposes of, or puts off, any such register, entry, certified copy, certificate or seal, knowing the same to be false, forged or altered, or offers, utters, disposes of, or puts off any copy or any entry in any such register, knowing such entry to be false, forged or altered, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Forging registers of births, baptisms, marriages, deaths or burials.

43. Whosoever knowingly and wilfully inserts, or causes or permits to be inserted, in any copy of any register directed or required by law to be transmitted to any Registrar or other officer, any false entry of any matter relating to any baptism, marriage or burial, or forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any copy of any register so directed or required to be transmitted as aforesaid, or knowingly or wilfully signs or verifies any copy of any register so directed or required to be transmitted as aforesaid, which copy is false in any part thereof, knowing the same to be false, or unlawfully destroys, defaces or injures, or for any fraudu-

Making false entries in copies of Register sent to Registrar.

lent purpose takes from its place of deposit, or conceals any such copy of any register, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 5

As to demanding property upon forged instruments.

Demanding property upon forged instruments.

44. Whosoever, with intent to defraud, demands, receives, or obtains, or causes or procures to be delivered or paid to any person, or endeavors to receive or obtain, or to cause or procure to be delivered or paid to any person, any chattel, money, security for money, or other property 10 whatsoever, under, upon, or by virtue of any forged or altered instrument whatsoever, knowing the same to be forged or altered, or under, upon, or by virtue of any probate or letters of administration, knowing the will, testament, codicil, or testamentary writing, on which such probate or letters of administration are obtained to have 15 been forged or altered, or knowing such probate or letters of administration to have been obtained by any false oath, affirmation or affidavit, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confine- 20 ment for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to cases not otherwise provided for.

Forging any document or writing whatsoever.

45. Whosoever maliciously and for any purpose of fraud or deceit, forges any document or thing written, printed or otherwise made capable of being read, or utters any such forged document or thing 25 knowing the same to be forged, is guilty of felony and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term not less than two years, with or without hard labour, and with or without solitary confinement; and the wilful altera- 30 tion for any purpose of fraud or deceit, of any such document or thing or of any document or thing the forging of which is made penal by this Act, shall be held to be a forging thereof.

As to other matters.

Forging any instrument, however designated, which is in law a will, bill of exchange, &c.

46. Where by this or any other Act any person is or shall hereafter be made liable to punishment for forging or altering, or for offering, 35 uttering, disposing of, or putting off, knowing the same to be forged or altered, any instrument or writing designated in such Act by any special name or description, and such instrument or writing, however designated, is in law a will, testament, codicil or testamentary writing, or a deed, bond or writing obligatory, or a bill of exchange, or 40 a promissory note for the payment of money, or an indorsement on, or assignment of a bill of exchange, or promissory note for the payment of money, or an acceptance of a bill of exchange, or an undertaking, warrant, order, authority, or request for the payment of money, or an indorsement on or assignment of an undertaking, warrant, order, 45 authority, or request for the payment of money, within the true intent and meaning of this Act, in every such case the person forging or altering such instrument or writing, or offering, uttering, disposing of, or putting off such instrument or writing, knowing the same to be forged or altered, may be indicted as an offender against this Act, and pun- 50 ished accordingly.

47. Where the forging or altering any writing or matter whatsoever, or the offering, uttering, disposing of, or putting off any writing or matter whatsoever, knowing the same to be forged or altered, is in this Act expressed to be an offence, if any person in Canada forges, or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any such writing or matter, in whatsoever country or place out of Canada, whether under the dominion of Her Majesty or not, such writing or matter may purport to be made or may have been made, and in whatever language the same or any part thereof may be expressed, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the writing or matter had purported to be made or had been made in Canada, and if any person in Canada forges, or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any bill of exchange, or any promissory note for the payment of money, or any indorsement on or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or any undertaking, warrant, order, authority, or request for the payment of money, or for the delivery or transfer of any goods or security, or any deed, bond, or writing obligatory for the payment of money, (whether such deed, bond, or writing obligatory is made only for the payment of money, or for the payment of money together with some other purpose,) or any indorsement on or assignment of any such undertaking, warrant, order, authority, request, deed, bond, or writing obligatory, in whatsoever place or country out of Canada, whether under the dominion of Her Majesty or not, the money payable or secured by such bill, note, undertaking, warrant, order, authority request, deed, bond or writing obligatory may be or may purport to be payable, and in whatever language the same respectively or any part thereof may be expressed, and whether such bill, note, undertaking, warrant, order, authority, or request, be or be not under seal, every such person and every person aiding, abetting or counselling such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the money had been payable or had purported to be payable in Canada.

Forging, &c., in Canada documents, purporting to be made or actually made out of Canada, or forging, &c., in Canada, bills, &c., purporting to be payable out of Canada.

48. Whosoever commits any offence against this Act, or commits any offence of forging, or altering any matter whatsoever, or of offering, uttering, disposing of, or putting off, any matter whatsoever, knowing the same to be forged or altered, whether the offence in any such case be indictable at common law, or by virtue of any Act passed or to be passed, may be dealt with, indicted, tried, and punished in any district, county or place in which he is apprehended or in custody, in the same manner in all respects as if the offence had been actually committed in that district, county or place; and every accessory before or after the fact to any such offence, if the same be a felony, and every person aiding, abetting, or counselling the commission of any such offence, if the same be a misdemeanor, may be dealt with, indicted, tried, and punished, in any district, county or place in which he shall be apprehended, or be in custody, in the same manner in all respects as if his offence, and the offence of his principal, had been actually committed in such district, county, or place.

Forgers, &c., may be tried in the county where they are apprehended or are in custody.

49. In any indictment for forging, altering, offering, uttering, disposing or putting off any instrument, stamp, mark or thing, it shall be sufficient to describe the same by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or *fac-simile* thereof, or otherwise describing the same or the value thereof.

Description of instrument in indictments for forgery.

Description of instrument in indictments for engraving, &c. **50.** In any indictment for engraving or making the whole or any part of any instrument, matter or thing whatsoever, or for using or having the unlawful custody or possession of any plate or other material upon which the whole or any part of any instrument, matter, or thing whatsoever has been engraved or made, or for having the unlawful custody or possession of any paper upon which the whole or any part of any instrument, matter, or thing whatsoever has been made or printed, it shall be sufficient to describe such instrument, matter, or thing by any name or designation by which the same may be usually known, without setting out any copy or *fac-simile* of the whole or any part of such instrument, matter or thing. 5 10

Intent to defraud particular persons or need not be alleged or proved. **51.** It shall be sufficient in any indictment for forging, altering, uttering, offering, disposing of, or putting off any instrument whatsoever, where it shall be necessary to allege an intent to defraud, to allege that the party accused did the act with intent to defraud, without alleging an intent to defraud any particular person; and on the trial of any such offence it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud. 15

Interpretation as to criminal possession. **52.** Where the having any matter or thing in the custody or possession of any person is in this Act expressed to be an offence, if any person has any such matter or thing in his personal custody and possession, or knowingly and wilfully has any such matter or thing in the actual custody and possession of any other person, or knowingly and wilfully has any such matter or thing in any dwelling-house or other building, lodging, apartment, field, or other place, open or inclosed, whether belonging to or occupied by himself or not, and whether such matter or thing is so had for his own use, or for the use or benefit of another, every such person shall be deemed and taken to have such matter or thing in his custody or possession within the meaning of this Act. 20 25 30

Search for paper or implements employed in any forgery and for forged instruments. **53.** If it is made to appear, by information on oath or affirmation before a Justice of the Peace, that there is reasonable cause to believe that any person has in his custody or possession without lawful authority or excuse, any Dominion or Provincial Note, or any note or bill of any bank or body corporate, company, or person carrying on the business of bankers, or any frame, mould, or implement for making paper in imitation of the paper used for such notes or bills, or any such paper, or any plate, wood, stone, or other material, having thereon any words, forms, devices, or characters capable of producing or intended to produce the impression of any such note or bill, or any part thereof, or any tool, implement, or material used or employed, or intended to be used or employed in or about any of the operations aforesaid, or any forged security, document, or instrument whatsoever, or any machinery, frame, mould, plate, die, seal, paper, or other matter or thing used or employed, or intended to be used or employed, in the forgery of any security, document or instrument whatsoever, such Justice may, if he think fit, grant a warrant to search for the same; and if the same is found upon such search, it shall be lawful to seize and carry the same before some Justice of the district, county or place, to be by him disposed of according to law; and all such matters and things so seized as aforesaid shall by order of the Court where any such offender is tried, or in case there be no such trial, then by order of some Justice of the Peace, be defaced and destroyed, or otherwise disposed of as such Court or Justice may direct. 35 40 45 50 55

Competency of witnesses on trial, &c.

54. In all prosecutions by indictment or information against any person or persons for any offence punishable under this Act, no person shall be deemed an incompetent witness, in support of the prosecution by reason of any interest which such person may have or be supposed to have in respect of any deed, writing, instrument or other matter given in evidence on the trial of such indictment or information; but the evidence of any person or persons so interested or supposed to be interested shall in no case be deemed sufficient to sustain a conviction for any of the said offences unless the same is corroborated by other legal evidence in support of such prosecution.

Competency of witnesses on trial.

Proviso.

55. Whosoever, after the commencement of this Act, is convicted of any offence which has been subjected by any Act or Acts to the same pains or penalties as are imposed by the Act passed in the fifth year of the Reign of Queen Elizabeth, intituled "An Act against forgers of false deeds and writings," for any of the offences first enumerated in the said Act, is guilty of felony, and shall, in lieu of such pains and penalties, be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Other punishments substituted for those of 5 Eliz., c. 14.

56. Where by any Act now in force in any Province of Canada, any person falsely making, forging, counterfeiting, erasing, or altering any matter whatsoever, or uttering, publishing, offering, disposing of, putting away, or making use of any matter whatsoever, knowing the same to have been falsely made, forged, counterfeited, erased, or altered, or any person demanding, or endeavoring to receive or have anything, or to do or to cause to be done any act, upon or by virtue of any matter whatsoever, knowing such matter to have been falsely made, forged, counterfeited, erased, or altered; or where by any such Act now in force any person falsely personating another, or falsely acknowledging anything in the name of another, or falsely representing any other person than the real party to be such real party, or wilfully making a false entry in any book, account or document, or in any manner wilfully falsifying any part of any book, account, or document, or wilfully making a transfer of any stock, annuity or fund in the name of any person not being the owner thereof, or knowingly taking any false oath, or knowingly making any false affidavit or false affirmation, or demanding or receiving any money or other thing by virtue of any probate or letters of administration, knowing the will on which such probate shall have been obtained to have been false or forged, or knowing such probate or letters of administration to have been obtained by means of any false oath or false affirmation; or where by any such Act now in force any person making or using or knowingly having in his custody or possession any frame, mould or instrument for the making of paper, with certain words visible in the substance thereof, or any person making such paper, or causing certain words to appear visible in the substance of any paper, would, according to the provisions contained in any such Act, be guilty of felony and be liable to any greater punishment than is provided by this Act, then and in each of the several cases aforesaid, if any person after the commencement of this Act is convicted of any such felony as is hereinbefore in this section mentioned, or of aiding, abetting, counselling, or procuring the commission thereof, and the same is not punishable under any of the other provisions of this Act, every such person shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less

All forgeries which were capital, or punishable more severely than under this Act, and are not otherwise punishable under this Act, shall be punished with imprisonment.

than two years, with or without hard labour, and with or without solitary confinement.

Accessories
after the fact,
to felonies,
how punish-
able.

57. Every accessory after the fact to any felony punishable under this Act, shall be liable to be imprisoned in any gaol or place of confinement, other than the Penitentiary, for any term less than two years, with or without hard labour, and with or without solitary confinement; and every person who aids, abets, counsels or procures the commission of any misdemeanor punishable under this Act, shall be liable to be proceeded against, indicted and punished, as a principal offender. 5 10

Fine and
sureties for
keeping the
peace; in
what cases.

58. Whenever any person is convicted of a misdemeanor under this Act, the Court may, if it thinks fit, in addition to or in lieu of any of the punishments by this Act authorized, fine the offender, and require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in all cases of felonies in this Act mentioned, the Court may, if it thinks fit, require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any of the punishments by this Act authorized; provided that no person shall be imprisoned under this section for not finding sureties, for any period exceeding one year. 15 20

Proviso.

Commence-
ment of Act.

59. This Act shall commence and take effect on the day of , one thousand eight hundred and

No. 14.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act respecting Indictable Offences by
Forgery.

Received and read, First time, Wednesday, 21st
April, 1869.

Second reading, Friday, 23rd April, 1869.

Hon. Sir JOHN A. MACDONALD.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting Larceny and other similar Offences.

WHEREAS it is expedient to assimilate, amend and consolidate the Preamble.
Statute Law of the several Provinces of Quebec, Ontario, Nova
Scotia and New Brunswick, relating to Larceny and other similar
offences, and to extend the same, as so consolidated, to all Canada :
5 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 interpretation of this Act :

The term " Document of title to goods," shall include any bill of lading, India warrant, dock warrant, warehouse-keeper's certificate, 10
warrant or order for the delivery or transfer of any goods or valuable thing, bought and sold note, or any other document used in the
ordinary course of business as proof of the possession or control of goods, authorizing or purporting to authorize, either by indorsement
or by delivery, the possessor of such document to transfer or receive
15 any goods thereby represented or therein mentioned or referred to :

Interpreta-
tion of terms
" Document
of title to
goods."

The term " Document of title to lands," shall include any deed, map, paper or parchment, written or printed, or partly written and partly
printed, being or containing evidence of the title, or any part of the
title to any real estate, or to any interest in or out of any real estate,
20 or any Notarial or Registrar's copy thereof, or any duplicate instru-
ment, memorial, certificate, or document authorized or required by any
law in force in any part of Canada, respecting registration of titles,
and relating to such title :

" Document
of title to
lands."

The term " Trustee " shall mean a trustee on some express trust
25 created by some deed, will or instrument in writing, or a trustee of
personal estate created by parol, and shall include the heir or personal
representative of any such trustee, and any other person upon or to
whom the duty of such trust may have devolved or come, and also an
executor and administrator, and an official manager, assignee, liquidator
30 or other like officer acting under any present or future Act relating
to joint stock companies, bankruptcy or insolvency, and any person
who is by the law of the Province of Quebec, an " *Administrateur* ;"
and the word " Trust " shall include whatever is by that law an
" *Administration* :"

" Trustee."

The term " Valuable security " shall include any order, exchequer
35 acquittance or other security whatsoever entitling or evidencing the
title of any person or body corporate to any share or interest in any
public stock or fund, whether of Canada, or of any Province therein,
or of the United Kindom, or of any British Colony or Possession, or
40 of any foreign state, or in any fund of any body corporate, company
or society, whether within Canada, or the United Kingdom, or any
British Colony or Possession, or in any foreign state or country, or to
any deposit in any Savings Bank or other Bank, and shall also include
any debenture, deed, bond, bill, note, warrant, order, or other security

" Valuable
security."

whatsoever, for money or for payment of money, whether of Canada, or of any Province therein, or of the United Kingdom, or of any British Colony or Possession, or of any foreign-state, and any document of title to lands or goods as hereinbefore defined, and any stamp or writing which secures or evidences title to or interest in any chattel personal, or any release, receipt, discharge, or other instrument evidencing payment of money, or the delivery of any chattel personal; and every such valuable security, shall where value is material, be deemed to be of value equal to that of such unsatisfied money, chattel personal, share, interest, or deposit, for the securing or payment of which, or delivery, or transfer, or sale of which, or for the entitling or evidencing title to which, such valuable security is applicable, or to that of such money or chattel personal, the payment or delivery of which is evidenced by such valuable security.

“ Property.” The term “ Property ” shall include every description of real and personal property, money, debts and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods, and shall also include not only such property as may have been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and any thing acquired by such conversion or exchange, whether immediately or otherwise :

“ Cattle.” The term “ Cattle ” shall include any horse, mule, ass, swine 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 to many.

“ Banker.” The term “ Banker ” shall include any director of any incorporated bank or banking company.

“ Writing.” The term “ writing ” shall include any mode in which and any material on which words or figures at length or abridged are written, printed or otherwise expressed, or any map or plan is inscribed.

“ Testamen-
tary Instru-
ment.” The term “ testamentary instrument ” shall include any will, codicil, or any other testamentary writing or appointment, as well during the life of the testator whose testamentary disposition it purports to be, as after his death, whether the same relates to real or personal estate, or both.

“ Municipa-
lity.” The term “ Municipality ” shall include the Corporation of any City, Town, Village, Township, Parish or other territorial or local division of any Province of Canada, the inhabitants whereof are incorporated or have the right of holding property for any purpose.

Having in
custody or
possession
under this
Act. Whenever the having anything in the possession of any person, is in this Act expressed to be an offence, then if any person has any such thing in his personal custody or possession, or knowingly or wilfully has any such thing in any dwelling-house or other building, lodging, apartment, field, or other place open or enclosed, whether belonging to, or occupied by himself or not, and whether such matter or thing be so had for his own use or benefit, or for that of another, such person shall be deemed to have such matter or thing in his custody or possession within the meaning of this Act, and where there are two or more persons, any one or more of whom, with the knowledge and consent of the rest, has any such thing in his or their custody or possession, it shall be deemed and taken to be in the custody and possession of all of them.

For the purposes of this Act, the night shall be deemed to commence "Night." at nine of the clock in the evening of each day, and to conclude at six of the clock in the morning of the next succeeding day, and the day shall include the remainder of the twenty-four hours.

- 5 2. Every larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents in all respects as grand larceny was before the distinction between grand and petit larceny was abolished. All larcenies to be of the same nature.
- 10 3. Whosoever being a bailee of any chattel, money or valuable security, fraudulently takes or converts the same to his own use or to the use of any person other than the owner thereof, although he do not break bulk or otherwise determine the bailment, is guilty of larceny, and may be convicted thereof upon an indictment for larceny; but this section shall not extend to any offence punishable on summary conviction. Bailees fraudulently converting property, guilty of larceny.
- 20 4. Whosoever is convicted of simple larceny or of any felony hereby made punishable like simple larceny, shall (except in the cases hereinafter otherwise provided for) be liable to be imprisoned in the Penitentiary for any term not exceeding *three* years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping. Punishment for simple larceny.
- 25 5. It shall be lawful to insert several counts in the same indictment against the same person for any number of distinct acts of stealing, not exceeding three, which have been committed by him against the same person within the space of six months from the first to the last of such acts, and to proceed thereon for all or any of them. Three larcenies may be charged in one indictment.
- 30 6. If upon the trial of any indictment for larceny it appears that the property alleged in such indictment to have been stolen at one time was taken at different times, the prosecutor or counsel for the prosecution shall not by reason thereof be required to elect upon which taking he will proceed, unless it appears that there were more than three takings, or that more than the space of six months elapsed between 35 the first and the last of such takings; and in either of such last mentioned cases the prosecutor or counsel for the prosecution shall be required to elect to proceed for such number of takings not exceeding three, as appear to have taken place within the period of six months from the first to the last of such takings. Where one taking is charged and several takings at different times are proved.
- 40 7. Whosoever commits the offence of simple larceny after a previous conviction for felony, whether such conviction has taken place upon an indictment or under the provisions of the *Act respecting the prompt and summary administration of Criminal Justice in certain cases*, shall be liable to be imprisoned in the Penitentiary for any term not exceeding 45 ten years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping. Larceny after a conviction for felony.
- 50 8. Whosoever commits the offence of simple larceny or any offence hereby made punishable like simple larceny, after having been previously convicted of any indictable misdemeanor punishable under this Act, shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be Larceny after conviction of an indictable misdemeanor under this Act.

imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Larceny after
two summary
convictions.

9. Whosoever commits the offence of simple larceny, or any offence hereby made punishable like simple larceny, after having been twice summarily convicted of any of the offences punishable upon summary conviction under the provisions contained in this Act, or in any former Act or law relating to the same subjects, or in the *Act respecting the prompt and summary administration of Criminal Justice in certain cases*, or in the *Act respecting the trial and punishment of Juvenile Offenders*, or in the *Act respecting malicious injuries to property*, (whether each of the convictions has been in respect of an offence of the same description or not, and whether such convictions or either of them has been before or after the passing of this Act,) is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years,— or to be imprisoned in any other gaol or place of confinement, for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping. 5 10 15 20

As to larceny of cattle or other animals.

Stealing
cattle.

10. Whosoever steals any cattle is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 25

Killing ani-
mals with
intent to
steal the
carcase, &c.

11. Whosoever wilfully kills any animal, with intent to steal the carcase, skin, or any part of the animal so killed, is guilty of felony, and shall be liable to the same punishment as if he had been convicted of feloniously stealing the same, provided the offence of stealing the animal so killed would have amounted to felony. 30

Stealing dogs
beasts or birds
ordinarily
kept in con-
finement and
not subjects
of larceny.

12. Whosoever steals any dog, or any bird, beast, or other animal ordinarily kept in a state of confinement or for any domestic purpose, or for any lawful purpose of profit or advantage, not being the subject of larceny at common law, or wilfully kills any such dog, bird, beast or animal, with intent to steal the same or any part thereof, shall, on conviction thereof before a Justice of the Peace, either be committed to the common gaol or house of correction, there to be imprisoned only or to be imprisoned and kept at hard labour for any term not exceeding one month, or else shall forfeit and pay, over and above the value of the dog, bird, beast or other animal, such sum of money, not exceeding *twenty dollars*, as to the Justice may seem meet; and whosoever having been convicted of any such offence, either against this or any former Act or Law, afterwards commits any offence in this section before mentioned, and is convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term not exceeding three months, as the convicting Justice may think fit. 35 40 45

Second
offence.

Killing or
taking
pigeons.

13. Whosoever unlawfully and wilfully kills, wounds, or takes any house-dove or pigeon under such circumstances as do not amount to larceny at common law, shall, on conviction before a Justice of the Peace, forfeit and pay, over and above the value of the bird, any sum not exceeding *ten dollars*. 50

14. Whosoever steals any oysters or oyster brood from any oyster bed, laying or fishery, being the property of any other person, and sufficiently marked out or known as such, is guilty of felony, and being convicted thereof, shall be liable to be punished as in the case of simple larceny; and whosoever unlawfully and wilfully uses any dredge or net, instrument or engine whatsoever, within the limits of any oyster bed, laying or fishery, being the property of any other person, and sufficiently marked out or known as such for the purpose of taking oysters or oyster brood, although none shall be actually taken, or unlawfully and wilfully, with any net, instrument or engine, drags upon the ground of any such fishery, is guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding three months, with or without hard labour, and with or without solitary confinement; and it shall be sufficient in any indictment to describe either by name or otherwise the bed, laying or fishery in which any of the said offences has been committed, without stating the same to be in any particular county, district or other local division; Provided, that nothing in this section contained shall prevent any person from catching or fishing for any floating fish within the limits of any oyster fishery with any net, instrument or engine adapted for taking floating fish only.

Stealing or dredging for oysters in oyster fisheries.

Form of indictment.

Proviso, as to floating fish.

As to larceny of written instruments.

15. Whosoever steals, or for any fraudulent purpose destroys, cancels, obliterates, or conceals the whole or any part of any valuable security, other than a document of title to lands, is guilty of felony, of the same nature and in the same degree, and punishable in the same manner as if he had stolen any chattel of like value with the share, interest or deposit to which the security so stolen relates, or with the money due on the security so stolen, or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing represented, mentioned or referred to in or by the security.
16. Whosoever steals, or for any fraudulent purpose destroys, cancels, obliterates or conceals the whole or any part of any document of title to lands, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; and in any indictment for any such offence, relating to any document of title to lands, it shall be sufficient to allege such document to be or contain evidence of the title, or of part of the title, or of some matter affecting the title, of the person or of some one of the persons having an interest, whether vested or contingent, legal or equitable, in the real estate to which the same relates, and to mention such real estate or some part thereof.
17. Whosoever, either during the life of the testator or after his death, steals, or, for any fraudulent purpose, destroys, cancels, obliterates or conceals the whole or any part of any will, codicil or other testamentary instrument, whether the same relates to real or personal estate, or to both, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; and it shall not, in any indictment for such offence, be necessary to allege that such will, codicil, or other instrument, is the property of any person or of any value; Provided that nothing in this or the last preceding section mentioned, nor any proceeding, conviction or judgment to be had or taken thereupon, shall prevent, lessen or impeach any remedy at law or in equity, which any

Bonds, bills, notes, &c.

Deeds, &c., relating to real property.

Form of indictment.

Wills or codicils.

Other remedies not to be affected.

party aggrieved by any such offence might or would have had if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him; and no person shall be liable to be convicted of any of the felonies in this and the last preceding section mentioned by any evidence whatever, in respect of any act done by him, if he has at any time, previously to his being charged with such offence, first disclosed such act, on oath, in consequence of any compulsory process of any Court of law or equity, in any action, suit or proceeding, *bonâ fide* instituted by any party aggrieved, or if he has first disclosed the same in any compulsory examination or deposition before any Court upon the hearing of any matter in bankruptcy or insolvency.

Stealing records or other legal documents.

18. Whosoever steals, or, for any fraudulent purpose, takes from its place of deposit, for the time being, or from any person having the custody thereof, or unlawfully and maliciously cancels, obliterates, injures, or destroys the whole or any part of any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order, or warrant of attorney, or of any original document whatsoever, of or belonging to any Court of Record, or other Court of Justice, or relating to any matter, civil or criminal, begun, depending, or terminated in any such Court, or of any bill, petition, answer, interrogatory, deposition, affidavit, order, or decree, or of any original document whatsoever of or belonging to any Court of Equity, or relating to any cause or matter begun, depending or terminated in any such Court, or of any original document in any wise relating to the business of any office or employment under Her Majesty, and being or remaining in any office appertaining to any Court of Justice, or in any government or public office, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; and it shall not in any indictment for such offence be necessary to allege that the article in respect of which the offence is committed is the property of any person.

Form of indictment.

Stealing railway tickets, &c.

19. Whosoever steals any railway or steamboat ticket, or any order or receipt for a passage on any railway or in any steamer or other vessel, is guilty of felony, and shall be liable to be imprisoned in any gaol or place of confinement, other than a penitentiary, with or without hard labour, for any term less than two years.

As to larceny of things attached to or growing on land.

Metal, glass, wood, &c., fixed to house or land.

20. Whosoever steals, or rips, cuts, severs or breaks with intent to steal, any glass or woodwork belonging to any building whatsoever, or any lead, iron, copper, brass or other metal, or any utensil or fixture, whether made of metal or other material, or of both, respectively fixed in or to any building whatsoever, or any thing made of metal fixed in any land being private property or for a fence to any dwelling-house, garden or area, or in any square or street, or in any place dedicated to public use or ornament, or in any burial ground, is guilty of felony, and shall be liable to be punished as in the case of simple larceny; and in case of any such thing fixed in any such square, street or place as aforesaid, it shall not be necessary to allege the same to be the property of any person.

Trees in pleasure grounds of the value of \$5, or elsewhere of the value of \$25 lbs., s. 32.

21. Whosoever steals, or cuts, breaks, roots up, or otherwise destroys or damages with intent to steal, the whole or any part of any tree, sapling or shrub or any underwood respectively growing in any park, pleasure ground, garden, orchard or avenue, or in any ground adjoining or belonging to any dwelling-house (in case the value of the article

or articles stolen, or the amount of the injury done, exceeds the sum of *five dollars*), is guilty of felony, and shall be liable to be punished as in the case of simple larceny; and whosoever steals, or cuts, breaks, roots up, or otherwise destroys or damages with intent to steal, the whole or
 5 any part of any tree, sapling or shrub, or any underwood, respectively growing elsewhere than in any of the situations in this section before mentioned (in case the value of the article or articles stolen, or the amount of the injury done, exceeds the sum of *twenty-five dollars*), is
 10 simple larceny.

22. Whosoever steals, or cuts, breaks, roots up or otherwise destroys or damages with intent to steal, the whole or any part of any tree, sapling or shrub, or any underwood, wheresoever the same may be respectively growing, the stealing of such article or articles, or the
 15 injury done, being to the amount of *twenty-five cents* at the least, shall, on conviction thereof before a Justice of the Peace, forfeit and pay, over and above the value of the article or articles stolen, or the amount of the injury done, such sum of money, not exceeding *twenty-five dol-*
 20 *lars* as to the Justice may seem meet; And whosoever having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof in like manner, shall for such
 25 second offence be committed to the common gaol, or house of correction, there to be kept to hard labour for such term, not exceeding three months, as the convicting Justice may think fit; and whosoever, having
 30 been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the passing of this Act) afterwards commits any of the offences in this section before mentioned, is guilty of felony, and shall be liable to be punished in the same manner as in the case of simple larceny.

Stealing trees worth more than 25c. punishable on summary conviction for first and second offences.

Third offence felony.

Second offence.

Third offence.

23. If any person receives or purchases any tree or sapling, trees or sapling, or any timber made therefrom, exceeding in value the sum of *ten dollars*, knowing the same to have been stolen, or unlawfully cut or carried away, such receiver or purchaser shall be guilty of a
 35 misdemeanor, and may be indicted and convicted thereof, whether the principal offender has or has not been convicted, or be or be not amenable to justice, and shall be liable to the same punishment as the principal offender: Provided that nothing in this or in either of the two next preceding sections contained, nor any proceeding, conviction
 40 or judgment to be had or taken thereupon, shall prevent, lessen or impeach any remedy at Law or in Equity which any party aggrieved by any of the said offences would have had, if this Act had not been passed; nevertheless the conviction of the offender shall not be received in evidence in any action at law or suit in equity against him; and no
 45 person shall be convicted of either of the offences aforesaid, by any evidence disclosed by him on oath, in consequence of the compulsory process of a Court of Law or Equity in any action, suit, or proceeding, instituted by any party aggrieved.

Purchasing or receiving stolen trees.

Proviso: other remedies saved.

Parties confessing the offence in action, &c.

24. Whosoever steals, or cuts, breaks, or throws down with intent to steal, any part of any live or dead fence, or any wooden post, pale,
 50 wire or rail set up or used as a fence, or any stile or gate, or any part thereof respectively, shall, on conviction thereof before a Justice of the Peace, forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding twenty dollars, as to the Justice may seem meet; And
 55 whosoever having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the said offences in this section before-mentioned, and is convicted thereof in like manner, shall be committed to the common gaol or house of cor-

Stealing, &c., any live or dead fences, wooden fence, stile or gate.

Second offence.

rection, there to be kept to hard labour for such term not exceeding three months as the convicting Justice may think fit.

Suspected persons in possession of any wood, &c. not satisfactorily accounting for it.

25. If the whole or any part of any tree, sapling or shrub, or any underwood, or any part of any live or dead fence, or any post, pale, wire, rail, stile or gate, or any part thereof, being of the value of twenty-five cents at the least, is found in the possession of any person, or on the premises of any person with his knowledge, and such person, being taken or summoned before a Justice of the Peace, does not satisfy the Justice that he came lawfully by the same, he shall, on conviction by the Justice, forfeit and pay, over above the value of the article or articles so found, any sum not exceeding ten dollars. 5-10

Stealing, &c., any fruit, &c., punishable on summary conviction for first offence.

26. Whosoever steals, or destroys or damages with intent to steal, any plant, root, fruit, or vegetable production growing in any garden, orchard, pleasure ground, nursery ground, hot-house, green-house or conservatory, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one month, or else shall forfeit and pay over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding twenty dollars, as to the Justice may seem meet; And whosoever having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the offences in this section before-mentioned, is guilty of felony, and shall be liable to be punished in the same manner as in the case of simple larceny. 15-20-25

Second offence.

Stealing, &c., vegetable productions not growing in gardens, &c.

27. Whosoever steals, or destroys or damages with intent to steal, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or enclosed, not being a garden, orchard, pleasure ground, or nursery ground, shall, on conviction thereof before a Justice of the Peace, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one month, or else shall forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding five dollars, as to the Justice seems meet, and in default of payment thereof, together with the costs, (if ordered) shall be committed as aforesaid for any term not exceeding one month, unless payment be sooner made; and whosoever having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour, for such term not exceeding three months as the convicting Justice thinks fit. 30-35-40-45

Second offence.

As to larceny from mines, or of ores or minerals.

Ores of metal, coal, &c.

28. Whosoever steals, or severs with intent to steal, the ore of any metal, or any quartz, lapis calaminaris, manganese, or mundick, or any piece of gold, silver or other metal, or any wad, black cawke, or black lead, or any coal, or cannel coal, or any marble, stone or other mineral, from any mine, bed or vein thereof respectively, is guilty of felony, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary, for any term less than two years, with or without hard labour, and with or without solitary confinement. 50

Miners removing ore with intent to defraud.

29. Whosoever being employed in or about any mine, quarry or digging, takes, removes, or conceals any ore of any metal, or any quartz, lapis calaminaris, manganese, mundick, or any piece of gold, silver or 55

other metal, or any mineral found or being in such mine, quarry or digging, with intent to defraud any proprietor of, or any adventurer in the same, or any workman or miner employed therein, is guilty of felony, and shall be liable to be imprisoned in any gaol or place of
5 confinement other than a Penitentiary, for any term less than two years, with or without hard labour, and with or without solitary confinement.

30. Whosoever being the holder of any lease or licence issued under the provisions of any Act relating to gold or silver mining, or by any private parties owning land supposed to contain any gold or silver, by
10 any fraudulent device or contrivance, defrauds or attempts to defraud Her Majesty or any private party of any gold, silver or money payable or reserved by such lease, or with such intent as aforesaid, conceals or makes a false statement as to the amount of gold or silver procured by him, is guilty of a misdemeanor, and shall be liable to be imprisoned
15 in any gaol or place of confinement other than a Penitentiary, for any term less than two years, with or without hard labour and with or without solitary confinement.

Penalty for concealing royalty, with intent to defraud.

31. Whosoever with intent to defraud his co-partner, co-adventurer, joint tenant or tenant in common, in any claim, or in any share or
20 interest in any claim, secretly keeps back or conceals any gold or silver found in or upon or taken from such claim, is guilty of felony, and shall be liable to be punished in the same manner as in the case of simple larceny.

Punishment of fraud on partners.

Larceny, &c., by partners.

32. Whosoever, being a member of any co-partnership, or being one
25 of two or more beneficial owners of any money or other property, steals, embezzles, or unlawfully converts the same or any part thereof to his own use, or that of any person other than the owner, shall be liable to be dealt with, tried, convicted and punished as if he had not been or were not a member of such co-partnership, or one of such
30 beneficial owners.

Partners stealing property of partnership.

As to larceny from the person, and other like offences.

33. Whosoever robs any person, or steals any chattel, money or valuable security from the person of another, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned
35 in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Robbery, or stealing from the person:

34. If upon the trial of any person upon an indictment for robbery it appears to the jury upon the evidence that the defendant did not
40 commit the crime of robbery, but that he did commit an assault with intent to rob, the defendant shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is guilty of an assault with intent to rob; and thereupon such defendant shall be liable to be punished in the same manner
45 as if he had been convicted upon an indictment for feloniously assaulting with intent to rob; and no person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried.

On trial for robbery, jury may convict of an assault with intent to rob.

35. Whosoever assaults any person with intent to rob is guilty of
50 felony, and shall (save and except in cases where a greater punishment is provided by this Act) be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or

Assault with intent to rob.

to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Robbery or assault by a person armed or by two or more, or robbery and wounding.

36. Whosoever being armed with any offensive weapon or instrument, robs or assaults with intent to rob any person, or together with one or more other person or persons robs or assaults with intent to rob any person, or robs any person and at the time of or immediately before or immediately after such robbery wounds, beats, strikes, or uses any other personal violence to any person is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 5 10

Letters demanding money, &c., with menaces.

37. Whosoever sends, delivers, or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing, demanding of any person with menaces, and without any reasonable or probable cause, any property, chattel, money, valuable security, or other valuable thing, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping. 15 20

Demanding money, &c., with menaces or by force, with intent to steal.

38. Whosoever with menaces or by force demands any property, chattel, money, valuable security or other valuable thing of any person with intent to steal the same, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for the term of two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 25 30

Letter threatening to accuse of crime with intent to extort.

39. Whosoever sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing accusing or threatening to accuse or cause to be accused any other person of any crime punishable by law with death or imprisonment in the Penitentiary for not less than seven years, or of any assault with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any infamous crime as hereinafter defined with a view or intent in any of such cases to extort or gain by means of such letter or writing, any property, chattel, money, valuable security or other valuable thing from any person, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping: and the abominable crime of buggery, committed either with mankind or with beast, and every assault with intent to commit the said abominable crime, and every attempt or endeavor to commit the said abominable crime, and every solicitation, persuasion, promise, or threat offered or made to any person whereby to move or induce such person to commit or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this Act, and every species of parting with any such letter to the end that it may come, or whereby it comes into the hands of the person for whom it is intended, shall be deemed a sending of such letter. 35 40 45 50 55

"Infamous crime" defined.

Accusing or threatening

40. Whosoever accuses or threatens to accuse either the person to whom such accusation or threat is made or any other person of any of

the infamous or other crimes lastly hereinbefore mentioned, with the view or intent in any of the cases last aforesaid to extort or gain from such person so accused or threatened to be accused, or from any other person, any property, chattel, money, valuable security, or other valuable thing, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

- 10 **41.** Whosoever, with intent to defraud or injure any other person, by any unlawful violence to or restraint of, or threat of violence to or restraint of the person of another, or by accusing or threatening to accuse any person of any treason, felony or infamous crime as hereinbefore defined, compels or induces any person to execute, make, accept, indorse, alter or destroy the whole or any part of any valuable security, or to write, impress or affix his name, or the name of any other person or of any company, firm or copartnership, or the seal of any body corporate, company or society, upon or to any paper or parchment, in order that the same may be afterwards made or converted into or used or dealt with as a valuable security, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.
- 25 **42.** It shall be immaterial whether the menaces or threats hereinbefore mentioned be of violence, injury or accusation to be caused or made by the offender or by any other person.

to accuse with intent to extort.
Inducing a person by threats or violence to execute deeds &c., with intent to defraud.

Immaterial by whom menaces are to be executed.

As to sacrilege, burglary and house-breaking.

- 43.** Whosoever breaks and enters any church, chapel, meeting-house or other place of Divine worship and commits any felony therein, or being in any church, chapel, meeting-house or other place of Divine worship, commits any felony therein and breaks out of the same, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Breaking and entering a church, &c., and committing a felony.

- 44.** Whosoever enters the dwelling-house of another with intent to commit any felony therein, or being in such dwelling-house, commits any felony therein, and in either case, breaks out of the said dwelling-house in the night, is guilty of burglary.

Burglary by breaking out.

- 45.** Whosoever is convicted of the crime of burglary, shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Punishment for burglary.

- 46.** No building, although within the same curtilage with any dwelling-house, and occupied therewith, shall be deemed to be part of such dwelling-house for any of the purposes of this Act, unless there shall be a communication between such building and dwelling-house, either immediate or by means of a covered and enclosed passage leading from the one to the other.

What building within curtilage to be deemed part of dwelling house.

Entering a dwelling house in the night with intent to commit any felony.

47. Whosoever enters any dwelling-house in the night with intent to commit any felony therein, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 5

Breaking into any building within the curtilage which is no part of the dwelling house and committing any felony.

48. Whosoever breaks and enters any building and commits any felony therein, such building being within the curtilage of a dwelling-house and occupied therewith, but not being part thereof according to the provision hereinbefore mentioned, or being in any such building commits any felony therein and breaks out of the same, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 10 15

Breaking into any house, shop, &c., and committing any felony.

49. Whosoever breaks and enters any dwelling-house, school-house, shop, warehouse or counting-house, and commits any felony therein, or being in any dwelling-house, school-house, shop, warehouse or counting-house commits any felony therein and breaks out of the same, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 20 25

House breaking with intent to commit a felony.

50. Whosoever breaks and enters any dwelling-house, church, chapel, meeting-house, or other place of Divine worship, or any building within the curtilage, school-house, shop, warehouse, or counting-house, with intent to commit any felony therein, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years nor less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 30

Punishment where the burglary charged is not clearly proven, but the breaking, &c., is proven.

51. Whosoever is indicted for any burglary, where the breaking and entering are proved at the trial to have been made in the day-time and no breaking out appears to have been made in the night-time, or where it is left doubtful whether such breaking and entering or breaking out took place in the day or night time, shall be acquitted of the burglary, but may be convicted of the offence specified in the next preceding section. 35 40

When proof of a burglary committed shall not be a defence to a charge of breaking, &c., with intent only, and when offender may be again indicted for burglary.

52. It shall not be available, by way of defence to a person charged with the offence specified in the next preceding section but one, to show that the breaking and entering were such as to amount in law to burglary; Provided that the offender shall not be afterwards prosecuted for burglary upon the same facts, but it shall be open to the Court before whom the trial for such offence takes place, upon the application of the person conducting the prosecution to allow an acquittal on the ground that the offence, as proved, amounts to burglary; and if an acquittal takes place on such ground, and is so returned by the jury in delivering their verdict, the same shall be recorded together with the verdict, and such acquittal shall not then avail as a bar or defence upon an indictment for such burglary. 45 50

Being armed, &c., with intent to break and enter any house in the night.

53. Whosoever is found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling-house or other building whatsoever, and to commit any felony therein, or is found by night having in his possession with 55

out lawful excuse (the proof of which excuse shall lie on such person), any picklock key, crow, jack, bit, or other implement of housebreaking, or any match, or combustible or explosive substance, or is found by night having his face blackened or otherwise disguised with intent to commit
 5 any felony, or is found by night in any dwelling-house or other building whatsoever, with intent to commit any felony therein, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any
 10 term less than two years, with or without hard labour.

54. Whosoever is convicted of any such misdemeanor as in the last preceding section mentioned after a previous conviction, either for felony or such misdemeanor, shall, on such subsequent conviction, be liable to be imprisoned in the Penitentiary for any term not
 15 exceeding ten years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

The like after a previous conviction.

As to larceny in the house.

55. Whosoever steals in any dwelling-house any chattel, money or valuable security to the value in the whole of twenty-five dollars or
 20 more, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

56. Whosoever steals any chattel, money, or valuable security in any dwelling-house, and by any menace or threat, put any one therein in bodily fear, is guilty of felony, and shall be liable to be imprisoned
 25 in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Stealing in a dwelling house with menaces.

As to larceny in manufactories.

57. Whosoever steals to the value of two dollars any woollen, linen or cotton yarn, or any goods or articles of silk, woollen, linen, cotton, alpaca or mohair, or of any one or more of those materials mixed with
 35 each other or mixed with any other material, whilst laid, placed or exposed, during any stage, process or progress of manufacture, in any building, field or other place, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other
 40 gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Stealing goods in process of manufacture.

58. Whosoever having been intrusted, for the purpose of manufacture or for a special purpose connected with manufacture, or employed to make any felt or hat or to prepare or work up any woollen, linen,
 45 fustian, cotton, iron, leather, fur, hemp, flax, cotton, silk or any such materials, mixed with one another, or having been so intrusted as aforesaid, with any other article, materials, fabric or thing, or with any tools or apparatus for manufacturing the same, sells, pawns, purloins, secrets, embezzles, exchanges, or otherwise fraudulently disposes
 50 of the same, or any part thereof, where the case does not fall within the last preceding section hereof, is guilty of a misdemeanor, and shall

Stealing goods intrusted for manufacture.

be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary, for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to larceny in ships, wharfs, &c.

59. Whosoever steals any goods or merchandise in any vessel, barge or boat of any description whatsoever, in any haven or in any port of entry or discharge, or upon any navigable river or canal, or in any creek or basin belonging to or communicating with any such haven, port, river or canal, or steals any goods or merchandise from any dock, wharf or quay, adjacent to any such haven, port, river, canal, creek or basin, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

60. Whosoever plunders or steals any part of any ship or vessel in distress or wrecked, stranded or cast on shore, or any goods, merchandise or articles of any kind belonging to such ship or vessel, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; and the offender may be indicted and tried either in the district, county or place in which the offence has been committed, or in any district, county or place next adjoining, or in which he has been apprehended or is in custody.

61. If any goods, merchandise or articles of any kind belonging to any ship or vessel in distress or wrecked, stranded or cast on shore, are found in the possession of any person, or on the premises of any person, with his knowledge, and such person being taken or summoned before a Justice of the peace, does not satisfy the Justice that he came lawfully by the same, then the same shall, by order of the Justice be forthwith delivered over to or for the use of the rightful owner thereof, and the offender shall, on conviction of such offence before the Justice, at the discretion of the Justice, either be committed to the common gaol or house of correction, there to be imprisoned only or to be imprisoned and kept to hard labour for any term not exceeding three months, or else shall forfeit and pay over and above the value of the goods, merchandise or articles, such sum of money not exceeding twenty dollars, as to the Justice may seem meet.

62. If any person offers or exposes for sale any goods, merchandise or articles whatsoever, unlawfully taken or reasonably suspected so to have been taken from any ship or vessel in distress or wrecked, stranded or cast on shore, in every such case any person to whom the same are offered for sale, or any officer of customs, or excise or peace officer may lawfully seize the same, and shall, with all convenient speed, carry the same or give notice of such seizure to some Justice of the Peace, and if the person who has offered or exposed the same for sale, being summoned by such Justice, does not appear and satisfy the Justice that he came lawfully by such goods, merchandise or articles, then the same shall, by order of the Justice, be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the Justice) to the person who seized the same; and the offender shall, on conviction of such offence by the Justice, at the discretion of the Justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned or kept to hard labour, for any term not exceeding three months, or

else shall forfeit and pay over and above the value of the goods, merchandise or articles, such sum of money not exceeding twenty dollars, as to the Justice seems meet.

As to larceny or embezzlement by clerks, servants, or persons in the Public Service.

63. Whosoever, being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, steals any chattel, money or valuable security belonging to or in the possession or power of his master or employer, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Larceny by clerks or servants.

64. Whosoever, being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, fraudulently embezzles any chattel, money, or valuable security, delivered to or received, or taken into possession by him, for or in the name or on the account of his master or employer, or any part thereof, shall be deemed to have feloniously stolen the same from his master or employer, although such chattel, money, or security was not received into the possession of such master or employer, otherwise than by the actual possession of his clerk, servant, or other person so employed, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Embezzlement by clerks or servants.

65. Whosoever, being employed in the public service of Her Majesty, or of the Lieutenant Governor or Government of any Province of Canada, or of any Municipality, steals any chattel, money or valuable security belonging to in the possession or power of Her Majesty or of such Lieutenant Governor, Government or Municipality, or intrusted to or received or taken into possession by him by virtue of his employment, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Larceny by persons in the Queen's service, or that of any Provincial Government, &c.

66. Whosoever, being employed in the public service of Her Majesty, or of the Lieutenant Governor or Government of any Province of Canada, or of any Municipality, and intrusted by virtue of such employment with the receipt, custody, management or control of any chattel, money or valuable security, embezzles any chattel, money or valuable security entrusted to or received or taken into possession by him by virtue of his employment, or any part thereof, or in any matter fraudulently applies or disposes of the same, or any part thereof to his own use or benefit, or for any purpose whatsoever, except for the public service, or the service of such Lieutenant Governor, Government or Municipality, shall be deemed to have feloniously stolen the same from Her Majesty, or from such Municipality, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour; and every offender against this and the last preceding section may be dealt, with indicted, tried and punished either in the district, county or place in which he is apprehended.

Embezzlement by persons employed in the Queen's Service, or that of any Provincial Government, &c.

hended or is in custody, or in which he has committed the offence; and in every case of larceny, embezzlement or fraudulent application or disposition of any chattel, money or valuable security in this and the last preceding section mentioned, it shall be lawful in the warrant of commitment by the Justice of the Peace, before whom the offender is charged, and in the indictment to be preferred against such offender, to lay the property of any such chattel, money or valuable security in Her Majesty or in the Municipality, as the case may be. 5

Distinct acts of embezzlement may be charged in the same indictment.

67. For preventing difficulties in the prosecution of offenders in any case of embezzlement, fraudulent application or disposition hereinbefore mentioned, it shall be lawful to charge in the indictment and proceed against the offender for any number of distinct acts of embezzlement, or of fraudulent application or disposition, not exceeding three, which may have been committed by him against Her Majesty or against the same Municipality, master or employer within the space of six months from the first to the last of such acts, and in every such indictment, where the offence relates to any money or any valuable security, it shall be sufficient to allege the embezzlement or fraudulent application or disposition to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained if the offender be proved to have embezzled or fraudulently applied or disposed of any amount, although the particular species of coin or valuable security of which such amount was composed is not proved, or if he is proved to have embezzled or fraudulently applied or disposed of any piece of coin or any valuable security, or any portion of the value thereof, although such piece of coin or valuable security has been delivered to him in order that some part of the value thereof should be returned to the party delivering the same or to some other person, and such part has been returned accordingly. 10 15 20 25

Person indicted for embezzlement as a clerk, &c., not to be acquitted if the offence turn out to be larceny, &c., but to be convicted of larceny, and *vice versa*.

68. If upon the trial of any person indicted for embezzlement or fraudulent application or disposition as aforesaid, it is proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement or fraudulent application or disposition but is guilty of simple larceny or larceny as a clerk, servant, or person employed for the purpose or in the capacity of a clerk or servant, or as a person employed in the public service (as the case may be), and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny, and if upon the trial of any person indicted for larceny it is proved that he took the property in question, in any such manner as to amount in law to embezzlement or fraudulent application or disposition as aforesaid, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of larceny, but is guilty of embezzlement or fraudulent application or disposition, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement, fraudulent application or disposition; and no person so tried for embezzlement, fraudulent application or disposition, or larceny as aforesaid shall be liable to be afterwards prosecuted for larceny, fraudulent application or disposition or embezzlement upon the same facts. 30 35 40 45 50

As to larceny by tenants or lodgers.

Tenant or lodger stealing chattel or fixture let to hire with house or lodgings.

69. Whosoever steals any chattel or fixture let to be used by him or her, in or with any house or lodging, whether the contract has been entered into by him or her, or by her husband, or by any person on behalf of him or her or her husband, is guilty of felony, and shall be 55

liable to be imprisoned for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping, and in case the value of such chattel or fixture exceeds the sum of twenty-five dollars, shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping; and in every case of stealing any chattel, in this section mentioned, it shall be lawful to prefer an indictment in the common form as for larceny, and in every case of stealing any fixture, in this section mentioned, to prefer an indictment in the same form as if the offender were not a tenant or lodger, and in either case to lay the property in the owner or person letting to hire.

As to frauds by agents, bankers, or factors.

70. Whosoever, having been intrusted, either solely, or jointly with any other person, as a banker, merchant, broker, attorney or other agent, with any money or security for the payment of money, with any direction in writing to apply, pay or deliver such money or security or any part thereof respectively, or the proceeds, or any part of the proceeds of such security for any purpose, or to any person specified in such direction, in violation of good faith, and contrary to the terms of such direction, in anywise converts to his own use or benefit, or the use or benefit of any person other than the person by whom he has been so intrusted, such money, security, or proceeds, or any part thereof respectively, and whosoever, having been intrusted, either solely or jointly with any other person, as a banker, merchant, broker, attorney, or other agent, with any chattel or valuable security, or any power of attorney for the sale or transfer of any share or interest in any public stock or fund, whether of the United Kingdom, or any part thereof, or of this Dominion of Canada, or any Province thereof, or of any British Colony or Possession, or of any foreign state, or in any stock or fund of any body corporate, company or society, for safe custody or for any special purpose without any authority to sell, negotiate, transfer or pledge, in violation of good faith, and contrary to the object or purpose for which such chattel, security, or power of attorney has been intrusted to him, sells, negotiates, transfers, pledges, or in any manner converts to his own use or benefit, or the use or benefit of any person other than the person by whom he has been so intrusted, such chattel, or security, or the proceeds of the same, or any part thereof, or the share or interest in the stock or fund to which such power of attorney relates, or any part thereof, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; but nothing in this section contained relating to agents shall affect any trustee in or under any instrument whatsoever, or any mortgagee of any property, real or personal, in respect to any Act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage; nor shall restrain any banker, merchant, broker, attorney or other agent from receiving any money due or to become actually due and payable upon or by virtue of any valuable security, according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any securities or effects in his possession, upon which he has any lien, claim, or demand, entitling him by law so to do, unless such sale, transfer or other disposal extends to a greater number

Agent, bank-
er, &c., em-
bezzling
money or sell-
ing securities
&c., intrusted
to him.

Or goods &c.,
intrusted to
him for safe
custody.

Punishment.

Not to affect
trustees or
mortgagees,

Nor bankers,
&c., receiving
money due on
securities;

or disposing
of securities
which they
have a lien.

or part of such securities or effects than are requisite for satisfying such lien, claim or demand.

Bankers, &c.,
fraudulently
selling, &c.,
property in-
trusted to
their care.

71. Whosoever, being a banker, merchant, broker, attorney, or agent, and being intrusted, either solely, or jointly with any other person, with the property of any other person for safe custody, with intent to defraud, sells, negotiates, transfers, pledges, or in any other manner converts or appropriates the same or part thereof, to or for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

Persons
under powers
of attorney
fraudulently
selling pro-
perty:

72. Whosoever, being intrusted, either solely or jointly with any other person, with any power of Attorney, for the sale or transfer of any property, fraudulently sells or transfers, or otherwise converts the same or any part thereof to his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

Factors
obtaining
advances on
the property
of their prin-
cipals.

73. Whosoever, being a factor or agent intrusted, either solely or jointly with any other person, for the purpose of sale or otherwise with the possession of any goods, or of any document of title to goods, contrary to or without the authority of his principal in that behalf, for his own use or benefit, or the use or benefit of any person, other than the person by whom he was so intrusted, and in violation of good faith, makes any consignment, deposit, transfer or delivery of any goods or document of title so intrusted to him as in this section before mentioned, as and by way of a pledge, lien or security for any money or valuable security, borrowed or received by such factor or agent at or before the time of making such consignment, deposit, transfer or delivery, or intended to be thereafter borrowed or received, or contrary to, or without such authority, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith, accepts any advance of any money or valuable security on the faith of any contract or agreement to consign, deposit, transfer or delivery of any such goods, or document of title, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned; and every clerk or other person who knowingly and wilfully acts and assists in making any such consignment, deposit, transfer or delivery, or in accepting or procuring such advance as aforesaid, is guilty of a misdemeanor, and shall be liable to any of the same punishments; Provided that no such factor or agent shall be liable to any prosecution for consigning, depositing, transferring or delivering any such goods or documents of title, in case the same are not made a security for, or subject to the payment of any greater sum of money than the amount, which at the time of such consignment, deposit, transfer, or delivery, was justly due and owing to such agent from his principal, together with the amount of any bill of exchange drawn by or on account of such principal, and accepted by such factor or agent.

Clerks wilful-
ly assisting.

Cases except-
ed when the
pledge does
not exceed
the amount of
their lien.

Definitions of
terms:
"Intrusted."

"Pledge."

74. Any factor or agent intrusted as aforesaid, and possessed of any such document of title, whether derived immediately from the owner of such goods, or obtained by reason of such factor or agent having been intrusted with the possession of the goods, or of any other document of title thereto, shall be deemed to have been intrusted with the possession of the goods represented by such document of title; and every contract pledging or giving a lien upon such document of title as aforesaid, shall be deemed to be a pledge of and lien upon the goods to which the

- same relates ; and such factor or agent shall be deemed to be possessed " Possessed." of such goods or document, whether the same are in his actual custody or held by any other person subject to his control, or for him, or on his behalf ; and where any loan or advance is *bonâ fide* made to any " Advance," factor or agent intrusted with and in possession of any such goods or
- 5 document of title, on the faith of any contract or agreement in writing to consign, deposit, transfer or deliver such goods or document of title, and such goods or document of title is or are actually received by the person making such loan or advance, without notice that such factor or agent was not authorized to make such pledge or security, every such loan or advance shall be deemed to be a loan or advance on the security of such goods or document of title, within the meaning of the last preceding section, though such goods or document of title are not
- 10 actually received by the person making such loan or advance till a period subsequent thereto ; and any contract or agreement whether made direct with such factor or agent, or with any clerk or other person on his behalf, shall be deemed a contract or agreement with such factor or agent ; and any payment made, whether by money, or bill of exchange or other negotiable security, shall be deemed to be an advance " Advance." within the meaning of the last preceding section ; and a factor or agent
- 15 in possession, as aforesaid, of such goods or document, shall be taken to be evidence of intrusting. for the purpose of the last preceding section, to have been intrusted therewith by the owner thereof, unless the contrary be shown in evidence.
- 20 **75.** Whosoever, being a trustee of any property for the use or benefit, either wholly or partially, of some other person, or for any public or charitable purpose, with intent to defraud, converts or appropriates the same or any part thereof to or for his own use or benefit, or the use or benefit of any person other than such person as aforesaid, or for any purpose other than such public or charitable purpose as aforesaid or
- 25 otherwise disposes of or destroys such property or any part thereof, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned ; Provided that no proceeding or prosecution for any offence included in this section shall be commenced without the sanction of Her Majesty's Attorney
- 30 General, or Solicitor General for that Province in which the same is to be instituted ; Provided also, that when any civil proceeding has been taken against any person to whom the provisions of this section may apply, no person who has taken such civil proceeding shall commence any prosecution under this section without the sanction of the Court or Judge before whom such civil proceeding has been had or is pending.
- 35 **76.** Whosoever, being a director, member, manager or public officer of any body corporate or public company, fraudulently takes or applies for his own use or benefit, or for any use or purposes other than the use or purposes of such body corporate or public company, any of the
- 40 property of such body corporate or public company, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.
- 77.** Whosoever being a director, member, manager or public officer of any body corporate or public company, as such receives or possesses himself of any of the property of such body corporate or public company, otherwise than in payment of a just debt or demand, and with intent to defraud, omits to make, or to cause or direct to be made, a full and true entry thereof in the books and accounts of such body corporate or public company, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.
- 78.** Whosoever, being a director, manager, public officer or member of any body corporate or public company, with intent to defraud, des-
- Trustees fraudulently disposing of property guilty of a misdemeanor. *Ib.*, s. 80.
- No prosecution shall be commenced without the sanction of some Judge or the Attorney General.
- Directors &c., of any body corporate or public company fraudulently appropriating property.
- Or fraudulently keeping false accounts.
- Or wilfully destroying books, &c.

troys, alters, mutilates or falsifies any book, paper, writing or valuable security belonging to the body corporate or public company, or makes or concurs in the making of any false entry, or omits, or concurs in omitting any material particular in any book of account or document, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned. 5

Or publishing fraudulent statements.

79. Whosoever, being a director, manager, or public officer or member of any body corporate or public company, makes, circulates or publishes, or concurs in making, circulating or publishing any written statement or account which he knows to be false in any material particular, with intent to deceive or defraud any member, shareholder, or creditor of such corporate or public company, or with intent to induce any person to become a shareholder or partner therein, or to intrust or advance any property to such body corporate or public company, or to enter into any security for the benefit thereof, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned. 10 15

No person to be exempt from answering questions in any court, but no person making a disclosure in any compulsory proceeding to be liable to prosecution.

80. Nothing in any of the last *ten* preceding sections of this Act contained shall enable or entitle any person to refuse to make a full and complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any Court, or upon the hearing of any matter in bankruptcy or insolvency; and no person shall be liable to be convicted of any of the misdemeanors in the said sections mentioned by any evidence whatever, in respect of any act done by him, if, at any time previously to his being charged with such offence, he has first disclosed such act on oath, in consequence of any compulsory process of any Court of law or equity, in any action, suit or proceeding, *bonâ fide* instituted by any party aggrieved, or if he has first disclosed the same in any compulsory examination or deposition before any Court, upon the hearing of any matter in bankruptcy or insolvency. 20 25 30

No remedy at law or in equity shall be affected.

81. Nothing in the last *eleven* preceding sections of this Act contained, nor any proceeding, conviction or judgment to be had or taken thereon against any person under any of the said sections shall prevent, lessen, or impeach any remedy at law or in equity, which any party aggrieved by any offence against any of the said sections might have had if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him; and nothing in the said sections contained shall affect or prejudice any agreement entered into, or security given by any trustee, having for its object the restoration or repayment of any trust property misappropriated. 35 40

Convictions shall not be received in evidence in civil suits.

Keepers of warehouses, &c., giving false receipts.

82. If the keeper of any warehouse, or any forwarder, common carrier, agent, clerk, or other person employed in or about any warehouse, or if any other factor or agent, or any clerk or other person employed in or about the business of such factor or agent, knowingly and wilfully gives to any person a writing purporting to be a receipt for, or an acknowledgment of any goods or other property as having been received in his warehouse, or in the warehouse in or about which he is employed, or in any other manner received by him or by the person in or about whose business he is employed, before the goods or other property named in such receipt or acknowledgment have been actually delivered to him as aforesaid, with intent to mislead, deceive, injure or defraud any person or persons whomsoever, although such person or persons may be then unknown,—or if any person knowingly and wilfully accepts or transmits or uses any such false receipt or acknowledgment, the person giving and the person accepting, transmitting or using such receipt or acknowledgment, are severally guilty 45 50 55

of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years but not less than one year.

5 **83.** If any merchandise has, in the name of the owner or of any other person, been shipped or delivered to the keeper of any warehouse or to any other factor, agent or carrier, to be shipped or carried, and the consignee afterwards advances any moneys or gives any negotiable security to such owner or other person, then, if after any such advance
10 the said owner or other person for his own benefit and in violation of good faith, and without the consent of such consignee first had and obtained, makes any disposition of such merchandise different from and inconsistent with the agreement made in that behalf between such owner or other person aforesaid and such consignee at the time of or
15 before such money being so advanced or such negotiable security being so given, with the intent to deceive, defraud or injure such consignee, the owner or other person aforesaid, and each and every other person knowingly and wilfully acting and assisting in making such disposition for the purpose of deceiving, defrauding or injuring such consignee, is or
20 are guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years but not less than one year; but no person shall be subject to prosecution under this section, who had,
25 before making a disposition of the merchandise aforesaid, paid or tendered to the consignee the full amount of any advance made thereon.

Owners selling after advance by consignees.
Proviso.

84. If any offence in the two last preceding sections mentioned be committed by the doing of any thing in the name of any firm, company or copartnership of persons, the person by whom such thing is actually
30 done, or who connives at the doing thereof, shall be deemed guilty of the offence, and not any other person.

As to partners.

85. No misdemeanor against any of the last *fifteen* preceding sections of this Act shall be prosecuted or tried at any Court of General or Quarter Sessions of the Peace; and if upon the trial of any person
35 under any of the said sections, it appears that the offence proved amounts to larceny, he shall not by reason thereof be entitled to be acquitted of a misdemeanor under the said sections.

Certain misdemeanors not triable at Sessions.

As to obtaining money, &c., by false pretences.

86. Whosoever by any false pretence obtains from any other person any chattel, money or valuable security, with intent to defraud,
40 is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; Provided, that
45 if upon the trial of any person indicted for such misdemeanor, it is proved that he obtained the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted
50 for larceny upon the same facts; Provided also, that it shall be sufficient in any indictment for obtaining or attempting to obtain any such property by false pretences, to allege that the party accused did the act with intent to defraud, and without alleging an intent to defraud any particular person, and without alleging any ownership of the chattel,
55 money, or valuable security: And on the trial of any such indictment it shall not be necessary to prove an intent to defraud any particular per-

False pretences.
No acquittal because the offence amounts to larceny.
Form of indictment and evidence.

son, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

Where any money or thing is caused to be paid or delivered to any person other than the person making a false pretence.

87. Whosoever, by any false pretence, causes or procures any money to be paid, or any chattel or valuable security to be delivered to any other person, for the use or benefit, or on account of the person making such false pretence, or of any other person, with intent to defraud, shall be deemed to have obtained such money, chattel or valuable security, within the meaning of the last preceding section. 5

Inducing persons by fraudulent means to execute deeds and other instruments.

88. Whosoever, with intent to defraud or injure any other person, by any false pretence fraudulently causes or induces any other person to execute, make, accept, endorse, or destroy the whole or any part of any valuable security, or to write, impress or affix his name, or the name of any other person, or of any company, firm or co-partnership, or the seal of any body corporate, company or society, upon any paper or parchment, in order that the same may be afterwards made or converted into or used or dealt with as a valuable security, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. 10 15 20

Winning money by cheating at games.

89. Whosoever by any fraud or unlawful device or ill practice in playing at any game of cards or dice, or of any other kind, or at any race, or in betting on any event, wins or obtains any money or property from any other person, shall be held to have unlawfully obtained the same by false pretences, and shall be punishable accordingly. 25

Obtaining passage in steamers, &c., by false tickets.

90. Whosoever by means of any false ticket or order, or of any other ticket or order, fraudulently and unlawfully obtains or attempts to obtain any passage on any railway, or in any steam or other vessel, is guilty of a misdemeanor, and shall be liable to be imprisoned in any common gaol or house of correction, with or without hard labour, for any period not exceeding six months. 30

Persons indicted for larceny may be convicted of obtaining by false pretences.

91. If upon the trial of any person for larceny, it appears that the property taken was obtained by such person by fraud under circumstances which do not amount to such taking as constitutes larceny, such person shall not by reason thereof be entitled to be acquitted, but the Jury may return as their verdict, that such person is not guilty of larceny, but is guilty of obtaining such property by false pretences, with intent to defraud, if the evidence prove such to have been the case, and thereupon such person shall be punished in the same manner as if he had been convicted upon an indictment for obtaining property under false pretences, and no person so tried for larceny as aforesaid, shall be afterwards prosecuted for obtaining property by false pretences upon the same facts. 35 40

As to receiving stolen goods.

Receiving where the principal is guilty of felony.

92. Whosoever receives any chattel, money, valuable security, or other property whatsoever, the stealing, taking, extorting, obtaining, embezzling, and otherwise disposing whereof, amounts to a felony, either at common law or by virtue of this Act, knowing the same to have been feloniously stolen, taken, extorted, obtained, embezzled, or disposed of, is guilty of felony, and may be indicted and convicted either as an accessory after the fact or for a substantive felony, and in the latter case whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such receiver, howsoever convicted, shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two 45 50

years, or to be imprisoned in any gaol or other place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years, with or without whipping; Provided that no person howsoever
5 tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

93. In any indictment containing a charge of feloniously stealing any property, it shall be lawful to add a count or several counts for feloniously receiving the same, or any part or parts thereof, knowing
10 the same to have been stolen; and in any indictment for feloniously receiving any property, knowing it to have been stolen, it shall be lawful to add a count for feloniously stealing the same; and where any such indictment has been preferred and found against any person, the prosecutor shall not be put to his election, but it shall be lawful for the
15 jury who try the same to find a verdict of guilty, either of stealing the property or of receiving the same, or any part or parts thereof, knowing the same to have been stolen; and if such indictment has been preferred and found against two or more persons, it shall be lawful for the jury who try the same to find all or any of the said persons guilty
20 either of stealing the property or receiving the same, or any part or parts thereof, knowing the same to have been stolen, or to find one or more of the said persons guilty of stealing the property, and the other or others of them guilty of receiving the same, or any part or parts thereof, knowing the same to have been stolen.

Indictment
for stealing
and receiving.

If two or more
persons are
included.

94. Whenever any property whatsoever has been stolen, taken, extorted, obtained, embezzled or otherwise disposed of in any such a manner as to amount to a felony, either at common law or by virtue of this Act, any number of receivers at different times of such property, or of any part or parts thereof, may be charged with substantive felonies in the same indictment, and may be tried together, notwithstanding that the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.

Separate receivers may be included in the same indictment, in the absence of the principal.

95. If upon the trial of two or more persons indicted for jointly receiving any property, it is proved that one or more of such persons
35 separately received any part or parts of such property, it shall be lawful for the jury to convict, upon such indictment, such of the said persons as are proved to have received any part or parts of such property.

As to convictions on an indictment for jointly receiving.

96. Whosoever receives any chattel, money, valuable security, or other property whatsoever, the stealing, taking, obtaining, converting or
40 disposing whereof is made a misdemeanor by this Act, knowing the same to have been unlawfully stolen, taken, obtained, converted or disposed of, is guilty of a misdemeanor, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanor has or has not been previously convicted thereof, or is or is not amenable to justice; and every such receiver shall be liable to be imprisoned
45 in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement, and, if a male under
50 the age of sixteen years, with or without whipping.

Receiving where the principal has been guilty of a misdemeanor.

97. Whosoever receives any chattel, money, valuable security or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, converted or disposed of, may,
55 whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanor only, be dealt with, indicted, tried, and punished in any county, district or place in which he has or has had any such property in his possession, or in any county, district or place in which the party guilty of the principal felony or misdemeanor may by law be tried, in the same manner as such receiver

Receiver where triable.

may be dealt with, indicted, tried and punished in the county, district or place where he actually received such property.

Receivers of property, where the original offence is punishable on summary conviction.

98. Where the stealing or taking of any property whatsoever is by this Act punishable on summary conviction, either for every offence, or for the first and second offence only, or for the first offence only, any person who receives any such property, knowing the same to be unlawfully come by, shall, on conviction thereof before a Justice of the Peace, be liable, for every first, second, or subsequent offence of receiving, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence of stealing or taking such property is by this Act made liable.

Principals in the second degree and accessories.

99. In the case of every felony punishable under this Act, every principal in the second degree and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is punishable, and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall be liable to be imprisoned for any term less than two years, with or without hard labour, and with or without solitary confinement, and every person aiding, abetting, counselling, or procuring the commission of any misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal offender.

Abettors in misdemeanors.

100. Whosoever aids, abets, counsels, or procures the commission of any offence, which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, shall, on conviction before a Justice of the Peace, be liable, for every first, second or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence, as a principal offender is made liable.

Abettors in offences punishable on summary conviction.

101. Every person dealing in the purchase of old marine stores of any description, including anchors, cables, sails, junk, iron, copper, brass lead, and other marine stores, shall conform to the following regulations:

Regulations to be conformed to by dealers.

First,—He shall not, by himself or his agent, purchase any old marine stores from any person under the age of sixteen years, and on conviction of any such offence before a Justice of the Peace, shall be liable to a penalty of four dollars for the first offence, and of six dollars for every subsequent offence;

Punishment for secreting stolen marine stores.

Secondly,—He shall not purchase or receive into his stores, premises or places of deposit, any old marine stores, except in the day time, between sunrise and sunset, under a penalty of five dollars for the first offence, and of seven dollars for every subsequent one; and if any old marine stores which had been stolen are found secreted in the premises of any person purporting to be a dealer in such stores, such person shall be guilty of a misdemeanor, and shall be punishable therefor in any manner by law prescribed for misdemeanor.

As to offences not otherwise provided for.

Punishment for any act by which a person is defrauded of the possession or use of his property.

102. Whosoever unlawfully and with intent to defraud, by taking, by embezzlement, by obtaining by false pretences, or in any other manner whatever, appropriates to his own use or to the use of any other person, any property whatsoever, real or personal, in possession or in action, so as to deprive any other person temporarily or absolutely of the advantage, use or enjoyment of any beneficial interest in such property in law or in equity, which such other person may have therein,

is guilty of a misdemeanor punishable in like manner as simple larceny ; and if the value of such property exceeds two hundred dollars, then such misdemeanor shall be punishable by imprisonment in the Penitentiary for any term not exceeding fourteen years, or in any manner
 5 in which simple larceny is punishable ; and if on the trial of any person for larceny, for embezzlement, or for obtaining by false pretences, the jury are of opinion that such person is not guilty of the offence charged in the indictment, but are of opinion that he is guilty of an offence
 10 to be punished as herein provided, as if he had been convicted on an indictment under this section ; and in any case in which any person is convicted of an offence against this Act by stealing, embezzling or obtaining by false pretences any property whatever, then if the value of the property be over two hundred dollars, the offender shall be liable
 15 to be punished by imprisonment in the Penitentiary for a term not exceeding seven years, in addition to any punishment to which he would be otherwise liable for such offence.

Additional punishment when the property stolen, etc., is over \$200 in value.

103. If any person brings into Canada, or has in possession therein, any property stolen, embezzled, converted or obtained by fraud or false
 20 pretences in any other country, in such manner that the stealing, embezzling, converting or obtaining it in like manner in Canada, would, by the laws of Canada, be a felony or misdemeanor ; then the bringing such property into Canada, or having it in possession therein, know-
 25 ing it to have been so stolen, embezzled or converted, or unlawfully obtained, shall be an offence of the same nature, and punishable in like manner as if the stealing, embezzling, converting or unlawfully obtain-
 ing such property had taken place in Canada, and such person may be tried and convicted in any district, county or place in Canada, into or in which he brings such property, or has it in possession.

Bringing stolen property into Canada.

As to restitution or recovery of stolen property.

104. If any person, guilty of any such felony or misdemeanor as is
 30 mentioned in this Act, in stealing, taking, obtaining, extorting, embezzling, appropriating, converting or disposing of, or in knowingly receiving any chattel, money, valuable security, or other property whatsoever is indicted for such offence, by or on behalf of the owner
 35 of the property, or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative ; and in every case in this section aforesaid the Court before whom any person is tried for any such felony or misdemeanor shall have power
 40 to order the restitution thereof in a summary manner ; and the Court may also, if it see fit, award restitution of the property taken from the prosecutor, or any witness for the prosecution, by such felony or
 45 misdemeanor, although the person indicted is not convicted, if the jury declare (as they may do) that such property belongs to such prosecutor or witness, and that he was unlawfully deprived of it by such felony
 50 or misdemeanor ; Provided that if it appears before any award or order made, that any valuable security has been *bonâ fide* paid or discharged by some person or body corporate liable to the payment thereof, or, being a negotiable instrument, has been *bonâ fide* taken
 55 or received by transfer or delivery, by some person or body corporate, for a just and valuable consideration, without any notice or without any reasonable cause to suspect that the same had by any felony or misdemeanor been stolen, taken, obtained, extorted, embezzled, converted or disposed of, in such case the Court shall not award
 or order the restitution of such security ; Provided also, that nothing in this section contained shall apply to the case of any prosecution of any trustee, banker, merchant, attorney, factor, broker, or other agent

The owner of stolen property prosecuting the thief or receiver to conviction, shall have restitution of his property.

Restitution in other cases.

Provision as to valuable and negotiable securities.

Not to apply to prosecutions of trustees, bankers, &c.

intrusted with the possession of goods or documents of title to goods, for any misdemeanor against this Act.

105. When any prisoner has been convicted, either summarily or otherwise, of any larceny or other offence, including the stealing or unlawfully obtaining any property, and it appears to the Court, by the evidence, that the prisoner sold such property or part of it to any person who had no knowledge that it was stolen or unlawfully obtained, and that money has been taken from the prisoner on his apprehension, the Court may, on the application of such purchaser and on restitution of the property to its owner, order that out of the money so taken from the prisoner, a sum not exceeding the amount of the proceeds of the sale be delivered to such purchaser. 5 10

106. Whosoever corruptly takes any money or reward, directly or indirectly, under pretence, or upon account of helping any person to any chattel, money, valuable security or other property whatsoever, which by any felony or misdemeanor has been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, as in this Act before mentioned, (unless he has used all due diligence to cause the offender to be brought to trial for the same) is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour; and with or without solitary confinement, and, if a male under the age of *eighteen* years, with or without whipping. 15 20

107. Whosoever publicly advertises a reward for the return of any property whatsoever, which has been stolen or lost, and in such advertisement uses any words purporting that no questions will be asked, or makes use of any words in any public advertisement purporting that a reward will be given or paid for any property which has been stolen or lost, without seizing or making any inquiry after the person producing such property, or promises or offers in any such public advertisement to return to any pawnbroker or other person who may have bought or advanced money by way of loan on any property stolen or lost, the money so paid or advanced, or any other sum of money for the return of such property, or prints or publishes any such advertisement, shall forfeit the sum of two hundred and fifty dollars for any such offence to any person who will sue for the same by action of debt, to be recovered with full costs of suit. 25 30 35

As to apprehension of offenders and other proceedings.

108. Any person found committing any offence punishable either upon indictment or upon summary conviction, by virtue of this Act, may be immediately apprehended without a warrant by any person, and forthwith taken, together with the property, if any, on or with respect to which the offence is committed, before some neighboring Justice of the Peace to be dealt with according to law; and if any credible witness proves upon oath before a Justice of the Peace a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever on or with respect to which any offence, punishable either upon indictment or upon summary conviction by virtue of this Act, has been committed, the Justice may grant a warrant to search for such property as in the case of stolen goods; and any person to whom any property is offered to be sold, pawned, or delivered, if he has reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorised, and, if in his power, is required, to apprehend and forthwith to take before a Justice of the Peace the party offering the same, together with such property, to be dealt with according to law. 40 45 50 55

Restitution in certain cases out of money taken from the prisoner.

Taking a reward for helping to the recovery of stolen property without bringing the offender to trial.

Advertising a reward for the return of stolen property, &c.

Apprehension without a warrant.

Justice may grant a search warrant.

Person to whom stolen property is offered may seize party offering it.

109. In every case of a summary conviction under this Act, where the sum forfeited for the value of the property stolen or taken, or for the amount of the injury done, or imposed as a penalty by the Justice, is not paid, either immediately after the conviction or within such period as the Justice shall, at the time of the conviction, appoint, the convicting Justice (unless where otherwise specially directed) may commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the Justice, for any term not exceeding two months where the amount of the sum forfeited or of the penalty imposed, or of both (as the case may be), together with the costs, does not exceed twenty-five dollars, and for any term not exceeding three months where the amount, with costs, exceeds twenty-five dollars; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

If a person summarily convicted does not pay, &c., the Justice may commit him,

Scale of imprisonment.

110. Where any person is summarily convicted before a Justice of the Peace, of any offence against this Act, and it is a first conviction, the Justice may, if he so thinks fit, discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved, for damages and costs, or either of them, as shall be ascertained by the Justice.

Justice may discharge the offender in certain cases.

111. In case any person convicted of any offence punishable upon summary conviction, by virtue of this Act, has paid the sum adjudged to be paid, together with costs, under such conviction, or has received a remission thereof from the Crown, or from the *Lieutenant Governor* of the Province in which the conviction took place, or has suffered the imprisonment awarded for non-payment thereof, or the imprisonment adjudged in the first instance, or has been so discharged from his first conviction by any justice as aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

A summary conviction shall be a bar to any other proceeding for the same cause.

As to other matters.

112. If any person has in his possession in any one part of Canada, any chattel, money, valuable security or other property whatsoever, which he has stolen or otherwise feloniously or unlawfully taken or obtained by any offence against this Act, in any other part of Canada, he may be dealt with, indicted, tried and punished for larceny or theft in that part of Canada where he so has such property, in the same manner as if he had actually stolen or taken or obtained it in that part; and if any person in any one part of Canada receives or has any chattel, money, valuable security, or other property whatsoever which has been stolen, or otherwise feloniously or unlawfully taken or obtained in any other part of Canada, such person knowing such property to have been stolen or otherwise feloniously or unlawfully taken or obtained, he may be dealt with, indicted, tried and punished for such offence in that part of Canada where he so receives or has such property, in the same manner as if it had been originally stolen or taken or obtained in that part.

Stealers of property in one part of the Dominion &c., may be tried and punished in that part where they have the property.

113. Whenever any person is convicted of any indictable misdemeanour punishable under this Act, the Court may, if it thinks fit, in addition to, or in lieu of any of the punishments by this Act authorized, fine the offender, and require him to enter into his own recognizances and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this Act, the Court may, if it thinks fit require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized; Provided

Fine and sureties for keeping the peace in that case.

that no person shall, under this section, be imprisoned for any period exceeding one year for not finding sureties.

Summary proceedings.

114. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by the Act of the present Session, intituled: *An Act respecting the duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and orders*, so far as no other provision is hereby made for any matter or thing which may be required to be done in the cause of such prosecution; and all provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act. 5 10

Costs of prosecution of misdemeanor may be allowed.

115. The Court before which any indictable misdemeanor against this Act shall be prosecuted or tried, may allow the costs of the prosecution in the same manner as in cases of felony; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid upon the same terms and in the same manner in all respects as in cases of felony. 15

Commence - ment of Act.

116. This Act shall commence and take effect on the first day of , one thousand eight hundred and

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No. 15.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act respecting Larceny and other
similar Offences.

Received and read, First time, Wednesday, 21st
April, 1869.

Second reading, Friday, 23rd April, 1869.

Hon. Sir JOHN A. MACDONALD.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the Department of Finance.

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 Department of the Civil Service of Canada, to be called "The Department of Finance," over which the Minister of Finance, for the time being, appointed by the Governor by Commission under the Great Seal of the Dominion, shall preside; and the said Minister shall hold office during pleasure, and shall have the management and direction of the Department. Department Constituted.
- 2.** The Department of Finance shall have the supervision, control, and direction of all matters relating to the Financial Affairs and Public Accounts Revenue and Expenditure of the Dominion, which are not, or in so far as they are not, by law, or by order of the Governor in Council, assigned to any other Department of the Civil Service and such other duties as may from time to time be assigned to it by the Governor in Council. Its duties.
- 3.** The Auditor General and the Deputy Inspector General shall be officers of the Finance Department, and the Board of Audit shall (as by law provided) perform its duties under the supervision and direction of the Minister of Finance, and all officers and clerks of and in the Department of Finance shall respectively have and perform such duties as are or may be hereafter assigned to them by law, or by order of the Governor in Council, or by the Minister of Finance: and such arrangements, distribution or union of the various duties, functions and business devolving on the several branches of the said department, or such amalgamation thereof or of any of them, may be made, as the Minister of Finance with the approval of the Governor in Council may from time to time direct. Audit Branch. Further distribution of business may be made.
- 4.** There shall be a Board to be called the "The Treasury Board," which shall consist of the Minister of Finance, the Receiver General, the Minister of Customs and the Minister of Inland Revenue, and shall act as a Committee of the Queen's Privy Council for Canada, on all matters relating to Finance Revenue and Expenditure or Public Accounts, which may be referred to it by the Council, or to which the Board may think it necessary to call the attention of the Council, and shall have power to require from any public department, board or officer, or other person or party bound by law to furnish the same to the Government, any account, return, statement, document, or information which the Board may deem requisite for the due performance of its duties: and there shall be a Secretary to the Board to be appointed from time to time by the Governor during pleasure, and through whom the Board shall communicate with any Public Department, or officer, or other person or party; and such Secretary may or may not, as to the Governor may seem fit, hold any other office in the Civil Service. Treasury Board, its constitution and duties. Secretary.
- 5.** So much of any Act or law as may be inconsistent with this Act, or makes any provision in any matter provided for by this Act other than such as is hereby made, is repealed. Repeal of inconsistent enactment.

No. 16.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act respecting the Department of
Finance.

Received and read, First time, Wednesday, 21st
April, 1869.

Second reading, Friday, 23rd April, 1869.

Hon. Mr. ROSE.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to alter the limits of the Counties of Joliette and Berthier for electoral purposes.

WHEREAS it is expedient to change the limits of the Electoral Districts of the Counties of Joliette and Berthier, for electoral purposes, as respects certain portions of the parishes of St. Felix de Valois and St. Jean de Matha, in the township of Brandon, in the County of Berthier; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

- 1.** Subsections seventeen and twenty of the first Section of chapter seventy-five of the Consolidated Statutes for Lower Canada, intituled, *An Act respecting the division of Lower Canada into Counties—and the boundaries of certain Cities and Towns for the purposes of representation in the Legislature*, shall, so far as they relate to the election of Members of the Parliament of the Dominion of Canada, be read and construed as though no parts of the said parishes of St. Felix de Valois and St. Jean de Matha were in the said township of Brandon, and as though the part of the said township of Brandon, which lies within the limits of the said parishes of St. Felix de Valois and St. Jean de Matha had been re-united and annexed to the County of Joliette for electoral purposes.
- 2.** Any law or any part of any law inconsistent with this Act, is hereby repealed.

Preamble.

Interpretation of certain paragraphs of Cap. 75 of Con. Stat. L. C.

Repeal.

No. 17.

2nd Session, 1st Parliament, 31 Victoria, 1869.

BILL.

An Act to alter the limits of the Counties
Joliette and Berthier for electoral
Purposes.

Received and read, grst time, Thursday, 22nd
April 1869.

Second reading, Monday 26th, April 1869.

Mr. GODIN.

OTTAWA :
PRINTED BY HUNTER, ROSE & CO.

An Act for the improvement of the Navigation of the River Sydenham.

WHEREAS, the navigation of the River Sydenham is rendered
difficult and dangerous by the sinking in the navigable channel
thereof, of saw logs and other timber, and it is expedient to make pro-
vision for the removal of such obstructions and thereby to facilitate
5 the passage of steamers and other vessels on the said river; Therefore
Her Majesty, by and with the advice and consent of the Senate and
House of Commons of Canada, enacts as follows:

Preamble

1. It shall be lawful for any person to raise and remove any saw-logs or square or other timber which may now or hereafter lie sunken
10 in the bed of the River Sydenham, and to deposit the same in some convenient place or places on the banks of the River.

Timber in bed of river may be raised and removed.

2. He shall then give notice in the form of the Schedule, of the raising and removal of the timber, of the place where the same is deposited, with a description of the timber and of the trade or other marks indica-
15 ting ownership (if any) thereon, and that unless such timber is previously claimed, it will be sold at the expiration of _____ months from the date of such notice, and such notice shall be posted during the said period of _____ months in the office of the Collector of Customs at Wallaceburg.

Notice of such raising to be given.

3. At any time within the said period of _____ months the owner of the said timber may recover possession of his property by proving his ownership therein to the satisfaction of a Justice of the Peace, and upon payment to the salvor of the costs of raising and recovering the same, and *ten* per cent. of the value thereof for salvage.

Right of owner to recover possession.

4. If before the expiration of the said period of _____ month^s no claim to ownership in the said timber is made, the former owner shall be deemed to have abandoned his right of property therein, and it shall then be the duty of some Justice of the Peace for the County on the requisition of the salvor, to cause to be effaced all trade or other
25 marks indicating ownership, from the said timber, and to sell the same by auction according to the terms of the notice, and the Justice shall
30 declare the ownership of such timber to be thenceforth in the purchaser thereof, and shall deliver the proceeds of the sale to the salvor.

Unclaimed timber to be sold for benefit of salvor.

5. The first section of chapter forty-seven of the Consolidated Statutes for Upper Canada shall apply to the River Sydenham as fully and effectually as though the said river had been specially included with the other rivers mentioned therein.

Con. Stat. U. C. cap. 4,701 to apply to River Sydenham.

SCHEDULE.

Notice is hereby given, that the timber hereinafter mentioned has been raised from the channel of the River Sydenham, and was on the

day of _____ deposited on the bank of said river
 (*describe locality*) viz.:

(*description of timber with marks if any.*)

If the same, or any portion thereof, is not claimed before the
 day of _____ next ensuing (*months from first date.*) it will on that
 day be sold under the provisions of the Act to, &c., (*title of this Act.*)

A. B.

(*Name of Salvor.*)

No. 18.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL

An Act for the Improvement of the Navigation of the River Sydenham.

Received and read First time, Thursday, 22nd
 April, 1869.

Second reading, Monday 26th April, 1869.

MR. STEPHENSON.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to facilitate the removal of obstructions to the Navigation of the River Sydenham.

WHEREAS it is expedient to facilitate and encourage the removal of obstructions to Navigation in the River Sydenham; 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.** Any square timber, saw log or other piece of timber that is now sunken in the River Sydenham, or that may hereafter sink therein, and which is not removed within one year from the time of sinking, shall become the property of any person or persons removing the same from the river. Timber sunk for one year in the River to belong to the person removing it.
- 10 **2.** Should any person or persons claim such timber after being raised from the body of the river on the ground of former proprietorship, it shall be conclusively presumed upon proof of its having been sunken in the river for a period of not less than one year, that he or they, as the case may be, had abandoned his or their right of property therein. Such timber to be deemed abandoned.
- 15 **3.** It shall not be lawful under the provisions of this Act, to search for sunken logs, in those portions of the river used by millowners for "booming" saw logs, so long as the same do not interfere with the freedom of navigation. As to places used for booming saw-logs.
- 20 **4.** Any person or persons felling trees into the River Sydenham, without at once removing the same, or putting in trees, logs, brush, and the like, not for transportation for commercial purposes, shall in addition to the cost of removing the same be liable to a fine of not less than *one dollar* nor more than *five dollars*, on summary conviction, upon complaint and proof before any Justice of the Peace, or other Penalty for felling trees into the River.
- 25 person having jurisdiction in such cases.

No. 19.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to facilitate the removal of obstructions to the Navigation of the River Sydenham.

Received and read, First time, Thursday,
22nd April, 1869.

Second reading, Monday, 26th April,
1869.

Mr. MILLS.

OTTAWA:

PRINTED BY HUNTER ROSE & CO.

An Act to limit the rate of Interest in the Dominion of Canada.

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

1. No corporation, company, or association of persons, not being a bank, authorized to lend or borrow money, shall upon any contract take directly or indirectly for loan of any moneys, merchandise or other commodities whatsoever, above the value of seven dollars for the advance or forbearance of one hundred dollars for a year, and so after that rate for a greater or less sum or value, or for a longer or shorter time, except it be otherwise expressly prescribed and authorized by this Act or by some other Act or Law.

Corporations not being banks, may take 7 per cent interest.

2. In all contracts between individuals, either for the borrowing of money, merchandize or other commodities, or for any other object whatsoever, a rate of interest not exceeding eight dollars for one hundred dollars for a year may be agreed upon, and so after that rate for a greater or less sum or value, and for a longer or shorter time, and such rate of interest shall be granted and collected in all cases in which the parties have agreed to pay the same.

Individuals may take 8 per cent.

3. This Act shall not be construed to allow any bank or incorporated society, or any association of persons authorized to lend money, merchandize or other commodities, to exact a higher rate of interest than that prescribed and limited by their charters or acts of incorporation, or by any other law.

Powers of banks, &c., not extended by this Act.

4. Any bank, corporation, or association of persons which directly or indirectly takes, covenants for, accepts or receives a higher rate of interest than that mentioned and limited in and by their respective charters, or by any special law, or, in default of such special law, in and by this Act, and any individual who directly or indirectly, takes, accepts, receives or covenants for a higher rate of interest than that mentioned and limited in and by this Act, shall forfeit and lose for every such offence, treble the value of the moneys, merchandise or other commodities which shall constitute the subject of any such contract, agreement or obligation, to be recovered by action of debt before any of the Courts in the Dominion of Canada having jurisdiction in civil matters; and one moiety of such penalty shall be paid to the Receiver General for the uses of Her Majesty towards the support of the Civil Government of the Dominion of Canada, and the other moiety to the person who sues for the same; and all contracts, obligations and agreements whatsoever upon and by which a higher rate of interest than that allowed by this Act shall be covenanted for, agreed upon or levied, shall be entirely null and void.

Penalty for contravention of this Act.

Contract to be void.

5. Six per cent. per annum shall continue to be the rate of interest in all cases where by the agreement of the parties or by law, interest is payable, and no rate has been fixed by the parties or by the law.

Six per cent. when no agreement.

6. All laws and parts of laws, incompatible with this Act, are hereby repealed.

Contrary provisions.

BILL.

An Act to limit the rate of Interest in the
Dominion of Canada,

Received and read first time, Thursday, 22nd
April, 1869,

Second reading, Monday 26th April, 1869.

Mr. GODIN.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to authorise an addition to the Capital Stock of the Canadian Bank of Commerce, and for other purposes relating to the said Bank.

WHEREAS the Shareholders of the Canadian Bank of Commerce, at their annual general meeting held on the sixth day of July, in the year of our Lord one thousand eight hundred and sixty-eight, authorized application to be made to the Parliament of the Dominion of Canada, for authority to increase the capital stock of the said Bank, and a Petition under its corporate seal hath been presented praying for such authority and for certain amendments in the Acts of Parliament under which the said Bank is now carrying on its business, and it is expedient that the prayer of the said Petition should be granted :
 5 Therefore, Her Majesty by and with the advice and consent of the Senate and the House of Commons, declares and enacts as follows :

1. It shall and may be lawful for the Canadian Bank of Commerce, to add to their present capital stock any sum not exceeding one million of dollars divided into shares of fifty dollars each which shares may be
 15 subscribed for either in or out of Canada. The Bank may add \$1,000,000 to its capital.

2. Such stock may be issued or allotted by the Directors at par or at any rate of premium which the Directors may from time to time determine, but not below par. How allotted.

3. The premium, if any, on such stock shall be carried to the credit of the reserve fund of the Bank. Premium.

4. The Directors may allot any part of such stock *pro rata* among the shareholders existing at the date of such allotment who may desire to subscribe therefor. Allotment to Shareholders.

5. The shares of such stock subscribed for, shall be paid in and by such instalments and at such times and places and under such regulations as the Directors may from time to time appoint; and executors, administrators and curators paying instalments upon the shares of deceased shareholders shall be and they are respectively hereby indemnified for paying the same; provided always, that no share shall
 25 be held to be lawfully subscribed for unless a sum equal to at least ten per cent on the amount subscribed shall together with the premium (if any) charged by the Directors, be actually paid at the time of
 30 subscribing; provided further, that the balance unpaid upon any such share shall be called up in full within three years from the date of
 35 subscription, by instalments not larger than one-tenth of the amount subscribed, payable at intervals of not less than thirty days; and thirty days notice of the calls shall be given in a newspaper published in the City of Toronto, and in the *Official Gazette*. Calling in subscriptions. Proviso. Proviso.

6. Any subscriber may pay up in advance any sum payable in respect of his shares. Payment in advance.

Enforcing
payment of
calls.

7. If any subscriber or shareholder shall refuse or neglect to pay any instalment upon his stock at the time or times required by the Directors as aforesaid, such subscriber shall incur a forfeiture to the use of the said Bank of a sum of money equal to ten per centum on the amount of such stock, and moreover, it shall be lawful for the Directors (without any previous formality other than thirty days public notice of their intention) to sell at public auction the said stock or so much thereof as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said stock and the amount of forfeitures incurred on the whole; and the President, with the Vice-President or the Cashier of the said Bank, shall execute the transfer to the purchasers of the stock so sold; and such transfer being accepted shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the stock thereby transferred; provided always that nothing in this section contained shall be held to debar the Directors or Shareholders at a general meeting from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any instalment as aforesaid.

Proviso.

Directors may
limit the
amount of
new stock
issued.

8. It shall not be obligatory upon the Directors of the said Bank, to open Books of Subscription for, or to sell or allot the whole amount of stock authorized by this Act, but the said Directors may from time to time limit the number of shares for which books of subscription shall be opened, or which they may desire to sell, or otherwise dispose of as aforesaid, as they in their discretion may deem advisable.

What provi-
sions shall
apply.

9. All provisions of the Act incorporating the said Bank and the Act amendatory thereof, not inconsistent with the provisions of this Act, shall apply to the stock subscribed under this Act.

Stock not to
be subscribed
for after a
certain time.

10. None of the said stock shall be subscribed at any time after the end of the Session of Parliament, after the first day of June, A. D., 1870, unless at or prior to that period the said Bank shall have been authorized by the Parliament of Canada, to continue its banking operations, in which event the said stock may be subscribed for at any time prior to, but not after the first day of June, A. D., 1872; provided always, that if the charter is extended by any special or general law, the liability of shareholders in respect to unpaid instalments, shall continue in the same manner, and to the same extent, as under the existing charter, and the provisions of this Act shall remain in force for the collection of the same.

Proviso.

New section
substituted
for sec. 13 of
22 Vic., c.
131 (1858).

11. The thirteenth section of the said Act incorporating the said Bank is hereby repealed and the following is substituted for it,—
“It shall and may be lawful for the Directors of the said Bank from time to time to make and enact by-laws, rules and regulations (the same not being repugnant to this Act or the laws of Canada,) for the proper management of the affairs of the said corporation, and from time to time to alter or repeal the same and others to make and enact in their stead. Provided always, that no by-law, rule or regulation so made by the Directors shall have force or effect until the same shall have been confirmed by the shareholders at an annual general meeting, or at a special general meeting called for that purpose.”

By-laws, how
made.

Sect. 4 of 29-
30 Vic., c. 83,
amended.

Annual gen-
eral meeting.

12. So much of the fourth section of the Act intituled: An Act to amend the charter of the Bank of Canada, and to change the name thereof to that of “The Canadian Bank of Commerce,” as fixes the first Monday in July, in each year for the day of the annual general meeting of the shareholders of the said Bank is hereby re-

pealed, and such annual general meeting of the shareholders shall after the passing of this Act be held on the second Tuesday, in the month of July, in each year.

13. The powers and privileges conferred by this Act and the several Acts which it amends, shall be subject to any future legislation which may take place; and no general Act whereby any privilege hereby conferred may be affected or impaired shall be deemed an infringement of the charter of the said Bank or of this Act. Bank subject to future legislation.

[Faint, mirrored text from the reverse side of the page, including phrases like 'The powers and privileges conferred by this Act...', 'Annual general meeting of the shareholders...', and 'The Canadian Bank of Commerce, as amended...']

ANALYTIC
GOVERNMENT PRINTING OFFICE

BILL.

An Act to authorise an addition to the Capital Stock of the Canadian Bank of Commerce, and for other purposes relating to the said Bank.

Received and read, First time, Friday, 23rd April, 1869.

And referred to the Select Committee on Banking and Commerce.

Mr. ANGUS MORRISON.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to provide for the general adoption of the practice
Vaccination.

WHEREAS it is expedient for the protection of the public health Preamble
and to check the spread of infection by small pox, to make the
practice of Vaccination compulsory throughout the Dominion, and to
make such provision as will secure for the inhabitants of Canada an
5 easy and inexpensive mode of procuring vaccination for themselves
and their families: 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, it shall be the duty of the
10 Municipal Corporation of each city and town in the Dominion, and of
the Municipal Corporation of every county in the Provinces of Ontario
and Quebec, and of the county sessions in every county in the Pro-
vinces of Nova Scotia and New Brunswick, to appoint one or more
legally qualified and competent medical practitioner or practitioners
15 resident within their respective jurisdictions, for the period of one year,
and so from year to year for the vaccination of all persons resident in
such county, city or town, who may come to such medical practitioner
or practitioners for that purpose.

Certain local
authorities to
appoint
public vacci-
nators.

2. The medical practitioners so chosen shall appoint a convenient
20 place or places in the county, city or town for the performance, at
least once in each month, of such vaccination, and shall take effectual
means for giving, from time to time, to all persons resident within the
same, due notice of the days and hours at which the medical practi-
tioner or one of the medical practitioners so appointed will attend,
25 once at the least in each month, at such place, to vaccinate all persons
not before or not successfully vaccinated who may then appear there,
and also of the days and hours at which such medical practitioner will
attend at such place to inspect the progress of such vaccination in the
persons so vaccinated.

Place of vacci-
nation and
attendance
thereat.

3. The father or mother of every child born in Canada after the
30 day of _____ in the year of our Lord one thousand eight
hundred and _____ shall at some such appointed time within six
calendar months after the birth of such child, or in the event of the
the death, illness, absence or inability of the father and mother,
35 then the person who has the care, nurture or custody of the child, shall
at some such appointed time, within nine calendar months after the
birth of such child, take or cause to be taken the said child to the
medical practitioner in attendance at the appointed place in the county,
city or town ward in which the said child is resident, according to the
40 provisions of the preceding sections of this Act, for the purpose of
being vaccinated, unless such child has been previously vaccinated by
some legally qualified medical practitioner, and the vaccination duly
certified, and the said medical practitioner so appointed shall, and he
is hereby required, thereupon, or as soon after as it may conveniently
45 and properly be done, to vaccinate the said child.

Every child
born in
Canada after
a certain day,
must be
vaccinated
and certified
to have been
so.

Inspection
of child on
the eighth
day.

4. Upon the eighth day following the day on which any child has been vaccinated, the father or mother, or other person having the care, nurture or custody of the said child, shall again take or cause to be taken the said child to the medical practitioner by whom the operation was performed, or other similarly appointed medical practitioner in attendance as aforesaid, in order that such medical practitioner may ascertain by inspection the result of such operation. 5

Certificate
of success-
ful vaccina-
tion to whom
transmitted.

5. Upon and immediately after the successful vaccination of any child, after the said day of one thousand eight hundred and the medical practitioner who performed the operation shall deliver to the father or mother, or other person having the care, nurture or custody of the said child, a certificate under his hand, according to the form A. in the Schedule to this Act, that the said child has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the clerk of the municipality or sessions of the county, city or town, as the case may be, in which the operation was performed; and such certificate shall, without further proof, be admissible as evidence of the successful vaccination of such child in any information or complaint brought against the father or mother of such child, or against the person who shall have had the care, nurture or custody of such child, for non-compliance with the provisions of this Act. 10 15 20

Its effect.

Certificate
that child is
not in fit
state for
vaccination.

6. If any medical practitioner, appointed as aforesaid, is of opinion that any child brought to him is not in a fit or proper state to be successfully vaccinated, he shall deliver to the father or mother of such child, or the person having the care, nurture or custody of such child, on demand and without fee or reward, a certificate under his hand according to the form B. in the Schedule to this Act, that the child is in an unfit state for successful vaccination; and such certificate, or any similar certificate of a legally qualified medical practitioner respecting any child born as aforesaid, shall remain in force for two months from its delivery; and the father or the mother of the said child or the person having the care, nurture or custody of the said child, shall (unless they have within each succeeding period of two months obtained from a legally qualified medical practitioner a renewal of such certificate) within two months after the delivery of the said certificate, and if the said child be not vaccinated at or by the termination of such period of two months, then during each succeeding period of two months until such child has been successfully vaccinated, take or cause to be taken to the said medical practitioner, so appointed as aforesaid, such child to be vaccinated by him; and if the said medical practitioner deem the said child to be then in a fit and proper state for such successful vaccination, he shall forthwith vaccinate it accordingly, and shall, upon or immediately after the successful vaccination of such child, deliver to the father or mother of such child, or person having the care, nurture or custody of such child, a certificate under his hand according to the form A. in the schedule to the Act, that such child has been successfully vaccinated; but if the said medical practitioner be of opinion that the said child is still in an unfit state for successful vaccination, then he shall again deliver to the father or mother of such child, or to the person having the care, nurture or custody of the said child, a certificate under his hand, according to the form B. in the Schedule to this Act, that the child is still in an unfit state for successful vaccination and unvaccinated; and the said medical practitioner, so long as the child remains in an unfit state for vaccination, shall, at the expiration of every succeeding period of two months, deliver, if required, to the father or mother of such child, or to the person having the care, nurture or custody of such child a fresh certificate under his hand, according to the said form B. in the Schedule to this Act; and the production of such certificate, or of any similar certificate 25 30 35 40 45 50 55

Duration and
renewal of
certificates.

Child to be
examined
every two
months; and
to be vacci-
nated when
fit.

Repetition of
certificate
of unfitness
for vaccina-
tion and its
effect.

from any legally qualified medical practitioner, shall be a sufficient defence against any complaint brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act,

5 7. In the event of any medical practitioner employed under the provisions of this Act, or any other duly qualified medical practitioner, being of opinion that any such child as aforesaid that has been vaccinated by him, is insusceptible of the vaccine disease, he shall deliver to the father or mother of such child, or to the person having the care, nurture or custody of such child, a certificate under his hand, according to the form C. in the Schedule to this Act; and the production of such certificate shall be sufficient defence against any complaint which may be brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act.

Certificate of insusceptibility to vaccination.

8 The sum to be paid to any medical practitioner appointed under this Act shall be fixed by the authority appointing him, but shall not be more than for every person successfully vaccinated, including all or any of the certificates required by this Act.

Fees to public vaccinator.

20 9 If any father or mother, or person so having as aforesaid the care, nurture or custody of any such child, shall not cause such child to be vaccinated within the periods prescribed by this Act, or shall not, on the eighth day after the vaccination has been performed, take or cause to be taken such child for inspection, according to the provisions in this Act respectively contained, then such father or mother, or person having the care, nurture or custody of such child, so offending, shall be liable to a penalty not exceeding five dollars, recoverable on summary conviction before a Justice of the Peace in the County, City or Town in which the offence was committed.

Fine on parties contravening this Act.

30 10. After the expiration of two months from the conviction of any person for an offence against this Act, in respect to any child, no plea of such conviction shall be a sufficient defence against any complaint which may then be brought against the same or any other person for non-compliance with the provisions of this Act in respect of the same child; but the production of a certificate under the hand of a legally qualified medical practitioner, or according to any of the forms in the Schedule to this Act, shall be a sufficient defence against any such complaint: provided always, that if the certificate produced be in the Form B., the production thereof shall not be a sufficient defence, unless the vaccination be thereby postponed to a day subsequent to that on which the complaint is brought.

After two months, party convicted may be again punished for a new offence.

Proviso.

SCHEDULE.

FORM A.

I, the undersigned hereby certify that _____, the child of _____, aged _____, of _____ ward in the city of _____ has been successfully vaccinated by me.

Dated this _____ day of _____, 186____. (Signed) A. B.

FORM B.

I, the undersigned, hereby certify that I am of opinion that _____, the child of _____, of _____ ward, in the city _____

of _____, aged _____ is not now in a fit and proper state to be
 successfully vaccinated, and I do hereby postpone the vaccination
 until the _____ day of _____
 Dated this _____ day of _____ } (Signed) A. B.
 , 186_____

FORM C.

I, the undersigned, hereby certify that I am of opinion that
 _____, the child of _____, of _____ ward in the city of _____
 is insusceptible of the vaccine virus.
 Dated this _____ day of _____ } (Signed) A. B.
 , 186_____

No. 22.

2nd Session, 1st Parliament, 31 Victoria, 1869

BILL.

An Act to provide for the general adoption
of the practice of Vaccination.

Received and read First time, Monday 20th
April, 1869.

Second reading, Wednesday 28th, April 1869.

Dr. GRANT.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31st Victoria, Chapter 42.

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

- 1.** In Townships or other tracts of land set apart or reserved for Indians in Canada, and subdivided by survey into lots, no Indian or person claiming to be of Indian blood, or intermarried with an Indian family, shall be deemed to be lawfully in possession of any land in such Townships or tracts, unless he or she has been or shall be located for the same by the order of the Superintendent General of Indian affairs; and any such person or persons, assuming possession of any lands of that description, shall be dealt with as illegally in possession, and be liable to be summarily ejected therefrom, unless that within six months from the passing of this Act, a Location title be granted to such person or persons by the said Superintendent General of Indian affairs or such officer or person as he may thereunto depute and authorize. But the conferring of any such Location title shall not have the effect of rendering the land covered thereby subject to seizure under legal process. What shall be deemed lawful possession of lands by Indians.
- 2.** Any person liable to be summarily ejected under the next preceding Section, may be removed from the land of which he may have assumed possession, in the manner provided by the eighteenth Section of the Act passed in the thirty first year of Her Majesty's reign, chapter forty two, with respect to persons other than Indians or those intermarried with Indians settling on the lands therein referred to without license of the Secretary of State; and the said Section and the nineteenth, twentieth and twenty-first Sections of the said Act, are hereby extended to and shall apply to persons liable to be summarily ejected under this Act, as fully in all respects as to persons liable to be removed from lands under the said Act. Proceedings to eject parties not lawfully in possession.
- 3.** Any person who shall sell, barter, exchange or give to any Indian man, woman, or child, any kind of spirituous or other intoxicating liquors, or cause or procure the same to be done, shall, upon conviction in the manner provided by Section 12 of the said Act 31 Victoria, Chapter 42, be subject to the fine therein mentioned; and in default of payment of such fine, or of any fine imposed by the above mentioned 12th section of the said Act, any person so offending may be committed to prison by the Justice of the Peace before whom the conviction shall take place, for a period not more than three months, or until such fine be paid; and the commander of any steamer or other vessel, or boat, from on board or on board of which, any spirituous or other intoxicating liquor shall have been, or may be sold or disposed of to any Indian man, woman, or child, shall be liable to a similar penalty. Penalty on selling intoxicating liquors to Indians.
- 4.** In the division among the members of any tribe, band, or body of Indians, of any annuity money, interest money or rents, no Division of annuity money, &c.

person of less than one-fourth Indian blood, born after the passing of this Act, shall be deemed entitled to share in any annuity, interest or rents.

Indians convicted of crime excluded. **5.** Any Indian or person of Indian blood, who shall be convicted of any crime punishable by imprisonment in the Provincial Penitentiary or other place of confinement, shall, during such imprisonment, be excluded from participating in the annuities, interest money, or rents payable to the Indian tribe, band, or body, of which he or she is a member. 5

Proviso to 31, V. c. 4. s. 15. **6.** The 15th section of the 31st Vic. Chapter 42, is amended by adding to it the following proviso: 10

Indian women marrying other than Indians. "Provided always that any Indian woman marrying any other than an Indian, shall cease to be an Indian within the meaning of this Act, nor shall the children issue of each this marriage be considered as Indians within the meaning of this Act. Provided also, that any Indian woman marrying an Indian of any other Tribe, Band or body shall cease to be a member of the Tribe Band or Body to which she formerly belonged, and become a member of the Tribe Band or Body of which her husband is a member, and the children, issue of this marriage, shall belong to their father's Tribe only." 15

Power of Superintendent General. **7.** The Superintendent General of Indian affairs shall have power to stop the payment of the annuity and interest money of any person of Indian blood who may be proved to the satisfaction of the Superintendent General of Indian affairs to have been guilty of deserting his wife or child, and the said Superintendent may apply the same towards the support of any woman or child so deserted. 20

Aid to sick or destitute persons. **8.** The Superintendent General of Indian Affairs in cases where sick or disabled, or aged and destitute persons are not provided for by the Tribe, Band or body of Indians of which they are members, may furnish sufficient aid from the funds of each Tribe, Band or body, for the relief of such sick, disabled, aged or destitute persons. 25

Property of Indians to descend to their children. **9.** Upon the death of any Indian holding under location title any lot or parcel of land, the right and interest therein of such deceased Indian shall, together with his goods and chattels, devolve upon his children, on condition of their providing for the maintenance of their mother, if living; but should such Indian die without issue, such lot or parcel of land and goods and chattels shall be vested in the Crown for the benefit of the Tribe, Band or body of Indians, after providing for the support of the widow (if any) of such deceased Indian. 30

Election of chiefs. **10.** The Governor may order that the Chiefs of any Tribe, Band or body of Indians shall be elected by the male members of each Indian Settlement of the full age of twenty-one years at such time and place, and in such manner, as the Superintendent General of Indian Affairs may direct, and they shall in such case be elected for a period of three years, unless deposed by the Governor for dishonesty, intemperance, or immorality, and they shall be in proportion of one Head Chief and two Second Chiefs for every two hundred people. But any such Band composed of thirty people may have one chief. 35

Duties of chiefs with respect to roads, &c. **11.** The Chief or Chiefs of any Tribe, Band or body of Indians shall be bound to cause the roads, bridges, ditches and fences within their Reserve to be put and maintained in proper order, in accordance with the instructions received from time to time from the Superintendent General of Indian Affairs; and whenever the same are not so put or maintained in order, the Superintendent General of Indian Affairs may 40

the work to be performed at the cost of the said Tribe, Band or body of Indians, or of the particular Indian in default, as the case may be, either out of their annual allowances, or otherwise.

12. The Chief or Chiefs of any Tribe in Council may frame, subject to confirmation by the Governor in Council, rules and regulations for the following subjects, viz :

Chiefs to frame rules for certain purposes.

1. The care of the public health.
2. The observance of order and decorum at assemblies of the people in General Council, or on other occasions.
3. The repression of intemperance and profligacy.
4. The prevention of trespass by cattle.
5. The regulation of Statute labor.
6. The construction of and maintaining in repair of school houses, council houses and other Indian public buildings.
7. The establishment of pounds and the appointment of Pound-keepers.

13. The Governor General in Council may on the report of the Superintendent General of Indian Affairs order the issue of Letters Patent granting to any Indian who from the degree of education and civilization to which he has attained, and the character for integrity and sobriety which he bears, appears to be a safe and suitable person for becoming a proprietor of land, a life estate in the land which has been or may be allotted to him within the Reserve belonging to the Tribe Band or body of which he is a member ; and in such case such Indian shall have power to dispose of the same by will, to any of his children, and if he dies intestate as to any such lands, the same shall descend to his children according to the laws of that portion of the Dominion of Canada in which such lands are situate, and the said children to whom such land is so devised or descends shall have the fee simple thereof.

Life estate in lands may be granted in certain cases.

14. If any Indian owning land dies without leaving any children, but leaving a widow, she shall instead of Dower, to which she shall not be entitled, have the said land for life or until her re-marriage ; but upon her death or re-marriage it shall escheat to the Crown ; and further if any child of such Indian takes such land or any part thereof and dies either leaving no children or without having disposed of such land or any part thereof by will or otherwise in favor of any of them, it shall escheat to the Crown.

In case an Indian dies without children but leaving a widow.

15. The wife and unmarried daughters of any deceased Indians who may in consequence of the operation of the preceding section be deprived of all benefit from her husband's or father's location, shall, in the periodical division of the annuity and interest money of her husband's tribe or band, and so long as she continues to reside upon the reserve belonging to the tribe or band, be entitled to and receive two shares instead of one share of such annuity and interest money.

Provision for widows and unmarried daughters.

16. Every such Indian shall, before the issue of the letters patent mentioned in the 13th section of this Act, declare to the Superintendent General of Indian Affairs, the name and surname by which he wishes to be enfranchised and thereafter known, and on his receiving such letters patent, in such name and surname, he shall be held to be also enfranchised, and he shall thereafter be known by such name and surname, and his wife and minor unmarried children, shall be held to be enfranchised ; and from the date of such letters patent, the provisions of any Act or law making any distinction between the legal rights and liabilities of Indians and those of Her Majesty's other subjects shall cease to apply to any Indian, his wife or minor children as aforesaid, so

Duties of Indian with respect to enfranchisement.

Effect of enfranchisement

declared to be enfranchised, who shall no longer be deemed Indians within the meaning of the laws relating to Indians, except in so far as their right to participate in the annuities and interest money and rents, of the tribe, band, or body of Indians to which they belonged is concerned; except that the 12th, 13th, and 14th sections of the Act 31st Vic., chapter 42, and the 11th section of this Act, shall apply to such Indian, his wife and children. 5

Allotment of locations. 17. In the allotting of locations, and in the issue of Letters Patent to Indians for land, the quantity of land located or to be located or passed into Patent, shall, except in special cases to be reported upon to the Governor in Council, bear (as nearly as may be) the same proportion to the total quantity of land in the Reserve, as the number of persons to whom such lands are located or patented bears to the total number of heads of families of the tribe, band or body of Indians and male members thereof not being heads of families, but being above the age of fourteen years, in such reserve. 10 15

Appointment of tutor to minor children of enfranchised Indians. 18. If any Indian enfranchised under this Act dies leaving any child under the age of twenty-one years, the Superintendent General of Indian Affairs shall appoint some person to be the tutor or guardian as the case may be of such child as to property and rights until it attains the age of twenty-one years; and the widow of such Indian, being also the mother of any such child, shall receive its share of the proceeds of the estate of such Indian during the minority of the child, and shall be entitled to reside on the land left by such Indian, so long as in the opinion of the Superintendent General she lives respectably. 20 25

Indians falsely declaring themselves enfranchised. 19. Any Indian falsely representing himself as enfranchised under this Act when he is not so, shall be liable, on conviction before any one Justice of the Peace, to imprisonment for any period not exceeding three months.

Lands of enfranchised Indians exempt from seizure. 20. Such lands in any Indian Reserve as may be conveyed to any enfranchised Indian by Letters Patent, shall not, as long as the life estate of such Indian continues, be subject to seizure under legal process, or be mortgaged, hypothecated, sold, exchanged, transferred, leased, or otherwise disposed of. 30

Legal remedies of Indians. 21. Indians not enfranchised shall have the right to sue for debts due to them, or for any wrong inflicted upon them, or to compel the performance of obligations made with them. 35

Con. Stat. Can. cap. 9 repealed. 22. Chapter nine of the Consolidated Statutes of Canada is hereby repealed.

BILL.

An Act for the gradual enfranchisement of Indians, the better management of affairs, and to extend the provision of Act 31st Victoria, chapter 42.

Received and Read First time Tuesday, April, 1869.

Second reading Friday, 30th April, 1869

Hon. Mr. LANGRISH

OTTAWA:

PRINTED BY HUNTER, ROSE & COMPANY

An Act to avoid the necessity of having Documents engrossed on Parchment.

FOR avoiding the inconvenience and expense attending the engrossing of public documents on parchment: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

- 5 **1.** It shall not be necessary that any Commission or other public document under the Great Seal of Canada, or under the Privy Seal of the Governor General, or any Letters Patent, or any writ, deed or other document whatever, public or private, signed, sealed or executed after the passing of this Act, or any portion of any such document, should be on parchment, but the same being written or printed wholly or in part on paper, shall be as valid in all respects as if written or printed on parchment;—any law, usage or custom to the contrary notwithstanding:—but nothing herein contained shall be construed as declaring that it was necessary to the validity of any such document signed, sealed or executed before the passing of this Act, that such document or any part thereof should be on parchment.

No document, public or private, need be on parchment.

Proviso.

BILL.

An Act to avoid the necessity of having Public Documents engrossed on Parchment.

Received and read, first time, Tuesday, 27th April, 1869.

Second reading, Friday, 30th April, 1869.

Hon. Mr. LANGEVIN.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

BILL

An Act to confirm and give effect to a certain agreement between the Government of Canada, and the Great Western Railway Company.

WHEREAS it appears, by a message from His Excellency the Preamble.
 Governor General, and the documents accompanying the same,
 that under the authority of the Act of the Legislature of the late
 Province of Canada, passed in the twelfth year of Her Majesty's Reign,
 5 and intituled, "An Act to provide for affording the guarantee of the Canada, 12
 Province to the Bonds of Railway Companies on certain conditions, V. c. 29.
 and for rendering assistance in the construction of the Halifax and
 Quebec Railway," and of the Act of the said Legislature passed in the
 Session thereof held in the fourteenth and fifteenth years of Her
 10 Majesty's Reign, and intituled "An Act to make provision for the 14-15 V. c.
 construction of a Main Trunk Line of Railway throughout the whole 73.
 length of the Province, and the Act of the said Legislature passed in
 the Session last mentioned, and intituled, "An Act to extend the provi-
 sions of an Act passed in the present Session, intituled "*An Act* 14-15 V. c.
 15 *to make provision for the construction of a Main Trunk Line of Railway* 74.
throughout the whole length of this Province," and of an Order in
 Council and Proclamation made and issued under the twenty-second
 section of the Act secondly above cited, and bearing date the seventh
 day of August, 1852,—divers sums of the public moneys of the Pro-
 20 vince and Provincial Debentures, were advanced and delivered to the
 Great Western Railway Company, under the provisions of the said
 Acts and of the said section, the amount of which debentures, and of
 all sums of money so advanced and the interest thereon, it was pro-
 25 vided by the said Acts should form a debt due to Her Majesty, for the
 use of the said Province, for securing which the Province should have
 the first hypothec, mortgage and lien upon the Road, tolls and property
 of the said Company; And whereas the said moneys so owing by the said
 Company were, by virtue of *The British North America Act, 1867,*
 30 vested in Her Majesty as therein set forth, and it further appears by
 the said message and documents, that it was in the month of
 December now last, settled and agreed between the Government of
 Canada (acting on the report of the Minister of Finance), and the
 said Great Western Railway Company, that the principal sum
 which would be owing, as aforesaid, by the said Company to Her
 35 Majesty, on the first day of January, 1869, would be two million eight
 hundred and ten thousand five hundred dollars, and that the balance
 due for interest thereon up to the said day (although amounting to a
 greater sum), should, on the conditions hereinafter mentioned, be taken
 to be (after deducting all sums, charged against the Government for
 40 Postal and Military services up to the said day), and the amount of the
 Sinking Fund and other sums at the credit of the said Company),
 equal to four hundred and forty-four thousand four hundred and
 one dollars and thirty-seven cents, making a total sum of three
 million two hundred and fifty-four thousand, nine hundred and
 45 one dollars and thirty-seven cents, which said sum it was agreed
 that the said Company should pay as follows; that is to say—
 one hundred thousand pounds sterling, or four hundred and eighty-
 six thousand six hundred and sixty-six dollars and sixty-seven cents
 on or before the tenth day of February now last, and the balance

of two million seven hundred and sixty-eight thousand two hundred and thirty-four dollars and thirty-three cents, in four equal annual instalments, with interest at the rate of four per cent per annum, from the said first day of January, 1869, for which sum and interest so payable, the said Company should deliver to the Receiver General 5 their bonds payable to bearer, secured by the mortgage, hypothec and lien aforesaid, and in such form and for such sums respectively as the Minister of Finance should direct or approve: and it was further agreed that upon any failure of the said Company to perform their part of the said agreement, all the rights and privileges of Her Majesty, 10 and of the Dominion, under the Acts herein above cited, as well with respect to any further amount owing by the said Company, over and above that so agreed to be accepted as aforesaid, as to the mortgage, hypothec and lien by which the whole debt of the Company to Her Majesty is secured, should remain in full force; And whereas the said 15 Company paid the said sum of one hundred thousand pounds sterling on the tenth day of February, now last, in execution of the said agreement, which it is expedient to ratify and confirm in conformity with the recommendation of His Excellency the Governor in his message above cited, and with the prayer of the Company in their Petition to Parlia- 20 ment in that behalf; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Settlement of agreement mentioned in the Preamble confirmed, on certain conditions.

1. The settlement and agreement mentioned in the preamble are hereby ratified and confirmed, and the directors of the Company shall 25 have full power and authority to carry out the same, and provided bonds of the said Company, secured as aforesaid to the amount of the said balance of two million seven hundred and sixty-eight thousand two hundred and thirty-four dollars and thirty-three cents, for such sums respectively and in such form as the Minister of Finance may direct or 30 approve, and payable to bearer at dates respectively conformable to the terms of the said agreement, and bearing interest at the rate of four per cent per annum, payable half yearly, are delivered to the Receiver General within three months from the passing of this Act, and that the principal and interest of such bonds are duly paid, 35 according to the tenor thereof,—then the said bonds and the said sum of one hundred thousand pounds sterling already paid, shall be accepted in full payment of all sums due by the said Company to Her Majesty, for the causes mentioned in the preamble, and the obligations by the said Act specified as well interest as principal, up 40 to the first day of January, now last; otherwise and upon any failure on the part of the Company to comply with the conditions aforesaid, all the rights and privileges of Her Majesty and of the Dominion, as well with respect to any further amount owing by the said Company, on the said first day of January last, over and above that so agreed 45 upon as aforesaid, as to the mortgage, hypothec and lien by which the whole debt to Her Majesty is secured, shall remain in force, saving always the right of the Company to be credited with such sums as they may have paid since the day last mentioned.

Restriction of hypothec of the conditions aforesaid are observed.

2. Unless and until default be made in the payment of the bonds 50 of the said Company mentioned in the next preceding section, or some one or more of them, the first hypothec, mortgage and lien upon the Road, Tolls and Property of the said Company, created by the said recited Acts for securing the payment of the whole of the public moneys advanced as aforesaid, and interest thereon, shall be restricted 55 to the said sum of two million seven hundred and sixty-eight thousand two hundred and thirty-four dollars and thirty-three cents, so to be included as aforesaid in the bonds to be given under the terms of the next preceding section, and the interest thereon, which sum and

interest according to the terms of such bonds, will, unless and until such default be made, remain and be the sum for securing the payment for which the said first hypothec, mortgage and lien will continue to be held: Provided always, firstly, that the existence of such security shall not in anywise hinder, prejudice, prevent or delay either Her Majesty or any holder or holders of such bonds, or any of them from resorting to any other remedy for the recovery of the sums of money mentioned therein, which Her Majesty or such holder or holders may by law be entitled to have and use, as fully and absolutely as if such security had not been held; And provided, secondly, that upon default made in the payment of any one or more of such bonds, the said first hypothec, mortgage and lien shall exist and be held to have continued to have existed without interruption, for the payment of the whole of the public monies advanced to the said Company and interest thereon.

3. The bonds of the said Company to be delivered to the Receiver-General as herein before mentioned, may be held by him or disposed of as the Governnor in Council may direct; and all moneys coming into the hands of the Receiver General, either as principal or interest of such bonds, or as the proceeds of the sale thereof, or wiserernd howsoever underthis Act and the agreement oth herein recited, shall be of the Consolidate Reven formue Fu of Canada.

4. And whereas, by the Act of the Legislature of the late Province of Canada, passed in the twenty second year of Her Majesty's Reign, and intituled "An Act to amend the Acts of incorporation of the Great Western Railway Company," the Company in making arrangements for the repayment of the Government loan, are empowered to increase their capital stock to the extent of eight million dollars, in addition to their present capital, by creating an additional number of shares, of such amount each as the directors of the Company may from time to time determine, and to make the whole or any portion of such new shares preference stock, on which dividends not exceeding seven per cent. per annum may be guaranteed, subject to certain conditions, but the holders whereof shall not vote at meetings of shareholders, or have any profit beyond the amount so guaranteed; and the Company is thereby further empowered to raise the amount required to pay off the Government loan, by the issue of a perpetual Debenture Stock, to be treated as part of the regular Debenture debts of the Company; And whereas the said powers have not yet been used by the Company, except by the issue of perpetual Debenture stock in the year eighteen hundred and fifty-eight, to the amount of forty-six thousand seven hundred pounds sterling, or two hundred and twenty-seven thousand two hundred and seventy-three dollars thirty-four cents. but they have by their Petition in that behalf represented that in order to provide for the payment of the bonds herein before mentioned, it may be necessary to exercise their powers of raising money, and it may be by issuing such new shares, and that this could be more easily done by giving the holders of guaranteed or preference shares the right to convert them, at their option, into ordinary shares, and have prayed that such power be given; Therefore it is enacted, that the holder of any preference or guaranteed share or shares in the capital of the said Company, to be issued by the directors thereof under the authority given by the Act last above cited, may at his or their option, and subject to such regulations as the directors may make with respect to the mode in which notice of such option shall be given, and the time from which it shall take effect, convert such preference or guaranteed share or shares into an ordinary share or ordinary shares of the capital stock of the Company, and from the time such option shall take effect, such shareholder shall have the right of voting, and all the other rights of holders of ordinary shares of such capital stock; provided that nothing in this Act shall authorize the directors to issue such new shares until they are thereunto authorized by a two-third vote of the shareholders present in person or by proxy, at a meeting called for the purpose, as provided by the said Act. And provided also that nothing herein

Proviso.

Proviso.

Bonds and moneys how to be dealt with.

Act of Canada 22 V. (1858) c. 116 cited.

Holders of certain preference or guaranteed shares may convert them into ordinary shares, and vote.

Proviso.

Proviso.

contained shall authorize the Directors to create and issue perpetual Debenture stock to a greater amount than the sum of six hundred and sixty-eight thousand eight hundred and fifteen pounds seven shillings sterling, or three million two hundred and fifty-four thousand nine hundred and one dollars thirty-seven cents, in addition to the amount already issued; nor shall anything herein contained authorize the Company to borrow or raise money on their terminable bonds to a greater extent than one-half of their capital stock as authorized from time to time; nor shall any thing herein contained alter or affect the co-ordinate lien of the said perpetual Debenture stock, with the terminable bonds upon the Railway, Tolls, lands and other property of the Company, save the special rights of the terminable Bonds which are authorized to be delivered to the Receiver General by the first section of this Act.

No. 25.

2nd Session, 1st Parliament, 32 Victoria, 1869

BILL.

An Act to confirm and give effect to a certain agreement between the Government of Canada, and the Great Western Railway Company.

Received and read First time, Tuesday, 27th April, 1869.

Second reading, Friday, 30th April, 1869.

Hon. Mr. ROSE.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to increase the capital stock of the Clifton Suspension Bridge Company.

WHEREAS the Clifton Suspension Bridge Company incorporated by the Act 31 Vic., chapter 82, have by their petition represented that they have constructed a Suspension Bridge across the River Niagara, and opened the same for traffic; and that they are desirous of expending a further sum of money on the said Bridge, in enlarging the 5 cables, increasing the number of stays and guys, and widening the floor of the carriage way,—in order to effect which they pray that their capital stock may be increased; 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, 10 enacts as follows:

1. It shall and may be lawful for the Directors of the said Company, or a majority of them, to add to their present capital stock the sum of \$100,000, divided into shares of \$100 each,—such additional stock to be subscribed and apportioned in such manner, and upon such terms 15 as the Directors may determine.

2. The holders of such additional shares shall be entitled to the like privileges in respect to the same as are or may be possessed by holders of original shares in the stock of the Company.

2nd Session, 1st Parliament, 32 Vict., 1869.

BILL.

An Act to increase the Capital Stock of the
Clifton Suspension Bridge Company.

(Private Bill.)

Mr. MORRISON, (Niagara.)

OTTAWA :

PRINTED BY HUNTER ROSE, & CO.

An Act to amend the Act of Incorporation of the Board of Trade of the City of Toronto.

WHEREAS the Board of Trade of the City of Toronto have by their Preamble. petition requested that certain amendments should be made to their Act of Incorporation and it is expedient that the prayer of the said petition should be granted; Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada 5 enacts as follows:—

1. Section one of the Act incorporating the Board of Trade of the City of Toronto, chapter twenty-four of the Acts of the Legislature of the late Province of Canada, passed in the eighth year of Her Majesty's Reign, is hereby amended by striking out the words "using trade," in the said section, and substituting therefor "engaged in trade." Acts of Canada, 8 Vic. Chap. 24 Sec. 1 amended.

2. Section six of the said Act is hereby repealed, and the following section shall be substituted therefor: Section 6 amended,

"That the members of the said Corporation shall hold a general annual meeting in January in each year and quarterly and other 15 meetings when considered necessary by the Council, of which due notice shall be given by the secretary: when the members of the said Corporation, assembled at such annual meeting, shall then and there choose from a list of names previously agreed on at a General meeting of the Board specially called for the purpose of nominating officers, and from that list only, by separate ballot or in such other way as shall be fixed by the By-Laws of the Corporation, elect from among the mem- 20 bers of the Corporation, one President, one Vice President, one Treasurer, and twelve other members of the Council, who with said President, Vice President, and Treasurer, shall form the Council of the said Corporation and shall hold their respective offices until others shall be elected at the next general meeting in January, in [their stead, or until they shall be removed from office, or shall vacate the same 25 under the provisions of any By-Laws of the Corporation: provided always, that if the said election shall not take place in the said month of January in any year, the Corporation shall not thereby be dissolved but such election may be had at any general meeting of the Corpora- 30 tion to be called in the manner hereinafter provided, and the members of the Council then in office shall remain so until the election shall be had: And provided further, that no person shall be capable of being re-elected to the office of President, Vice President, Treasurer or member of Council for the current year, if he shall have been absent from more than one half of the meetings of Council held in the preceding year without leave of absence obtained from the President.

3. Section nine of the said Act is amended by striking out the words "of any chartered Bank therein, and having resided in the said City of Toronto continuously for not less than two years" in the said clause and substituting therefor the following, "Manager or Director of any Financial institution, Railway or Insurance Company." Sec. 9, amended.

Sec. 10,
amended.

4. Section ten is amended by substituting the word "day" for the word "week" in the said section.

Section 16.

5. Section sixteen is hereby repealed and the following substituted therefor :

Meeting of
Council.

"The meetings of the members of the Council shall be open to all other members of the Corporation who may attend at the same, but who shall take no part in the proceedings thereat : and minutes of the proceedings at all such meetings and all general meetings of the Corporation shall be entered in registers to be kept for that purpose by the Secretary, and such minutes shall be read at the following meeting and if approved of be signed by the President and Secretary or their substitutes, and such Registers shall be open at all reasonable hours to any member of the Corporation free of any charge and also to all other persons on payment of a fee of twenty-five cents to the Secretary."

Duties of
Secretary.

No. —

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to amend the Act incorporating the Board of Trade of the City of Toronto.

(PRIVATE BILL.)

MR. BEATTY.

OTTAWA :

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Act 23 Victoria, Chapter 123.

WHEREAS the Corporation of Pilots for and above the Harbour of Quebec, have by their petition prayed that the Act of the Parliament of the late Province of Canada, 23 Victoria, Chapter 123, may be so amended as to provide that any pilot who shall have caused any damage or loss while acting in the execution of his duties shall alone be responsible therefor, and whereas the prayer of the petition is just; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Corporation constituted in virtue of the Act passed by the Parliament of the late Province of Canada, in the twenty-third year of Her Majesty's reign, and intituled: "An Act to incorporate the pilots for and below the Harbour of Quebec," shall not hereafter be held responsible for the acts of any pilot while acting as such nor for any damages caused by any act, fault, or negligence on the part of such pilot, but the amount which may be due by the said Corporation to such pilot on account of his share of the revenue thereof, shall form part of the property against which the creditors of such pilot may enforce their legal remedy, either on account of damages caused by him, or of any other matter; provided always that nothing contained in this Act shall extend to or affect suits now pending.

No. —.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to amend the Act 23 Vic. Cap. 123.

PRIVATE BILL.

Mr. LANGLOIS,

OTTAWA:

PRINTED BY HUNTER ROSE & CO.

An Act to amend the Act 23 Victoria, Chapter 123, being an Act incorporating the Corporation of Pilots for and below the Harbour of Quebec.

(Reprinted as amended)

WHEREAS the Corporation of Pilots for and below the Harbour of Quebec, have by their petition prayed that the Act of the Parliament of the late Province of Canada, 23 Victoria, Chapter 123, may be so amended as to provide that any pilot who shall have caused
5 any damage or loss while acting in the execution of his duties shall alone be responsible therefor, and whereas the prayer of the petition is just; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Corporation constituted in virtue of the Act passed by the
10 Parliament of the late Province of Canada, in the twenty-third year of Her Majesty's reign, and intituled: "An Act to incorporate the pilots for and below the Harbour of Quebec," shall not hereafter be held responsible for the acts of any pilot while acting as such nor for any damages caused by any act, fault, or negligence on the part of such pilot; and
15 all payments by such Corporation to the members thereof shall be made in monthly dividends, payable not less than six days after the said dividends shall have been declared, provided always that full recourse shall remain against each such pilot individually for the whole amount of any damages by him caused, and that nothing in this Act contained
20 shall extend to or affect suits now pending.

2. The master of any vessel arriving in the Port of Quebec, shall have the right to select, out of his turn, to pilot his vessel up the River St. Lawrence, any one of the Pilots on board of the Pilot Schooners which shall board his vessel on any of the stations established for pro-
25 viding ships with pilots.

3. Every pilot shall be bound to serve as such pilot whenever he shall be selected as provided by the thirty-second section of the said Act, and when not occupied as a pilot shall be bound to take his place on the roster or roll, either at Quebec or elsewhere, and be liable to be chosen
30 and to serve whatever may have been the number of times he shall have previously served.

No. 28

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to amend the Act 23 Viv. Cap. 123,
being an Act incorporating the Corpora-
tion of Pilots for and below the Harbour
of Quebec.

PRIVATE BILL.

*Reprinted as amended by the Committee on
Banking and Commerce.*

MR. LANGLOIS.

OTTAWA :

An Act to authorize the issuing of Letters Patent of Invention to Frederick Baynton Sparkes, for a new and useful means or process of manufacturing lubricating oil from Crude Petroleum.

WHEREAS Frederick Baynton Sparkes, of the city of Toronto, Preamble.

in the Province of Ontario, a British Subject, hath by his Petition represented that he hath become possessed by purchase from one George Whitney Sylvester, the inventor, in the United States, of a new and heretofore unknown process or means of manufacturing lubricating oil for machinery and for other purposes from Crude Petroleum Oil, and for re-using in the manufacture of more lubricating oil, the material remaining after the prior manufacture of such oil; that the said oil can be manufactured here at so moderate a cost as to render it an article of great economic value, and that he is desirous of being empowered to apply for, and if found entitled thereto, to obtain a patent for the same, and it is expedient to grant the prayer of his petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

15 **1.** It shall be lawful for the Governor General, if he shall see fit and upon being satisfied that the said Frederick Baynton Sparkes, represents the original inventor thereof, to grant Letters Patent to the said Frederick Baynton Sparkes, for the said process, invention and discovery, securing to him and his representatives and assigns the
20 exclusive right to make use of such process, invention and discovery within the Provinces of Ontario and Quebec, for the period of fourteen years, in the same manner, and to the same effect as the same might have been granted to him if he had been the original inventor of the said process, invention and discovery, and resident in the Province of
25 Ontario or Quebec.

It shall be lawful for the Governor upon being satisfied, &c.

To grant Letters Patent to Sparkes, &c.

2. Any such Letters Patent to be granted as aforesaid, shall nevertheless be granted on the following conditions:

Conditions on which granted.

1. That the Patentee shall within two years from the date of the Letters Patent, establish or cause to be established, within the limits
30 of the Province of Ontario or of Quebec, a factory for the manufacture of lubricating oil by such means or process.

Shall establish a factory.

2. That the privileges granted by such Patent shall cease upon the Patentee, his representatives or assigns, ceasing the manufacture of said oil, in the Province of Ontario or of Quebec, under such Patent for
35 the period of one year at any one time during the term for which the Patent is granted.

Privileges of Patent shall cease on ceasing to manufacture the oil.

3. Before any Patent is granted under this Act, the Petitioner shall give one month's notice in the "Official Gazette," of his intention to apply for the same, stating the name of the original inventor, and such
40 particulars as will sufficiently identify the invention.

Notice of application to be published.

2nd Session, 1st Parliament, 32 Vict., 1869.

An Act to authorize the issuing of Letters Patent of Invention to Frederick Baynton Sparkes, for a new and useful means or process of manufacturing lubricating oil from Crude Petroleum.

PRIVATE BILL.

Mr. ANGUS MORRISON.

OTTAWA :

PRINTED BY HUNTER ROSE, & CO.

An Act to enable the holders of preference Shares in the Great Western Railway Company to convert them into ordinary Shares at their option.

WHEREAS, by the Act of the Legislature of the late Province of Canada, passed in the twenty-second year of Her Majesty's reign, and intituled "An Act to amend the Acts of incorporation of the Great Western Railway Company," the Company in making arrangements for the repayment of the Government loan, are empowered to increase their capital stock to the extent of eight million dollars, in addition to their present capital, by creating an additional number of shares, of such amount each as the directors of the Company may from time to time determine, and to make the whole or any portion of such new shares preference stock, on which dividends not exceeding seven per cent. per annum may be guaranteed, subject to certain conditions, but the holders whereof shall not vote at meetings of shareholders, or have any profit beyond the amount so guaranteed; and the Company is thereby further empowered to raise the amount required to pay off the Government loan, by the issue of a perpetual Debenture Stock, to be treated as part of the regular Debenture debts of the Company; And whereas the said powers have not yet been used by the Company, except by the issue of perpetual Debenture stock in the year eighteen hundred and fifty-eight, to the amount of forty-six thousand seven hundred pounds sterling, or two hundred and twenty-seven thousand two hundred and seventy-three dollars thirty-four cents, and they have by their Petition in that behalf represented that in order to provide for the settlement of the Government loan, according to an Act of the present Session of Parliament intituled "An Act to confirm and give effect to a certain agreement between the Government of Canada, and the Great Western Railway Company," it may be necessary to exercise their powers of raising money, and it may be by issuing such new shares, and that this could be more easily done by giving the holders of guaranteed or preference shares the right to convert them, at their option, into ordinary shares, and have prayed that such power be given; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. That the holder or holders of any preference or guaranteed share or shares in the capital of the said Company to be issued by the directors thereof under the authority given by the Act first above cited, may at his or their option, and subject to such regulations as the directors may make with respect to the mode in which notice of such option shall be given, and the time from which it shall take effect, convert such preference or guaranteed share or shares into an ordinary share or ordinary shares of the capital stock of the Company, and from the time such option shall take effect, such shareholder shall have the right of voting, and all the other rights of holders of ordinary shares of such capital stock; provided that nothing in this Act shall authorize the directors to issue such new shares until they are thereunto authorized by a two-third vote of the shareholders present in person or by proxy, at a meeting called for the purpose, as provided by the said Act. And provided also that nothing herein contained shall authorize the directors to create and issue perpetual Debenture stock to a greater amount than

Preamble.

Holders of certain preference or guaranteed shares may convert the same into ordinary shares, and vote.

the sum of six hundred and sixty-eight thousand eight hundred and fifteen pounds seven shillings sterling, or three million two hundred and fifty-four thousand nine hundred and one dollars thirty-seven cents, in addition to the amount already issued; nor shall anything herein contained authorize the Company to borrow or raise money on 5 their terminable bonds to a greater extent than one-half of their capital stock as authorized from time to time; nor shall any thing herein contained alter or affect the co-ordinate lien of the said perpetual Debenture stock, with the terminable bonds upon the Railway, Tolls, lands and other property of the Company, save the special rights 10 of the terminable Bonds which are authorized to be delivered to the Receiver General by the first section of the last mentioned Act.

No. 30.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to enable the holders of preference Shares in the Great Western Railway Company to convert them into ordinary Shares at their option.

PRIVATE BILL.

Hon. Mr. CARLING.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the Dominion Mutual Life Guarantee Assurance Company.

WHEREAS the Honorable D. L. Macpherson, John Crawford, Esquire, the Honorable George Brown, Edward C. Jones, Esquire, C.S. Gzowski, Esquire, Edward Blake, Esquire, Nathan C. Ford, Esquire, Clarkson Jones, Esquire, and Thomas Galt, Esquire, have petitioned the Legislature praying that an association under the style and title of the "Dominion Mutual Life Guarantee Assurance Company," may be incorporated for the purpose of enabling the said petitioners and others to carry on the business of a Life Assurance Company; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. All such persons as now are or hereafter shall become members of the said Company, and their respective executors, administrators and assigns, shall be and are hereby constituted and declared to be a corporation, body corporate and politic, by and under the name and style of "The Dominion Mutual Life Guarantee Assurance Company," and shall be in law capable of acquiring by purchase, lease, mortgage or otherwise, and of holding absolutely or conditionally, lands and real estate, and of selling, alienating, transferring and disposing of the same, as shall be deemed expedient; Provided always, that nothing in this Act contained, shall be considered as authority to hold real estate beyond the annual value of twenty thousand dollars, for the use and occupation of the Company, or for the convenient transaction of its business; Provided nevertheless, that the said Company may hold such real estate as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts, or judgments recovered; And it shall be lawful for the Company to invest its funds in the securities of the Dominion of Canada, or of any of the Provinces composing said Dominion, and in the Bonds, Debentures and Stocks of any Municipality, or Incorporated Company transacting business in any of the Provinces of the Dominion, or in mortgage of real estate; Provided always, that all real estate so mortgaged or conveyed in security as aforesaid, shall be sold and disposed of within ten years from the time of its becoming the absolute property of the Company.
2. The capital stock of the said Corporation shall be one million of dollars, divided into five thousand shares of two hundred dollars each.
3. So soon as all the shares of the said Company shall have been subscribed for, and *fifty thousand dollars* shall have been actually paid thereon, and a deposit shall have been made with the Receiver General of the Dominion of Canada, in accordance with the provisions of the statute of the Dominion of Canada, 31 Vic., Cap. 48, entitled "An Act respecting Insurance Companies," the said Corporation (being duly licensed under the said Act) shall have power and legal authority to make and effect contracts of Assurance with any person or persons, bodies politic or corporate, upon life or lives, or in any way dependent upon life or lives, and to grant or sell
- Certain persons incorporated as The Dominion Mutual Life Guarantee Assurance Company, and certain powers conferred on them.
- Proviso as to holding real estate.
- Investments by company.
- Sale of real estate within specified time.
- Amount of capital stock
- Power to make contracts of Insurance upon all the shares having been subscribed for, and \$50,000 paid up in respect thereof.

annuities either for lives or otherwise, and on survivorship, and to purchase annuities, to grant endowments to children or other persons, and to receive investments of money for accumulation, to purchase contingent rights 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 Assurance Companies, including re-assurance. 5

Business of the Corporation to be managed by Board of Trustees.

4. The business of the said Corporation shall be conducted by a Board of not less than eight Trustees, one of whom shall be chosen president, and one or more vice-presidents, (which Board shall, in the first instance, consist of the Honorable D. L. Macpherson; John Crawford, Esquire; the Honorable George Brown; Edward C. Jones, Esquire; C. S. Gzowski, Esquire; Edward Blake, Esquire; Nathan C. Ford, Esquire; Clarkson Jones, Esquire, and Thomas Galt, Esquire, shareholders in the said Company) who shall be qualified for such office as provided by the rules and regulations to be adopted by the said Company, which may provide for an increase of their numbers, and for the future appointment of Trustees to the said Company. 15

Powers of Trustees.

5. And with respect to the exercise of the powers of the Company,—be it enacted that the said Trustees of the Company shall exercise all the powers of the Company, that they may make and enforce the calls upon the shares of the respective stockholders, they may declare the forfeiture of all shares on which such calls have not been duly paid, they may allot and divide among the assurers or policy holders insuring with profits, such portion of the profits realized, and at such times as they shall see fit, and may declare dividends of profits to be paid to the shareholders or to be paid on or added to the stock of the said Company; they may make all such rules, regulations and by-laws for the management of the affairs of the Company as shall from time to time appear to them to be necessary for the proper working of the Company. 20 25 30

May make By-laws.

How policies, contracts, &c. are to be executed.

6. All policies, contracts, securities, deeds and writings, touching or concerning the said Company, shall be signed and executed by the President of the said Company (or by a Vice-president) and the Secretary, or in case of the absence or death of both President and Vice-presidents, then by three of the trustees of the said Company and the Secretary. 35

Head office of Company in the city of Toronto.

7. The head office of the said Company shall be in the City of Toronto, and the Trustees shall appoint the times and places in the said city of Toronto, for all meetings of the said Company and of the Trustees thereof, as provided by the rules of the said Company to be determined upon in that behalf. 40

Transfer of Shares.

8. The shares of the said Company shall be transferable by the parties holding the same according to the rules of the Company; provided always, that no transfer shall be valid until the same having been sanctioned and approved by the Trustees, shall have been registered in the Transfer Book of the Company, and all calls shall have been paid in respect of any share sought to be transferred. 45

Transmission of interest in shares, how to be proved.

9. The transmission of the interest in any share of the stock of the Company in consequence of marriage, death or insolvency of a shareholder, or by any other means than an ordinary transfer, shall be made, proved and authenticated, in such form, by such proof and generally in such manner, as the Trustees shall from time to time require or by By-law direct. 50

- 10 In any action for the recovery of arrears on calls, 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, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the Defendant was owner of some shares in the Company, and that such call was made according to the Rules and By-laws of the Company, and it shall be unnecessary to prove the appointment of the Trustees who made such calls or any other matter whatsoever. Right to sue for calls.
Allegations and proof.
- 10 11. The Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive to which any share or shares of its stock may be subject, and the receipt of the party in whose name any share stands in the Books, or if such shares stand in the name of more than one, the receipt of one shall be a sufficient discharge to the Company for any money paid in respect of such share or shares, notwithstanding any trust to which they may be held subject, and whether or not the Company shall have had notice of such trust. Company not bound to take notice of trusts.
- 20 12. No Trustee or other officer of the Company shall become a borrower of any portion of its funds, nor become surety for any other person who shall become a borrower from the Company. Trustees or officers of Company not to borrow from it.
- 25 13. The Company shall be subject to all the provisions of the said Act 31 Vic., Cap. 48, *respecting Insurance Companies*, applicable to Canadian Life Insurance Companies, and this Act shall be construed as if such provisions were embodied in it. Company to be subject to 31 V., c. 48.
14. In this Act the word "Company" shall mean The Dominion Mutual Life Guarantee Assurance Company in this Act mentioned, and "The Trustees" shall mean The Trustees for the time being. Interpretation clause.

No. 31.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to incorporate the Dominion Mutual
Life Guarantee Assurance Company.

PRIVATE BILL.

OTTAWA :

PRINTED BY HUNTER, ROSE & COMPANY,

An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law.

WHEREAS, by divers Acts passed during the now last and the present Session of Parliament, certain provisions of the Statute Law of the several Provinces of Canada, respecting certain crimes and offences, have been assimilated, amended and consolidated, and extended to all Canada, and it is expedient, in like manner, to assimilate, amend and consolidate and to extend certain other provisions of the said Statute Law, respecting procedure and other matters not included in the said Acts, : Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Interpretation.

1. In the interpretation of this Act and of any Act of the Parliament of Canada relating to Criminal Law, unless there be something in the enactment or in the context indicating a different meaning or calling for a different construction :

1. The word "Indictment" shall be understood to include "information," "inquisition" and "presentment" as well as indictment, and also any plea, replication or other pleading, and any record; and the term "finding of the indictment" shall include also "the taking of an inquisition," "the exhibiting an information" and "the making of a presentment;" and the word "property" shall be understood to include goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed; and the expression "district, county or place" shall include any division of any Province of Canada, for purposes relative to the administration of justice in criminal cases.

2. Whenever in any Act relating to any offence, whether upon indictment or summary conviction, any word has been used or employed importing the singular number or the masculine gender only, in describing or referring to the offence or to the subject matter on or with respect to which it may be committed, or to the offender or the party affected or intended to be affected by the offence, such Act shall be understood to include several matters of the same kind, as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, and when a forfeiture or penalty is made payable to a party aggrieved, it shall be payable to a body corporate in case such a body be the party aggrieved.

3. Whenever a person doing a certain act is declared to be guilty of any offence, and to be liable to punishment therefor, it shall be understood that such person shall only be deemed guilty of such offence and liable to such punishment after being duly convicted of such act; and whenever it is provided that the offender shall be liable to different degrees or kinds of punishment, it shall be understood that the punish-

ment to be inflicted, will, subject to the limitations contained in the enactment, be in the discretion of the Court or tribunal before which the conviction takes place.

- "Penitentiary." 4. The word "Penitentiary" shall be understood to mean the Penitentiary for the Province in which the conviction takes place; and any person sentenced to imprisonment in the Penitentiary shall be subject to the provisions of the statutes relating to the Penitentiaries, and to all rules and regulations lawfully made under any such statute. 5
- "Justice," 5. The word "Justice" shall be understood to mean a Justice of the Peace.
- "Any Act." 6. The expression "any Act," or, "any other Act," when it occurs in this Act or in any other Act of the Parliament of Canada, relating to Criminal Law, shall include any Act passed or to be passed by the Parliament of Canada, or any Act passed by the Legislature of the late Province of Canada, or passed or to be passed by the Legislature of any Province of Canada, or passed by the Legislature of any Province included in Canada, before it was included therein, unless there be something in the subject or context inconsistent with such construction. 10 15

Apprehension of Offenders, &c.

- Offenders caught in the act may be summarily arrested. 2. Any person found committing an offence punishable either upon indictment, or upon summary conviction, may be immediately apprehended by any Constable or Peace Officer, without a warrant, or by the owner of the property on or with respect to which the offence is being committed or by his servant or any other person authorized by such owner, and shall be forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to law. 20 25
- Persons in possession of stolen goods may be arrested. 3. If any person to whom any property is offered to be sold, pawned, or delivered, has reasonable cause to suspect that any such offence has been committed on or with respect to such property, he may, and if in his power, he shall apprehend and forthwith carry before a Justice of the Peace, the party offering the same, together with such property, to be dealt with according to law. 30
- Arrest of offenders caught in the act in the night time. 4. Any person may apprehend any other person found committing any indictable offence in the night, and shall convey or deliver him to some constable or other person, in order to his being taken, as soon as conveniently may be, before a Justice of the Peace, to be dealt with according to law. 35
- When a constable may arrest without warrant. 5. Any Constable or Peace Officer may, without a warrant, take into custody any person whom he finds lying or loitering in any highway, yard or other place, during the night, and whom he has good cause to suspect of having committed or being about to commit any felony, and may detain such person until he can be brought before a Justice of the Peace, to be dealt with according to law. 40
- Detention of person arrested. 6. No person having been apprehended as last aforesaid shall be detained after noon of the following day without being brought before a Justice of the Peace. 45
- Proceedings before Justices, how regulated. 7. The proceedings to be had before any Justice or Justices of the Peace when any offender is brought before him or them, are regulated by the *Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences*, and the *Act*

respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders, subject to any special provision contained in any Act relating to the particular offence with which such offender is charged.

Venue, place of trial, &c.

5 8. When any felony or misdemeanor is committed on the boundary of two or more districts, counties or places, or within the distance of one mile of any such boundary, or in any place with respect to which it may be uncertain within which of two or more districts, counties or places it is situate, or when any felony
10 or misdemeanor is begun in one district, county or place, and completed in another, every such felony or misdemeanor may be dealt with, inquired of, tried, determined and punished, in any one of the said districts, counties or places in the same manner as if it had been actually and wholly committed therein.

Where offences committed on the confines of districts, &c., may be tried.

15 9. When any felony or misdemeanor is committed on any person, or on or in respect of any property in or upon any coach, waggon, cart or other carriage whatever, employed in any journey, or is committed on any person, or on or in respect of any property on board any vessel, boat or raft whatever, employed in any voyage or journey upon any
20 navigable river, canal or inland navigation, such felony or misdemeanor may be dealt with, inquired of, tried, determined and punished, in any district, county or place through any part whereof such coach, waggon, cart, carriage or vessel, boat or raft, passed in the course of the journey or voyage during which such felony or misde-
25 meanor was committed, in the same manner as if it had been actually committed in such district, county or place.

Offences committed on persons or property while in transitu by land or water, where triable.

10. In all cases where the side, centre, bank, or other part of any highway, or of any river, canal, or navigation, constitutes the boundary of any two districts, counties or places, any felony or misde-
30 misdemeanor mentioned in the two last preceding sections may be dealt with, inquired of, tried, determined, and punished in either of such districts, counties or places, through or adjoining to, or by the boundary of any part whereof such coach, waggon, cart, carriage, or vessel, boat or raft, passed in the course of the journey or voyage
35 during which such felony or misdemeanor was committed, in the same manner as if it had been actually committed in such district, county or place.

Offences committed on highways, rivers, &c., dividing two districts, &c., where triable.

11. Whenever it appears to the Court or any Judge thereof, in vacation, that it is expedient to the ends of Justice that the trial of
40 any person charged with felony or misdemeanor should be held in some district, county or place other than that in which the offence is supposed to have been committed, the Court or Judge may order, either before or after the presentation of a bill of indictment, that the trial should be proceeded with in some other district, county or place within the juris-
45 diction of the Court, and to be named by the Judge in such order; but such order shall be made upon such conditions as to the payment of any additional expense thereby caused to the accused, as the Judge may think proper to prescribe.

Order for changing the venue.

2. Forthwith upon the order of removal being made by the Court or
50 Judge, the indictment, if any has been found against the prisoner, and all inquisitions, informations, depositions, recognizances, and other documents whatsoever relating to the prosecution against him, shall be transmitted by the officer having the custody thereof to the proper officer of the Court at the place where the trial is to be had, and all

Transmission of records &c., to place of trial.

proceedings in the case shall be had, or, if previously commenced, shall be continued in such district, county or place as if the case had arisen or the offence had been committed therein.

Removal of prisoners to such places.

3. The order of the Court, or of the Judge, made under the first sub-section of this section, shall be a sufficient warrant, justification and authority to all Sheriffs, Gaolers, and Peace Officers for the removal, disposal and reception of the prisoner in conformity with the terms of such order; and the Sheriff may appoint and empower any constable to convey the prisoner to the gaol in the district, county or place in which the trial is ordered to be held. 5 10

Recognizances to apply to such places.

4. Every recognizance which may have been entered into or shall be entered into for the prosecution of any person, and every recognizance, as well of any witness to give evidence, as of any person for any offence, shall, in case any such order as provided by sub-section number one of this section, is made, be obligatory on each of the parties bound by such recognizance as to all things therein mentioned with reference to the said trial, at the place where such trial is so ordered to be held, in like manner as if such recognizance had been originally entered into for the doing of such things at such last mentioned place; provided that notice in writing shall be given either personally or by leaving the same at the place of residence of the parties bound by such recognizance as therein described, to appear before the Court, at the place where such trial is ordered to be held. 15 20

Proviso notice to cognizors.

As to trial of capital offences.

12. No Court of General or Quarter Sessions or Recorder's Court, nor any Court but one of superior criminal jurisdiction shall have power to try any treason, or any felony punishable with death. 25

Indictments.

Indictment need not be on parchment

13. It shall not be necessary that any indictment or any record or document relative to any criminal case, be written on parchment.

Indictment found against a person abroad in custody.

14. When an indictment is found against any person for whose appearance at any Court to answer the offence, a recognizance has been given, and such person is confined in the penitentiary or in any gaol within the jurisdiction of such Court, under warrant of commitment, or under sentence for some other offence, the Court may by order in writing direct the warden of the penitentiary or the keeper of such gaol to bring up such person to be arraigned on such indictment without a writ of *Habeas Corpus*, and the warden or keeper shall obey such order. 30 35

Not necessary to state the venue in the body of the indictment.

15. It shall not be necessary to state any venue in the body of any indictment, and the district, county, or place named in the margin thereof, shall be the venue for all the facts stated in the body of the indictment; but in case local description be required, such local description shall be given in the body thereof. 40

As to abolition of benefit of clergy.

16. Benefit of Clergy is hereby declared to have been abolished, but such abolition does not prevent the joinder in an indictment of any counts which might have been joined but for such abolition. 45

In case of partners, &c., it shall be sufficient to name one of such partners, &c.

17. Whenever, in any indictment for felony or misdemeanor, it is requisite to state the ownership of any property real or personal, which belongs to or is in possession of more than one person, whether such persons be partners in trade, joint tenants, parceners or tenants in common, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named and another or others, as the case may be. 50

18. If in any indictment for felony or misdemeanor, it be necessary for any purpose to mention any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and this provision and that of the last preceding section shall extend to all joint-stock companies and trustees.

Case of joint tenants, joint stock companies, &c.

19. In any indictment for felony or misdemeanor committed: 1. In or upon, or with respect to any church, chapel, or place of religious worship,—or 2. To any highway, bridge, court-house, gaol, house of correction, penitentiary, infirmary, asylum, or other public building,—or 3. To any railway, canal, lock, dam or other public work erected or maintained in whole or in part at the expense of the Dominion of Canada, or of any of the Provinces of which it is composed, or of any Municipality or other sub-division thereof,—or 4. With respect to any materials, goods, or chattels belonging to or provided for, or at the expense of the Dominion or of any such Province, or of any Municipality or other sub-division thereof, to be used for making, altering or repairing any highway, or bridge, or any court-house or other such building, railway, canal, lock, dam or other public work as aforesaid, or to be used in or with any such work, or for any other purpose whatever, it shall not be necessary to state any such property, real or personal, to be the property of any person.

When not necessary to state property to be the property of any person.

20. In any indictment for felony or misdemeanor, committed on or with respect to any house, building, gate, machine, lamp, board, stone, post, fence or other thing erected or provided by any trustees or commissioners in pursuance of any Act in force in Canada, or in any Province thereof, for making any turnpike road, or to any conveniences or appurtenances thereunto respectively belonging, or to any materials, tools or implements provided for making, altering or repairing any such road, it shall be sufficient to state any such property to belong to the Trustees or Commissioners of such road, without specifying the names of such Trustees or Commissioners.

Property in roads, &c., to be laid in trustees or commissioners without naming them.

21. In any indictment for any felony or misdemeanor committed on or with respect to any buildings, or any goods or chattels, or any other property, real or personal, in the occupation, or under the superintendence, charge or management of any public officer or commissioner, or any county, parish, township or municipal officer or commissioner, it shall be sufficient to state any such property to belong to the officer or commissioner in whose occupation, or under whose superintendence, charge or management such property is, and it shall not be necessary to specify the names of any such officers or commissioners.

Ownership of property in possession of public officers, how described.

22. All property, real and personal, whereof any body corporate, by law, has the management, control, or custody, shall, for the purposes of any indictment, or proceeding against any other person for any offence committed on or in respect thereof, be deemed to be the property of such body corporate.

Property under management of body corporate.

23. No indictment shall be held insufficient for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears upon the record," or "as appears by the record," or of the words "with force and arms," or of the words "against the peace," or for the insertion of the words "against the form of the statute" instead of the words "against the form of the statutes," or *vice versa*,—or for that any person mentioned in the indictment is designated by a name of office or other descriptive appellation instead of his proper name, or for omitting to state the time at which

Omission of certain averments, &c., not fatal to indictment.

the offence was committed in any case where time is not of the essence of the offence, or for stating the time imperfectly, or for stating the offence to have been committed on a day subsequent to the finding of the indictment, or on an impossible day, or on a day that never happened, or for want of a proper or perfect venue, or for want of a proper or formal conclusion, or for want of or imperfection in the addition of any defendant, or for want of the statement of the value or price of any matter or thing, or the amount of damage, injury or spoil, in any case where the value or price, or the amount of damage, injury or spoil, is not of the essence of the offence. 5 10

Description of instruments generally. 24. Whenever it is necessary to make an averment in an indictment, as to any instrument, whether the same consists wholly or in part of writing, print or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or *fac-simile* of the whole or of any part thereof. 15

What necessary in describing money or bank notes. 25. Whenever in any indictment it is necessary to make an averment as to any money or note of any bank, or Dominion or Provincial note, it shall be sufficient to describe such money or note simply as money, without any allegation (so far as regards the description of the property) specifying any particular coin or note, and such averment shall be sustained by proof of any amount of coin or of any such note, although the particular species of coin of which such amount was composed, or the particular nature of the note be not proved. 20

Indictment, &c., for subsequent offences. 26. In any indictment for any indictable offence committed after a previous conviction or convictions for any felony, misdemeanor, or offence or offences punishable upon summary conviction, and for which a greater punishment may be inflicted on that account, it shall be sufficient, after charging the subsequent offence, to state that the offender was at a certain time and place, or at certain times and places, convicted of felony or of an indictable misdemeanor, or of an offence or offences punishable upon summary conviction (as the case may be), and to state the substance and effect only, omitting the formal part, of the indictment and conviction, or of the summary conviction (as the case may be) for the previous offence, without otherwise describing the previous offence or offences, and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony or misdemeanor, or a copy of any such summary conviction, purporting to be signed by the Clerk of the Court or other officer having the custody of the records of the Court where the offender was first convicted, or to which such summary conviction has been returned, or by the deputy of such clerk or officer, shall, upon proof of the identity of the person of the offender, be sufficient evidence of such conviction, without proof of the signature or official character of the person appearing to have signed the same; and the proceedings upon any indictment for committing any offence after a previous conviction or convictions shall be as follows (that is to say),— the offender shall, in the first instance, be arraigned upon so much only of the indictment as charges the subsequent offence, and if he pleads not guilty, or if the Court orders a plea of not guilty to be entered on his behalf, the jury shall be charged, in the first instance, to inquire concerning such subsequent offence only, and if they find him guilty, or if on arraignment he pleads guilty, he shall then, and not before, be asked whether he was so previously convicted as alleged in the indictment, and if he answers that he was so previously convicted, the Court may proceed to sentence him accordingly, but if he denies that he was so previously convicted, or stands mute of malice, 25 30 35 40 45 50 55

When the previous conviction is to be proved on the trial.

or will not answer directly to such question, the jury shall then be charged to inquire concerning such previous conviction or convictions, and in such case it shall not be necessary to swear the jury again, but the oath already taken by them shall for all purposes be deemed 5 to extend to such last mentioned inquiry; Provided that if upon the trial of any person for any such subsequent offence, such person gives evidence of his good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the conviction of such person for the previous offence or offences, before such verdict of guilty is returned, 10 and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

27. The forms of indictment contained in the Schedule A to this Act may be used, and shall be sufficient as respects the several offences to which 15 they respectively relate; and as respects offences not enumerated in the Schedule, the said forms shall serve as a guide to shew the manner in which offences are to be charged, so as to avoid surplusage and verbiage, and the averment of matters not necessary to be proved, and the indictment shall be good if, in the opinion of the Court, the 20 offence or offences intended to be charged by it can be understood from it.

Forms in Schedule to be sufficient.

Preliminary requirements as to certain indictments.

28. No bill of indictment for any of the offences following, viz.: perjury, subornation of perjury, conspiracy, obtaining money or other property by false pretences, keeping a gambling house, keeping a dis- 25 orderly house, or any indecent assault, shall be presented to, or found by any grand jury, unless the prosecutor or other person presenting such indictment has been bound by recognizance to prosecute or give evidence against the person accused of such offence, or unless the person accused has been committed to or detained in custody, or has been 30 bound by recognizance to appear to answer to an indictment to be preferred against him for such offence, or unless the indictment for such offence is preferred by the direction of Her Majesty's Attorney General, or Solicitor General for the Province, or of a Judge of a Court having jurisdiction to try the offence.

Requirements as to indictments for certain offences.

35 29. Where any charge or complaint is made before any one or more Justices of the Peace, that any person has committed any of the offences aforesaid, within the jurisdiction of such Justice or Justices, and such Justice or Justices refuses or refuse to commit, or to bail the person charged with such offence, to be tried for the same, then, in case 40 the prosecutor desires to prefer an indictment respecting the said offence, it shall be lawful for the said Justice or Justices, and he or they is or are hereby required to take the recognizance of such prosecutor, to prosecute the said charge or complaint, and to transmit the recognizance, information and depositions, if any, to the proper officer, in the same manner 45 as such Justice or Justices would have done, in case he or they had committed the person charged to be tried for such offence.

Proceedings before Justices in such cases.

Dilatory pleas, arraignment, challenges, Jurors &c.

30. No person prosecuted, shall be entitled as of right to traverse or postpone the trial of any indictment preferred against him in any Court, or to imparl, or to have time allowed him to plead or demur to any such indict- 50 ment; Provided always, that if the Court before which any person is so indicted upon the application of such person, or otherwise, is of opinion, that he ought to be allowed a further time to plead or demur or to prepare for his defence, or otherwise, such Court may grant such further time to plead or demur, or may adjourn the receiving or taking of the plea or

No person entitled of right to traverse or time to have plead. Court may postpone trial &c.

demurrer, and the trial, or (as the case may be) the trial of such person, to some future time of the sittings of the Court, or to the next or any subsequent session or sittings of the Court, and upon such terms as to bail or otherwise, as to the Court seem meet, and may, in the case of adjournment to another session or sitting, respite the recognizances of the prosecutor and witnesses accordingly, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence at such subsequent session or sittings, without entering into any fresh recognizances for that purpose. 5

Indictment not to be abated by reason of dilatory plea of misnomer, &c.

31. No indictment shall be abated by reason of any dilatory plea of misnomer, or of want of addition, or of wrong addition of any party offering such plea; but if the Court be satisfied, by affidavit or otherwise, of the truth of such plea, the Court shall forthwith cause the indictment to be amended according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no such dilatory plea had been pleaded. 15

When objection to indictment is to be taken. How defects may be amended.

32. Every objection to any indictment for any defect apparent on the face thereof, must be taken by demurrer or motion to quash the indictment, before the defendant has pleaded, and not afterwards; and every Court before which any such objection is taken, may, if it be thought necessary, cause the indictment to be forthwith amended in such particular, by some officer of the Court or other person, and thereupon the trial shall proceed as if no such defect had appeared; and no motion in arrest of judgment shall be allowed for any defect in the indictment which might have been amended under the authority of this Act. 20 25

A plea of "Not guilty" puts the prisoner on his trial by jury.

33. If any person being arraigned upon any indictment for any indictable offence pleads thereto a plea of "Not guilty," he shall by such plea, without any further form, be deemed to have put himself upon the country for trial, and the Court may, in the usual manner, order a jury for the trial of such person accordingly. 30

If he refuses to plead, Court may order a plea of "Not guilty" to be entered.

34. If any person, being arraigned upon any indictment for any indictable offence, stands mute of malice, or will not answer directly to the indictment, in every such case it shall be lawful for the Court, if it thinks fit, to order the proper officer to enter a plea of "not guilty" on behalf of such person, and the plea so entered shall have the same force and effect as if such person had actually pleaded the same. 35

Form of plea of *autrefois convict* or *autrefois acquit*.

35. In any plea of *autrefois convict* or *autrefois acquit* it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted (as the case may be) of the offence charged in the indictment. 40

Attainder of another crime not pleadable.

36. No plea setting forth any attainder shall be pleaded in bar of any indictment, unless the attainder be for the same offence as that charged in the indictment. 45

Challenges by the prisoner, to what extent allowed and when void.

37. If any person arraigned for treason or felony challenges peremptorily a greater number of men returned to be of the jury than *thirty-five* in a case of indictment for treason or *twenty* in a case of indictment for felony, or *four* in case of indictment for misdemeanor, every peremptory challenge beyond the number so allowed in the said cases 50 respectively shall be entirely void, and the trial of such person shall proceed as if no such challenge had been made.

38. In all criminal trials, whether for treason, felony or misdemeanor, four jurors may be peremptorily challenged on the part of the Crown; but this shall not be construed to affect the right of the Crown to cause any Juror to stand aside until the panel has been gone through, or to challenge any number of jurors for cause.

Challenges on part of the Crown.

39. Whenever in any criminal case, the panel has been exhausted by challenge, and a complete jury for the trial of such case cannot be had by reason of such challenge, or of the non-attendance of jurors, or any other cause, then upon request made on behalf of the Crown, the Court may order the Sheriff or other proper officer forthwith to summon such number of good men of the District, County or place, as the Court may deem necessary and may direct, in order to ensure a full jury; and such Sheriff or Officer shall forthwith summon by word of mouth or in writing, the number of persons he is so required to summon, and add their names to the general panel of jurors returned to serve at that Court, and (subject to the right of the Crown and of the accused respectively, as to challenge or direction to stand aside) the persons whose names are so added to the panel shall (whether otherwise qualified or not) be deemed duly qualified as jurors in the case, and so until a complete jury is obtained, and the trial shall then proceed as if such jurors were originally returned on the panel; and if before such order one or more persons have been sworn, or admitted unchallenged on the jury, he or they may be retained on the jury, or the jury may be discharged, as the Court may direct. Every person so summoned as a juror shall forthwith attend and act in obedience to the summons, and if he makes default shall be punishable in like manner as a juror summoned in the usual way.

Supplying defect of jurors if the panel is exhausted.

40. Nothing in this Act shall alter, abridge or affect any power or authority which any Court or Judge hath when this Act takes effect, or any practice or form in regard to trials by jury, a jury-process, juries or jurors, except only in cases where such power or authority is expressly altered by or is inconsistent with the provisions of this Act.

Saving powers not expressly altered.

41. Any Quaker or other person allowed by law to affirm instead of swearing in civil cases, or solemnly declaring that the taking of any oath is, according to his religious belief unlawful, who is summoned as a juror in a criminal case shall, instead of being sworn in the usual form, be permitted to make a solemn affirmation beginning with the words following: "I.A.B. do solemnly, sincerely and truly affirm," and then may serve as a juror as if he had been sworn, and his declaration or affirmation shall have the same effect as an oath to the like effect; and in any record or proceeding relating to the case, it shall be stated that the jurors were sworn or affirmed: and in any indictment the words "upon their oath present," shall be understood to include the affirmation of any juror affirming instead of swearing.

Certain persons may make affirmation and act as jurors.

42. And avoiding doubt, it is declared and enacted, that every person qualified and summoned as a Grand Juror or as a Petty Juror in Criminal cases, according to the laws which may be then in force in any Province of Canada, shall be and shall be held to be duly qualified to serve as such Jurors in that Province, whether such laws passed before or be passed after the coming into force of the British North American Act, 1867,—subject always to any provision in any Act of the Parliament of Canada, and in so far as such laws are not inconsistent with any such Act.

As to Acts of Provincial Legislatures respecting Jurors, in criminal cases.

Trial, defence, verdict, attainder, &c.

43. All persons tried for any indictable offence shall be admitted,

Full defence in cases of felony.

after the close of the case for the prosecution, to make full answer and defence thereto by Counsel learned in the law.

How addresses of Counsel to jury shall be regulated.

2. And upon any trial the addresses to the Jury shall be regulated as follows: The Counsel for the prosecution, in the event of the defendant or his Counsel not announcing at the close of the case for the prosecution, his intention to adduce evidence, shall be allowed to address the Jury a second time at the close of such case, for the purpose of summing up such evidence; and the accused, or his Counsel, shall then be allowed to open his case and also to sum up the evidence (if any), and the right of reply shall be according to the practice of the Courts in England. Provided always, that the right of reply shall be always allowed to the Attorney or Solicitor-General, or to any Queen's Counsel acting on behalf of the Crown. 5 10

Proviso.

Inspection of depositions by prisoners.

44. All persons under trial shall be entitled, at the time of their trial, to inspect without fee or reward all depositions (or copies thereof,) taken against them, and returned into the Court before which such trial is had. 15

Copy of indictment to persons under trial.

45. Every person indicted for any crime or offence shall, before being arraigned on the indictment, be entitled to a copy thereof, on paying the Clerk *ten cents* per folio for the same if the Court is of opinion that the same can be made without delay to the trial but not otherwise. 20

Also copies of depositions.

Persons under trial may inspect depositions.

46. Every person indicted shall be entitled to a copy of the depositions returned into Court on payment of *ten cents* per folio for the same, provided, (if the same are not demanded before the opening of the Assizes, Term, Sittings or Sessions,) the Court is of opinion that the same can be made without delay to the trial, but not otherwise; but the Court may, if it see fit, postpone the trial on account of such copy of the depositions not having been previously had by the person charged. 25

Verdict of jury in cases where offences are not completed.

47. If, on the trial of any person charged with any felony or misdemeanor, it appears to the jury, upon the evidence, that the defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the same, such person shall not, by reason thereof, be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is not guilty of the felony or misdemeanor charged, but is guilty of an attempt to commit the same; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the particular felony or misdemeanor charged in the indictment; and no person tried as lastly mentioned shall be liable to be afterwards prosecuted for committing or attempting to commit the felony or misdemeanor for which he was so tried. 30 35 40

Persons tried for misdemeanor and found guilty of felony not to be acquitted.

48. If, upon the trial of any person for any misdemeanor, it appears that the facts given in evidence, while they include such misdemeanor, amount in law to a felony, such person shall not, by reason thereof, be entitled to be acquitted of such misdemeanor, (and the person tried for such misdemeanor, if convicted, shall not be liable to be afterwards prosecuted for felony on the same facts,) unless the Court before which such trial is had thinks fit, in its discretion, to discharge the jury from giving any verdict upon such trial, and to direct such person to be indicted for felony, in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanor. 45 50

Verdict of assault in cases of

49. On the trial of any person for any felony whatever, where the crime charged includes an assault against the person, the Jury may acquit of the felony, and find a verdict of guilty of assault against the 55

person indicted, if the evidence warrants such finding, although an assault be not charged in terms; and the person so convicted shall be liable to be imprisoned in the Penitentiary for any term not exceeding five years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years.

felony including assault.

50. No person shall be tried or prosecuted for any attempt to commit any felony or misdemeanor who has been previously tried for committing the same offence.

Non-liability for attempt after trial for commission.

51. The jury empanelled to try any person for treason or felony shall not be charged to inquire concerning his lands, tenements or goods, nor whether he fled for such treason or felony.

No enquiry concerning lands.

52. There shall be no forfeiture of any chattels, which may have moved to or caused the death of any human being, in respect of such death.

No deodand.

53. Except in cases of treason, or of abetting, procuring or counselling the same, no attainder, shall extend to the disinheriting of any heir, or to the prejudice of the right or title of any person, other than the right or title of the offender during his natural life only.

Except for high treason attainder not to disinherit.

54. Every person to whom, after the death of any such offender, the right or interest to or in any lands, tenements or hereditaments should or would have appertained if no such attainder had taken place, may after the death of such offender, enter into the same.

The heir may enter.

Jury separating, &c.

55. In all criminal cases, except capital felonies, the Jury may, in the discretion, of the Court, and under its direction as to the conditions, mode and time, be allowed to separate during the progress the trial.

Court may allow Jury to separate in certain cases.

56. Depositions taken in the preliminary or other investigation of any charge against any person may be read as evidence in the prosecution of such person for any other offence whatsoever, upon the like proof and in the same manner, in all respects, as they may according to law be read, in the prosecution of the offence with which such person was charged when such depositions were taken.

Depositions taken on one charge may be read in prosecution of others.

Evidence—Witnesses.

57. If any witness in any criminal case, cognizable by indictment in any Court of criminal jurisdiction at any term, sessions, or sittings of any such Court in any part of Canada, resides in any part thereof, not within the ordinary jurisdiction of the Court before which such criminal case is cognizable, such Court may issue a Writ of Subpœna, directed to such witness, in like manner as if such witness was resident within the jurisdiction of the Court; and in case such witness does not obey such Writ of Subpœna, the Court issuing the same may proceed against such witness, for contempt or otherwise, or bind over such witness to appear at such days and times as may be necessary, and upon default being made in such appearance, may cause the recognizances of such witness to be estreated, and the amount thereof to be sued for and recovered by process of law, in like manner as if such witness was resident within the jurisdiction of the Court.

Witnesses within Canada but without the jurisdiction of the Court.

58. When the attendance of any person confined in a Penitentiary or in any other prison or gaol in Canada, or upon the limits of any gaol, is required in any Court of criminal jurisdiction in any case cognizable therein by indictment, the Court before whom such

Witnesses confined in the Penitentiary, &c.

prisoner is required to attend may, or any judge of such Court or of any Superior Court, or County Court may, before or during any such term or sitting, make an order at which the attendance of such person is required upon the Warden of the Penitentiary, or upon the Sheriff, Gaoler or other person having the custody of such prisoner, to deliver such prisoner to the person named in such order to receive him, and such person shall at the time prescribed in such order, convey such prisoner to the place at which such person is required to attend, there to receive and obey such further order as to the said Court may seem meet.

Quaker may make solemn affirmation; form given.

59. Any Quaker, or other person, allowed by law to affirm instead of swearing in civil cases, or solemnly declaring that the taking of any oath is, according to his religious belief, unlawful, who is required to give evidence in any criminal case, shall, instead of taking an oath in the usual form, be permitted to make his solemn affirmation or declaration beginning with the words following, that is to say: "I, A. B., do solemnly, sincerely and truly, declare and affirm"; which said affirmation or declaration shall be of the same force and effect as if such Quaker or other person as aforesaid, had taken an oath in the usual form.

Who may be admitted as witnesses.

60. No person offered as a witness shall, by reason of any alleged incapacity from crime or interest, be excluded from giving evidence, on the trial of any criminal case, or in any proceeding relating or incidental to such case.

An interest in the question not to disqualify.

61. Every person so offered shall be admitted and be compellable to give evidence on oath or solemn affirmation where an affirmation is receivable, notwithstanding that such person has or may have an interest in the matter in question, or in the event of the trial in which he is offered as a witness, or of any proceeding relating or incidental to such case, and notwithstanding that such person so offered as a witness, has been previously convicted of a crime or offence.

Cross examination as to previous statements in writing.

62. Upon any trial, a witness may be cross-examined as to previous statements made by him in writing, or reduced into writing, relative to the subject matter of the case, without such writing being shown to him; but if it is intended to contradict the witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him; and the Judge at any time during the trial, may require the production of the writing for his inspection, and he may thereupon make such use of it for the purposes of the trial as he thinks fit.

Proof of previous conviction of a witness may be given if he denies it, &c.

63. A witness may be questioned as to whether he has been convicted of any felony or misdemeanor, and upon being so questioned, if he either denies the fact or refuses to answer, the opposite party may prove such conviction, and a certificate, as provided in section *twenty-six* shall upon proof of identity of the witness as such convict, be sufficient evidence of his conviction, without proof of the signature or the official character of the person appearing to have signed the certificate.

When attesting witness need not be called.

64. It shall not be necessary to prove by the attesting witness, any instrument to the validity of which attestation is not requisite, and such instrument may be proved by admission or otherwise, as if there had been no attesting witness thereto.

Comparison of disputed writing with genuine.

65. Comparison of a disputed writing with any writing proved to the satisfaction of the Court to be genuine, shall be permitted to be made by witnesses; and such writings and the evidence of witnesses

respecting the same, may be submitted to the Court and Jury, as evidence of the genuineness or otherwise of the writing in dispute.

66. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character, but in case the witness in the opinion of the Court, proves adverse, such party may contradict him by other evidence, or by leave of the Court, may prove that the witness made at other times a statement inconsistent with his present testimony; but before such last mentioned proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he did make such statement.

How far a party may discredit his own witness.

67. If a witness, upon cross-examination as to a former statement made by him, relative to the subject matter of the case, and inconsistent with his present testimony, does not distinctly admit that he did make such statement, proof may be given that he did in fact make it; but before such proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he did make such statement.

Proof of contradictory statements by adverse witness.

Variances—Records.

68. When in the indictment whereon a trial is pending before any Court of Criminal Jurisdiction in Canada, any variance appears between any matter in writing or in print produced in evidence, and the recital or setting forth thereof, such Court may cause the indictment to be forthwith amended in such particular or particulars by some officer of the Court, and after such amendment the trial shall proceed in the same manner in all respects, both with regard to the liability of witnesses to be indicted for perjury, and otherwise, as if no such variance had appeared.

Variances how corrected.

69. Whenever on the trial of an indictment for any felony or misdemeanor any variance appears between the statement in such indictment and the evidence offered in proof thereof, in names, dates, places or other matters or circumstances therein mentioned, not material to the merits of the case, and by the misstatement whereof the person on trial cannot be prejudiced in his defence on such merits, the Court before which the trial is pending may order such indictment to be amended according to the proof, by some officer of the Court or other person, both in that part of the indictment where the variance occurs, and in every other part of the indictment which it may become necessary to amend, on such terms as to postponing the trial to be had before the same or another jury as such Court thinks reasonable, and if the trial be postponed the Court may respite the recognizances of the prosecutor and witnesses and of the defendant and his sureties (if any), in which case they shall respectively be bound to attend at the time and place to which the trial is postponed without entering into new recognizances, and as if such time and place had been mentioned in the recognizances respited, as those at which they were respectively bound to appear.

Court may order indictment to be amended.

Conditions may be imposed by the Court.

70. After any such amendment the trial shall proceed, whenever the same is proceeded with, in the same manner and with the same consequences both with respect to the liability of witnesses to be indicted for perjury and in all other respects as if no such variance had occurred.

And the trial afterwards proceeded with.

71. In such case the order for the amendment shall be endorsed on the Record and all other rolls and proceedings connected therewith shall be amended accordingly by the proper officer, and filed with the indictment, among the proper records of the Court.

Order for amending recorded.

In case of trial before a second jury.

72. When any such trial is had before a second jury, the Crown and the defendant respectively shall be entitled to the same challenges as they were entitled to with respect to the first jury.

Verdict, &c., to be valid after amendment.

73. Every verdict and judgment given after the making of any such amendment shall be of the same force and effect in all respects as if the indictment had originally been in the same form in which it is after such amendment has been made. 5

Formal record how to be drawn up.

74. If it becomes necessary to draw up a formal record in any case, where an amendment has been made as aforesaid, such record shall be drawn up in the form in which the indictment remained after the amendment was made, without taking any notice of the fact of such amendment having been made. 10

Record of conviction, &c.

75. In making up the record of any conviction or acquittal on any indictment, it shall be sufficient to copy the indictment with the plea pleaded thereto, without any formal caption or heading, and the statement of the arraignment and the proceedings subsequent thereto, shall be entered of record in the same manner as before the passing of this Act, subject to any such alterations in the forms of such entry, as may from time to time be prescribed by any rule or rules of the Superior Courts of Criminal Jurisdiction respectively. 15 20

Formal defects cured after verdict.

What defects not to vitiate an indictment after verdict or otherwise.

76. No judgment upon any indictment for any felony or misdemeanor whether after verdict or outlawry, or by confession, default or otherwise, shall be stayed or reversed for want of the averment of any matter unnecessary to be proved, nor for the omission of the words, "as appears by the record," or of the words "with force and arms," or of the words "against the peace," nor for the insertion of the words "against the form of the Statute," instead of the words, "against the form of the Statutes," or *vice versa*, or the omission of such words or words of like import, nor for that any person mentioned in the indictment is designated by a name of office or other descriptive appellation, instead of his proper name, nor for want of or any imperfection in the addition of any defendant or other person, nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment, or exhibiting the information, or on an impossible day, or on a day that never happened, nor for want of the statement of the value or price of any matter of thing, or the amount of damage, injury or spoil, in any case where such value, price, damage, injury or spoil, is not of the essence of the offence, nor for the want of a proper or perfect venue, where the Court appears by the indictment to have had jurisdiction over the offence. 25 30 35 40

Certain formal defects not to stay or reverse judgment after verdict.

77. Judgment after verdict upon an indictment for any felony or misdemeanor, shall not be stayed or reversed for want of a similitur, nor by reason that the Jury process has been awarded to a wrong officer upon an insufficient suggestion, nor for any misnomer or misdescription of the officer returning such process, or of any of the jurors, nor because any person has served upon the Jury who was not returned as a Juror by the Sheriff or other officer; and where the offence charged is an offence created by any Statute, or subjected to a greater degree of punishment by any Statute, the indictment shall after verdict be held sufficient if it describes the offence in the words of the Statute creating the offence, or prescribing the punishment, although they be disjunctively stated or appear to include more than one offence, or otherwise. 45 50

Appeal and New Trial.

78. So much of the chapter thirteen or of chapter one hundred and thirteen of the Consolidated Statutes for Upper Canada, as allows any Appeal to the Court of Error and Appeal, in any criminal case where the conviction has been affirmed by either of the Superior Courts of Common law, on any question of law reserved for the opinion of such Court, is hereby repealed as regards any conviction had after this Act is in force, and the judgment of such Superior Court on any question so reserved shall be final and conclusive; and so much of chapter one hundred and thirteen of the said Consolidated Statutes, or of chapter 10 seventy-seven of the Consolidated Statutes for Lower Canada, or of any other Act, as would authorize any Court in the Province of Ontario or of Quebec, to order or grant a new trial in any criminal case shall be and so much of any of the said Acts, is hereby repealed as regards any conviction had after the coming into force of this 15 Act; and no writ of error shall be allowed in any criminal case unless it be founded on some question of law which the judge presiding at the trial refused to reserve for the consideration of the Court having jurisdiction in such cases; But nothing in this section shall be construed to prevent the subsequent trial of the offender for the same offence, 20 in any case where the conviction is declared bad for any cause which makes the former trial a nullity, so that there was no lawful trial in the case.

Laws of Ontario and Quebec amended as regards new trials, and appeals in criminal cases.

Punishments, Penitentiary, &c.

79. The punishment of the pillory shall not be awarded by any Court. Pillory abolished.
- 25 80. Any person indicted for any offence made capital by any statute, shall be liable to the same punishment, whether he be convicted by verdict or confession, and this, as well in the case of accessories as of principals. Persons confessing &c., how punished.
- 30 81. If any person be convicted of felony not punishable with death committed after a previous conviction for felony, such person shall on subsequent conviction, be imprisoned in the Penitentiary for life or for any term not less than two years, or be imprisoned in any other gaol or place of confinement for any term less than two years, unless some other punishment be directed by any statute for the particular offence, 35 in which case the offender shall be liable to the punishment thereby awarded, and not to any other. Second conviction for felony.
- 40 82. Whosoever escapes from or rescues, or aids in rescuing any other person from lawful custody, or makes or causes any breach of prison, if such offence does not amount to felony, is guilty of misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement for any period less than two years;—and whosoever is convicted of a felonious rescue, or of fraud, or of cheating; or of conspiracy, shall in any case where no special punishment is provided by any statute, be 45 liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. Punishment of persons convicted of felonious rescue, &c.
- 50 83. Any person escaping from imprisonment shall, on being retaken, undergo in the prison he escaped from, the remainder of his term unexpired at the time of his escape, in addition to the punishment which may be awarded for such escape. Prisoners escaping, how punished.
84. Every person convicted of felony not punishable with death shall be punished in the manner prescribed by the Statute or Statutes spe- Felony not punishable

with death
how punish-
able.

cially relating to such felony; and every person convicted of any felony for which no punishment is specially provided, shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or, in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement. 5

When length
of imprison-
ment is at dis-
cretion of the
Court.

85. When an offender is by law liable to be punished by imprisonment for life or for an indefinite term of years, the length of any such term shall be in the discretion of the Court passing sentence upon the person convicted; and when so liable for a term not exceeding a cer- 10
tain number of years, the length of such term shall likewise be in the discretion of the Court, within such limits (if any) as are prescribed by any statute in that behalf.

When length
of imprison-
ment and
amount of
fine are at
the discretion
of the Court.

86. When imprisonment is to be awarded for any offence, and on definite period is fixed by law, the term of such imprisonment shall al- 15
ways be in the discretion of the Court passing the sentence: And when a fine is to be awarded for any offence and no amount is fixed, the amount shall be in the discretion of the Court passing the sentence, and in fixing such amount regard shall be had to the means 20
of the offender.

Commence-
ment of term
of imprison-
ment.

87. The period of imprisonment in the Penitentiary, in pursuance of any sentence, shall commence on and from the day of passing such sentence, whether the convict upon whom the sentence is passed be re-
moved to the said Penitentiary forthwith, or be detained in custody in any other prison or place of confinement, previously to such removal. 25

If a person
under sent-
ence for any
other crime be
convicted of
felony, &c.

88. Whenever sentence is passed for felony on a person already imprisoned under sentence for another crime, the Court may award im-
prisonment for the subsequent offence, to commence at the expiration of the imprisonment to which such person had been previously sentenced; and where such person is already under sentence of imprisonment, the 30
Court may award sentence for the subsequent offence, to commence at the expiration of the imprisonment for which such person had been previously sentenced, although the aggregate term of imprisonment may exceed the term for which such punishment could otherwise have been awarded, and such subsequent imprisonment, if for any term not less 35
than two years, shall be in the Penitentiary.

Imprison-
ment else-
where than
in the
Penitentiary.

89. When the sentence of imprisonment is for a term less than two years, such imprisonment shall, if no other place be expressly men-
tioned, be in the common gaol of the district, county or place in which the sentence is pronounced, or if there be no common gaol there, then 40
in that common gaol which is nearest to such locality, or in some lawful prison or place of confinement other than the Penitentiary, in which the sentence of imprisonment may be lawfully executed.

Imprisonment
in other
places of con-
finement.

Solitary con-
finement.

90. When a person has been convicted of an offence for which im-
prisonment other than in the Penitentiary may be awarded, then the 45
Court may sentence the offender to be imprisoned, or if hard labour be part of the punishment, to be imprisoned and kept to hard labour in the common gaol, or other place of confinement, and if solitary confinement be part of the punishment, may also direct that the offender shall be kept in solitary confinement, for a portion or for portions of 50
the term of such imprisonment, not exceeding one month at any one time, and not exceeding three months in any one year.

Whipping.

91. Whenever whipping may be awarded for any indictable offence, the Court may sentence the offender to be once or oftener but not more than three times privately whipped under the supervision of the 55

medical officer of the prison; and the number of the strokes, and the instrument with which they shall be inflicted, shall be specified by the Court in the sentence.

- 5 **92.** Each of the Penitentiaries in Canada shall be maintained as a Penitentiary Prison for the confinement and reformation of persons, male and female, lawfully convicted of crime before the Courts of Criminal Jurisdiction of that Province for which it is appointed to be the Penitentiary, and sentenced to confinement for life or for a term not less than two years; 10 and whenever any offender is punishable by imprisonment, such imprisonment, if it be for life or for two years or any longer term, shall be in the Penitentiary; but this shall not prevent the reception and imprisonment in any Penitentiary of any prisoner or prisoners sentenced for any period of time by any Military or Naval Militia Court Martial, or 15 by any Military or Naval authority under any Mutiny Act.

- 93.** The sentence of any person to be imprisoned in the Penitentiary shall (whether expressed or not) include hard labour, and the offender so sentenced shall be subject to the discipline and regulations of the Penitentiary, prescribed or made by lawful authority under any 20 statute in that behalf.

Reformatory Prisons.

- 94.** Provided always, that in the Provinces of Quebec and Ontario respectively, the Court before which any offender whose age at the time of his trial, does not in the opinion of the Court exceed twenty-one years, is convicted of any offence punishable by imprisonment for 25 not more than five years nor less than six months, may in its discretion, sentence such offender to imprisonment in the Reformatory Prison in the Province in which such conviction takes place, as provided in chapter one hundred and seven of the Consolidated Statutes of the late Province of Canada, intituled *An Act respecting prisons for young 30 offenders*, which shall then apply to the case of such offender, so far as it may not be inconsistent with any Act of the Parliament of Canada; and such imprisonment shall in such case be substituted for the imprisonment in the Penitentiary or other place of confinement, by which the offenders would otherwise be punishable under any Act or law 35 relating thereto, which shall be construed subject to this provision.

Insane Prisoners.

- 95.** In all cases where it is given in evidence upon the trial of any person charged with any offence, whether the same be treason, felony or misdemeanor, that such person was insane at the time of the commission of such offence, and such person is acquitted, the Jury shall be 40 required to find specially whether such person was insane at the time of the commission of such offence, and to declare whether he is acquitted by them on account of such insanity; and if they find that such person was insane at the time of committing such offence, the Court before whom such trial is had, shall order such person to be kept in strict 45 custody in such place and in such manner as to the Court seems fit, until the pleasure of the Lieutenant-Governor be known.

- 96.** The Lieutenant-Governor of the Province in which the case occurs may thereupon give such order for the safe custody of such person during his pleasure, in such place and in such manner as to him 50 seems fit.

- 97.** In all cases where any person, before the passing of this Act, has been acquitted of any such offence on the ground of insanity at the

order in certain other cases.

time of the commission thereof, and has been detained in custody as a dangerous person by order of the Court before whom such person was tried, and still remains in custody, the Lieutenant-Governor may give the like order for the safe custody of such person during pleasure, as he is hereby enabled to give in the case of persons acquitted under the first section of this Act, on the ground of insanity. 5

Similar provisions with respect to persons indicted for any offence, and found to be insane by a jury.

98. If any person indicted for any offence be insane, and upon arraignment be so found by a jury empannelled for that purpose, so that such person cannot be tried upon such indictment, or if, upon the trial of any person so indicted, such person appears to the Jury charged with the indictment to be insane, the Court, before whom such person is brought to be arraigned, or is tried as aforesaid, may direct such finding to be recorded, and thereupon may order such person to be kept in strict custody until the pleasure of the Lieutenant-Governor be known. 10 15

If jury find person insane, Court may direct such person to be kept in safe custody.

99. If any person charged with an offence be brought before any Court to be discharged for want of prosecution, and such person appears to be insane, the Court shall order a jury to be empannelled to try the sanity of such person, and if the jury so empannelled find him to be insane, the Court shall order such person to be kept in strict custody in such place, and in such manner as to the Court seems fit until the pleasure of the Lieutenant-Governor be known. 20

In such cases Lt.-Governor may give orders, &c.

100. In all cases of insanity so found, the Lieutenant-Governor may give such order for the safe custody, during pleasure, of the person so found to be insane, in such place and in such manner as to him seems fit. 25

Persons becoming insane while in prison.

101. The Lieutenant-Governor, upon the certificate of two Justices of the Peace, and two duly licensed Medical Practitioners, that any person imprisoned for an offence is insane, may order his removal to a place of safe keeping, there to remain until his sanity shall be certified to the satisfaction of the Lieutenant-Governor, who may then order him back to imprisonment, if then liable thereto, or otherwise to be discharged. 30

Capital Punishment, Execution of.

Court to direct execution of sentence.

102. Whenever any offender has been convicted before any Court of Criminal Jurisdiction, of an offence for which such offender is liable to and receives sentence of death, the Court shall order and direct execution to be done on the offender in the manner provided by law. 35

Report of case by the Judge unnecessary. Reprieve in certain cases.

103. In the case of any prisoner sentenced to the punishment of death, it shall not be necessary for the Judge before whom such prisoner has been convicted to make any report of the case previously to the sentence being carried into execution, but if the Judge thinks such prisoner ought to be recommended for the exercise of the Royal mercy, he, or any other judge of the same court, may from time to time reprieve such offender for such period or periods beyond the time fixed for the execution of the sentence as may be necessary for the consideration of the case by the Crown. 40 45

Treatment of persons condemned.

104. Every person sentenced to suffer death shall, after judgment, be confined in some safe place within the prison, apart from all other prisoners, and no person but the gaoler and his servants, the Medical officer or surgeon of the Prison, the Chaplain or a Minister of religion attending the prison, shall have access to any such convict, without the permission, in writing, of the Court or Judge before whom such convict has been tried, or of the Sheriff. 50

105. Judgment of death to be executed on any prisoner after the coming into force of this Act, shall be carried into effect within the walls of the prison in which the offender is confined at the time of execution. Judgment to be executed within walls of prison.

5 **106.** The Sheriff charged with the execution, and the Gaoler and Medical officer or surgeon of the prison, and such other officers of the prison as the Sheriff requires, shall be present at the execution. Sheriff, &c., to be present.

10 **107.** Any Justice of the Peace for the district, county, or place to which the prison belongs, and such relatives of the prisoner or other persons as it seems to the Sheriff proper to admit within the prison for the purpose, and any minister of religion who may desire to attend, may also be present at the execution. Justices of the Peace &c., may be present.

15 **108.** As soon as may be, after judgment of death has been executed the offender, the Medical officer or surgeon of the prison shall examine the body of the offender, and shall ascertain the fact of death, and shall sign a certificate thereof, and deliver the same to the Sheriff. Surgeon to certify death.

20 **109.** The Sheriff, and the Gaoler of the prison, and such Justices and other persons present (if any) as the Sheriff requires or allows, shall also sign a declaration to the effect that judgment of death has been executed on the offender. Declaration to be signed by Sheriff, &c.

25 **101.** The duties imposed upon the Sheriff, Gaoler, Medical Officer or Surgeon by the *four* next preceding sections, may and shall in his absence be performed by his lawful deputy or assistant, or other officer person or ordinarily acting for him, or conjointly with him in the performance of his duties. Deputies may act.

30 **111.** A Coroner of the district, county or place to which the prison belongs, wherein judgment of death is executed on any offender, shall within twenty-four hours after the execution hold an inquest on the body of the offender, and the jury at the inquest, shall enquire into and ascertain the identity of the body, and whether judgment of death was duly executed on the offender; and the inquisition shall be in duplicate, and one of the originals shall be delivered to the Sheriff. Coroner's inquest on body.

112. No officer of the prison or prisoner confined therein shall in any case be a juror on the inquest. Officers not to be jurors.

35 **113.** The body of every offender executed shall be buried within the walls of the prison within which judgment of death is executed on him; unless the Governor in Council being satisfied that there is not within the walls of any prison sufficient space for the convenient burial of offenders executed therein, permits some other place to be used for the purpose. Burial of body.

45 **114.** The Governor in Council may, from time to time, make such rules and regulations to be observed on the execution of judgment of death in every prison, as he may from time to time deem expedient for the purpose, as well of guarding against any abuse in such execution, as also of giving greater solemnity to the same, and of making known without the prison walls the fact that such execution is taking place. Governor in Council to make Rules, &c., to be observed on execution of judgment of death.

50 **115.** All such rules and regulations shall be laid upon the tables of both Houses of Parliament within six weeks after the making thereof, or if Parliament be not then sitting, within fourteen days after the next meeting thereof. Such Rules to be laid before Parliament.

Penalty for signing false certificate.

116. If any person knowingly and wilfully signs any false certificate or declaration required with respect to any execution, he shall be guilty of a misdemeanor, and on conviction thereof shall be liable, at the discretion of the Court, to imprisonment for any term less than two years, with or without hard labour, and with or without solitary confinement. 5

Certificate, &c., to be sent to Secretary of State, and exhibited on or near entrance to prison.

117. Every certificate and declaration, and the duplicate of the inquest required by this Act shall in each case be sent with all convenient speed by the Sheriff to the Secretary of State of Canada, and printed copies of the same several instruments shall, as soon as possible, be exhibited, and shall for twenty-four hours at least be kept exhibited on or near the principal entrance of the prison within which judgment of death is executed. 10

Forms in schedule B.

118. The forms given in the schedule B to this Act, with such variations or additions as circumstances require, shall be used for the respective purposes in that schedule indicated, and according to the directions therein contained. 15

Saving clause as to legality of execution.

119. The omission to comply with any provision of this Act shall not make the execution of judgment of death illegal in any case where such execution would otherwise have been legal. 20

General provisions.

120. Except in so far as is hereby otherwise provided, judgment of death shall be carried into effect in the same manner as if this Act had not passed.

Pardons.

Pardon when party is committed for non-payment of moneys.

121. The Crown may extend the Royal mercy to any person sentenced to imprisonment by virtue of any Statute, although such person be imprisoned for non-payment of money to some party, other than the Crown. 25

Effect of pardon.

122. When the Crown is pleased to extend the Royal mercy to any offender convicted of a felony, punishable with death or otherwise, and by warrant under the Royal Sign Manual, countersigned by one of the principal Secretaries of State, or by warrant under the hand and seal at arms of the Governor General, grants to such offender either a free or a conditional pardon, the discharge of such offender out of custody, in case of a free pardon, and the performance of the condition in the case of a conditional pardon, shall have the effect of a pardon, under the Great Seal, of such offender, as to the felony for which such pardon has been granted; but no free pardon, nor any discharge in consequence thereof, nor any conditional pardon, nor the performance of the condition thereof, in any of the cases aforesaid, shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced, on a subsequent conviction for any felony or offence other than that for which the pardon was granted. 30 35 40

Governor may commute sentence of death.

123. The Crown may commute the Sentence of Death passed upon any person convicted of a capital crime, to imprisonment in the Penitentiary for life, or for any term of years not less than two years; or to imprisonment in any other gaol or place of confinement for any period less than two years with or without hard labour, and with or without solitary confinement; and an instrument under the hand and seal at arms of the Governor General declaring such commutation of sentence, or a letter or other instrument under the hand of the Secretary of State for Canada or for the Provinces, or the lawful Deputy of either, shall be sufficient authority, to any of Her Majesty's Judges or Justices having jurisdiction in such cases, or to any sheriff 45 50

or officer to whom such letter or instrument is addressed, to give effect to such commutation, and to do all such things and to make such orders, and give such directions, as may be requisite for the change of custody of such convict, and for his conduct to and delivery at such gaol or place of confinement, or Penitentiary, and his detention therein, according to the terms on which his sentence has been commuted.

Undergoing sentence, equivalent to a pardon.

10 **124.** When any offender has been convicted of a felony not punishable with death, and has endured the punishment to which such offender was adjudged, or if such felony be punishable with death and the sentence has been commuted, then if such offender has endured the punishment to which his sentence was commuted, the punishment so endured shall, as to the felony whereof the offender was so convicted, have the like effects and consequences as a pardon under the Great Seal; But nothing herein contained, nor the enduring of such punishment, shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced, on a subsequent conviction for any other felony.

Undergoing sentence equivalent to a pardon.

Proviso.

15 **125.** Nothing in this Act shall or doth in any manner limit or affect Her Majesty's Royal prerogative of mercy.

Royal prerogative saved.

Limitation of Actions and Prosecutions.

20 **126.** All actions and prosecutions to be commenced against any person for anything purporting to be done in pursuance of any Act of the Parliament of Canada, relating to Criminal Law, shall, unless, otherwise provided for, be laid and tried in the district, county, or place where the fact was committed, and must be commenced within six months next after the fact committed, and not otherwise.

Limitation of actions and prosecutions.

127. Notice in writing of such action and of the cause thereof, must be given to the defendant, one month at least before the commencement of the action.

Notice to defendant.

30 **128.** In any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon.

General issue.

35 **129.** No plaintiff shall recover in any such action, if tender of sufficient amends be made before such action brought, or if a sufficient sum of money be paid into Court after such action brought, by or on behalf of the defendant.

In case of tender of sufficient amends.

130. If a verdict passes for the defendant, or the plaintiff becomes non-suit, or discontinues any such action after issue joined, or if upon demurrer or otherwise, judgment be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and shall have the like remedy for the same as any defendant hath by law in other cases, and though a verdict or judgment be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be, certifies his approval of the action.

Recovery of costs.

45 **131.** Nothing in the five next preceding sections shall prevent the effect of any Act in force in any Province of Canada, for the protection of Justices of the Peace or other officers from vexatious actions for things purporting to be done in the performance of their duty.

Protection of Justices of the Peace.

General Provisions.

Offences committed within the jurisdiction of the Admiralty: **132.** When any felony punishable under the laws of Canada, has been committed within the jurisdiction of any Court of Admiralty in Canada, the same may be dealt with, inquired of and tried and determined in the same manner as any other felony committed within that jurisdiction.

Laws relating to Army and Navy not affected **133.** Nothing contained in this Act shall alter or affect any of the laws relating to the government of Her Majesty's Land or Naval Forces. 5

Commencement of Act. **134.** This Act shall commence and take effect on the day of one thousand eight hundred and

SCHEDULE A.

FORMS OF INDICTMENT REFERRED TO IN SECTION 27.

Murder.

County (or District) } The Jurors for our Lady the Queen, upon their
of , to wit: } oath present, that A. B., on the day
of in the year of our Lord, one thousand eight hundred and
, at , in the County (or District) of did
feloniously, wilfully, and of his malice aforethought, kill and murder
one C. D.

Manslaughter.

County (or District) } Same as last form, omitting "wilfully, and of
of , to wit: } malice aforethought," and substituting the word
"slay" for the word "murder."

Bodily Harm.

County (or District,) } The Jurors for our Lady the Queen, upon
of , to wit: } their oath present, that J. B. on the
day of , at did feloniously administer to, (or cause
to be taken by) one A. B. poison or other destructive thing, did
thereby cause bodily harm to the said A.B., with intent to kill the said
A. B., (or C. D.)

Rape.

County (or District) } The Jurors for our Lady the Queen, upon their
of to wit: } oath present that A.B., on the day of
, at , by force and against her will, ravished and
knew C.D., a woman above the age of twelve years.

Simple Larceny.

County (or District) } The Jurors for our Lady the Queen, upon their
of , to wit: } oath present, that A. B., on the day of
, at , did feloniously steal a gold watch,
the property of C. D.

Robbery.

County (or District) } The Jurors for our Lady the Queen, upon their
of , to wit: } oath present, that A. B., on the day of
, at , did rob C. D., and at the time of, or
immediately before or after such robbery, did cause grievous bodily
harm to the said C. D. (or to any person, naming him.)

Burglary.

County (or District) } The Jurors for our Lady the Queen, upon
of , to wit: } their oath present, that A. B., on the
day of , at , did break into and enter the dwelling
house of C. D., with intent to commit a felony therein.

Stealing money.

County (or District) } The Jurors for our Lady the Queen, upon their
of , to wit: } oath present, that A. B., on the day of
, at , did feloniously steal a certain sum of
money, to wit, to the amount of dollars, the property of
one C. D. (or as the case may be).

Embezzlement.

County (or District) } The Jurors for our Lady the Queen, upon their
of , to wit: } oath present, that A. B., on the day of
, at , being a servant (or clerk) then employed
in that capacity by one C. D., did then and there in virtue thereof,
receive a certain sum of money, to wit, to the amount of
for and on account of the said C. D., and the said money did feloniously
embezzle.

False Pretences.

County (or District) } The Jurors for our Lady the Queen, on their
of , to wit: } oath present, that A. B., on the day of
, at , unlawfully, fraudulently and knowingly,
by false pretences, did obtain from one C. D., six yards of muslin, of
the goods and chattels of the said C. D., with intent to defraud.

Offences against the Habitation.

County (or District) } The Jurors for our Lady the Queen, upon their
of , to wit: } oath present, that A. B. on the day of
, at , did maliciously set fire to the dwelling
house of C. D., the said C. D., (or some other person by name, or if
the name be unknown, some person) being therein.

Malicious Injuries to Property.

County (or District) } The Jurors for our Lady the Queen, upon their
of , to wit: } oath present, that A. B., on the day of
, at , did maliciously set fire, or attempt to set
fire to a certain building or erection, that is to say, (a house or barn,
or bridge, as the case may be) the property of one C. D., (or as the case
may be).

Forgery.

County (or District) } The Jurors for our Lady the Queen, upon their
of , to wit: } oath present, that A. B. on the day of
, at , did forge (or utter, knowing the same to be
forged) a certain promissory note, &c., (or clandestinely and without
the consent of the owner, did make an alteration in a certain written
instrument) with intent to defraud.

Coining.

County (or District) } The Jurors for our Lady the Queen, on their
of , to wit: } oath present, that A. B., on the day of
, at , did counterfeit a gold coin of the United

Kingdom, called a *sovereign*, current by law in Canada, with intent to defraud, or

had in his possession a counterfeit of a gold coin of the United Kingdom, called a *sovereign*, current by law in Canada, knowing the same to be counterfeit, and with intent to defraud by uttering the same.

Perjury.

County (or District) } The Jurors for our Lady the Queen, upon their
of , to wit: } oath present, that heretofore to wit, at the (As-
sises) holden for the County (or District) (of , on the day
of , in the year of Our Lord one thousand eight hundred and
of , before , (one of the Justices of our Lady the Queen,)
a certain issue between one E. F. and one J. H. in a certain action of cove-
nant, was tried, upon which trial A. B. appeared as a witness for and
on behalf of the said E. F., and was then and there duly sworn before
the said and did then and there, upon his oath aforesaid, falsely,
wilfully and corruptly depose and swear in substance and to the effect
following, "that he saw the said G. H. duly execute the deed on which
the said action was brought," whereas, in truth, the said A. B. did not
see the said G. H. execute the said deed, and the said deed was not
executed by the said G. H., and the said A. B. did thereby commit
wilful and corrupt perjury.

Subornation of Perjury.

County (or District) } Same as last form to the end, and then pro-
of , to wit: } ceed:—And the Jurors further present, that
before the committing of the said offence by the said A. B., to wit,
on the day of , at , C. D., unlawfully, wilfully
and corruptly did cause and procure the said A. B. to do and commit
the said offence in manner and form aforesaid.

Offences against the Public Peace.

County (or District) } The Jurors for our Lady the Queen, upon
of , to wit: } their oath present, that A. B., on the
day of , at , with two or more persons, did riotously
and tumultuously assemble together to the disturbance of the public
peace, and with force did demolish, pull down, or destroy, (or attempt
or begin to demolish, &c.) a certain building or erection of C. D.

Offences against the Administration of Justice.

County (or District) } The Jurors for our Lady the Queen, upon
of , to wit: } their oath present, that A. B., on the
day of , at , did corruptly take or receive money
under pretence of helping C. D. to a chattel, (or money, &c.) that
is to say, a horse, (or five dollars, or a note, or a carriage,) which
had been stolen, (or as the case may be.)

Bigamy or Offences against the Law for the Celebration of Marriage.

County (or District) } The Jurors for our Lady the Queen, upon their
of , to wit: } oath present, that A. B., on the
day of , at , being then married, did marry C.
D. during the lifetime of the wife of the said A. B.—(or not being
duly authorized, did celebrate or assist in the celebration of a mar-
riage between C. D. and E. F.,—or being duly authorized to marry,
did celebrate marriage between C. D. and E. F. before proclamation
of banns according to law, or without a license for such marriage
under the hand and seal of the Governor).

Offences relating to the Army.

County (or District) } The Jurors for our Lady the Queen, upon
of , to wit: } their oath present, that A. B. on the
day of , at , did solicit (or procure) a soldier to
desert the Queen's service, (or as the case may be).

Offences against Public Morals and Decency.

County (or District) } The Jurors for our Lady the Queen, upon
of , to wit: } their oath present, that A. B. on the
day of , at , did keep a common gaming, bawdy
or disorderly house (or rooms) generally.

General Form.

County (or District) } The Jurors for our Lady the Queen, on their
of to wit: } oath present, that A. B., on the day of
, at , did (here describe the offence in the terms
in which it is described in the law, or state such facts as constitute the
offence intended to be charged.)

SCHEDULE B.

Certificate of Surgeon.—See section 107.

I, A. B., Surgeon (or as the case may be) of the (describe the prison),
hereby certify that I this day examined the body of C. D., on whom
judgment of death was this day executed in the said prison; and that
on such examination I found that the said C. D. was dead.

(Signed,) A. B.
Dated this day of 18 .

Declaration of Sheriff and others.—See section 108.

We, the undersigned, hereby declare that judgment of death was
this day executed on C. D., in the (describe the prison) in our presence.

Dated this day of 18 .
E. F., Sheriff of—
L. M., Justice of the Peace for—
G. H., Gaoler of—
&c., &c.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law.

Received and read, first time, Friday 30th April, 1869.

Second reading, Tuesday, 4th May, 1869.

Hon. Sir JOHN A. MACDONALD.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to revive and amend the Act incorporating the Canadian and British Telegraph Company, and to change the name of the Company.

WHEREAS the Honorable John Young, of the City of Montreal, hath by his petition prayed that the Act of the Legislature of the late Province of Canada, passed in the twenty-second year of Her Majesty's Reign, and intituled: *An Act to incorporate the Canadian and British Telegraph Company*, which Act has expired by non-user, should be revived with the powers and privileges thereby granted, subject to the amendments hereinafter made; and whereas it is expedient to grant the prayer of the said petition, inasmuch as it is of great importance that direct telegraphic communication should be established between the Dominion of Canada and Europe; 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 Act and all the clauses and provisions thereof and all the powers and privileges thereby granted, are hereby revived and shall be in force, as if herein repeated and re-enacted, and as if the sixteenth section thereof (which is hereby repealed) had formed no part of the said Act, subject always to the amendments hereinafter made.

2. The corporate name of the Company to be constituted under the said Act shall be "The Canadian and European Telegraph Company,"—instead of "The Canadian and British Telegraph Company,"—and the first section of the said Act is hereby amended accordingly.

3. The second section of the said Act is hereby amended by the insertion of the words "or to the Island of Anticosti or any other Island or Islands in the River or Gulf of St. Lawrence," after the words "Island of Belle Isle," where they occur in the said section;—and the first section of the said Act is hereby amended by inserting the like words after the words "Labrador Coast," where they occur in the said section.

4. The Company shall have power and authority to purchase or lease for any term of years any telegraphic line established or to be established either in Canada or in the territory late in possession of the Hudson's Bay Company or in any other British possession, or in the territory or territories of any foreign Power or State, connecting or hereafter to be connected with the line which the Company is authorized to construct, or to purchase or lease for any term of years, the right of any Company to construct any such telegraph line,—and shall also have power and authority to amalgamate with any Company, Board or persons possessing as proprietors any line of telegraphic communication connecting or to be connected with the Company's line, either in Canada in the late possessions of the Hudson's Bay Company, in any other British Colony, or in the territory of any other foreign State or Power, whether on the continent of America or in any other part of the world.

Preamble.

22 V. (1859)
c. 101.The said Act
revived.Name of
Company
changed.Section 2
amended.Company
purchase or
lease certain
lines of
telegraph.Or unite with
any other
Company.

May accept
any guaran-
tee or aid.

5. The said Company shall also have power and authority to accept from the Government of Canada, from the Imperial Government of Great Britain, or from any foreign Power, State or Government, or from the Government of British Columbia, or from any corporate body, either separately or conjointly with any company, board or individuals amalgamated with them as aforesaid, any guarantee or grant of lands or money in aid of their said undertaking. 5

Capital in-
creased.

6. The capital of the Company shall be five hundred thousand pounds or two million of dollars, instead of two hundred and fifty thousand pounds or one million of dollars as provided by the fourth section of the said Act, which is hereby amended accordingly;—and such capital may be increased in the manner provided in the said section, to any amount not exceeding three million dollars. 10

Further in-
crease.

Section 5
amended, as
to certain
names.

7. The fifth section of the said Act is hereby amended by striking out the names therein mentioned as those who are to cause books of subscription to be opened and to do certain other acts and have certain other powers, and by inserting instead thereof the names of the Honorable John Young, and Honorable Alexander T. Galt, Canada, and C. F. Tietgen and General Raaslaff, Copenhagen, and H. N. Sharp, London. 15 20

Board of
Directors.

8. The concerns of the Company shall be managed by a Central Board of Directors to consist of five members, instead of eleven as provided by the sixth section of the said Act, which is hereby amended accordingly, and by the Local Board of Directors hereinafter mentioned; and such Directors, whether Central or Local, shall be proprietors of at least twenty shares in the stock of the Company, instead of forty shares, as in the said section provided. 25

Aliens may
vote, &c.

9. Aliens shall have equal rights with British subjects to take stock, to vote, and to be eligible to office in the said Company; and no shareholder shall be liable beyond the extent of the stock subscribed by him for any debt contracted by the Company. 30

Provisional
Board of
Directors.

10. The persons named in the seventh section of this Act are hereby constituted a Provisional Board of Directors of the said Company, and shall hold office as such until other Directors shall be elected by the shareholders, in the manner hereinafter provided; and in the event of any one or more of the said Provisional Directors dying before the election of other Directors, the survivors shall constitute the said Provisional Board. 35

They may
open Stock
books and
perform cer-
tain other
duties.

11. The said Provisional Directors shall have power and authority at any time after the passing of this Act, to open Stock Books and to procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, to procure Charters or Acts of Incorporation from the Imperial Government of Great Britain, from any Colonial Government or from any Foreign State, Power or Legislature, which may be required for the continuation of the said Telegraph Line or its branches beyond the limits of Canada and also to enter into any covenants, treaties or stipulations with the said Government of Great Britain, or with any Foreign Power or State, having for object to secure co-operation, guarantee or other aid to and for the said undertaking: and it shall be the duty of the said Provisional Directors to give notice in the *Canada Gazette* of the opening of the said Stock Books and of the places where the same shall have been deposited. 40 45 50

Notice.

Section 7
repealed.

12. The seventh section of the said Act is hereby repealed, and so soon as ten per centum of the said capital stock shall have been sub- 55

scribed, and two per centum paid up, the said provisional directors, or a majority of them, may call a meeting of shareholders, either at the City of Montreal, in Canada, the City of London, in England, or at the City of Copenhagen, in Denmark, as the said provisional directors may determine, at such time as they may think proper, giving at least three months' notice in the *Canada Gazette* and in one or more newspapers published in Montreal, in London, in England, in the city of Copenhagen, and in the chief city of every foreign state wherein any of the shareholders of the said Company may reside; and at the said general meeting and all other general meetings hereinafter mentioned, the shareholders present either personally or by proxy, shall elect seven persons to form and constitute a Central Board of Directors of the said Company.

When the Company may commence business.

General meetings.

Election of Central Board.

13. The said Directors shall hold office until the next triennial meeting of the Stockholders of the Company after their election; and at all meetings of the Stockholders each share shall entitle the holder to one vote, which may be given either in person or by proxy.

Term of Office.

14. The tenth section of the said Act is hereby repealed.

Sect. 10 repealed.

15. On the first Monday of the month of June, in every third year after the first general meeting, there shall be held a general triennial meeting for the election of directors at any one of the Cities named in the twelfth section of this Act, which may be appointed for that purpose by the Directors, and previous notice of every such meeting shall be given in the manner provided in the said section; And at every such general meeting the Directors in office, or any of them, may be re-elected.

Triennial general meetings.

Re-election of Directors.

16. The Directors may from time to time appoint Local Boards of Directors in any one or more of the Cities herein before named, or in any other City or place, either in British territory or in the territory of any foreign Power or State; Provided that if the Central Board be not established at Montreal, a Local Board shall be appointed at that City.

Local Boards of Directors.

17. Every such Local Board of Directors shall consist of five persons qualified in like manner as persons eligible as Directors of the Central Board, and shall remain in office for such period of time, not less than one and not exceeding three years, as the said Central Board shall determine.

How constituted.

18. Whenever any one or more of any such Directors, whether of the Central or of any Local Board die or resign, the remaining Directors shall appoint a Director or Directors in lieu of the person or persons so dying or resigning.

Vacancies how filled.

19. The said Central Board of Directors may from time to time make, alter, amend or repeal such Regulations and By-laws as may be necessary for the management of the affairs of the Company generally; And each Local Board may also, from time to time make, alter, amend or repeal such Regulations and By-laws as may be requisite for the management of the part of the undertaking under its immediate control, provided the same be not inconsistent with any Regulations or By-laws made by the Central Board.

Central Board to make By-laws.

20. The said Company, their deputies, servants, agents and workmen are hereby authorized and empowered to enter into and upon the lands, grounds and premises of any person or persons, bodies politic,

Powers of Company in making the telegraph lines.

corporate and collegiate, or communities whatsoever, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Telegraph, and all such other works, matters and conveniences as they shall think proper and necessary for making, 5 effecting, preserving, improving, completing, maintaining and using the said intended Telegraph and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the 10 said intended Telegraph or other works, on or out of the lands adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Telegraph or works incident or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same 15 respectively, according to the intent and purpose of this Act, and to build, erect and set up, in or upon such lands, such and so many station-houses and observatories, watch-houses and other works, ways, roads and conveniences, as and where the said Company shall think requisite and convenient for the purposes of the said Telegraph; And also from 20 time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect, and keep in repair any bridges, arches and other works upon or across any rivers or brooks for the making, using, maintaining and repairing the said intended Telegraph; And to construct, erect, make and do all other matters and things which they shall think 25 convenient and necessary for the making, effecting, intending, preserving, improving, completing, and easy using of the said intended Telegraph and other works, in pursuance of and according to the true intent and meaning of this Act, they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby 30 granted, and making satisfaction, wherever required so to do, to the owners or proprietors of or the persons interested in the lands, tenements, or hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed or prejudiced, or for all 35 damages to be by them sustained in or by the execution of all or any of the powers of this Act; And whensoever and wheresoever the said Telegraph shall pass through any wood, the trees and underwood may be cut down for the space of fifty feet on each side of the said Telegraph upon which such trees and underwood may be.

Clearing on
either side.

Power to set
up posts.

21. The said Company shall have full power and authority to set 40 up posts for supporting the wires of the said Telegraph in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles, or for carrying the said wires under the surface; and such posts, and wires and other apparatus therewith connected shall be the property of the said 45 Company, as shall also all such posts or poles or apparatus as shall be set up or carried under the surface of the ground by the said Company for the purposes aforesaid, although the lands on which the same are set up or carried under the surface be not the property of the said 50 Company.

Duty of Com-
pany as to
despatches.

22. It shall be the duty of the Company to transmit all despatches in the order in which they are received, under a penalty of not less than *five* nor exceeding *twenty-five* pounds, to be recovered with costs of suit, by the person or persons whose despatch is postponed out of its order; and the said Company shall have full power to charge for the 55 transmission of such despatches, and to receive, collect and recover such rates of payment as shall be from time to time fixed by the By-laws of the Company.

No. 33.

2nd Session, 1st Parliament, 31 Victoria, 1869.

BILL.

An Act to revive and amend the Act incorporating the Canadian and British Telegraph Company, and to change the name of the Company,

PRIVATE BILL.

Hon. Mr. GALT.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO

An Act to enable the St. Francis and Yamaska Rivers improvement and deepening Company, to levy tolls on vessels navigating the said rivers.

WHEREAS the St. Francis and Yamaska Rivers improvement and deepening Company, have by their petition represented that the said Company have been formed and incorporated by Act of the Legislature of the Province of Quebec, for the purpose of deepening the St. Francis and Yamaska Rivers, and for dredging and removing shoals and otherwise improving the navigation of the said rivers, and invested with the powers and privileges necessary for the successful carrying out of the works contemplated by them, and have prayed that upon the completion of the said works to the satisfaction of the Governor in Council, they may be authorized to levy tolls upon vessels navigating the said rivers, and upon goods and merchandize conveyed by such vessels, under the restrictions, limitations and conditions contained in their Act of incorporation ;

Preamble.

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

1. As soon as the works of the said Company shall be sufficiently advanced to render the said rivers navigable, to wit the St. Francis River from its mouth to the village of Pierreville, opposite the church, and the Yamaska river, from its mouth to some point one mile below the village of St. Aimé, during all seasons, by a channel of six feet deep, and sixty feet in width, the said Company may levy the tolls set forth in the Schedule of this Act on all vessels navigating the said rivers, and upon goods and merchandize carried by such vessels; but such tolls shall only be exacted when the vessels shall pass through those parts of the said rivers respectively made navigable by the said Company. Provided that the said Company shall levy no such tolls until notice shall have been given to the Minister of public works who shall immediately cause it to be ascertained whether such works have been executed according to the provisions of this Act ; and if it is shown that the said Company has caused a channel to be made in one or both the rivers hereinbefore mentioned as to be improved by the said Company, of the width and depth determined by this Act, it shall be his duty to cause a report to be made to that effect to the Governor in Council, and upon proclamation to that effect, the said Company shall have authority to demand from the owner of any vessel intended to be passed through any portion of the said works of the said Company, or from any person in charge of the same, a written statement of each kind of goods forming the cargo of the same, as well as of the tonnage of such vessel; and if no such written statement is given when required or a false statement is given, the said vessel and such part of its cargo as was omitted by the false statement shall be liable to double toll ; and the said Company shall have authority to demand and receive the lawful tolls upon all vessels as aforesaid and it shall be lawful for the said Company, by its servants, to have free access to all such vessels, for the purpose of measuring and counting the same, and if the lawful tolls shall not be paid on demand,

Company may take tolls where the rivers are deepened.

the said Company shall have power to sue for the same in any court of competent jurisdiction, and shall recover from the owner or owners of the vessels the amount of the tolls and the cost of suit; provided always that if the owner or owners of any such vessel, shall object to the amount of tolls demanded and shall tender a sum which he or they 5 claim to be the true and just amount of the tolls, the said Company shall pay the costs of the suit, unless the judgment obtained shall be for a greater amount than the sum so tendered; Provided also that no tolls shall be exigible and payable unless there shall be at all times when said rivers are open for navigation, six feet of water in the 10 channel.

SCHEDULE.

Tolls which the "St. Francis and Yamaska Rivers Improvements and deepening Company" are hereby authorized to collect, so soon as they shall have completed the improvements contemplated by their Act of incorporation:

On all vessels navigating the said rivers, per ton registered measurement	5 cents.
On iron, metals, salt, potash and pearlash, unhewn stone, mill and grind stones, and bricks carried by such vessels, per ton of 2,000 lbs.....	5 cents.
On all other effects and merchandize, &c., not hereinbefore enumerated, per ton, cubic measurement	5 cents.

No. 34.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to enable the St. Francis and Yamaska Rivers improvement and deepening Company to levy tolls on vessels navigating the said rivers.

PRIVATE BILL.

Mr. GEOFFRION.

OTTAWA :

PRINTED BY HUNTER, ROSF, & CO.

An Act to place all Canadian Vessels on an equal footing as regards Pilotage in the Port of Quebec, and for other purposes, respecting Pilotage.

WHEREAS, by the Act of the Legislature, of the late Province of Preamble.
Canada, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's reign, chapter ninety-six, and the Act of the said Legislature, passed in the Session held in the fourteenth and
5 fifteenth years of Her Majesty's reign, chapter one hundred and one, the exceptional privilege hereinafter mentioned, is granted only to vessels belonging to the Province of Quebec, (then called Lower Canada,) and it is just and right that equal privileges should be extended to all
10 vessels of like tonnage belonging to any Port in Canada: 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, nothing in the fifty-third, Sections of
fifty-fourth or fifty-fifth Sections of the Act of the Legislature of the Quebec
late Province of Canada, passed in the twelfth year of Her Majesty's Trinity House
15 reign, and intituled, *An Act to consolidate the laws relative to the act, obliging
powers and duties of the Trinity House of Quebec, and for other pur- vessels to
poses, shall extend or be construed to extend to any Master or other per- take Pilots,
son in charge of any vessel of or under one hundred and twenty-five not to apply
tons registered measurement, belonging to any Port in Canada, when to Canadian
20 bound to or from the Port of Quebec, from or to any port out of the vessels of not
Province of Quebec: Provided always, that whenever any such Master more than 125
or person in charge of any such vessel employs any person not be- Proviso.
longing to his crew to pilot or guide his vessel, he shall employ a Branch Proviso.
25 Master or person in charge of any such vessel belonging to any Port in
Canada, when navigating such vessel between the Port of Quebec and
any Port out of the Province of Quebec, without a Pilot, shall as regards
the conduct and management of such vessel within the Port of Quebec,
30 have all the powers and duties which are by law or usage possessed by
or imposed upon any Branch Pilot.*

2. Every Vessel belonging to the Government of Canada, and every Same exemp-
vessel employed in the service thereof, and the Master of which is ap- tion to
pointed by the Government, shall be and is hereby exempted from any Canadian
35 obligation to take a Licensed or Branch Pilot in any port or place in Government
Canada, or to pay any pilotage when a pilot is not employed; any vessels.
thing in any Act or law to the contrary notwithstanding.

3. Notwithstanding anything to the contrary contained in section As to appren-
twenty-one of the said Act, passed in the twelfth year of Her Majesty's tice Pilots
40 Reign, if the period of apprenticeship of any apprentice has been whose term
interrupted on account of sickness, involuntary absence, or other of apprentice-
legitimate cause, the Trinity House shall grant him, if found otherwise ship has been
45 qualified, a branch as pilot, on proof that he has served a regular interrupted.
apprenticeship of seven years in all, provided he has made up for the
time lost by such interruption by an additional period or additional
periods of service after the lapse of seven years from the commence-
ment of his apprenticeship, and has made four voyages to Europe as
required by the said Act.

2nd Session, 1st Parliament, 32 Vic., 1868.

BILL.

An Act to place all Canadian Vessels on an equal footing as regards Pilotage in the Port of Quebec, and for other purposes respecting Pilotage.

Received and Read first time, Tuesday, 4th
May, 1869.

Second Reading, Friday, 7th May, 1869.

Hon. Sir JOHN A. MACDONALD.

OTTAWA :

PRINTED BY HUNTER ROSE & COMPANY.

An Act to amend certain Acts of the Legislature of the late Province of Canada, respecting the inspection of Raw Hides and Leather.

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

1. No green raw kip skin or calf skin, produced within the limits of the inspectors of leather and raw-hides for any city or town for which an inspector of leather and raw-hides is now or may hereafter be appointed, shall be offered for sale or sold within the said city or town, unless it shall have previously been inspected in accordance with the law; this provision shall not apply to green kip or calf skins produced without the inspection limits of the said inspectors, but every purchaser of such skins shall cause them to be inspected after he shall have purchased or acquired them, and before selling them or disposing of them in any way whatever. Acts 27, 28, Vict., e. 21, and 29, 30, Vict., c. 24, amended, as to Kip and Calf Skins.
2. Every such inspector shall mark or stamp on each skin the net weight thereof; and such skins shall be inspected without the pates, shanks and tail-bones; and the inspector, if he is required so to do, shall give a certificate of the net weight of such skin, without any charge for such certificate. Net weight to be marked.
3. Every inspector shall subtract from the weight of each raw skin all dirt and parts injured by knife cuts, and any other thing which ought not to be computed in the weight of the skin, and may add to such weight all that such skin may have lost by drying; the whole at his discretion: he shall also classify the skins as number one, two, or damaged, as the case may be; but no veal calf skin shall be classed as number one, unless it shall weigh not less than fourteen pounds *avoirdupois*. Deductions to be made from weight.
4. Every inspector as aforesaid shall be entitled for the inspection of such skins to a fee of *three cents* for each skin in lots under one hundred in number, and *two-and-a-half-cents* for each skin in lots over one hundred in number. Fee for inspection.
5. Every offence against the foregoing provisions of this Act, shall be punished in the manner provided by the Acts hereby amended as to offences against the provisions thereof. Offences against this Act.

No. 36.

2nd Session, 1st Parliament, 31 Victoria, 1869

BILL.

An Act to amend the Act passed in the 27th and 28th years of Her Majesty's Reign, intituled "An Act to regulate the inspection of Raw Hides and Leather," and the Act passed in the 29th and 30th years of Her Majesty's Reign, intituled "An Act to amend the Law respecting the inspection of Raw Hides and Leather;

Received and read first time, Wednesday,
5th May, 1869.

Second reading, Monday 10th, May 1869.

Mr. MAGILL.

OTTAWA:
PRINTED BY HUNTER, ROSE & CO.

No. 37.]

BILL.

[1869.

An Act to extend the privileges of the Banks of the Province of Nova Scotia in respect to the issuing of Notes.

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

1. Any Bank incorporated or carrying on business in Nova Scotia **Banks may**
5 may issue as circulating currency Bank notes of any denomination or **issue notes**
for any amount, consistent with its Charter. **of any**
amount.

2. Section thirteen of Chapter eighty-three of the Revised Statutes **Repeal of s.**
of Nova Scotia (Third Series) is hereby repealed. **13, c. 83,**
R. S. N. S.

No. 37.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to extend the privileges of the
Banks of the Province of Nova Scotia in
respect to the issuing of Notes.

Received and read, first time, Friday, 7th
May, 1869.

Second reading, Monday, 10th May, 1869.

Mr. SAVARY.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Acts respecting the improvement and management of the Harbor of Quebec.

WHEREAS the holders of Bonds of the Quebec Harbor Commissioners have by their petition, prayed amongst other things, that for the reasons therein mentioned the property and assets of the Quebec Harbor Commissioners be transferred to them; and whereas it is expedient further to amend the Act passed by the Legislature of the late Province of Canada, 22 Victoria, Chapter 32, (1858) intituled: "An Act to provide for the improvement and management of the Harbor of Quebec," and the Acts amending 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 powers and duties assigned to the Quebec Harbor Commissioners by the Acts above mentioned, shall be vested in and exercised by five Commissioners all of whom shall be elected by the holders of Bonds of the Quebec Harbor Commissioners, as hereinafter provided; and such Commissioners so elected, are hereby substituted for and shall be held to be the Commissioners mentioned in the said Act.

Preamble.

All the Commissioners to be elected by the Bondholders.

2. The said five Commissioners shall be elected at the time in each second year, for the period, and in the manner provided by the second and third sections of the Act of the Parliament of Canada, 31 Vic. Cap. 79, and all the provisions of the said sections with respect to the votes of the Bondholders, the quorum at the meeting, and generally with respect to the election of Commissioners under the said Act shall apply to elections under this Act, except that the notice of the meeting for the election shall be given by the Secretary-Treasurer of the Harbor Commissioners for the time being; provided always, that the next meeting of the Bondholders for the election of Commissioners, shall be held on the first Monday in July, in the present year 1869.

How and when to be elected: 31 V. c. 79 to apply.

Proviso: first election.

3. The present Commissioners shall continue to hold office as such until the fifteenth day of July next, or until replaced by Commissioners elected under this Act, but the present Commissioners or any of them may be re-elected.

Present Commissioners.

4. The sale of any deep water lot forming part of the property vested in the Quebec Harbor Commissioners, shall not be valid or effectual until sanctioned by the Governor in Council.

Sales of deep water lots.

5. The property vested in the Corporation of the Quebec Harbor Commissioners by the Acts above cited in trust as therein mentioned, and all other property now belonging to the said Corporation of the Quebec Harbor Commissioners, shall continue to be vested in the said Corporation as constituted by this Act, in trust for the holders of Bonds of the Quebec Harbor Commissioners, and for the other purposes in the said Acts mentioned, and shall not be liable for any debt or subject to execution or any other legal process based on any judgment or debt due or alleged to be due by the Corporation, except that nothing in this section contained shall affect or diminish the right of any creditor

Property vested in Commissioners in trust not to be liable in execution.

Exception.

of the Corporation founded on any judgment obtained before the passing of this Act.

Income to be held in trust for Bondholders, &c.

6. The dues, tolls, duties and other revenues and profits collected and received by the Commissioners shall also be held by the Corporation in trust for the said Bondholders, and for the other purposes in the said Acts mentioned, and shall after the payment of expenses of collection of the same and other prior charges authorized by law, be applied for the benefit of the Bondholders in such manner as the commissioners may from time to time appoint, but subject to the provisions hereinafter contained. 5 10

Power of Bondholders at a special meeting to agree to a reduction of interest and a Sinking Fund.

7. Upon a requisition to the chairman of the Commissioners signed by holders of bonds to the amount of not less than one hundred thousand dollars, the chairman shall, by advertisement published in French and English for four weeks at least, in the *Canada Gazette*, in the *Quebec Official Gazette*, and in at least two newspapers published in each of the cities of Quebec and Montreal, call a special meeting of the holders of bonds of the Quebec Harbor Commissioners to be held at Quebec; and at such meeting, any number of Bondholders present in person or by proxy who shall represent three fourths in value of the said Bonds, may resolve by their vote given at such meeting that the rate of interest payable on the said bonds shall be reduced and that a sinking fund shall be created to provide for the redemption of the said Bonds, and they may by such vote and resolution, fix the new rate of interest to be so paid, and the amount to be added annually in the sinking fund; and such vote and resolution being certified to the Commissioners by the Chairman and Secretary of the meeting (such Chairman and Secretary being respectively one of the Commissioners and the Secretary-Treasurer of the Commissioners) shall be binding on all the Bondholders and shall be acted upon by the said Commissioners. 15 20 25 30

Repeal.

8. So much of any of the Acts hereinbefore mentioned as is repugnant to or inconsistent with the provisions of this Act is hereby repealed.

No. 38.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to amend the Acts for the improvement and management of the Harbor of Quebec.

Received and read first time, Tuesday, 11th May, 1869.

Second reading, Friday, 14th May, 1869.

HON. MR. LANGEVIN.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting Vagrants.

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

1. All idle persons who, not having visible means of maintaining
 5 themselves, live without employment,—all persons who, being
 able to work and thereby or by other means to maintain them-
 selves and families, wilfully refuse or neglect to do so,—all persons
 openly exposing or exhibiting, in any street, road, public place
 or highway any indecent exhibition, or openly or indecently
 10 exposing their persons,—all persons who, without a certificate
 signed, within six months, by a Priest, Clergyman or Minister of
 the Gospel, or two Justices of the Peace residing in the municipi-
 tality where the alms are being asked, that he or she is a
 deserving object of charity, wander about and beg, or who
 15 go about from door to door, or place themselves in the streets,
 highways, passages or public places to beg or receive alms,
 —all persons loitering in the streets or highways and obstructing
 passengers by standing across the footpaths or by using insulting
 language or in any other way, or tearing down or defacing signs,
 20 breaking windows, breaking doors or door-plates, or the walls of
 houses, roads or gardens, destroying fences, causing a disturbance
 in the streets or highways by screaming, swearing or singing, or
 being drunk, or impeding or incommoding peaceable passengers,
 —all common prostitutes, or night walkers wandering in the fields,
 25 public streets or highways, lanes or places of public meeting or
 gathering of people, not giving a satisfactory account of them-
 selves,—all keepers of bawdy-houses and houses of ill-fame, or houses
 for the resort of prostitutes, and persons in the habit of frequenting
 such houses, not giving a satisfactory account of themselves,—all
 30 persons who have no peaceable profession or calling to maintain
 themselves by, but who do for the most part support themselves by
 gaming or crime or by the avails of prostitution,—shall be deemed
 vagrants, loose, idle and disorderly persons within the meaning of
 this Act, and shall upon conviction before any Stipendiary or Po-
 35 lice Magistrate, Mayor or Warden, or any two Justices of the
 Peace, be deemed guilty of a misdemeanor and be punished by
 imprisonment in any gaol or place of confinement other than the
 Penitentiary, for a term not exceeding two months and with or
 without hard labour, or by a fine not exceeding *fifty dollars*, or by
 40 both, such fine and imprisonment being in the discretion of the
 convicting Magistrate or Justices.

2. Any Stipendiary or Police Magistrate, Mayor or Warden, or
 any two Justices of the Peace upon information before them
 made, that any person hereinbefore described as vagrants, loose,
 45 idle and disorderly persons, are or are reasonably suspected to be
 harbored or concealed in any bawdy-house, house of ill-fame,
 tavern or boarding house, may, by warrant authorize any constable
 or other person to enter at any time such house or tavern, and
 to apprehend and bring before them or any other Justices, all
 50 persons found therein so suspected as aforesaid.

20

An Act to authorize an addition to the Capital Stock of the Bank of New Brunswick, and for other purposes connected with the said Bank.

WHEREAS the President, Directors and Company of the Bank of New Brunswick, have prayed for permission to increase the Capital Stock of the said Bank, and to change the nominal value of the shares of the said stock, 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 present Capital Stock of the Bank of New Brunswick, constituted and incorporated by an act of the Legislature of the Province of New Brunswick, passed in the sixtieth year of the Reign of His
10 late Majesty King George the Third, and intituled "An Act to incorporate sundry persons by the name of the President Directors and Company of the Bank of New Brunswick" amounting to one hundred and fifty thousand pounds and divided into shares of fifty pounds each,
15 shall hereafter be estimated at six hundred thousand dollars and be divided into six thousand shares of one hundred dollars each ; and every present stockholder of the said Bank, shall be entitled to have and to hold in lieu of his former share or shares, two shares of stock of the value of one hundred dollars each, for each share he holds of the present stock of the said Bank, and the rest or profits accumulated on
20 each share of the present stock shall belong to, and be divided between the two shares created in lieu thereof by this Act.

2. It shall be lawful for the said Bank of New Brunswick, to increase the capital stock of the said Bank, by the issue of new stock to an amount not exceeding three hundred thousand dollars, in shares
25 of one hundred dollars each, and the mode of providing for the issue of such new stock, the allotment of shares therein and generally all matters connected therewith, shall be regulated and determined by resolution of the shareholders passed at a special general meeting to be convened for the purpose, and the new stock so issued shall be subject to the same
30 provisions in all respects as if it had been part of the original capital, except as to the times of making calls thereon and the amount of such calls, which it shall be lawful for the stockholders at the general meeting before mentioned to alter so far as they shall think fit ; but the whole amount of the said new stock shall be subscribed and paid up within
35 three years from the passing of this Act.

3. The total amount of the bills or notes of the Bank, of all values, in circulation at any one time shall not exceed that to which it is now limited upon the present capital stock of the Bank, nor shall the increased capital stock authorized by this Act give power to the said
40 Bank to increase the amount of circulation which it may lawfully issue.

4. No person shall hereafter be eligible as a Director in the said Bank, unless such person is a stockholder holding not less than twenty shares of the Capital Stock of the Corporation.

5. The number of votes which each stockholder shall be entitled to after the passing of this Act, when voting under the Act incorporating the said Bank, or any Act or Acts in amendment thereof, shall be in the following proportions, that is to say: For one share and not more than four one vote; for every four shares above four and not exceeding twenty, one vote, making five votes for twenty shares; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares; which said number of ten votes shall be the greatest that any stockholder shall be entitled to have. 5

6. The Corporation shall be bound to make such periodical returns 10 and be subject to such other provisions respecting Banks as Parliament may deem necessary in the public interest.

7. So much of the above cited Act of the Legislature of New Brunswick, of the Sixtieth George the Third, Chapter thirteen, and of any other Act or Acts of the said Legislature amending the said 15 Act, as is inconsistent with this Act, is hereby repealed.

40-2

An Act to authorize an addition to the Capital Stock of the Bank of New Brunswick, and for other purposes connected with the said Bank.

WHEREAS the President, Directors and Company of the Bank of New Brunswick, have prayed for permission to increase the Capital Stock of the said Bank, and to change the nominal value of the shares of the said stock, 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 present Capital Stock of the Bank of New Brunswick, constituted and incorporated by an act of the Legislature of the Province of New Brunswick, passed in the sixtieth year of the Reign of His late Majesty King George the Third, and intituled An Act to incorporate sundry persons by the name of the President Directors and Company of the Bank of New Brunswick amounting to one hundred and fifty thousand pounds and divided into shares of fifty pounds each, shall hereafter be estimated at six hundred thousand dollars and be divided into six thousand shares of one hundred dollars each, and every present stockholder of the said Bank, shall be entitled to have and to hold in lieu of his former share or shares, two shares of stock of the value of one hundred dollars each, for each share he holds of the present stock of the said Bank, and the rest or profits accumulated on each share of the present stock shall belong to, and be divided between the two shares created in lieu thereof by this Act.

2. It shall be lawful for the said Bank of New Brunswick, to increase the capital stock of the said Bank, by the issue of new stock to an amount not exceeding three hundred thousand dollars, in shares of one hundred dollars each, and the mode of providing for the issue of such new stock, the allotment of shares therein and generally all matters connected therewith, shall be regulated and determined by resolution of the shareholders passed at a special general meeting to be convened for the purpose, and the new stock so issued shall be subject to the same provisions in all respects as if it had been part of the original capital, except as to the times of making calls thereon, and the amount of such calls which it shall be lawful for the stockholders at the general meeting before mentioned so far as they shall think fit.

3. No person shall hereafter be eligible as a Director in the said Bank, unless such person is a stockholder holding not less than twenty shares of the Capital Stock of the Corporation.

4. The number of votes which each stockholder shall be entitled to after the passing of this Act, when voting under the Act incorporating the said Bank, or any Act or Acts in amendment thereof, shall be in the following proportions, that is to say : For one share and not more than four, one vote for every four, shares above four and not exceeding twenty, one vote, making five votes for twenty shares, for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares, which said number of ten votes shall be the greatest that any stockholder shall be entitled to have.

5. So much of the above cited Act of the Legislature of New Brunswick, of the Sixtieth George the Third, Chapter thirteen, and of any other Act or Acts of the said Legislature amending the said Act, as is inconsistent with this Act is hereby repealed.

No. 40.

2nd Session, 1st Parliament, 32 Vic., 1869.

BILL.

An Act to authorize an addition to the Capital Stock of the Bank of New Brunswick, and for other purposes connected with the said Bank

PRIVATE BILL.

Mr. BOURN.

OTTAWA.

PRINTED BY HUNTER, ROSE & COMPANY.

An Act to incorporate the St. Thomas (Ont.) Board of Trade.

WHEREAS, Thomas Arkell, John King, John Ardagh Roe, James Carrie, William Coyne, Henry Brown, Marwood A. Gilbert, Charles G. Rich, James McAdam, Archibald McLachlin, Donald McKenzie, James H. Still, Thomas Eedson, Peter Couse, Alonzo J. Burns, John Blake, Wm. E. Youmans, George Rowley, J. Ord Kains, Peter Roe, John Midgley, W. F. Campbell, H. B. Pollock, Nelson W. Moore, Robert Pringle, John A. Kains, Charles W. Harte, and John R. Smellie, residents in the Town of St. Thomas, in the Province of Ontario, have by their petition represented that they have, as a Board of Trade, associated themselves together for some time past for the purpose of providing such measures as they have deemed important towards developing the general trade and commerce of Canada, and the town of St. Thomas, Ontario, in particular, and have further represented that the said Association would be more efficient in its operations, should an Act of Incorporation conferring certain powers on them and their successors be granted; 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:

1. The said Thomas Arkell, John King, John Ardagh Roe, James Carrie, William Coyne, Henry Brown, Marwood A. Gilbert, Charles G. Rich, James McAdam, Archibald McLachlin, Donald McKenzie, James H. Still, Thomas Eedson, Peter Couse, Alonzo J. Burns, John Blake, Wm. E. Youmans, George Rowley, J. Ord Kains, Peter Roe, John Midgley, W. F. Campbell, H. B. Pollock, Nelson W. Moore, Robert Pringle, John A. Kains, Charles W. Harte, and John R. Smellie, and such other persons residents in the Town of St. Thomas, in the Province of Ontario, as are or shall be associated with the persons herein before named, for the purpose of this Act, in the manner hereinafter provided; and their successors shall be and are hereby constituted a body politic and corporate by the name of "The St. Thomas, Ont., Board of Trade," for the purposes mentioned in the preamble, and may, by that name, sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may make, alter and change at their will and pleasure; and they and their successors by their corporate name shall have power to purchase, take, receive, hold and enjoy any estate whatsoever real or personal, and alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and other estate real or personal to acquire instead thereof; Provided always, that the clear annual value of the real estate held by the said Corporation at one time shall not exceed five thousand dollars; and provided also, that the said Corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred on them by

Preamble.

Incorporation and general powers.

Proviso as to property.

Proviso: corporate powers limited to purposes of Act.

this Act, or may be necessary for carrying the same into effect according to its true intent and meaning.

- Application of funds.** **2.** The funds and property of the said Corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful Trade and Commerce of this Dominion generally and of the Town of St. Thomas, in particular, or as may be necessary to attain the objects for which the said Corporation is constituted according to the true intent and meaning of this Act. 5
- Domicile.]** **3.** The usual place of meeting of the said Corporation shall be held to be the legal domicile thereof, and service at such place of any notice or process of any kind addressed to the said Corporation shall be held to be sufficient service of such notice or process on the Corporation. 10
- Council of the Corporation.** **4.** For the management of the affairs and business of the said Corporation, there shall be a council to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a President, Vice-President, Secretary-Treasurer and six other members of the said Council, all of whom shall be members of the said Corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council. 15
- Presiding officers and members of the Council.** **5.** The said Thomas Arkell, shall be President, the said Nelson W. Moore, shall be Vice-President, the said Thomas Eedson, the Secretary-Treasurer, and the said James McAdam, Charles G. Rich, John Midgley, John R. Smellie, James Carrie, and Archibald McLachlin, the other members of the Council until the first election to be had under the provisions of this Act; and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council by this Act. 25
- General meeting and elections.** **6.** The members of the said Corporation shall hold a general meeting every three months, that is to say on the last Friday in January, April, July, and October, at some place within the Town of St. Thomas, of which, notice naming the time and place shall be given by the Secretary-Treasurer of the Council for the time being, at least three days previous to such meeting, through one newspaper or otherwise as may be thought necessary by the said Council; and at the general meeting on the last Friday in the month of April, the members of the said Corporation, or a majority of them, shall then and there elect in such way as shall be fixed by the by-laws of the Corporation, from among the members of the Corporation, one President, one Vice-President, and Secretary-Treasurer, and six other members of the Council, who, with the President, Vice-President and Secretary-Treasurer shall form the Council of the said Corporation, and shall hold their offices until others shall be elected in their stead at the next general meeting in the month of April as aforesaid, or until they shall be removed from office or shall vacate the same under the provisions of any by-laws of the said Corporation; Provided always, that if the said election shall not take place on the last Friday in the month of April, as aforesaid, the said Corporation shall not thereby be dissolved, but such election may be had at any general meeting of the said Corporation, to be called in the manner hereinafter provided, and the members of the Council in office shall remain members until the election shall be had. 30
- Notice.** 35
- Term of office.** 40
- Proviso: in case of failure of any election.** 45
- Vacating seats in certain cases.** **7.** If any member of the said Council shall die or resign his office, or be absent for four months continuously from the meetings of the said Council, it shall be lawful for the said Council, at any meeting thereof, to elect a member of the said Corporation, to be a member of the said Council in the place of the member so dying, or resigning or being 55
- New members.** 50

absent, and such new member shall be so elected by a majority of the members of the said Council present at any meeting of the same, in case there is a quorum present at such meeting, and the member so elected shall hold office until the next annual election and no longer
5 unless re-elected.

8. At any annual or general meeting of the said Corporation whether for the purpose of electing members of the Council or for any other purpose, a majority of members present at such meeting, shall be competent to do and perform all acts, which, either by this Act, or by any
10 by-law of the said Corporation are or shall be directed to be done at any such general meeting.

Quorum of Council.

9. Any member of the said Corporation intending to retire there- from, or resign his membership may at any time do so, upon giv-
15 ing to the Secretary-Treasurer in writing, ten days' notice of such intention, and discharging any lawful liability which may be standing upon the books of the said Corporation against him at the time of such notice.

Members resigning.

10. It shall be lawful for the said Corporation or the majority of them present at any general meeting, to make and enact such by-laws,
20 rules and regulations for the government of the said Corporation, providing for the admission and expulsion or retirement of the members and for the management of its Council, officers and affairs, and all other by-laws in accordance with the requirements of this Act, or the laws of Canada, as such majority shall deem advisable; and such by-laws shall
25 be binding on all members of the said Corporation, its officers and servants, and all other persons whomsoever lawfully under its control; provided that no by-law shall be made or enacted by the said Corporation without notice in writing thereof having been given by one
30 member and seconded by another member at a previous general meeting, and duly entered in the books of the said Corporation as a minute of the said Corporation.

Power of making by-laws for certain purposes.

Proviso: Notice of by-laws to be proposed.

11. Each and every person then resident in the Town of St. Thomas, Ont., and being or having been a merchant, trader, mechanic, manager
35 of a bank, or insurance agent, shall be eligible to become a member of the said Corporation; and at any general meeting of the said Corporation it shall be lawful for any member of the said Council or of the said Corporation to propose any such person as aforesaid as a candidate for becoming a member of the said Corporation and if such proposition shall be carried by a majority of two-thirds of the members of
40 the said Corporation then present, he shall thenceforth be a member of the said Corporation and shall have all the rights and be subject to all the obligations which the other members possess or are subject to; Provided always, that any person not being a merchant or trader,
45 mechanic, manager of a bank, or Insurance agent, shall be eligible to become a member of the said Corporation in manner aforesaid, in case such person shall be recommended by the Council of the said Board of Trade at any such meeting.

Members of the Corporation, qualification of.

Proviso: as to others becoming members who &c.

12. It shall be lawful for the said Council, or a majority of them, by
50 a notice inserted in one or more newspapers published in the said town of St. Thomas, one day previous to the said meeting, or by a circular letter signed by the Secretary-Treasurer of the said Corporation addressed to each member, and mailed one day previous to the said meeting, to call a general meeting of the said Corporation for any of the purposes of this Act.

Special general meetings how called, &c.

Meetings of
the Council,
how called
&c,

13. It shall be competent for the said Council to hold meetings, from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may, by this Act or by the by-laws of the Corporation be assigned to them, and such meetings of the Council shall be convened by the Secretary-Treasurer at the instance 5 of the President, or upon the request of any two members of the Council, and the said Council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the Corporation, except only the power of en-acting or altering any by-law, or admitting any member, which shall 10 be done in the manner provided for by this Act, and in no other; and any five or more members of the Council lawfully met (and of whom the President or Vice-President shall be one, or in case of their absence any five or more members lawfully met) shall be a quorum, and any majority of such quorum may do all things within the power of 15 the Council; and at all meetings of the said Council, and at all general meetings of the said Corporation, the President, or in his absence the Vice-President, or if both be absent any member of the Council then present who may be chosen for the occasion, shall preside, and shall in all cases of equality of vote upon any division, have a casting vote. 20

Quorum,

President and
casting vote.

Council to
frame by-
laws and
submit them
to Corpora-
tion.

14. It shall be the duty of the said Council, as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations, as shall seem to the Council best adapted to promote the welfare of the said Corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the said Corporation called 25 for that purpose, in the manner hereinbefore provided.

Receiving of
subscriptions
&c.

15. All subscriptions of members due to the said Corporation under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the said Corporation, shall be paid to the Secretary-Treasurer thereof, and in 30 default of payment, may be recovered in any action brought in the name of the said Corporation, and it shall only be necessary in such action to allege that such person is indebted to the said Corporation in the sum of money, the amount of such arrears, on account of such subscriptions, penalty or otherwise, whereby an action hath accrued to 35 the said Corporation by virtue of this Act.

Proof in such
case.

16. On the trial or hearing of any such action, it shall be sufficient for the said Corporation to prove that the defendant at the time of making such demand was or had been a member of the said Corporation, and that the amount claimed by such subscription, penalty or 40 otherwise, was standing unpaid upon the books of the said Corporation.

Meetings of
Council to be
open.

Minutes to be
kept,

17. The meetings of the members of the Council shall be open to all members of the said Corporation who may attend at the same, but they shall take no part in any proceedings thereat, and minutes of the proceedings at all meetings whether of the said Council or the said Cor- 45 poration shall be entered in books to be kept for that purpose by the Secretary-Treasurer of the said Corporation; and the entry thereof shall be signed by the President of the said Council, or such other person who at the time shall preside over any such meeting; and such books shall be open at all reasonable hours to any member of the said Corporation, 50 free from any charge.

Board of Ex-
aminers of in-
spectors of
articles, sub-
ject to inspec-
tion.

18. From and after the passing of this Act, it shall be lawful for the Council of the said Corporation to appoint five persons to constitute a Board of Examiners for the Town of St. Thomas, for the year 55 commencing on the first day of September then next, and ending on the thirty-first day of August following, to examine applicants for the office of Inspector of Flour and Meal, or of any other article subject to

inspection and the said Council may do all such other acts, matters and things connected with the inspection of Flour and Meal or any other article, and shall have as full power and be subject to the same conditions as those conferred upon and required of the Council of any Board of Trade, by virtue of any Act respecting the inspection of Flour and Meal or of any other article subject to inspection, and the said Examiners and Inspectors shall also be subject to all conditions, requirements, oaths, matters and things (touching their offices) set forth in the said Acts.

- 10 **19.** Any person who may by law, in other cases, make a solemn affirmative instead of taking an oath, may make such solemn affirmation in any case, where by this Act, an oath is required; and any person hereby authorized to administer an oath may in such cases as aforesaid, administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely, in any case in which an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury.

No. 41.

2nd Session, 1st Parliament, 32 Victoria, 1869

BILL.

An Act to incorporate the St. Thomas, (Ont.)
Board of Trade.

PRIVATE BILL.

Mr. DOBBIE.

OTTAWA :
PRINTED BY HUNTER, ROSE & COMPANY.

An Act to incorporate the Detroit River Bridge or Tunnel Company.

WHEREAS the construction of Railway Bridge across the River Preamble.
 Detroit, at or near the Town of Windsor, in the County of
 Essex, or of a tunnel under the said river for the passage of Railway
 trains, would be of great advantage to the travelling public; and the
 5 persons hereinafter named (amongst others) have petitioned for an
 Act of Incorporation empowering them to construct either a bridge or
 a tunnel, as may be found most suitable and convenient for the pas-
 sage of trains across the said river; and it is expedient to grant their
 prayer: Therefore Her Majesty, by and with the advice and consent
 10 of the Senate and House of Commons of Canada, enacts as follows:

1. William B. Wesson, William Scott, John O'Connor, M. M. Feshey, Company in-
 M. N. Butler, the Honorable B. Wayne, George Shipley, François Caron, corporated.
 William B. Hiron, Henry Kennedy, William McGregor, and Luther
 Beecher, and all such other persons as shall, under the provisions of this
 15 Act, become subscribers to or proprietors in the Company hereby incor-
 porated, shall be and are hereby united into a Company, for construct-
 ing, maintaining, working and managing a Bridge across the Detroit
 River, or a Tunnel under the same, from some point at or near the Town
 of Windsor in the said County of Essex, to or near the City of Detroit,
 20 in the State of Michigan, according to the rules, orders and directions of
 this Act, and shall for that purpose be a body corporate and politic by the
 name of the "Detroit River Bridge or Tunnel Company;" And the Corporate
 said Company shall be and they are hereby authorized and empowered, name, and ge-
 from and after the passing of this Act, by themselves, their agents, neral powers:
 25 officers, workmen and servants, to make and complete the Bridge or
 Tunnel aforesaid, and to purchase, acquire and hold such real estate as
 is hereinafter mentioned, and from time to time to sell, alienate and
 dispose thereof, and to acquire others in lieu thereof, as may be requi-
 site for the object aforesaid.
2. The capital of the said Company shall be three million dollars, Capital and
 30 divided into shares of one hundred dollars each, with power from time shares.
 to time to increase the said Capital Stock to four million dollars; such
 shares as aforesaid shall be and the same are hereby vested in the
 shareholders and their respective heirs, executors, administrators and
 35 assigns, to their proper use and behoof, proportionately to the sums
 subscribed and paid by each of the said Shareholders respectively; and
 according to the same proportion each of the said Shareholders respec- Rights of
 tively shall be entitled to have, receive and take their proportions Shareholders.
 respectively in the net profits and income that may arise or accrue there-
 40 from; and the said shareholders respectively may sell, transfer, Transfer of
 give or alienate the shares held by them respectively, whensoever they shares, &c.
 consider fit, subject, however, to the By-laws of the said
 Company to be made by the Directors hereinafter mentioned, and as
 45 ~~hereinafter provided~~, and the said shares shall be deemed personal Limited lia-
 estate, notwithstanding the conversion of any portion of the said bility.
 Capital Stock into land; and no shareholder shall be liable for the
 payment of any debt or obligation due by the said Corporation beyond
 the unpaid amount of the shares held by him in the same.

Proportion
of votes to
shares.

3. At all meetings of the said Corporation each shareholder may vote by proxy duly appointed in writing, or in person, and shall be entitled to one vote for each share held by him in his own name, or in the name of the person of whom he may be the heir at law, or the proper legal executor, administrator or legatee, for at least one calendar month previous to the day of the election; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of such votes. 5

Opening
Stock-books.

4. The persons hereinbefore named, or the majority of them, shall be provisional Directors, and shall continue in office and manage the affairs of the Company until after the first Election of Directors; and they shall cause books of subscription to be opened in the Town of Windsor for thirty days, and afterwards in such other places as they may from time to time appoint, until the meeting of the Shareholders hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking, and for this purpose it shall be their duty and they are hereby required to give public notice in one or more newspapers published in the County of Essex, as they or a majority of them may think proper, of the time and places at which such books will be opened and ready for receiving subscriptions as aforesaid, the persons authorized by them to receive subscriptions, and a chartered Bank or Banks into which the ten per cent. thereon is to be paid at the time hereinafter limited for such payment; and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall have paid within ten days after the closing of the said books into the Bank or Banks aforesaid or any of the branches or agencies thereof, ten per centum on the amount of Stock so subscribed for, to the credit of the said Company, shall thereby become a shareholder of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Corporation; and such ten per centum shall not be withdrawn from the said Bank or Banks, or otherwise applied, except for the purposes of the said Company, or upon the dissolution thereof for any cause whatsoever; Provided further, that if the total amount of subscriptions, within the thirty days limited as aforesaid, shall exceed the said sum of three million dollars, then in such case the shares of each subscriber or subscribers shall be, as near as may be, proportionably reduced by the persons hereinbefore named or a majority of them, until the total number of shares shall be brought down to thirty thousand shares. 10 15 20 25 30 35 40

Ten per cent.
to be paid
down.

Proviso: allotment of shares if more than enough be subscribed.

First meeting
for election
of Directors.

5. So soon as five hundred thousand dollars of the capital stock of the said Company shall have been subscribed, and the ten per centum paid as aforesaid, it shall be the duty of the said persons hereinbefore named, or a majority of them, to call a general meeting of the shareholders, for the purpose of putting this Act into effect; which said meeting shall be held at the Town of Windsor aforesaid, and thirty days' previous notice thereof shall be given in the newspapers, as hereinbefore provided in the fourth section of this Act; at which said general meeting the shareholders shall choose thirteen Directors, in the manner and qualified as hereinafter mentioned, who shall hold office until the first annual general meeting for the election of Directors, and until others are appointed in their stead. 15 50

Annual general meeting of Shareholders.

6. In each year after the said meeting hereinbefore provided for the first election of Directors, the annual general meeting of the said shareholders shall be held on the first Tuesday in July, at the said Town of Windsor, or such other place as the said Directors may appoint; and public notice shall be given thereof, by notice inserted twice or oftener, at least eight days previous to each said meeting, in some one newspaper or newspapers published in the said Town of Windsor. 55 60

7. At such first, and at every subsequent annual general meeting of the said shareholders hereinbefore directed, the said shareholders, or a majority of them there present, either by proxy or in person, by vote, according to the said number of shares, shall choose thirteen persons then being shareholders in the said Corporation, which persons so chosen shall be the Board of Directors to manage, direct, and carry on the affairs and business of the said Corporation for one year next following such annual meeting, or until another Board of Directors shall be appointed; and particularly such matters and things as are by this Act hereinafter directed and authorized to be done by such Directors, and as shall, from time to time, be ordered by such annual or other general meetings of the said shareholders; and shall have power to name and appoint from the members of the said Board a President, Vice-President, Treasurer, and Secretary: And at any meeting of the said Directors duly held, any seven members of such Board shall be a quorum, and may exercise the powers of the said Board: Provided always, that such President, or Vice-President in the absence of the President to be chosen as aforesaid, in addition to his own vote, shall have a casting vote in case of an equal division of votes, at the meetings of the aforesaid Directors: Provided always that such Board shall, from time to time, make reports of their proceedings to, and be subject to examination and control of the said general meetings of the shareholders, and shall pay obedience to all such orders and directions in and about the premises as shall, from time to time, be ordered and directed by the said shareholders at any such general meeting, such orders and directions not being contrary to the provisions of this Act or to the laws of Canada; Provided also that the Directors who are to be chosen at the first meeting of the said shareholders shall be a Board for the purposes aforesaid, until the said first annual general meeting, and shall have the like powers, and exercise all or any of the powers vested by this Act in the said Board to be chosen at such first or other general annual meeting: Provided also further, that the members of any such Board, at any time going out of office, may be re-elected: Provided also further, that security may be taken from any of the office-bearers of the said Company for the due fulfilment of their duties: And Provided also further, that any stockholder in the said Company, whether a British subject or an alien, or a resident in Canada or elsewhere, shall have an equal right to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company.

Election of Directors, and period of service.

President, &c. Quorum.

Proviso.

Proviso: Directors subject to general meetings.

Proviso.

Proviso.

Proviso.

Proviso.

8. The failure to hold the first annual general meeting or any other meeting, or to elect such Board of Directors, shall not dissolve the said Corporation; but such failure or omission shall and may be supplied by and at any special meeting to be called as the said Directors may appoint for that purpose; And until such election of a new Board, those who may be in office for the time being shall be and continue in office, and exercise all the rights and powers thereof until such new election be made as hereinbefore provided.

Provision in case of failure of any election.

9. The said Board shall have and be invested with full power and authority to conduct, manage and oversee, and transact all and singular the concerns, affairs and business of the said Corporation, and all matters and things whatever in any wise relating to or concerning the same, and amongst other things—

Powers of the Board of Directors.

Firstly—To appoint and employ and remove all such engineers, agents or servants, of the said Corporation, as they may find from time to time expedient or necessary, and to regulate the duties and fix the salaries and wages of such agents and servants, and all the necessary expenditure for the management and working of the said Corporation;

Appointing Officers, &c.

- Certificates of stock.** Secondly—To regulate the form of certificates of shares and all matters relating to their transfer;
- Choosing site for bridge, &c.** Thirdly—To choose and acquire for and in name of the said Corporation, the requisite site for the construction of the said Bridge or Tunnel and its approaches and dependencies, and to enter into the necessary arrangements and agreements for the construction of the same, and during, upon, and after its construction to have the entire management and disposition thereof, and further to unite with any other Company to be chartered by the people of the State of Michigan for a similar purpose, and to enter into all requisite contracts and agreements therewith; 5 10
- Paying money.** Fourthly—To order the payment of any sum of money they may deem necessary for the purposes of this Act;
- Borrowing money.** Fifthly—To contract a loan or loans for or in the name of the said Corporation, not exceeding in the whole at any one time the sum of Two hundred thousand dollars, upon such terms or at such rate of interest as may be agreed upon, and to pledge and mortgage the real and personal property of the said Corporation for the payment of any such loan or interest; 15 20
- Making calls on subscribers.** Sixthly—To make such calls of money from the several shareholders for the time being, upon the shares subscribed for by them respectively, as the said Board shall find necessary, and in the name of the said Corporation to sue for, recover and get in all such calls, and to cause and declare such shares to be forfeited to the said Corporation in case of non-payment of any such call, and in such way as they shall see fit to prescribe by any By-law; and an action of debt may be brought to recover any money due on any such call, and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one share or more, as the case may be, in the capital stock of the said Corporation, and is indebted to the said Corporation in the sum to which the call or calls amount (as the case may be, stating the number and amount of such calls), whereby an action hath accrued to the said Corporation to recover the same from such defendant by virtue of this Act, and it shall be sufficient to maintain such action, to prove by any one witness, that the defendant at the time of making any such call was a shareholder in the number of shares alleged, and that any call sued for was made, and notice thereof given in conformity with any such By-law prescribing such call, and it shall not be necessary to prove the appointment of the said Directors or any other matter whatsoever; 25 30 35 40
- Making By-Laws.** Seventhly—To make the necessary By-laws in reference to the powers and duties imposed and conferred upon the said Board by this Act, and generally for the government and management of the said Corporation, subject always to the provisions of this Act and of the laws of Canada; with power to the said Board to vary, alter, repeal or revive any of the said By-laws; Provided always, nevertheless, that all such By-laws, rules or orders, and any such variation, alteration or repeal thereof, may be reviewed or disallowed at any general meeting of the said Shareholders. 45 50
- Provide.**
- Convening special general meetings.** 10. The said Board shall and may call and convene special and general meetings of the Shareholders whenever it shall be necessary, and so often as shall be required, upon the requisition of at least five Shareholders, and shall give the public notice hereinbefore mentioned of the holding of any such special general meeting, and shall at each annual general meeting, or at any special meeting to be called for that 55

purpose, submit to the Shareholders a clear and detailed statement of the affairs and accounts of the said Corporation, whereupon at such meeting the same shall be examined and audited, and if any dividend upon the Capital Stock is thereupon to be made, the same shall be declared at such meeting.

11. In the absence of the President and Vice-President, at any meeting thereof, it shall be in the power of the Directors present to elect from among themselves a Chairman for the time being, who, in addition to his own vote, shall also, in case of an equal division of 10 votes, have a casting vote at such meeting, and in the event of the death, resignation, continued absence, incapacity or disqualification of any member of the said Board, the Shareholders shall, at a meeting to be called for that purpose, as hereinbefore provided, choose a Shareholder instead and in place of such member, and such Shareholder so 15 chosen shall form part of the said Board until the then next annual election.

Chairman in case of absence of President.

12. The said Corporation is hereby empowered to purchase, receive and hold such real estate, to the extent of twenty acres in the whole, as may be necessary and convenient in accomplishing the object for 20 which this charter is granted, and may, by their surveyors and engineers, enter upon such sites and locations and take possession of the same; all such sites and locations shall be purchased of the owner or owners, at a price to be mutually agreed upon, or in case of disagreement as respects the acquisition of the said lands, the several clauses of 25 "The Railway Act, 1868," with respect to "Lands and their Valuation," in so far as the same may be applicable to the objects of this Act, shall be incorporated herewith and form part of this Act, as if the same had been expressly set forth herein.

Powers for the acquisition of lands.

13. The said Bridge, if constructed, shall be of such a height above 30 the surface of the River Detroit, as to leave a clear space of one hundred feet in height above high-water mark, and one hundred and fifty feet between the piers or abutments, for the passage of vessels; or if built upon a lower level, it shall have one or more draws of ample width to give free and unobstructed passage to all steamboats and 35 other vessels navigating the said river; the said draws shall be at all times tended and moved at the expense of the said Company so as not to hinder unnecessarily the passage of any steamboats or vessels; From sundown until sunrise during the season of navigation, suitable lights shall be maintained upon the said bridge to guide vessels and steam- 40 boats approaching the draws; and the said Company shall be liable to pay the owners of any steamboat or vessel, or of the cargoes thereof, all damages which they may sustain by reason of any neglect of the provisions of this section.

Mode of constructing and using the said bridge so as not to obstruct the navigation.

14. The said Tunnel, if constructed, shall be for the passage of Rail- 45 way trains only; but if the Bridge be erected, it shall be as well for the passage of persons on foot and in carriages, and otherwise, as for the passage of Railway trains, and such Railway Companies as are hereinafter mentioned or referred to, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, and 50 in the use of the machinery and fixtures thereof, and of all the approaches thereto.

Purposes of the said bridge &c.

15. Any Railway Corporation, whose road now has, or shall here- after have, a terminus at, or shall run its trains to or from any point at or near the said Town of Windsor, or the said City of Detroit, or shall 55 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 afore-

Certain corporations may aid in the construction of the bridge &c.

said, may, with the consent of a majority of the Shareholders of its stock, 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 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, subject to the general provisions of the Upper Canada Municipal Corporations Acts. 5

Directors to make By-laws as to mode of using the bridge &c.

16. When the said Bridge or Tunnel shall have been so completed as to admit of the passage of Railway Trains, and its safety shall have been certified by such Engineer as the Governor General shall appoint, the said Company may erect such gates and fixtures to guard the entrance of such trains upon the bridge or tunnel as the said Directors may deem proper, and may make such By-laws, rules and regulations, not inconsistent with the provisions of this Act, in relation to the use of the said bridge or tunnel, its machinery, appurtenances, and approaches by Railway Companies, their trains and carriages, as the Directors may think proper, but no discrimination shall be made by the said Directors in favor of or against any one or more Railway Companies, in relation to the approaches or the passage of the said Bridge or Tunnel, or the use of its machinery. 10 15 20

Penalty on persons passing the bridge &c., by force, or damaging the works.

Treble damages allowed to the Company.

17. If any person shall force, or attempt to force, any gate or guard of the said Bridge or Tunnel, 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 or Tunnel, its lights, stations, works, machinery, fixtures, or other appurtenances thereto, or any part thereof, or any work or approach appertaining thereto, shall be obstructed, impaired, weakened, destroyed or injured, the person so offending shall forfeit to the said Corporation treble the damages sustained by means of such offence or injury, to be recovered in the name of the said Company, with costs of suit, by any proper action for that purpose, and shall moreover be guilty of a misdemeanor, and be punished by fine or imprisonment, or both, by any Court or Justice having cognizance of the offence. 25 30 35

Company to notify the site and plan of the said bridge, &c.

18. The Company shall have power to enter into arrangements with any Railway Company for the passage of their trains across or through the said Bridge or Tunnel; and if a bridge be constructed, may establish the rate of toll to be demanded for going upon or crossing the said bridge; Provided always that no such tolls shall be levied or taken until approved by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the By-law establishing such tolls, and of the Order in Council approving thereof. 40

Power to make coffer-dams, &c., under certain conditions.

Plan of works to be approved by Governor in Council.

19. The said Company shall have power to erect coffer-dams and such other works in the River Detroit 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 to put up and maintain in the night time during the season of the navigation a good and sufficient light at each end of any coffer-dam which may be erected by the Company, the said light to be placed at least five feet above the said dam; 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 Tunnel, or taking possession of any part of the beach or land covered with water or other public property, the Company shall obtain the consent of the Governor in Council, who may impose such terms and conditions as he shall 45 50 55

think proper before granting permission to commence the works or take possession of any public property as aforesaid; nor shall the works be commenced until the plan thereof in all its details by which the public convenience and the facility of navigation can be affected, shall have been submitted to and approved by the Governor in Council; and the Company shall abide strictly by the plans so approved, and shall not deviate therefrom except by the express consent of the Governor in Council to such deviation.

20. The Corporation hereby created shall have power to use any of the public roads or streets for the erection of their Bridge or Tunnel, and the works and approaches appertaining thereto, with the consent of the Municipal Council having jurisdiction over the same.

Company may use streets, &c.

21. It shall be lawful for the said company to unite with any other company incorporated, or which may be incorporated by the laws of the State of New York, one of the United States of America, for a similar purpose with this company, and to enter into all contracts and agreements therewith necessary to such union.

Company may unite with any other for a similar purpose.

22. It shall be lawful for the company to amalgamate and to consolidate its stock, property and franchises with the stock, property and franchises of any corporation now existing under the laws of the State of New York aforesaid or hereafter to be incorporated under said laws for the purpose of erecting and maintaining a Bridge across the Niagara River, at or near the village of Fort Erie, in the County of Welland to a point in or near the city of Buffalo, in said State of New York, and which said company shall be by the laws of the State of New York authorized to enter into such amalgamation or consolidation under the conditions and provisions and with the affects hereinafter provided.

Company may amalgamate and consolidate its property with any corporation of the State of New York with similar objects.

23. The directors of the Detroit River Bridge or Tunnel Company and of any corporation proposing to so amalgamate or consolidate as aforesaid may enter into a joint agreement in duplicate under the corporate seals of each of said corporations, for the amalgamation and consolidation of said corporations prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names 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 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 said corporations, and the after management and working thereof.

Directors of said companies may enter into a joint agreement for amalgamation and consolidation.

24. Such agreement shall be submitted to the Stockholders of each of the said corporations 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 of the persons in whose names at the time of giving such notice, the Capital stock of such corporation shall stand on the books of such corporations, and delivered to such persons respectively, or addressed to them by mail of their post office, address shall be known to the secretaries of such corporations; and also by a general notice to be published in a daily newspaper published in the town of Windsor and in the city of Detroit once a week for two successive weeks. At such meetings of stockholders, such agree-

Such agreement to be submitted to the stockholders of each at meetings, due notice being given.

If agreement adopted, duplicate to be filed in office of Secretary of State for Canada and of New York.

ment shall be considered and a vote by ballot taken for the adoption on rejection of the same, each share entitling the holder thereof to one vote, and said ballots to be cast in person or by proxy, and if three fourths of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified 5 upon each of said duplicates by the secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of said corporations, one of the duplicates of the agreement so adopted and of the said certificates thereon shall be filed in the office of the Secretary of State for the Dominion of Canada, and the other in the office of the Secretary of State of the State of Michigan; and said agreement shall from thence be taken and deemed to be the agreement and Act of consolidation and amalgamation of the Detroit River Bridge or Tunnel Company and of such other corporation; and a copy of such agreement so 10 filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation. 15

Upon perfecting of consolidation the powers of each shall be consolidated.

25. Upon the making and perfecting of said agreement and Act of consolidation as provided in the preceding section, and filing said agreement as in said section provided, the several corporations, parties 20 thereto shall be deemed and taken to be consolidated, and to form one corporation by the name in said agreement provided with a common seal, and shall possess all the rights, powers, privileges, and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united except as herein provided. 25

Vesting of property in such new corporation but rights of creditors to be unimpaired, and no action to be affected by such consolidation.

26. Upon the consummation of such Act of consolidation as aforesaid all and singular the property, real, personal, and mixed and all rights and interest appurtenant thereto, all stock, 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 30 transferred to and vested in such new corporation without further Act or deed. Provided however that all rights of creditors and all liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of said corporations shall thenceforth attach to said new corporation and be 40 enforced against it to the same extent as if 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 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 proceed- 45 ing such corporation may be deemed still to exist, or said new corporation may be substituted in such action or proceeding in the place thereof.

Capital stock shall be personal property.

27. The capital stock of such new corporation shall be personal property and no stockholders shall be liable for the payment of any debt 50 or obligation due by said corporation except as provided in the following section,

Liability of stockholders in such new corporation.

28. All the Stockholders in the said new corporation shall be severally and individually liable to an amount equal to the amount of the capital stock held by them respectively to the creditors of such corporation, until the whole amount of its capital stock shall have been 55 paid in; all payments on the capital stock of the companies so consolidated, shall for the purposes of this section be deemed payments on the capital stock of said new corporation; if the Directors of such new corporation shall contract debts for said corporation, 60 which, with the debts assumed by it by such act of consolidation at any one time, shall exceed the amount of its capital stock they shall

be primarily personally liable for such excess, and the stockholders shall be secondarily personally liable for such excess in the ratio of their respective shares of stock.

29. The said new corporation shall have power from time to time, Power to the new corporation to borrow money, &c.
 5 to borrow such sums of money as may be necessary for constructing and completing its Bridge or Tunnel, and for the acquiring of the necessary real-estate for the site thereof and approaches thereto, and to mortgage ~~its corporate property and franchises~~ to secure the payment thereof; but the principal of the mortgage debt of such corporation shall not
 10 at any time exceed the sum of one million dollars.

30. At all meetings of the stockholders of the Detroit River Bridge or Tunnel Company or of the stockholders of such new corporation, Rights of stockholders as voting.
 each stockholder shall be entitled to cast one vote for each share of stock held by him and to vote either in person or by proxy, and the 15 directors of the said company, may also at any meeting of the Board vote by proxy, such proxy to be held by another Director.

31. All the powers and rights pertaining to the Company hereby incorporated, shall on such consolidation and amalgamation be vested in, held, possessed and enjoyed by the said new corporation. Powers vested in the Company on consolidation to be held by the new corporation.

20 **32.** If the said Bridge or Tunnel shall not be commenced within three years and completed within six years from the passing of this Act, the said Corporation shall from thenceforth cease to exist. Works to be commenced in 3 and finished in 6 years.

No. 42.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to incorporate the Detroit River
Bridge or Tunnel Company.

PRIVATE BILL.

Mr. O'CONNOR.

OTTAWA :

PRINTED BY HUNTER, ROSE, & CO.

An Act respecting the International Bridge Company.

WHEREAS an Act was passed by the Legislature of the late Province of Canada, in the twentieth year of Her Majesty's reign, intituled; *An Act to incorporate the International Bridge Company*; and whereas certain other Acts have been from time to

Preamble.

5 time passed in amendment of the same; and whereas the International Bridge Company have by their petition in effect represented that they have heretofore caused surveys to be made for the location of their Bridge and entered into contracts for the construction thereof, but owing to the failure of the contractor have to make other arrangements for such
10 construction; and further that they find that it may be necessary to vary the location, and to make other changes; and further that for the purpose of enabling the company and a company heretofore incorporated under the laws of the State of New York, one of the United States of America to obtain the money to construct this great work,
15 is desirable that the petitioners, and such other corporation shall have power to amalgamate and by the consolidation of their stock and franchises to become one company, and the petitioners have therefore prayed that an Act may be passed extending the time for the commencement and completion of the Bridge and works, and to enable the
20 company to change any location made, and to enable them to amalgamate or consolidate with such other company as aforesaid, with power to the united company to mortgage to aid in the building and completion of the bridge; and whereas it is expedient to comply with the prayer of the said petition: Therefore Her Majesty by and with the
25 advice and consent of the Senate and House of Commons Conada, enacts as follows:

1. The time for commencing and completing the International Bridge is hereby extended to the first day of October one thousand eight hundred and seventy two, and the first day of October one
30 thousand eight hundred and seventy six, respectively.

Extension of time for commencement and completion of Bridge.

2. It shall be lawful for the International Bridge Company to make any and such new surveys as they may think proper for the site of their Bridge, and from time to time to change or alter the location thereof, if they find it in their judgment necessary to do so, but in
35 any and every case before they commence work on any such new site the notices required by the Statutes relating to the company, to be given before the work shall be commenced, shall be given of said new location, and the giving of any notice or notices, and doing the Acts required by the said statutes shall not in case the company consider
40 it expedient to change such location or locations be taken or held to be in any case an exhaustion of the company's powers in that behalf.

Company may make new surveys and alter the location, giving proper notice.

3. It shall be lawful for the said company to unite with any other company incorporated, or which may be incorporated by the laws of the State of New York, one of the United States of America, for a similar
45 purpose with this company, and to enter into all contracts and agreements therewith necessary to such union.

Company may unite with any other for a similar purpose.

Company may amalgamate and consolidate its property with any corporation of the State of New York with similar objects.

4. It shall be lawful for the company to amalgamate and to consolidate its stock, property and franchises with the stock, property and franchises of any corporation now existing under the laws of the State of New York aforesaid or hereafter to be incorporated under said laws for the purpose of erecting and maintaining a Bridge across the Niagara River, at or near the village of Fort Erie, in the County of Welland to a point in or near the city of Buffalo, in said State of New York, and which said company shall be by the laws of the State of New York authorized to enter into such amalgamation or consolidation under the conditions and provisions and with the affects hereinafter provided. 10

Directors of said companies may enter into a joint agreement for amalgamation and consolidation:

5. The directors of the International Bridge Company and of any corporation proposing to so amalgamate or consolidate as aforesaid may enter into a joint agreement in duplicate under the corporate seals of each of said corporations, for the amalgamation and consolidation of said corporations prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names 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 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 said corporations, and the after management and working thereof. 15 20 25

Such agreement to be submitted to the stockholders of each at meetings, due notice being given.

6. Such agreement shall be submitted to the Stockholders of each of the said corporations 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 of the persons in whose names at the time of giving such notice, the Capital stock of such corporation shall stand on the books of such corporations, and delivered to such persons respectively, or addressed to them by mail of their post office, address shall be known to the secretaries of such corporations; and also by a general notice to be published in a daily newspaper published in the city of Toronto and in the city of Buffalo 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, and said ballots to be cast in person or by proxy, and if three fourths 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 each of said duplicates by the secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of said corporations, one of the duplicates of the agreement so adopted and of the said certificates thereon shall be filed in the office of the Secretary of State for the Dominion of Canada, and the other in the office of the Secretary of State of the State of New York; and said agreement shall from thence be taken and deemed to be the agreement and Act of consolidation and amalgamation of the International Bridge Company and of such other corporation; 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. 30 35 40 45 50 55

If agreement adopted, duplicate to be filed in office of Secretary of State for Canada and of New York.

Upon perfecting of consolidation the powers of each shall be consolidated.

7. Upon the making and perfecting of said agreement and Act of consolidation as provided in the preceding section, and filing said agreement as in said section provided, the several corporations, parties thereto shall be deemed and taken to be consolidated, and to form one

corporation by the name in said agreement provided with a common seal, and shall possess all the rights, powers, privileges, and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united except as herein provided.

- 5 8. Upon the consummation of such Act of consolidation as aforesaid all and singular the property, real, personal, and mixed and all rights and interest appurtenant thereto, all stock, 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 all liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of said corporations shall thenceforth attach to said new corporation and be enforced against it to the same extent as if 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 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 said new corporation may be substituted in such action or proceeding in the place thereof.
- 10 transferred to and vested in such new corporation without further Act or deed. Provided however that all rights of creditors and all liens upon the property of either of such corporations shall be unimpaired, and no action to be affected by such consolidation:
- 15 enforced against it to the same extent as if 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 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 said new corporation may be substituted in such action or proceeding in the place thereof.
- 20
9. The capital stock of such new corporation shall be personal property and no stockholders shall be liable for the payment of any debt or obligation due by said corporation except as provided in the following section,
- 25
10. All the Stockholders in the said new corporations shall be severally and individually liable to an amount equal to the amount of the capital stock held by them respectively to the creditors of such corporation, until the whole amount of its capital stock shall have been paid in; all payments on the capital stock of the companies so consolidated, shall for the purposes of this section be deemed payments on the capital stock of said new corporation; if the Directors of such new corporation shall contract debts for said corporation, which, with the debts assumed by it by such act of consolidation at any one time, shall exceed the amount of its capital stock they shall be primarily personally liable for such excess, and the stockholders shall be secondarily personally liable for such excess in the ratio of their respective shares of stock.
- 30
11. The said new corporation shall have power from time to time, to borrow such sums of money as may be necessary for constructing and completing its Bridge, and for the acquiring of the necessary real estate for the site thereof and approaches thereto, and to mortgage its corporate property and franchises to secure the payment thereof; but the principal of the mortgage debt of such corporation shall not at any time exceed the sum of one million dollars.
- 35
12. At all meetings of the stockholders of the International Bridge Company or of the stockholders of such new corporation, each stockholder shall be entitled to cast one vote for each share of stock held by him and to vote either in person or by proxy, and the directors of the said company, may also at any meeting of the Board vote by proxy, such proxy to be held by another Director.
- 40
13. All the powers and rights of any kind now held or heretofore given, or given by this Act to the corporation mentioned in the title of this Act, shall on such consolidation and amalgamation be
- 45
- Vesting of property in such new corporation but rights of creditors to be unimpaired, and no action to be affected by such consolidation:
- Capital stock shall be personal property.
- Liability of stockholders in such new corporation.
- Power to the new corporation to borrow money, &c.
- Rights of stockholders as voting.
- Powers vested in International Bridge Company on

consolidation vested in, held, exercised and enjoyed by the said new corporation, to be held by and all the statutes relating to the International Bridge Company, shall apply to the said new corporation, to all and every extent except in so far as the same shall be varied by, or shall be inconsistent with this Act or any thing contained therein.

No. 43.

2nd Session, 1st Parliament, 32 Vic., 1869.

BILL,

An Act respecting the International Bridge Company.

PRIVATE BILL.

Mr. WALSH.

OTTAWA :

PRINTED BY HUNTER, ROSE & COMPANY.

An Act extending the Patent of James Blanchfield Smith, for
an Invention for the term of seven years.

WHEREAS James Blanchfield Smith, by Letters Patent, dated Preamble.
the sixth day of December, one thousand eight hundred
and fifty-four, became the Patentee of a certain Invention of
"a new and useful improvement in the construction of portable
5 "or stationary Steam or Water Saw Mills;" And whereas more than
six months prior to the expiration of the term of limitation of
the said Patent, the said James Blanchfield Smith, did prepare and
forward a Petition to the Governor, asking for an extension of his said
Patent, and setting forth the grounds thereof pursuant to the Statute
10 in that behalf, but by some accident the said Petition reached the
proper office eleven days too late according to the time fixed in the said
Statute, and therefore could not be acted upon as is provided by the
said Statute: And whereas the said James Blanchfield Smith, has
petitioned Parliament for an extension of his said Patent for seven
15 years from the sixth day of December, one thousand eight hundred and
sixty-eight, thence next ensuing, 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:

20 **1.** The Letters Patent bearing date the sixth day of December, one
thousand eight hundred and fifty-four, granted to James Blanchfield Term of the
patent to J.
B. Smith,
extended.
Smith, for "a new and useful improvement in the construction of
portable and stationary Steam or Water Saw Mills," And the term
therein limited, are extended and continued for the period and further
25 term of seven years from the sixth day of December, one thousand
eight hundred and sixty-eight, thence next ensuing.

2. Nothing in this Act contained shall be deemed or construed to Proviso as
to effect
of this Act.
give any greater validity to the said Patent, than same had prior to the
expiration of the term in the said Patent mentioned.

No. 44.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act extending the Patent of James
Blanchfield Smith, for an Invention, for
the term of seven years.

PRIVATE BILL.

Hon. Mr. Wood.

OTTAWA :

PRINTED BY HUNTER, ROSE & COMPANY,

An Act to incorporate the Merchants' Bank.

WHEREAS the Honorable Edward Kenny, William Cunard, Preamble.
 Thomas C. Kennear, James Whurkle John Tobin, Thomas E.
 Kenny, Jeremiah Northup and James B. Duffus, by their peti-
 tion prayed that they might be incorporate for the purpose of
 5 establishing a bank in the city of Halifax in the Province of Nova
 Scotia, 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 :

1. The several persons herein before named and such other persons as
 10 shall become shareholders in the company to be by this Act created Certain persons incor-
 and their assigns shall be and they are hereby created, constituted and rated.
 declared to be a corporation body corporate and politic by the name Corporate
 of "The Merchants Bank" and shall have power to acquire and hold name.
 15 real and immovable estate for the management of their business not
 exceeding forty thousand dollars, and nothing herein contained shall
 prevent or restrain the corporation from taking or holding real estate
 to any amount whatsoever under judgement or by mortgage recovered,
 or taken as collateral security for the payment of any sum or sums
 20 of money advanced by or for debts due to the corporation, but
 the said corporation shall on no account lend money upon mortgage,
 upon lands or other fixed property, nor upon the security of any stock
 in the bank, unless by way of additional security for debts contracted
 with the corporation in the course of its dealings.

2. The business of the company shall be under the management of
 25 a President and six directors, and such other officers as may be found Board of
 necessary. Directors.

3. The capital of the company shall consist of one million dollars
 which shall be divided into ten thousand shares of a hundred dollars
 each, and twenty per cent. of the stock which shall be subscribed for
 30 shall be paid on or before the first day of July next, and a further en-
 stalment of twenty per cent. shall be paid at such time after the first
 day of January, one thousand eight hundred and seventy, as the
 directors shall appoint, and the remaining instalments shall from time
 to time be paid at such time or times and in such manner as shall be
 35 determined by a vote of the stockholders at a special meeting to be
 called for that purpose, but no instalment shall in any case be called
 in unless thirty days previous notice shall have first been given, in two
 at least of the newspapers published in Halifax, of the time and place
 appointed for the payment of instalments.

4. After the passing of this Act, whenever two hundred thousand
 40 dollars of the said capital stock shall have been paid in, before which First General
 no one shall have a right to vote for any purpose, a general meeting of Meeting.
 the members and stockholders of the corporation, or the major part of
 them, shall take place by notice in two or more of the public news-
 45 papers ten days previous to such meeting, for the purpose of organiz-
 ing the said bank, and of making, ordaining and establishing such by-
 laws, ordinances, and regulations, for the good management of the affairs

of the said corporation, as the members and stockholders of the said corporation shall deem necessary, and also for the purpose of choosing seven directors, being stockholders and members of the corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which directors so chosen shall choose out of their number a President, and they shall have full power and authority to manage the concerns of the corporation, and shall commence the operations of the said bank, subject, nevertheless, to the rules and regulations hereinafter made and provided, at which general meeting the members and stockholders of the said corporation, or the major part of them, shall determine the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the corporation shall be binding on the stockholders, their successors and assigns until altered at any other general meeting of the stockholders.

Retirement of Directors. 5. Three of the directors shall annually go out of office, in rotation but the three directors so retiring shall be eligible for re-election. 15

Annual General meeting. 6. There shall be a general meeting of the stockholders and members of the said corporation to be annually holden on the second Wednesday of March in each year at Halifax, at which annual meeting all vacancies in the board of directors shall be filled up, and after the election of directors in the place of those who shall have gone out of office by rotation or otherwise, the directors shall annually choose one out of their number as President for the ensuing year, or until another is chosen in his room. In the choice of directors the stockholders shall vote according to the rule hereinafter mentioned. 20 25

Appointment of Officers, &c. 7. The directors shall have power to appoint such officers, clerks and servants as they shall think necessary for executing the business of the corporation, and shall allow them such compensation for their respective services as to the directors shall appear reasonable, all which, together with the expenses of buildings, house rent, and all other contingencies shall be defrayed out of the funds of the corporation and the said directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the corporation, as shall be prescribed by the by-laws and regulations of the same. 30

Quorum of Directors. 8. The business of the corporation shall be transacted by such number of the directors as shall be determined on by the stockholders, and specified in the by-laws, of whom the President shall always be one, but in case of sickness and necessary temporary absence, the directors present may choose one of their board as chairman in his stead; the President, or such chairman, shall vote at the board as a director, and in case of their being an equal number of votes for and against any question before them, the President or chairman shall also have a casting vote. 35 40

Qualification of Directors. 9. No person shall be eligible for or continued to be a director unless such person is a stockholder, and holding and owning not less than fifty shares of the capital stock of the said corporation, upon whose shares all instalments called in shall have been fully paid, and no person shall be eligible for or continue to be a director of the corporation who is a director or a co-partner in trade of a director of any other bank whatsoever. And if any director of the said corporation, shall, while he is in office, cease to hold fifty shares in the said stock, or shall become a director or a co-partner in trade of a director in any other bank whatsoever, such director of the said corporation shall forthwith go out of office and cease to be a director, another director shall be chosen in his stead as hereinafter directed. 45 50 55

10. Every cashier and clerk of the corporation before he enters upon the duties of his office, shall give bonds, with two or more securities, to be approved by the said directors, that is to say: every cashier in a sum not less than forty thousand dollars, with a condition for his good and faultful behavior, and every clerk with the like condition and securities in such sum as the directors shall deem adequate to the trust reposed in him. Security by Officers.

11. The number of votes which each stockholder shall be entitled to on every occasion, when in conformity with the provisions of this Act, the votes of the stockholders are to be given, shall be in the following proportion, that is to say: for one share and less than five, one vote; for five share and not less than ten, two votes; for ten shares and not less than twenty, three votes; for twenty shares and not less than thirty, five votes; for thirty shares and less than forty, six votes; and for forty shares and all shares above that number, eight votes, which shall be the greatest that any stockholders shall be entitled to have. Scale of votes.

12. All stockholders resident within Canada, or elsewhere, may vote by proxy, provided that such proxy be a stockholder and do produce sufficient written authority from his constituent or constituents so to act, provided also that no person shall hold more than three proxies. Process.

13. The directors may fill up any vacancy that shall be occasioned in the office of President, or in the board of directors by the death, removal, resignation, or absence from the province for three months, or any incapacity of the President or any of their members, and the persons so chosen by the directors shall serve until the next succeeding annual meeting of the stockholders. Vacancies in Board.

14. As soon as the sum of two hundred thousand dollars shall have been actually paid in on account of the subscriptions to the stock, notice thereof shall be given in two at least of the newspapers published in Halifax, and the directors may commence the operations and business of the bank, but no bank bills or bank notes shall be issued or put in circulation, or any bill or note discounted at the bank until the sum of two hundred thousand dollars shall be actually paid in and received on account of the subscriptions to the capital stock of the bank. Commencement of operations.

15. The shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book to be kept for that purpose by the directors, nor until the person or persons, so making the same, shall previously discharge all debts actually due and payable to the corporation, and such stock shall be a pledge for any debt that may become due by the holder thereof to the bank, and be disposed of as other stock pledged to the bank, and in no case shall any fractional part of a share, or any other than a complete share or shares, be assignable or transferable. And whenever any stockholder shall transfer, in the manner aforesaid, all his stock or shares in the bank, or the same shall be transferred by act of law to any person or persons whomsoever, such stockholder shall cease to be a member of the corporation. Transfer of Shares.

16. The corporation shall conduct the business of banking in all its branches, and may lend money on cash accounts with personal security only, and may generally deal in bills of exchange, promissory Business of the Bank.

notes, gold or silver coin or bullion, and in other the current monies of this province, or in the sale of goods and stock really and truly pledged for money lent and not redeemed; which goods and stock so pledged shall be sold by the corporation at public sale, at any time not less than thirty days after the period for redemption; and if upon such sale of goods or stock, there shall be a surplus after deducting the money lent and interest, together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively. 5

Liability of Shareholders limited.

17. The joint stock or property of the corporation shall alone be responsible for the debts and engagements of the corporation, and no person or persons who shall or may have dealings with the corporation shall, on any pretence whatsoever, have recourse against the separate property of any present or future member of the corporation, or against their persons, except in the cases specified in this Act, further than may be necessary to secure the faithful application of the funds of the corporation. 10 15

Their liability at expiration of Charter.

18. The holder of shares or stock in the corporation, when this Act shall expire or be repealed, shall be chargeable in the private and individual capacities, and shall be holden for the payment and redemption of all bonds, bill and notes, which may have been issued by the corporation, and which may then remain unpaid, but only according to and in proportion to the shares and interest which they may respectively hold in the capital stock of the corporation at the time of such expiration or repeal. 20

Form of Bonds, Bills, &c.

19. Every bond, bank bill, or bank note, or other instrument, by the terms or effect of which the corporation may be charged or held liable for the payment of money, shall especially declare, in such form as the board of directors shall prescribe, that payment shall be made out of the joint fund of the corporation. 25

Indebtedness of Bank limited.

20. The total amount of the debts which the corporation shall at any time owe, whether by bill, bond or note, or other contract whatsoever, exclusive of the sum due on account of deposits, shall not exceed treble the amount of the capital stock actually paid in by the stockholders, nor shall there be due to the corporation at any one time more than treble the amount of the capital stock actually paid in by the stockholders, and in case of any excess, the directors under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities, provided always that the lands, tenements, goods and chattels of the corporation shall also be liable for such excess. 30 35 40

Dividends.

21. The directors shall make half-yearly dividends of all the profits, rents, premiums and interest of the corporation, payable at such time and place as the directors shall appoint, of which they shall give thirty days previous notice in at least two of the newspapers published at Halifax; but the directors shall not be compelled to make or declare any dividend at any earlier period than one year from and after the passing of this Act, unless they shall think it expedient to make and declare a dividend at any earlier period. 45

Inspection of Books, &c.

22. The books, papers, correspondence and funds of the corporation shall at all times be subject to the inspection of the directors; but no shareholder, not a director, shall inspect any books or the account of any individual with the corporation. 50

Notes to be signed, &c.

23. All the bills or notes issued by the said corporation shall be signed by the president for the time being, and countersigned and

attested by the cashier, and shall be printed and made in stereotype plates; and all bills or notes so signed and countersigned shall be binding upon the corporation, although not under seal, which bills or notes shall be payable by the corporation in gold or silver on demand.

5 **24.** If the total amount of all the notes of the bank, issued and in circulation, shall at any one time exceed the amount fixed and determined by the act of incorporation of the bank, such act of incorporation shall cease and determine from the time when such excessive issue shall have accrued. Determine in case of over issue of notes; But no limit.

10 **25.** In case the officers of the corporation shall, in the usual banking hours at the bank, refuse or delay payment in gold or silver of any note or bill of the corporation then presented for payment, the corporation shall be subject to pay on the amount of such note or bill to the holder thereof twelve per cent. interest per annum from the day of such refusal till the time of payment. Suspension of Payment.

26. The corporation shall be liable to pay any *bona fide* holder the original amount of any note of the bank which shall have been counterfeited or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration. Altered notes in hand of bona fide holders.

20 **27.** The bank shall be kept and established at Halifax, or at such other place as the board of directors may think it necessary to remove the bank to, on account of and great emergency for the security thereof. Place of Business.

28. The cashier of the bank shall twice in every year, that is to say, on the thirty-first day of January and the thirty-first day of July, make a return of the state of such bank as it existed at the closing of the books, on those days respectively, and he shall transmit the same as soon as may be, not exceeding fifteen days thereafter, to the Secretary of State, for the purpose of being laid before the legislature at its next session, which returns respectively shall specify the amount then due from the bank, designating in distinct columns the several particulars included therein, and shall also specify the resources of the bank designated in distinct columns the several particulars included therein, and the said return shall be in substance as follows:— Half-yearly reports to Secretary of State.

STATE OF MERCHANTS' BANK ON THE 31ST DAY OF

35 A.D. 1869. DUE FROM THE BANK.

Capital stock.....	.....
Bills in circulation .....	.....
Net profits on hand.....	.....
Balances due to the other banks.....	.....
40 Cash deposited, including all sums whatsoever due from the bank not bearing interest, its bills in circulation, profits and balances due to other bank excepted.....	.....
Cash deposits bearing interest .....	.....
Total amount due from the bank.....	.....

45 BALANCES OF THE BANK.

• Gold, silver, and other coined metals in its banking house..	Form.
Real estate.....	.....
Bills of other bank incorporated in the province .....	.....
Bills of all other banks .....	.....
50 Balances due from other banks.....	.....
Amount of all debts due, including notes, bills of exchange,	.....

and all stocks and funded debts of every description,
 excepting the balances due from other banks.....
 Total amount of the resources of the bank
 Rate and amount of the last dividend.....
 Amount of reserved profits at the time of declaring the
 last dividend..... 5
 Amount of debts due to the bank secured by a pledge of
 its stock
 Amount of debts due and not paid and considered doubtful

§

Which returns shall be signed by the cashier of such bank, who shall 10
 make oath before some Justice of the Peace to the truth of every such
 return, according to the best of his knowledge and belief, and one of
 the directors of such bank shall certify and make oath that the books
 of the bank indicate the state of facts so returned by the cashier, and
 that he has full confidence in the truth of such return, and no further 15
 of other returns shall hereafter be required from the bank, copies of
 which statement shall be laid before the stockholders at the general
 annual meeting of the corporation.

Dissolution of Corporation by Parliament or Governor in Council. 29. If upon the exhibition of the yearly account of the debts due to and from the corporation, and of the property and effects thereof, it 20
 shall appear to the satisfaction of the Parliament of Canada, if
 then in session, or to the governor in council, if Parliament be not
 in session, that the paid-up capital of the corporation has been dimi-
 nished by losses and bad debts to one-half of the amount of the capi-
 tal or sum so paid up, that then the said corporation shall be dissolved, 25
 if the legislature be in session, by an act of the Parliament of Canada,
 or if Parliament be not in session, by proclamation to be issued by
 the Governor in Council for that purpose.

Special General meetings. 30. Any number of the stockholders, not less than twenty, who to-
 gether shall be proprietors of five hundred shares shall have power at any 30
 time, by themselves or their proxies, to call a general meeting of the
 stockholders for purposes relating to the business of the corporation,
 giving at least thirty day's previous notice, in at least two newspapers
 published at Halifax, specifying in such notice the time and place of
 such meeting, with the objects thereof, and the directors, or any four 35
 of them, shall have the like power at any time, upon observing the
 like formalities, to call a general meeting as aforesaid.

Winding up of affairs in case of dissolution. 31. On any dissolution of the corporation, immediate and effectual
 measures shall be taken by the directors then in office for closing all
 the concerns of the corporation, and for dividing the capital and 40
 profits which may remain among the stockholders, in proportion to
 their respective interests, provided always, that notwithstanding such
 dissolution, it shall and may be lawful to use the corporate name,
 style, and capacity for the purpose of suits, for the final settlement and
 liquidation of the affairs and accounts of the corporation, and for the 45
 sale and disposition of the estate, real and personal and mixed, thereto
 belonging, but not for any purpose or in any other name whatsoever,
 nor for a period exceeding four years after such dissolution; and the
 directors in office at the happening thereof shall, during those four years,
 if necessary, continue in office, and be charged with, and shall take 50
 effectual measures for closing the concerns of the corporation, and divi-
 ding the remaining capital and profits among the stockholders, accord-
 ing to their respective interest therein.

Case of loss from mismanagement. 32. In case any loss or deficiency of the capital stock of the cor-
 poration shall occur from the official mismanagement of the bank 55

directors, the stockholders, at the time of such mismanagement, shall, in their private and individual capacities, be respectively liable to pay the same, provided, that in no case shall any one stockholder be liable to pay a sum exceeding in amount the stock actually then held by him,
5 in addition to the stock so held by him.

33. Any person nominated by the Governor in Council, or any joint committee, [appointed by Parliament for that purpose, shall at any time have free access to the books and vaults of the corporation for the purpose of examining into the proceedings of the corporation, provided no person shall have such access who is a stockholder or
10 director of any other bank, and also provided such person or committee shall not be authorized to inspect or investigate the account of any individual with the corporation, and that no member of the corporation shall be on such committee.

Access to books, &c., to certain parties.

34. Nothing in this Act contained shall effect the operation of Chapter 83 of the revised statutes of Nova Scotia, intituled "of
15 currency." Effect of Cap. 83 Revised Statutes.

35. This Act shall continue and be in force for fifteen years and from thence to the end of the then next session of Parliament. Duration of Act.

No 45.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to incorporate the Merchants
Bank.

PRIVATE BILL

OTTAWA:
PRINTED BY HUNTER, ROSE & COMPANY,

An Act to extend the Charter of the Bank of Nova Scotia.

WHEREAS the Bank of Nova Scotia, incorporated by an Act of ² Wm. 4, C. 50. the Legislature of the Province of Nova Scotia, passed in the year 1832, have by their petition prayed that the term of their Charter, which has been extended by subsequent Acts, may be further extended, 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 Charter of the Bank of Nova Scotia, incorporated as afore-¹⁹ Vic., C. 95. said, and the term of which was, by an Act passed in the nineteenth year of Her Majesty's reign, extended for a period of fifteen years thereafter, expiring in the year 1871, is hereby further extended for a period of twenty years from the expiration of such extended term.

No. . 46

2nd Session, 1st Parliament, 31 Victoria, 1869.

BILL.

An Act to extend the Charter of the Bank
of Nova Scotia.

PRIVATE BILL.

Mr. McDONALD,
Lunenburg.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Charter, and increase the Capital Stock
of the North Shore Transportation Company.

WHEREAS the North Shore Transportation Company have ^{Preamble,}
prayed for a special Act of Incorporation, and that the capital
stock of the Company may be increased, and that authority may be
granted to the said Company to extend their business throughout the
5 Dominion of Canada and to other British American, Atlantic and West
Indian ports, and for other powers, 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 shareholders of the North Shore Transportation Company in- ^{Incorporation}
10 corporated by Letters Patent under and by virtue of: *An Act to*
authorize the granting of Charters of Incorporation to Manufactur-
ing, Mining and other Companies, together with such other persons as
shall be and become stockholders in the said Company, and their and
15 each of their respective heirs, executors, administrators, curators and
assigns, shall be and continue to be a body politic and corporate by the
name of the "North Shore Transportation Company" with all and
every the incidents and privileges to such Corporation belonging; pro-
vided always, that nothing herein contained shall be construed to make
20 the said Company a new corporation or in any way whatever to effect
any right or liability of the said Company, or any action, suit or pro-
ceeding pending at the time of the passing of this Act. ^{&c.}

2. It shall be lawful for the Company to construct, acquire, charter, ^{Powers of}
navigate and maintain steamvessels and sailing vessels for the carrying ^{Corporation.}
and conveyance of goods and passengers, or other traffic, between the
25 ports of the Dominion of Canada, and the ports on the lakes connected
with and on the rivers falling into the river St. Lawrence, and between
ports in the Dominion of Canada and ports in the Islands of Newfound-
land and Prince Edward Island, and in the West Indies, and any or all
of them and *vice versa*, and also steam or other vessels for all business
30 and other purposes connected therewith, and the profitable prosecution
thereof, with power to sell, charter or dispose of the said vessels, or
any of them, or grant or consent to bottomry or other bonds on the same
or any part thereof, when and as they may deem expedient; and to
make contracts and agreements with any person or corporation what-
soever, for the purposes aforesaid, or otherwise, for the benefit of the
35 Company.

3. It shall be lawful for the said Company to purchase, rent, take, ^{Power to}
hold, and enjoy, to them and their successors, as well in this Dominion ^{hold real}
as in such other places where it shall be deemed expedient for the pur- ^{estate:}
poses of the said Company, either in the name of the said Company, or
40 in the name of trustees for the said Company, such lands, docks,
wharves, warehouses, offices and other buildings as they may find
necessary or convenient for the purposes of the said Company but not
for any other purpose; and to sell, mortgage, lease or dispose of the
same when not wanted for the purpose of the said Company, and others

to purchase to acquire in their stead ; provided always, that the yearly value of such lands, wharves, docks, warehouses, offices and other buildings, within the Dominion of Canada, at the time when the said Company shall enter into possession thereof, shall not exceed in the whole the sum of ten thousand dollars. 5

Capital stock. 4. The Capital of the said Company to be raised amongst the shareholders shall be one hundred thousand dollars, in two thousand shares, of fifty dollars each, with power to a majority of the shareholders who shall be represented either in person or by proxy at any general or special meeting of the Company to increase the same at once or 10 from time to time as may be expedient, to four thousand shares or two hundred thousand dollars ; and stock books for the same may be opened as shall be ordered by the directors ; and the present shareholders in the said North Shore Transportation Company, shall have the same number of shares of stock in the Corporation hereby created, and 15 shall in all respects be in the same position towards the said Corporation in respect of such shares as they had or were entitled to have, or as they held or were entitled to hold in the said Company ; provided always, that no person shall be entitled to hold a proxy who is not a shareholder of the Company. 20

Calls. 5. The directors of the said Company may call in such increase of the capital stock, in such sums as they may see fit, provided no larger sum than twenty per cent of the amount subscribed shall be payable at one time and that at least one month shall elapse between each payment. 25

Directors. 6. The business and affairs of the said Company shall be conducted and managed and its powers exercised by a board of seven directors to be annually elected by the shareholders, and who shall be severally shareholders to an amount of one thousand dollars of the said stock and who shall be elected at the annual 30 general meetings of the said Company by the shareholders then present in person or by proxy.

By-laws. 7. It shall be lawful for the Company at any annual meeting or special general meeting convened for the purpose, to make by-laws, rules and regulations, for the conduct and management of the business, 35 affairs, real estate, vessels, stock, property and effects of the Company, and the same to amend alter, repeal, and re-enact as shall be deemed needful and proper ; and the said by-laws, rules and regulations, shall among other things particularly apply to and affect the following matters : 40

For what purposes. 1. The opening of stock books for the subscription to the capital stock in London, Ontario, or elsewhere, whether in Canada or any other country ; the calling up and payment, from time to time, of the capital stock of the said Company, and of the increase thereof, and of the calls thereon as hereinbefore provided, and the conversion of the 45 shares thereof into stock, and of the allotment of stock.

2. The issue of certificates to the respective shareholders of the said Company, of their shares or stock therein, and the registration thereof, and of the addresses of the shareholders for the purposes of the Company. 50

3. The forfeiture or sale of shares or stock for non-payment of calls or other liabilities of the shareholders ;

4. The set off of all debts due to the said Company from the shareholders against such shares or stock and dividends of payment to which they may be entitled. 55

5. The transfer of shares or stock, and the approval and control by

the directors of such transfer and of the proposed transferees, and as to the remedy against transferees ;

6. The declaration and payment of profits of the said Company, and dividends in respect thereof as well already accrued as may here-
5 after accrue.

7. The formation and maintenance of a sinking or reserve fund.

8. The appointment, removal and remuneration of the directors, of all such managers, agents, officers, clerks or servants of the Company as they shall deem necessary for carrying on the business of the said
10 Company, and the security, if any, to be taken from such parties, respectively, for the due performance of their respective duties ;

9. The calling of general, special or other meetings of the Company and directors in this Dominion, and the quorum, and the business to be transacted thereat respectively ; provided always, that at any such
15 meetings all questions may be decided by the vote of such of the shareholders as shall then be present either in person or by proxy, each shareholder being entitled to one vote for every share of stock held by him, the chairman having, however, in case of an equality of votes, a casting vote in addition to such vote as he may be otherwise
20 entitled to as a shareholder of the Company ;

10. The making and entering into deeds, bills, notes, agreements, contracts, charter parties and other documents, and engagements to bind the Company, whether by the directors or their agents, as may be deemed expedient.

11. The borrowing or advancing 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.

12. The keeping of minutes of the proceedings and the accounts of the said Company, and making the same conclusive and binding on the
30 shareholders and rectifying any errors which may be therein ;

13. The auditing of the accounts and the appointment of auditors.

14. Provided that the said by-laws, rules and regulations are not contrary to the present Act nor the laws of this Dominion, and that the existing by-laws of the Company shall continue in force and effect
35 until altered or repealed by the shareholders.

8. The directors of the said Company, shall, from time to time, issue
to each of the shareholders respectively, certificates under the seal of
the Company, of the number of shares to which he is entitled, and he
shall then be the legal owner of such shares and invested with all the
40 rights and subject to all the liabilities of a shareholder in respect of
such shares, and each person to whom any share or shares shall be
assigned, shall sign an acknowledgement of his having taken such
share or shares which acknowledgement shall be kept by the directors,
and shall be conclusive evidence of such acceptance, and that the
45 person signing it has taken upon himself the liability aforesaid.

9. In case the said directors shall deem it more expedient in any
case to enforce the payment of any unpaid instalment than to forfeit
or sell the said shares therefor, it shall and may be useful for the Com-
pany to sue for and recover the same from such shareholder and the
50 interest thereon, in any action in any court having civil jurisdiction to
the amount claimed ; and in any such action it shall be sufficient to
allege that the defendant is the holder of one or more shares, (stating
the number of shares) and is indebted to the Company in the sum to
which the calls in arrear may amount, and to maintain such action it
55 shall be sufficient that the signature of the defendant to such
acknowledgement as hereinbefore mentioned, shall be proved, and
that the calls in arrear have been made, and a certificate under the
seal of the Company, or sealed by any one or more of the directors
shall be sufficient evidence of the calls having been duly made and
60 being in arrear, and the amount due in respect thereof ; provided that

Share certi-
ficates.

Payment of
calls.

nothing herein contained shall in any way affect the right of the said Company to forfeit the shares of any shareholder for non-payment of calls or subscriptions, whether after or before such judgement for recovery thereof.

- Application of capital.** **10.** The capital stock, and increase thereof, of the said Company, is hereby directed and appointed to be laid out and applied for and towards carrying out the purposes of the Company, and in no other use, intent or purpose whatsoever. 5
- Trusts, &c.** **11.** The Company shall not be bound to see to the execution of any trust whether express, implied or constructive, to which any of the said shares may be subject, and the receipt of the party, in whose name any such share shall stand in the books of the Company, shall from time to time, be a discharge to the Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Company have had notice of such trust; and the Company shall not be bound to see to the application of the money paid upon such receipt. 15
- Transmission of shares.** **12.** When any share shall have become transmitted in consequence of the bankruptcy, insolvency, death or marriage of a shareholder, or otherwise than by the ordinary transfer upon the books of the Company the assignee, executors or administrators, tutors, curators or husband, or other legal representative of such shareholder, shall not be entitled to receive any profits of the Company, or to vote in respect of such share until such share shall have been transmitted in the books of the Company to the name of such assignee, executor or administrator, tutor, curator, husband or representative, as the case may be, in the manner provided by the by-laws of the Company. 20 25
- Annual meetings.** **13.** The annual general meetings of the said Company shall be held in the office of the Company, in the city of London, on the first Wednesday in February in each year; for the purpose of electing directors, and for transacting the general business of the Company; at this meeting the president of the Company, or, in his absence, the vice-president, and in the absence of both, then one of the directors shall take the chair. 30
- Arrears of calls.** **14.** No shareholder shall be entitled to vote at any meeting of the Company, or be capable of election as a director, who shall then be in arrear for the payment of any calls then due on his shares. 35
- Election of President.** **15.** The directors elected at the annual meeting aforesaid, shall assemble within one month of their election, and shall then elect from amongst themselves, by a majority of votes of those present, a president and a vice-president; the president, or in his absence, the vice-president, may call meetings of the directors as often as the occasion may require. 40
- Quorum, vacancies, &c.** **16.** The quorum of the directors for the transaction of business shall be three; and in the event of the office of director becoming vacant from death, resignation or disqualification, such vacancy shall be filled up for the remainder of the term of office of such director by the remaining directors from among the duly qualified shareholders, and in the event of any disagreement between the directors as to the election to such vacancy and an equal division of votes, the chairman shall have a second or casting vote. 45 50
- Failure to hold election.** **17.** If at any time it shall happen that an election of directors shall not be made on any day when pursuant to this Act it ought to have

been made, the said Corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful on any other day, to hold and make an election in the same manner as the annual election of directors is in this Act provided for; and until such election is held the 5 previous directors shall remain in office.

18. All acts participated in by any person acting as director shall, notwithstanding there may have been some defect in the appointment or qualification of such person, be as valid as if such person had been duly appointed and was qualified to be a director; provided such defect or disqualification has not previously been brought before the directors at a meeting thereof. Validity of acts.

19. The directors of the said Company may act as directors in this Dominion or elsewhere, and shall and may appoint one or more agents in this Dominion or elsewhere, and for such time and on such terms as to them shall seem expedient, and the directors may by any by-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the directors themselves or any of them, may lawfully do, perform and exercise, except the power of making by-laws; and all things done by any such agent by virtue of the powers in him vested by such by-law, shall be valid and effectual to all intents and purposes as if done by such directors themselves, anything in this Act to the contrary notwithstanding. Appointment of agents, &c.

20. The directors shall have power if they think fit to receive and take into the stock of the Company any steam or other vessels owned or built by any other party or parties, assigning shares of the said Company in payment or part payment thereof; provided that the assent of a majority of the stockholders of the Company, at a general meeting to be called for that purpose, shall be procured before any proceedings under this clause shall be valid. Power to receive vessels as stock.

21. Every contract, engagement or bargain by the Company, or by anyone or more of the directors on behalf of the Company, or by any agent or agents of the Company, and every promissory note made or endorsed, and every bill of exchange drawn, accepted or endorsed by such director or directors on behalf of the Company, or by any such agent or agents under the powers to be delegated to and conferred on them respectively in accordance with the said by-laws, shall be binding upon the said Company; and in no case shall it be necessary to have the seal of the said Company affixed to any such contract, agreement, engagement, bargain, promissory note, or bill of exchange; provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as notes of a bank, Contracts, &c., when to be binding.

22. The shareholders shall not as such be held liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing relating to or in connection with the said Company, or the liabilities acts or defaults of the said Company, beyond the amount of their respective shares remaining unpaid. Liability of shareholder.s

23. The shares and the capital stock of the said Company shall be deemed personal estate and shall be transferable as such. Shares, personal estate,

24. All notices of the annual or other general meetings or of calls upon the shareholders of the Company, shall be published in

the *Canada Official Gazette*, and by circulars transmitted through the Post Office addressed to each of such shareholders.

Property,
&c., trans-
ferred.

25. All the stock and assets of the North Shore Transportation Company shall remain vested in the Corporation hereby created; which shall also remain responsible for all the liabilities of the said Company; the whole to the same extent, and in the same manner, and with the same rights and remedies as if such stock and assets had been originally vested therein, and such liabilities had originally been incurred thereby.

Power to
change name
of propeller.

26. The Corporation hereby created shall have authority and are hereby empowered to change the name of the propeller "Georgian" now registered at the port of Toronto, and to register her again at the same port under any name they may select.

BILL.

An Act to amend the Charter and increase the capital stock of the North Shore Transportation Company.

PRIVATE BILL.

Hon. Mr. CARLING.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO,

An Act to amend and consolidate the Acts respecting the St. Lawrence Tow Boat Company.

WHEREAS the St. Lawrence Tow Boat Company have, by Preamble.
petition, prayed that their Act of Incorporation and the
Acts amending the same be amended and consolidated, and it is
expedient to grant their prayer; therefore, Her Majesty, by and
5 with the advice and consent of the Senate and House of Commons
of Canada, enacts as follows:

1. The present members of the St. Lawrence Tow Boat Com- Company in-
pany, together with all persons who may hereafter become mem- corporated.
bers of the same, are and shall be a body politic and corporate,
10 under the name of the "St. Lawrence Tow Boat Company," for the
purpose of towing rafts, ships and other vessels, and carrying
passengers and freight on all the navigable waters of the Dominion
and elsewhere; with power to construct, acquire, charter, maintain,
sell or otherwise dispose of steam or other vessels, and to make
15 any contracts or agreements for any purposes connected with their
business.
2. The capital stock of the Company shall be such sum, not Capital
exceeding six hundred thousand dollars, as may from time to time Stock.
be fixed by the majority of the shareholders present at any annual
25 or special meeting to be called for that purpose; and shall be divi-
ded into shares of one hundred dollars each.
3. In addition to all property now held by the said Company, Power to
they shall have the right to purchase any real property necessary hold real
for the carrying on of their business, and to lease, mortgage or sell estate.
25 the same and other property, to purchase or acquire instead; but
the whole value of all the real estate held by the Company shall
not at any time exceed one hundred thousand dollars.
4. The affairs of the Company shall be conducted by seven Directors.
directors, but any greater number of the present directors may
30 continue to act as such during their term of office.
5. The directors shall be elected at the annual meeting, to take Their election
place in the month of January, on the day and at the hour and
place to be named by the directors; and no person shall be eligible
as a director unless he holds twenty or more shares in the
35 Company.
6. At all meetings of the directors three shall form a quorum, Quorum.
and each director shall have one vote only.
7. The directors shall elect from among themselves a president President,
and vice-president; and all vacancies occurring amongst them &c.
40 shall be filled up by themselves, or by such of them as remain.

- Votes.** **8.** At all meetings of the shareholders each shareholder shall have a vote for every share, registered in his name in the books of the Company, at least one month previous to the date of such meeting, and the voting shall be by ballot or open, as the by-laws may direct. 5
- Proxies.** **9.** Shareholders may vote by proxy, the proxies being in the form given in schedule A annexed to this Act, and no person not a shareholder, shall hold proxies.
- By-laws.** **10.** The directors may make by-laws for the conduct and management of the affairs of the Company, provided they are not contrary to law, or to the by-laws or regulations adopted at any meeting of the shareholders; and may amend, repeal, or re-enact the same whenever they think fit. 10
- Failure to elect Directors.** **11.** The corporation shall not be dissolved by a failure to elect directors at the time prescribed by this Act; but they may be elected on any subsequent day, in the manner provided for the annual election, and any three shareholders may call a special meeting for that purpose. 15
- Liability of shareholders.** **12.** The shareholders shall not be responsible for any claim beyond the amount of their respective shares. 20
- Annual balance sheet.** **13.** The directors shall cause to be made out each year a correct balance sheet of all the affairs of the Company, which shall be signed by the president, or in his absence by the vice-president and two directors; and they may establish and declare such annual dividends out of the profits of the Company, as they shall deem expedient. A general meeting of shareholders shall be held during the month of January of each year, to whom the balance sheet, together with a detailed report of all the operations of the company during the past year, shall be submitted; and the shareholders present at the meeting shall appoint from among the shareholders, two auditors for the ensuing year, who shall audit the books every three months, and present their report at the annual meeting of the shareholders. 25 30
- Annual meeting.** **14.** All meetings of the shareholders may be called by the president, or vice-president, or five shareholders, and shall be so called by an advertisement in two newspapers published in Quebec, one in the English and the other in the French language, or by letter mailed or delivered to each shareholder, at least ten days before the day appointed for the meeting. 35
- Calling of meeting.**
- Who to preside.** **15.** At all meetings either of the shareholders or of the directors, the president, or in his absence the vice-president, or in the absence of both, then some one appointed by the meeting shall preside, and the person presiding shall vote only in case of an equal division; minutes of the deliberations and decisions shall be entered correctly in books kept for that purpose, they shall be signed by the person presiding at the meeting, and such books, as well as all other books of the Company, shall be accessible to every director during office hours, and shall be kept at the office of the Company and nowhere else. 40 45
- Quorum at meetings of shareholders.** **16.** No meeting of shareholders shall transact any business unless at least ten members possessing or representing at least one third of the stock are present. 50

17. The Company may at any time, by a vote of at least ten shareholders possessing or representing at least two thirds of the stock, at a general or special meeting of shareholders, dissolve their corporate existence, and wind up or provide for the winding up of their affairs. Dissolution.

18. A book shall be kept in which shall be entered the name, calling and residence of every shareholder, also the number of shares held by each, and every shareholder shall have the right to obtain a certificate, in the form of schedule B, annexed to this Act, signed by the president and two directors, showing the number of shares held by him. Lists of shareholders.

19. No shareholder shall have the right to transfer his share unless he shall have previously paid the whole amount he may be indebted to the Company for antecedent calls, in respect of his stock or for any other dealings or transactions of what nature or kind soever, which he may have had with the said Company; and should any shareholder refuse or neglect to pay such indebtedness, the directors shall have the right to cause a sufficient number of the shares of such proprietor to be sold by public auction, within one month after he shall have been notified to pay the same; provided that public notice of such sale shall be given, at least fifteen days before such sale, by advertisement in two newspapers published in Quebec, one in the English and the other in the French language; and after deducting the amount of such debt with interest and costs, the balance shall be paid over to such shareholder. Transfer of shares restricted.

20. Transfers of shares in the stock of the Company shall be valid and effectual, provided such transfers be made in the form of schedule C, annexed to this Act, but such transfers shall not be valid until the same shall have been accepted by the directors and entered in the book kept for that purpose. Mode of transfer.

21. All suits against the Company shall be brought before the Superior Court or the Circuit Court, as the case may require, in the City of Quebec and not elsewhere; suits may be brought by any member against the Company, and any member not being in his individual capacity a party to such, shall be competent as a witness in suits or legal proceedings by or against the Company. Suits against Company.

22. Every notice served at the office of the Company, or on the president, shall be considered sufficient in all Courts of Justice, and the declaration of the president, vice-president, or secretary to a writ of *saisie arret*, shall be considered and received in all Courts of Justice as the declaration of the Company. Service of notices, &c.

23. Shares in the capital stock of the Company shall be deemed personal estate and transferable as such. Shares personal property.

24. The Acts twenty-sixth Victoria, chapter fifty-nine, twenty-eighth Victoria, chapter forty-six, and twenty-ninth and thirtieth Victoria, chapter one hundred and twelve are hereby repealed in all cases: Repealing Clause.

- 50 1. In which there is a provision herein, having expressly or impliedly that effect.
2. In which such Acts are contrary to or inconsistent with any provision herein contained.
- 55 3. In which express provision is herein made upon the particular matter to which such Acts relate;

Exception.

Except always that as regards transactions, matters and things anterior to the coming into force of this Act, and to which its provisions could not apply without having a retro-active effect, the provisions of the said Acts which with or without this Act would apply to such transactions, matters and things remain in force and apply to them, and this Act applies to them only so far as it coincides with such provisions.

5

Schedules mentioned in the foregoing Act.

SCHEDULE A.

ST. LAWRENCE TOW-BOAT COMPANY.

I, A. B., of _____, one of the shareholders of the St. Lawrence Tow-Boat Company, hereby appoint C. D., of _____ being also one of the shareholders of the said Company, to be my attorney, for me and in my absence to vote on all matters whatsoever, which may be moved at the meeting of the shareholders of the said Company, to be holden on the _____ day of _____ next, in such manner as the said C. D. may think it expedient to vote.

In witness whereof, I have signed the present power of Attorney, at _____, the _____ day of _____

Witnesses :

SCHEDULE B.

ST. LAWRENCE TOW-BOAT COMPANY.

Number.....

These are to certify that A. B., of _____, is (or are) proprietor (or proprietors) of _____ shares in the St. Lawrence Tow-boat Company, subject to the rules, orders and regulations of the said Company; and that the said A. B., his (or their) heirs and assigns, are entitled to the profits and advantages of the said shares.

Given under the common seal of the said Company, on the _____ day of _____ in the year of Our Lord one thousand eight hundred and _____

SCHEDULE C.

ST. LAWRENCE TOW-BOAT COMPANY.

I, (or we) A. B., in consideration of the sum of _____ paid to me (or us) by C. D., of _____, hereby make over and transfer to the said C. D., _____ shares in the St. Lawrence Tow-Boat Company, to be enjoyed by the said C. D., his (or their) heirs and assigns, subject to the same conditions on which I (or we) held them; and I, (or we) the said C. D., do hereby agree to accept and receive the said shares, subject to the same conditions.

In witness whereof we have signed the present Act of transfer, at _____, the _____ day of _____

Witnesses :

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT
5712 S. UNIVERSITY AVE.
CHICAGO, ILL. 60637

LETTER # 11

RECEIVED
PHYSICS DEPARTMENT
CHICAGO, ILL. 60637

No. 48.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to amend and consolidate the
Acts respecting the St. Lawrence Tow
Boat Company.

PRIVATE BILL.

OTTAWA.
PRINTED BY HUNTER, ROSE & COMPANY.

An Act to amend the Act to incorporate the Union Bank of Lower Canada.

WHEREAS the Union Bank of Lower Canada have by their Preamble. petition prayed for certain amendments to their Act of Incorporation, and it is expedient to grant their prayer: Therefore, Her Majesty by and with the advice and consent of the Senate and House
5 of Commons of Canada enacts as follows:

1. Section six of the Act 29 Vic., Cap. 75, is hereby amended so as to read as follows: Section 6 of
29 Vic., Cap.
75, amended.

6. The stock, property, affairs and concerns of the said bank shall be managed by seven directors, who shall choose from amongst themselves
10 a president and vice-president, who, excepting as is hereinbefore provided, shall hold their offices for one year, which directors shall be stockholders residing in Canada, and natural-born or naturalized
15 subjects of Her Majesty, and be elected on the first Monday in July in each year, at such time of the day, and at such place in the City of Quebec aforesaid, as a majority of the directors for the time being shall
20 appoint; and public notice shall be given by the directors as hereinbefore provided in the third section of this Act, previous to the time of holding such election; and the said election shall be held and made by such of the shareholders of the said Bank as have paid all calls made
25 by the directors, and as shall attend for the purpose in their own proper persons or by proxy, such persons being or having been, in either case, holders of such shares for three months previous; and all elections for directors shall be by ballot; and the said proxies shall only be capable of being held and voted upon by shareholders then present;
30 and the seven persons who have the greatest number of votes at any election, shall be directors, except as hereinafter directed; and in case of a vacancy occurring in the number of directors, the remaining directors shall fill the same by appointing from among the shareholders such person or persons possessing the qualification required by this Act as
35 they may think fit; and if the vacancy so created shall be that of president or vice-president, the directors at the first meeting after the completion of their number, shall, from among themselves, choose a president or vice-president who shall continue in office for the remainder of the year; and if it should happen, at any election, that two or
40 more persons have an equal number of votes, then the directors who shall have had a greater number of votes, or the majority, shall determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of seven; and the said directors as soon as may be after the said election
45 shall proceed in like manner to elect, by ballot, two of their number to be the president and vice-president; provided always, that no person shall be eligible to be or continue as director, unless he shall hold in his name and for his own use, stock in the said bank to the amount of twenty shares, on which all calls have been paid in.

2. Section forty-two of the said Act is hereby amended so as to read as follows: Section 42,
amended.

42. This Act shall remain in force until the first day of June, which will be in the year of Our Lord one thousand eight hundred and ninety-five, and from that time to the end of the then next session of the Parliament of Canada.

No. 49.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to amend the Act to incorporate
the Union Bank of Lower Canada.

PRIVATE BILL.

Hon. Mr. MCGREEVY.

OTTAWA:

PRINTED BY HUNTER, ROSE & COMPANY.

The Canada Joint Stock Companies Clauses Act.

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 as the "Canada Joint Stock Companies Clauses Act, 1869."

2. The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say :

1. The expression "the Special Act," used in this Act, shall be construed to mean any Act incorporating a Company to which this Act applies, and with which this Act is incorporated, as hereinafter provided,—and also all Acts amending such Act ;

2. The expression "the Company" shall mean the Company incorporated by the Special Act ;

3. The expression "the undertaking" shall mean the whole of the works and business of whatever kind, which the Company is authorized to undertake and carry on ;

4. The expression "Real Estate" or "Land" shall include all Real Estate, messuages, lands, tenements and hereditaments, of any tenure.

5. The word "Shareholder" shall mean every subscriber to or holder of Stock in the Company, and shall extend to and include the personal representatives of the Shareholder.

3. The provisions of this Act shall apply to every Joint Stock Company hereafter to be incorporated by any Special Act of the Parliament of Canada, for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends, except companies for the construction and working of Railways, or the business for Banking [and the issue of paper money, or Insurance, and shall, so far as they are applicable to the undertaking, and are not expressly varied or excepted by the Special Act, be incorporated with it, and form part thereof, and shall be construed therewith as forming one Act.

4. For the purpose of excepting from incorporation with the Special Act, any of the provisions of this Act, it shall be sufficient in the Special Act to enact that the sections or sub-sections of this Act proposed to be excepted, (referring to them by the numbers they may bear,) shall not be incorporated with such Act, and the Special Act shall thereupon be construed accordingly.

5. Every Company incorporated under any Special Act, shall be a body corporate under the name declared in the Special Act, and may acquire, hold, alienate and convey, any real estate necessary or requisite

for the carrying on of the undertaking of such Company, and shall be invested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act and of the Special Act, and which are incident to such corporation, or expressed or included in the Interpretation Act. 5

6. All powers given by the Special Act to the Company shall be exercised, subject to the provisions and restrictions contained in this Act, except such only as are by the special Act expressly excepted from incorporation with it.

7. The affairs of the Company shall be managed by a Board of not less than three, nor more than nine Directors. 10

8. The persons named as such, in the Special Act, shall be the Directors of the Company, until replaced by others duly named in their stead.

9. No person shall be elected or named as a Director thereafter, 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 after Directors of the Company shall, at all times, be persons resident in Canada, and subjects of Her Majesty by birth or naturalization. 15 20

10. The after 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 two years, as the Special Act, or (in default thereof) the By-laws of the Company may prescribe. 25

11. In default only of other express provisions in such behalf, by the Special Act or By-laws of the Company,—

1. Such election shall take place yearly, all the members of the Board retiring, and (if otherwise qualified) being eligible for re-election; 30

2. Notice of the time and place for holding general meetings of the Company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the place in which the office or chief place of business of the Company is situated;

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; 35

4. Elections of Directors shall be by ballot;

5. Vacancies occurring in the Board of Directors may be filled for the unexpired remainder of the term, by the Board, from among the qualified Shareholders of the Company; 40

6. The Directors shall, from time to time, elect from among themselves a President of the Company; and shall also name, and may remove at pleasure, all other officers thereof.

12. If at any time an election of Directors be not made or do not take effect at the proper time, the Company shall not be held to be thereby dissolved ; but such election may take place at any general meeting of the Company duly called for that purpose ; and the retiring
5 Directors shall continue in office until their successors are elected.

13. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and may make, or cause to be made, for the Company, any description of contract which the Company may by law enter into ; and may, from time to time,
10 make By-laws not contrary to law, nor to the Special Act, 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
15 payment of dividends, the number of the Directors, 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, their remuneration and that (if any) of the Directors, the time at which and place where
20 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 in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by By-law, and the
25 conduct in all other particulars of the affairs of the Company ; and may, from time to time, repeal, amend or re-enact the same ; but every such By-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a General Meeting of the Company, duly called for that purpose, shall only have force until the next
30 Annual Meeting of the Company, and in default of confirmation thereat, shall, at and from that time only, cease to have force ; Provided always, that one-fourth part in value of the Shareholders of the Company, shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and
35 notice as they may issue to that effect.

14. 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 or Equity in Canada.

40 15. The stock of the Company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the Special Act or By-laws of the Company, shall be prescribed.

16. If the Special Act makes no other definite provision, the Stock
45 thereof shall be allotted, when and as the Directors, by By-law or otherwise, may ordain.

17. The Directors of the Company may call in and demand from the Shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instal-
50 ments, as the Special Act or as this Act may require or allow ; 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.

18. Not less than ten per centum upon the allotted Stock of the Company shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the Company ; and for every year thereafter, at least a further ten per centum shall in like manner be called in and made payable, until the whole shall have been so called in. 5

19. The Company may enforce payment of all calls and interest thereon, by action in any competent Court ; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in 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. 15

20. If, after such demand or notice as by the Special Act or By-laws of the Company may be prescribed, any call made upon any share or shares be not paid within such time as by such Special Act or By-laws 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 forfeit 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-laws or otherwise they shall ordain. 25

21. No share shall be transferable, until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon. 30

22. No Shareholder being in arrear in respect of any call, shall be entitled to vote at any meeting of the Company.

23. The Company shall cause a book or books to be kept by the Secretary, or by some other Officer especially charged with that duty, wherein shall be kept recorded— 35

1. The names, alphabetically arranged, of all persons who are or have been Shareholders ;

2. The address and calling of every such person, while such Shareholder : 40

3. The number of shares of stock, held by each Shareholder ;

4. The amounts paid in, and remaining unpaid, respectively, on the stock of each Shareholder ;

5. All transfers of stock, in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof ; and— 45

6. The names, addresses and calling, of all persons who are or have been Directors of the Company ; with the several dates at which each became or ceased to be such Director.

24. The Directors may refuse or allow the entry into any such book, of any transfer of Stock whereof the whole amount has not been paid in ; and whenever entry is made into such book, of any transfer of Stock not fully paid in, to a person not being of apparently sufficient means, the Directors, jointly and severally, shall be liable to the creditors of the Company, in the same manner and to the same extent as the transferring Shareholder, but for such entry, would have been ; but if any Director present when such entry is allowed 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 minute book of the Board of Directors, his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to the place in which the office or chief place of business of the Company, is situated such Director may thereby, and not otherwise, exonerate himself from such liability.

25. No transfer of Stock unless made by sale under execution, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor, to the Company and their creditors, until the entry thereof has been duly made in such book or books.

26. Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of Shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company ; and every such Shareholder, creditor or representative may make extracts therefrom.

27. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any Shareholder.

28. Every Director, officer or servant of the Company, who knowingly makes or assists to make any untrue entry in any such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of a misdemeanor, and being convicted thereof, shall be punished accordingly.

29. Every Company neglecting to keep such book or books open for inspection as aforesaid, shall forfeit its corporate rights.

30. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share ; and the receipt of the Shareholder in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such share, and whether or not notice of such trust shall have been given to the Company ; and the Company shall not be bound to see to the application of the money paid upon such receipt.

31. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the By-laws of the Company shall be binding upon the Company ; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any By-law, or special vote or order ; nor shall the party so acting as agent, officer or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party, therefor ; provided always, that nothing in this Act 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, or to engage in the business of banking or insurance.

32. No Company shall use any of its funds in the purchase of stock in any other Corporation, unless in so far as such purchase may be, specially authorized by the Special Act, and also by the Act creating such other Corporation

33. 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 up 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 the amount due on such execution shall be the amount recoverable with costs, against such Shareholders.

34. 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.

35. 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.

36. 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.

37. 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
5 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
10 protest in at least one newspaper published at, or as near as may be possible to the place in which the office or chief place of business of the Company is situated such Director, may thereby, and not otherwise, exonerate himself from such liability.

38. No Loan shall be made by the Company to any Shareholder,
15 and if such be made, all Directors and other officers of the Company making the same, or in anywise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan, and also to third parties, to the extent of such loan, with legal interest, for all debts of the Company contracted from the time of the making of
20 such loan to that of the re-payment thereof.

39. The Directors of the Company shall be jointly and severally liable upon any and every written contract or undertaking of the Company on the face whereof the word " Limited " or the words
" Limited Liability " are not distinctly written or printed after the
25 name of the Company where first occurring in such Contractors undertaking.

40. The Directors of the Company shall be jointly and severally liable to the laborers, servants and apprentices thereof, for all debts, not exceeding one year's wages, due for service performed for the Com-
30 pany whilst they are such Directors respectively ; but no Director shall be liable to an action therefor, unless the Company has been sued therefor within one year after the debt became due, nor yet unless such Directors is sued therefor within one year from the time when he ceased to be such Director, nor yet before an execution against the Company, has been
35 returned unsatisfied in whole or in part ; and the amount due on such execution shall be the amount recoverable with costs against the Directors.

41. 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, with any grown person in charge
40 thereof, or elsewhere with the President or Secretary thereof ; or if the Company have no known office or chief place of business, and have no known President or Secretary, then, upon return to that effect duly made, the Court shall order such publication as it may deem requisite to be made in the premises, for at least one month, in at least one
45 newspaper ; and such publication shall be held to be due service upon the Company.

42. Any description of Action may be prosecuted and maintained between the Company and any Shareholder thereof ; and no Shareholder, not being himself a party to such suit, shall be incompetent as
50 a witness therein.

43. The Company shall be subject to such further and other provisions as Parliament may hereafter deem expedient.

44. The Company shall be subject to the provisions of any general Act of this or any future Session, for the winding up of Joint Stock Companies.

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An Act respecting Cruelty to Animals.

WHEREAS it is expedient that provision should be made, extending to all Canada, for the punishment of Cruelty to Animals; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Whosoever wantonly, cruelly, or unnecessarily beats, binds, illtreats, abuses or tortures any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Pig, or other Cattle, or any Poultry, or any Dog, or Domestic Animal or Bird, or whosoever driving any cattle or other animal, is by negligence or ill-usage in the driving thereof, the means whereby any mischief, damage or injury is done by any such cattle or other animal, shall upon being convicted of any or either of the said offences before any one Justice of the Peace for the District, County or place in which the offence has been committed, for every such offence, forfeit and pay (over and above the amount of the damage or injury, if any, done thereby, which damage or injury shall and may be ascertained and awarded by such Justice,) such a sum of money not exceeding ten dollars, nor less than one dollar with costs, as to such Justice seems meet.

2. The offender shall in default of payment be committed to the Common Gaol 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.

3. 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.

4. When any offence against this Act is committed, any constable or other peace officer, or the owner of any such cattle, animal or poultry, upon view thereof, or upon the information of any other person (who shall declare his or their name or names and place or places of abode to the said constable or other peace officer) may seize and secure by the authority of this Act, and forthwith, and without any other authority or warrant, may convey any such offender before a Justice of the Peace within whose jurisdiction the offence has been committed, to be dealt with according to law.

5. If any person apprehended for having committed any offence against this Act refuses to discover his name and place of abode to the Justice of the Peace before whom he is brought, such person shall be immediately delivered over to a constable or other peace officer, and shall by him be conveyed to the Common Gaol or place of confinement for the district, county or place within which the offence has been committed, or in which the offender has been apprehended, there to remain for any term not exceeding

one month, or until he makes known his name and place of abode to the said Justice.

6. The prosecution of every offence punishable under this Act must be commenced within three months next after the commission of the offence, and not otherwise.

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7. Every offence against any of the sections of this Act is a misdemeanor, and may be punished as such or 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.

8. All pecuniary penalties recovered before any Justice of the Peace under this Act, shall be divided, paid and distributed in the following manner, that is to say: one moiety thereof to the Corporation of the city, town, village, township, parish or place in which the offence was committed, and the other moiety, with full costs, to the person who informed and prosecuted for the same, or to such other person as to such Justice seems proper.

9. Every sum of money ascertained, and awarded, adjudged, by any Justice of the Peace under this Act to be paid as the amount of any damage or injury occasioned by the commission of any of the offences hereinbefore mentioned, shall be paid to the person who has sustained such damage or injury.

10. Where the word "cattle" is used in this Act it shall have the meaning assigned to it in the Act respecting larceny and other similar offences.

11. This Act shall commence and take effect upon, from and after the first day of January, one thousand eight hundred and seventy.

An Act respecting certain Offences relative to Her Majesty's
Army and Navy.

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

1. Whosoever not being an enlisted soldier in Her Majesty's service, or a seaman in Her Majesty's Naval service, by words or with
5 money, or by any other means whatsoever, directly or indirectly persuades or procures, or goes about or endeavours to persuade, prevail on or procure any such soldier or seaman to desert or leave Her Majesty's Military or Naval service, or conceals, receives or assists any deserter from Her Majesty's Military or Naval service,
10 knowing him to be such deserter, may be convicted thereof in a summary manner before any two Justices of the Peace, or before the Mayor of any City and any one Justice of the Peace, or before any Recorder, Judge of the Sessions of the Peace or Police Magistrate, on the evidence of one or more credible witness or witnesses, and shall
15 then be liable to a penalty not less than *eighty* dollars, nor more than *two hundred* dollars, in the discretion of the Court before which the conviction takes place, with costs, and in default of payment may be committed to gaol for any period not exceeding *six* months, or until such penalty is paid.
2. Whosoever buys, exchanges, or detains or otherwise receives from any soldier or deserter, any arms, clothing or furniture belonging to Her Majesty, or any such articles belonging to any soldier or deserter as are generally deemed regimental necessaries, according to the custom of the army, or causes the colour of such clothing or articles to be
25 changed, or exchanges, buys or receives from any soldier any provisions, without leave in writing from the officer commanding the regiment or detachment to which such soldier belongs, may be convicted thereof in the manner mentioned in the next preceding section, and shall then be liable to a penalty of not less than *twenty dollars* nor more than *forty*
30 *dollars* and costs, and in default of payment be committed to gaol for a period not exceeding nine months, or until such penalty is paid.
3. Whosoever buys, exchanges, or detains or otherwise receives from any seaman or marine, upon any account whatever, or has in his possession any arms or clothing, or any such articles belonging to any
35 seaman, marine or deserter, as are generally deemed necessaries, according to the custom of the navy, may be convicted thereof in the manner mentioned in the next preceding section but one, and shall then be liable to a penalty, not less than *sixty dollars* nor more than *one hundred and twenty dollars* and costs, and in default of payment shall
40 be committed to gaol for a term not exceeding nine months, or until such penalty is paid.

4. One-half the amount of any penalty imposed under any of the preceding sections shall be paid over to the prosecutor or person by

whose means the offender has been convicted, and the other moiety shall beong to the Crown.

5. Every offence against the preceding sections of this Act is a misdemeanor, and may be prosecuted as such, and the offender convicted shall then be liable to punishment by fine and imprisonment in the discretion of the Court, and nothing in this Act shall be construed to prevent any person being prosecuted, convicted and punished under any Act of the Imperial Parliament in force in Canada; but no person shall be twice punished for the same offence. 5

6. The examination of any soldier, seaman, or marine liable to be ordered from the Province in which any offence against this Act is prosecuted, or of any witness sick, infirm, or about to leave such Province, may be taken *de bene esse* before any Commissioner or other proper authority, in like manner as depositions in civil cases may be taken. 10 15

7. Any person reasonably suspected of being a deserter from Her Majesty's service, may be apprehended and brought for examination before any Justice of the Peace, and if it appears that he is a deserter, he shall be confined in gaol until claimed by the military or naval authorities, or proceeded against according to law. 20

8. No person shall break open any building to search for a deserter unless he has obtained a warrant for that purpose from a Justice of the Peace, such warrant to be founded on affidavit that there is reason to believe that the deserter is concealed in such building, and that admittance has been demanded and refused; and any person resisting the execution of any such warrant shall thereby incur a penalty of *eighty dollars*, recoverable on summary conviction in like manner as other penalties under this Act. 25 30

9. Any Justice of the Peace, upon information on oath or affirmation, may issue a warrant for the apprehension of any person charged with an offence against this Act, as in the case of other offences against the law. 30

An Act for the better protection of Her Majesty's Military and Navy Stores.

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

- 1. The marks described in the schedule to this Act may be applied in or on Her Majesty's Naval, Military, Ordnance, Barrack, Hospital, and Victualling stores, to denote Her Majesty's property in stores so marked.
- 2. The Admiralty and War Department, their contractors, officers and workmen, may apply the said marks, or any of them, in or on any such stores as are described in the said schedule.
- 10 3. Whosoever, without any lawful authority (proof of which authority shall lie on the party accused), applies any of the said marks in or on any such or any like stores, is guilty of a misdemeanor, and shall be liable to be imprisoned for any term less than two years, with or without hard labour.
- 15 4. Whosoever, with intent to conceal Her Majesty's property, in any Naval, Military, Ordnance, Barrack, Hospital or Victualling stores, takes out, destroys or obliterates, wholly or in part, any such mark as aforesaid is guilty of felony, and shall be liable to be imprisoned for any term less than two years, with or without hard labour, and with
20 or without solitary confinement.
- 5. Whosoever, without lawful authority (proof of which authority shall lie on the party accused), receives, possesses, keeps, sells or delivers any Naval, Military, Ordnance, Barrack, Hospital or Victualling stores, bearing any such mark as aforesaid, knowing them to bear
25 such mark, is guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding one year, with or without hard labour.
- 6. Where the person charged with such a misdemeanor as last aforesaid was, at the time at which the offence is charged to have been
30 committed, a dealer in marine stores, or a dealer in old metals, or in Her Majesty's service or employment, knowledge on his part that the stores to which the charge relates bore such mark as aforesaid shall be presumed until the contrary is shewn.
- 7. Any person charged with such misdemeanor as last aforesaid in
35 relation to stores, the value of which does not exceed twenty-five dollars, shall be liable, on summary conviction before two Justices of the Peace, or any Recorder, Stipendiary Magistrate, or Police Magistrate, or the City Court of Halifax, to a penalty not exceeding *one hundred dollars*, or in the discretion of the Court, or Justices or
40 Magistrate, to be imprisoned for any term not exceeding six months, with or without hard labour.

8. In order to prevent a failure of justice in some cases, by reason of the difficulty of proving knowledge of the fact that stores bore such a mark as aforesaid, if any Naval, Military, Ordnance, Barrack, Hospital or Victualling stores, bearing any such mark, are found in the possession of any person not being a dealer in marine stores, or a dealer in old metals, and not being in Her Majesty's service, and such person, when taken or summoned before two Justices of the Peace, Recorder, Stipendiary Magistrate, or Police Magistrate, or the City Court of Halifax, does not satisfy the Justices, Recorder, Magistrate, or the Court, that he came by the stores so found lawfully, he shall be liable, on conviction, to a penalty not exceeding *twenty-five* dollars; and if any such person satisfies the Justices, Recorder, Stipendiary or Police Magistrate or Court, that he came by the stores so found lawfully, the Justices, Recorder, Magistrate or Court, at their discretion, as the evidence given or the circumstances of the case require, may summon before them every person through whose hands such stores appear to have passed; and if any person as last aforesaid, who has had possession thereof, does not satisfy the Justices, Recorder, Stipendiary or Police Magistrate or Court, that he came by the same lawfully, he shall be liable, on conviction of having had possession thereof, to a penalty not exceeding *twenty-five* dollars, and in default of payment, to imprisonment for any period not exceeding three months, with or without hard labour.

9. For the purposes of this Act, stores shall be deemed to be in the possession or keeping of any person, if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.

10. It shall not be lawful for any person, without permission in writing from the Admiralty, or from some person authorized by the Admiralty in that behalf, to creep, sweep, dredge or otherwise search for stores in the sea or any tidal or inland water, within one hundred yards from any vessel belonging to Her Majesty or in Her Majesty's service, or from any mooring place or anchoring place appropriated to such vessels, or from any mooring belonging to Her Majesty, or from any of Her Majesty's wharves or docks, victualling or steam factory yards.

11. Whosoever contravenes the next preceding section shall be liable, on summary conviction before two Justices of the Peace, or any Recorder, Stipendiary or Police Magistrate, or the City Court of Halifax, to a penalty not exceeding *twenty-five dollars*, or to be imprisoned for any term not exceeding three months, with or without hard labour.

12. And it shall not be competent for any person other than the officer commanding the Naval or Military Forces in Canada, or some person acting under his authority, to institute or carry on under this Act any prosecution or proceeding for any offence against it.

13. Nothing in this Act shall prevent any person from being indicted under this Act or otherwise, for any indictable offence made punishable on summary conviction by this Act, or prevent any person from being liable under any other Act or otherwise, to any other or

higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

14. The term "Stores" shall include any single store or article.

15. In all prosecutions under this Act, proof that any soldier, seaman or marine was actually doing duty in Her Majesty's service shall be *prima facie* evidence that his enlistment, entry or enrolment has been regular.

16. Persons convicted or sentenced to imprisonment under this Act, before the City Court of Halifax, may, in the discretion of the Court, be imprisoned in the city prison with hard labour, instead of the county gaol.

17. This Act shall commence and take effect upon, from and after the first day of July, one thousand eight hundred and sixty-nine.

SCHEDULE.

Marks appropriated for Her Majesty's use in or on Naval, Military, Ordnance, Barrack, Hospital and Victualling stores.

STORES.	MARKS.
Hempen Cordage and Wire Rope.	White, black, or coloured worsted threads laid up with the yarns and the wire, respectively.
Canvas, Fearnought Hammocks, and Seamen's Bags.	A blue line in a serpentine form.
Bunting.	A double tape in the warp.
Candles.	Blue or red cotton threads in each wick, or wicks of red cotton.
Timber, metal, and other stores not before enumerated.	The broad arrow, with or without the letters W.D.

16. The term "goods" shall include any single thing or article...

17. In all proceedings under this Act, proof that any soldier, sailor...

18. Persons convicted or sentenced to imprisonment under this Act...

19. This Act shall commence and take effect upon the first day...

SCHEDULE

Goods specified for the purpose of this Act are as follows...

MARKS	STONES
White, black, or coloured worsted threads laid up with the warp and the weft respectively.	Hemp, Cotton and Wire Ropes.
A blue line in a serpentine form.	Barren's Mark.
A double line in the warp.	Barren's Mark.
Blue or red cotton threads in the warp or weft of red cotton.	Barren's Mark.
The head arrow, with or without the letters W.D.	Tin, metal, and other stones and factors enumerated.

An Act for the better preservation of the Peace in the vicinity of Public Works.

FOR the preservation of the peace, and for the protection of the lives, persons and property of Her Majesty's subjects, in the neighbourhood of public works on which large bodies of labourers are congregated and employed: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Governor in Council may, as often as occasion requires, declare by Proclamation that upon and after a day therein named, this Act shall be in force in any place or places in Canada therein designated within the limits or in the vicinity whereof any Railway, Canal or other public work is in progress of construction, or such places as are in the vicinity of any such Canal or Railway or other work as aforesaid, within which he deems it necessary that this Act should be in force,—and this Act shall, upon and after the day to be named in any such Proclamation, take effect within the places designated in such Proclamation:

2. The Governor in Council may, in like manner, from time to time, declare this Act to be no longer in force in any of such place or places; and may again from time declare the same to be in force therein.

3. But no such Proclamation shall have effect within the limits of any City.

2. Upon and after the day to be fixed for such purpose in such Proclamation, no person employed upon or about any such Canal, Railway or other work as aforesaid, within the place or places in which this Act is then in force, shall keep or have in his possession or under his care or control, within any such, place, any gun or other firearm, or air-gun or any part thereof, or any sword, sword blade, bayonet, pike, pikehead, spear, spearhead, dirk, dagger, or other instrument intended for cutting or stabbing, or any steel or metal knuckles, or other deadly or dangerous weapon, under a penalty of not less than two dollars, nor more than four dollars for every such weapon found in his possession.

3. On or before the day appointed as aforesaid in such Proclamation, every person employed on or about the Canal, Railway or other work to which the same relates, shall bring and deliver up to some Commissioner or Officer to be appointed for the purposes of this Act, every such weapon in his possession, and shall obtain from such Commissioner or Officer a receipt for the same.

4. When this Act ceases to be in force within the place where any weapon has been delivered and detained in pursuance thereof, or when the owner or person lawfully entitled to any such weapon satisfies the

Commissioner that he is about to remove immediately from the limits within which this Act is at the time in force, the Commissioner may deliver up to the owner or person authorized to receive the same, any such weapon, on production of the receipt so given for it.

5. Every such weapon found in the possession of any person employed 5
as aforesaid, after the day named in any Proclamation as that on or
before which such weapon ought to be delivered up, and within the
limits designated in the Proclamation bringing this Act into force,
may be seized by any Justice, Commissioner, Constable or other
Peace Officer, and shall be forfeited to the use of Her Majesty. 10

6. If any person, for the purpose of defeating this Act, receives or
conceals, or aids in receiving or concealing, or procures to be received
or concealed, within any place where this Act is at the time in force,
any such weapon as aforesaid belonging to or in the custody of any per-
son employed on or about any such Railway, Canal or other work, such 15
person shall forfeit a sum of not less than *forty dollars* nor more than
one hundred dollars; one half to belong to the informer, and the other
half to Her Majesty.

7. Any Commissioners appointed under this Act, or any Justice of
the Peace having authority within the place where this Act is at the 20
time in force, upon the oath of a credible witness that he believes that
any such weapon as aforesaid is in the possession of any person or in any
house or place contrary to the provisions of this Act, may issue his
warrant to any Constable or Peace Officer to search for and seize the
same, and he, or any person in his aid, may search for and seize the 25
same in the possession of any person, or in any such house or place :

2. In case admission to any such house or place be refused
after demand, such Constable or Peace Officer, and any person in his aid,
may enter the same by force by day or by night, and seize any
such weapon and deliver it to such Commissioner; and unless the party 30
in whose possession or in whose house or premises the same has been
found, do, within four days next after the seizure, prove to the satis-
faction of such Commissioner or Justice that the weapon so seized
was not in his possession or in his house or place contrary to the
meaning of this Act, such weapon shall be forfeited to the use of Her 35
Majesty.

8. Any Commissioner or Justice, Constable or Peace Officer, or any
person acting under a warrant, in aid of any Constable or Peace
Officer,—may arrest and detain any person employed on any such
Railway, Canal, or other work, found carrying any such weapon as afore- 40
said, within any place where this Act is at the time in force, at such time
and in such manner as in the judgment of such Commissioner, Justice,
Constable or Peace Officer, or person acting under a warrant, affords
just cause of suspicion that they are carried for purposes dangerous to
the public peace.—And the act of so carrying any such weapon by any 45
person so employed shall be a misdemeanor, and the Justice or Com-
missioner arresting such person, or before whom he is brought under
such a warrant, may commit him for trial for a misdemeanor, unless he
gives sufficient bail for his appearance at the next term or sitting of
the Court before which the offence can be tried, to answer to any 50
indictment to be then preferred against him,

9. Every Commissioner under this Act shall make a monthly return to the proper authority of all weapons delivered to him, and by him detained under this Act.

10. All weapons declared forfeited under this Act, shall be sold or destroyed under the direction of the Commissioner by whom or by whose authority the same were seized, and the proceeds of such sale, after deducting necessary expenses, shall be received by such Commissioner and paid over by him to the Receiver General for the public uses of the Dominion.

10 11. Any Commissioner of Police appointed under the Act passed in the thirty-first year of Her Majesty's Reign, and intituled *An Act respecting Police of Canada*, or any other Act of the Parliament of Canada, may act as a Commissioner under this Act, in any place in which it was then in force, if directed to do so by order
15 of the Governor General, and any Police Constable appointed under the said Act, may act as a Constable or Peace Officer in such place if so directed by any such Commissioner.

12. Upon and after the day to be fixed in such Proclamation, and during such period as the Proclamation may remain in force, no person
20 shall at any place within the limits specified in such Proclamation barter, sell, exchange or dispose of directly or indirectly to any other person, any alcoholic, spirituous, vinous, fermented or other Intoxicating Liquor, or any mixed Liquor a part of which is spirituous, or vinous, fermented or otherwise intoxicating,—nor shall expose, keep or have in
25 his possession for sale, barter or exchange, any intoxicating Liquor :

2. But this section shall not extend to any person selling Intoxicating Liquors by wholesale, and not retailing the same, if such person be a licensed Distiller or Brewer.

13. Any person who, in contravention of the next preceding section,
30 by himself, his clerk, servant or agent, exposes or keeps for sale or barter, or sells, disposes of, gives or exchanges for any other matter or thing, to any other person, any Intoxicating Liquor, shall be liable to a fine of *twenty dollars* on the first conviction, *forty dollars* on the second, and on the third and every subsequent conviction, to such last
35 mentioned fine and imprisonment for a period not more than six months.

14. If any clerk, servant or agent, or other person in the employment or on the premises of another, sells, disposes of, or exchanges for any other matter or thing, or assists in selling, disposing of, or exchanging
40 ing for any other matter or thing, any Intoxicating Liquor, in contravention of this Act, for the person in whose service or on whose premises he is, he shall be held equally guilty with the principal, and shall suffer the like penalty.

15. If any three credible persons make oath or affirmation before
45 any Commissioner, or Justice of the Peace, that they have reason to believe and do believe that any Intoxicating Liquor intended for sale or barter in contravention of this Act, is kept or deposited in any steamboat or other vessel, or in any carriage or vehicle, or in any store, shop, warehouse, or other building or premises

at any place within which such Intoxicating liquor is by Proclamation under this Act prohibited to be sold or bartered or kept for sale or barter, or on any river, lake or water adjoining such place,—the Commissioner or Justice, shall issue his Warrant of Search to any Sheriff, Police Officer, Bailiff or Constable, who shall forthwith proceed 5 to search the steamboat, vessel, premises or place described in such Warrant, and if any Intoxicating Liquor be found therein, he shall seize the same, and the barrels, casks or other packages in which it is contained, and convey them to some proper place of security, and there keep them until final action is had thereon ;—But no dwelling house in 10 which, or in part of which a shop or bar is not kept, shall be searched, unless one at least of the said complainants testifies on oath to some act of sale of Intoxicating Liquor therein or therefrom, in contravention of this Act within one month of the time of making the said complaint :

2. The owner or keeper of the Liquor seized as aforesaid, if he is 15 known to the Officer seizing the same, shall be summoned forthwith before the Commissioner or Justice by whose warrant the Liquor was seized, and if he fails to appear, and it appears to the satisfaction of such Commissioner or Justice, that the said Liquor was kept or intended for sale or barter, in contravention of this Act, it shall 20 be declared forfeited with any package in which it is contained, and shall be destroyed by authority of the written Order to that effect of the said Commissioner or Justice, and in his presence, or in the presence of some person appointed by him to witness the destruction thereof, and who shall join with the officer by 25 whom the said liquor has been destroyed, in attesting that fact upon the back of the order by authority of which it was done ; And the owner or keeper of such liquor shall pay a fine of *forty dollars and costs*, or be committed to prison for three months in default thereof.

16. If the owner, keeper or possessor of liquor seized under the 30 next preceding section is unknown to the officer seizing the same, it shall not be condemned and destroyed until the fact of such seizure has been advertised, with the number and description of the package as near as may be, for two weeks, by posting up a written or printed notice and description thereof in at least three public places of the 35 place where it was seized :

2. And if it is proved within such two weeks to the satisfaction of the Commissioner or Justice by whose authority such Liquor was seized, that it was not intended for sale or barter in contra- 40 vention of this Act, it shall not be destroyed, but shall be delivered to the owner, who shall give his receipt therefor upon the back of the Warrant, which shall be returned to the said Commissioner or Justice who issued the same ; but if after such advertisement as aforesaid, it appears to such Commissioner, or Justice, that such liquor was 45 intended for sale or barter, in contravention of this Act, then such liquor, with any package in which it is contained, shall be condemned, forfeited, and destroyed.

17. Any payment or compensation for liquor sold or bartered in contravention of this Act, whether in money or securities for money, labor or property of any kind, shall be held to have been criminally 50 received without consideration, and against law, equity and good conscience, and the amount or value thereof may be recovered from the

receiver by the party making, paying or furnishing the same;—and all sales, transfers, conveyances, liens and securities of every kind which either in whole or in part have been given for or on account of Intoxicating Liquor sold or bartered in contravention of this Act, shall be null against all persons, and no right shall be acquired thereby, and no action of any kind shall be maintained either in whole or in part for or on account of Intoxicating Liquor sold or bartered in contravention of this Act.

18. Any Commissioner or Justice of the Peace may hear and determine in a summary manner any case arising within his jurisdiction under this Act; and every person making complaint against any other person for contravening this Act, or any part or portion thereof, before such Commissioner or Justice, may be admitted as a witness; and if the Commissioner or Justice before whom the examination or trial is had, so orders, as he may if he thinks there was probable cause for the prosecution, the defendant shall not recover costs though the prosecution fails.

19. All the provisions of any Law respecting the duties of Justices of the Peace in relation to summary convictions and orders, and to appeals from such convictions, and for the protection of Justices of the Peace when acting as such, or to facilitate proceedings by or before them, in matters relating to summary convictions and orders, shall in so far as they are not inconsistent with this Act, apply to every Commissioner or Justice mentioned in this Act or empowered to try offenders against this Act, and any such Commissioner shall be deemed a Justice of the Peace within the meaning of any such Law, whether he be or be not a Justice of the Peace for other purposes.

20. Any action brought against any Commissioner or Justice, Constable, Peace Officer, or other person, for any thing done in pursuance of this Act, must be commenced within six months next after the fact;—and the venue shall be laid or the action instituted in the District or County or place where the fact was committed; and the Defendant may plead the general issue and give this Act and the special matter in evidence; And if such action is brought after the time limited, or the venue is laid or the action brought in any other District, County or place than as above prescribed, the judgment or verdict shall be given for the Defendant; and in such case, or if the judgment or verdict is given for the Defendant on the merits, or if the Plaintiff becomes nonsuit or discontinues after appearance is entered, or has judgment rendered against him on demurrer, the Defendant shall be entitled to recover double costs.

21. No action or other proceeding, Warrant, Judgment, Order or other instrument or Writing, authorized by this Act, or necessary to carry out its provisions, shall be held void, or be allowed to fail for defect of form.

22. In this Act the word "Commissioner" means a Commissioner under this Act; the word "weapon" includes every kind of weapon mentioned or included in the second section of this Act, and all ammunition which can be used with or for any such weapon, and any instrument or thing intended to be used as a weapon. The expression

"intoxicating liquor" means and includes every kind of liquor mentioned or included in the twelfth section of this Act; and the expression "District, County or place," includes any division of any Province, for the purposes of the administration of justice in the matter to which the context relates.

23 This Act shall commence and take effect on the first day of July, in the year of Our Lord, one thousand eight hundred and sixty-nine.

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An Act respecting Patents of Invention.

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

PATENT OFFICE CONSTITUTED.

1. There shall be attached to the Department of Agriculture, as a branch thereof, an Office to be named The Patent Office ; and the Minister of Agriculture for the time being shall be the Commissioner of Patents of Invention ; and it shall be the duty of the said Commissioner to receive all applications, fees, papers, documents and models for patents, and to perform such acts and things respecting the granting and issuing of patents for new and useful inventions, discoveries, and improvements as are herein provided for ; and he shall have the charge and custody of the books, records, papers, models, machines, and other things belonging to the said Office.

2. The Commissioner shall cause a seal to be made for the purposes of this Act, and may cause to be sealed therewith letters patent and other instruments and copies proceeding from the Patent Office ; and all Courts, Judges, and other persons whomsoever shall take notice of such seal, and receive impressions thereof in evidence, in like manner as impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof and without production of the originals, all copies or extracts certified under the seal of the said Office to be copies of or extracts from documents deposited in such office.

3. The Commissioner 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 approved as aforesaid and circulated in print for the use of the public shall be deemed a true interpretation of the meaning of the law ; and all documents, executed after the same and accepted by the Commissioner, shall be held valid so far as relating to proceedings in the Patent Office.

4. The Deputy of the Minister of Agriculture shall be the Deputy Commissioner of Patents of Invention ; and the Governor may, from time to time, appoint such clerks and officers under him as may be necessary for the purpose of this Act, and such clerks and officers shall hold office during pleasure.

5. The Commissioner shall cause a report to be prepared annually and laid before Parliament of the proceedings under this Act, and shall from time to time and at least once in a year, publish in the *Canada Gazette* a list of Patents granted, and may, with the approval of the Governor in Council, cause such specifications and drawings as may be deemed of interest, or essential

parts thereof, to be printed from time to time for distribution or sale.

WHO MAY OBTAIN PATENTS.

6. Any person having been a resident of Canada for at least one year next before his application, and having invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on any art, machine, manufacture or composition of matter, not known or used by others before his invention or discovery thereof, or not being at the time of his application for a patent in public use or on sale in any of the Provinces of the Dominion with the consent or allowance of the inventor or discoverer thereof, may, on a petition to that effect presented, to the Commissioner and on compliance with the other requirements of this Act, obtain a Patent granting to such person an exclusive property therein; and the said Patent shall be under the seal of the Patent Office and the signature of the Commissioner, or the signature of another member of the Privy Council in the absence of the Commissioner, and shall be good and avail to the grantee, his heirs, assigns or other legal representatives, for the period mentioned in such Patent but no Patent shall issue for an invention or discovery having an illicit object in view, nor for any mere scientific principle or abstract theorem.

7. An original and true inventor or discoverer shall not be deprived of the right to a Patent for his invention or discovery by reason of his having, previously to his application, taken out a Patent therefor in any other country, and the same having been published at any time within six months next preceding the filing of his specification and drawing as required by this Act.

8. The Patent may be granted to any person to whom the inventor or discoverer, entitled under the sixth section to obtain a Patent, has assigned or bequeathed the right of obtaining the same, and the exclusive property in the invention or discovery in Canada, or in default of such assignment or bequest, to the executor or administrator of the deceased inventor, or discoverer or other legal representative.

9. Any person, having been a resident of Canada for at least one year next before his application, and who has invented or discovered any improvement on any Patented invention or discovery, may obtain a Patent for such improvement, but shall not thereby obtain the right of vending or using the original invention or discovery, nor shall the Patent for the original invention or discovery confer the right of vending or using the patented improvement.

10. In cases of joint applications, the Patent shall be granted in the names of all the applicants; and in such cases, any assignment from one of the said applicants or patentees to the other shall be registered in the manner of other assignments.

CONDITIONS AND FORMALITIES.

11. Every applicant for a Patent, before he can obtain the same, shall make oath or affirmation that he verily believes that he is, or that the person whose assignee or representative he is, is or was

the true inventor, or discoverer of the invention or discovery for which the Patent is solicited, and that he, or the person whose assignee or representative he is, was a resident of Canada for one year next before the application, or in case of death of the inventor or discoverer, for one year next before such death. Such oath or affirmation may be made before any Justice of the Peace in Canada; but if the applicant is not at the time in Canada, the oath or affirmation may be made before any Minister Plenipotentiary, *chargé d'affaires*, consul or consular agent, holding commission under the government of the United Kingdom, or any Judge of the Country in which the applicant happens at the time to be.

12. The Petitioner for a Patent shall for all the purposes of this Act elect his domicile at some known and specified place in Canada, and mention the same in his Petition for a Patent.

13. The applicant shall, in his petition for a Patent, insert the title or name of his invention or discovery, its object and a short description of the same, and shall distinctly allege all the facts which are necessary under this Act to entitle him to a Patent therefor, and shall with the petition send in a written specification, in duplicate, of his invention or discovery, describing the same in such full, clear and exact terms, as to distinguish it from all contrivances or processes for similar purposes.

14. The specification shall correctly and fully describe the mode or modes of operating contemplated by the applicant,—and shall state clearly and distinctly the contrivances and things which he claims as new and for the use of which he claims an exclusive property and privilege;—it shall bear the name of the place where it is made, the date, and be signed by the applicant and two witnesses;—in the case of a machine the specification shall fully explain the principle and the several modes in which it is intended to apply and work out the same; in the case of a machine or in any other case where the invention or discovery admits of illustration by means of drawings, the applicant shall also, with his application, send in drawings in duplicate showing clearly all parts of the invention or discovery; and each drawing shall bear the name of the inventor or discoverer and shall have written references corresponding with the specification, and a certificate of the applicant that it is the drawing referred to in the specification; but the Commissioner may require any greater number of drawings than those above mentioned, or dispense with any of them, as he may see fit; one duplicate of the specification and of the drawings, if any drawings, shall be annexed to the Patent, of which it forms an essential part, and the other duplicate shall remain deposited in the Patent Office.

15. The applicant shall also deliver to the Commissioner, unless specially dispensed from so doing for some good reason, a neat working model of his invention or discovery on a convenient scale, exhibiting its several parts in due proportion, whenever the invention or discovery admits of such model; and shall deliver to the Commissioner specimens of the ingredients, and of the composition of matter sufficient in quantity for the purpose of experiment, whenever the invention is a composition of matter; provided such ingredients and composition are not of an explosive character or otherwise dangerous, in which case they are to be

furnished only when specially required by the Commissioner, and then with such precautions as shall be prescribed in the said requisition.

CONTENTS, DURATION, SURRENDER, RE-ISSUE OF PATENTS AND DISCLAIMERS.

16. Every patent granted under this Act shall recite briefly the substance of the petition on which it is granted, and shall contain the title or name of the invention or discovery and a short description of the same, referring for a fuller detail to the specification,—and shall grant to the Patentee, his assigns and legal representatives, or in trust as the case may be, for the period therein mentioned from the granting of the same, the exclusive right, privilege and liberty of making, constructing and using, and vending to others to be used, the said invention or discovery,—and shall contain a condition that it is nevertheless subject to adjudication before any Court of competent jurisdiction. 5 10

17. Patents of invention or discovery issued by the Patent Office shall be valid for a period of five years ; but at or before the expiration of the said five years the holder thereof may obtain an extension of the patent for another period of five years, and after those second five years may again obtain a further extension for another period of five years ; and the instrument delivered by the Patent Office for such extension of time shall be in the form which may be from time to time adopted, and shall be made in duplicate, one duplicate to remain of record and be duly registered, and the other to be attached, with a reference, to the Patent, under the seal of the Patent Office, and signature of the Commissioner, or any other Privy Councillor in case of absence of the Commissioner. 15 20 25

18. Whenever any patent shall be deemed defective or inoperative by reason of insufficient description or specification, or by reason of the patentee claiming more than he had a right to claim as new, but at the same time it appears that the error arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention, the Commissioner may, upon the surrender of such patent, cause a new patent in accordance with an amended description and specification to be made by such patentee, to be issued to him for the same invention or discovery, for any part or the whole of the then unexpired residue of the five years period for which the original patent was or might have been, as herein before directed, granted ;—In case of the death of the original patentee or of his having assigned the patent, a like right shall vest in his assignee, or legal representative : The new patent, and the amended description and specification, shall have the same effect in law, on the trial of any action thereafter commenced for any cause subsequently accruing, as if the same had been originally filed in such corrected form before the issue of the original patent. 30 35 40

19. Similarly, whenever by any mistake, accident or inadvertence and without any wilful intent to defraud or mislead the public, a patentee has made his specification too broad, claiming more than that of which he or the party through whom he claims was the first inventor or discoverer, or has in the specification claimed that he or the party through whom he claims was the 45 50

first inventor or discoverer of any material or substantial part of the invention or discovery patented, of which he was not the first inventor or discoverer, and had no legal right thereto;— the patentee may make disclaimer of such parts as he shall not
5 claim to hold by virtue of the patent or the assignment thereof;—such disclaimer shall be in writing, and in duplicate, and attested in the manner hereinbefore prescribed for a patent, one copy to be filed and recorded in the office of the Commissioner, the other copy to be attached to the Patent and made a part thereof by refer-
10 ence, and such disclaimer shall thereafter be taken and considered as part of the original specification. Such disclaimer shall not affect any action pending at the time of its being made, except in so far as may relate to the question of unreasonable neglect or delay in making it. In case of the death of the original Patentee or of his
15 having assigned the Patent, a like right shall vest in his assigns or legal representatives respectively, any of whom may make disclaimer. The Patent shall thereafter be deemed good and valid for so much of the invention or discovery as is truly the disclaimant's own, and not disclaimed, provided it be a material and
20 substantial part of the invention or discovery and definitely distinguished from other parts claimed without right; and the disclaimant shall be entitled to maintain a suit for such part accordingly.

ASSIGNMENT AND INFRINGEMENT OF PATENTS.

20. The Government of Canada may always use any patented
25 invention or discovery, paying to the patentee such sum as the Commissioner may report to be a reasonable compensation for the use thereof.

21. Every Patent for an invention or discovery whensoever issued shall be assignable in law either as to the whole interest
30 or as to any part thereof, by any instrument in writing; but such assignment and also every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention or discovery patented within and through-
out the Dominion of Canada, or within and throughout any one or
35 more of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, or any part of any of such Provinces or of the Dominion shall be registered in the Office of the Commissioner; and every assignment affecting a Patent for invention or discovery shall be deemed null and void against any subsequent assignee unless
40 such instrument is registered as herein before prescribed, before the registering of the instrument under which such subsequent assignee may claim.

22. Every person who, without the consent in writing of the Patentee, makes, constructs or puts in practice any invention or
45 discovery for which a Patent has been obtained under this Act, or procures such invention or discovery from any person not authorized to make or use it by the Patentee, and uses it, shall be liable to the Patentee in an action of damages for so doing;— and the judgment shall be enforced, and the damages, and costs
50 as may be adjudged, shall be recovered in like manner as in other cases in the Court in which the action is brought.

23. An action for the infringement of a Patent may be brought before any Court of Record having jurisdiction to the amount of damages asked for and having its sittings within the Province in which the infringement is said to have taken place, and being at the same time, of the Courts of such jurisdiction within such Province, the one of which the place of holding is nearest to the place of residence or of business of the defendant; and such Court shall decide the case and determine as to costs. In any action for the infringement of a Patent, the Court if sitting, or any Judge thereof in Chambers if the Court be not sitting may, on the application of the plaintiff or defendant respectively, make such order for an injunction, restraining the opposite party from further use, manufacture or sale of the subject matter of the patent, and for his punishment in the event of disobedience to such order, or for inspection or account, and respecting the same and the proceedings in the action, as the Court or Judge may see fit;—but from such order an appeal shall lie under the same circumstances and to the same Court, as from other judgments or orders of the Court in which the order was made.

24. Whenever the plaintiff fails to sustain his action, because his specification and claim embrace more than that of which he was the first inventor or discoverer, and it appears that the defendant used or infringed any part of the invention or discovery justly and truly specified and claimed as new, the Court may discriminate, and the judgment may be rendered accordingly.

25. The defendant in any such action may specially plead as matter of defence any fact or default which by this Act or by law would render the Patent void; and the Court shall take cognizance of that special pleading and of the facts connected therewith, and shall decide the case accordingly.

NULLITY, IMPEACHMENT AND VOIDANCE OF PATENTS.

26. A Patent shall be void, if any material allegation in the petition or declaration of the applicant be untrue, or if the specification and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, such omission or addition being wilfully made for the purpose, of misleading; but if it shall appear to the Court that such omission or addition is simply an involuntary error, and it is proved that the Patentee is entitled to the remainder of his Patent *pro tanto*, the Court shall render a judgment in accordance with the facts, and determine as to costs, and the Patent shall be held valid for such part of the invention described, and two office copies of such judgment shall be furnished to the Patent Office by the Patentee, one to be registered and to remain of record in the office, and the other to be attached to the Patent and made a part of it by a reference.

27. Every Patent granted under this Act shall be subject and expressed to be subject to the condition that such Patent and all the rights and privileges thereby granted shall cease and determine and the Patent shall be null and void, at the end of three years from the date thereof, unless the Patentee shall, within that period, have commenced and carried on in Canada the construction or manufacture of the invention or discovery patented, in such manner that any person desiring to use it may obtain it or cause it to

be made for him at a reasonable price at some manufactory or establishment for making or constructing it, in Canada, and that such patent shall be void if after the expiration of eighteen months from the granting thereof, the patentee or his assignee or assignees for the whole or a part of his interest in the Patent, imports or causes to be imported into Canada, the invention or discovery for which the Patent is granted.

28. Any person desiring to impeach any Patent issued under this Act, may obtain a sealed and certified copy of the Patent and of the petition, declaration, drawings and specification thereunto relating, and may have the same filed in the Office of the Prothonotary or Clerk of the Superior Court for the Province of Quebec, or of the Court of Queen's Bench or Common Pleas for the Province of Ontario, or of the Supreme Court in the Province of Nova Scotia, or of the Court of Queen's Bench in the Province of New Brunswick, according to the domicile elected by the Patentee as aforesaid; 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 Seal of the Court grounded upon such record may issue for the repeal of the Patent, for legal 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.

29. A certificate of the judgment voiding any Patent, shall, at the request of any person or party filing it to be of record in the Patent Office, be entered on the margin of the enrolment of the Patent in the Office of the Commissioner, and the Patent shall thereupon be and be held to have been void and of no effect, unless and until the judgment be reversed on appeal as hereinafter provided.

30. The judgment declaring any Patent void shall be subject to appeal to any Court of Appeal having appellate jurisdiction in other cases over the Court by which the same was rendered.

PATENTS ISSUED UNDER FORMER LAWS

31. All patents issued under any Act of the Legislature of the late Province of Canada, or of Nova Scotia or of New Brunswick, and all Patents issued for the Provinces of Ontario and Quebec under the Act of the late Province of Canada, to the date of the coming into operation of the present Act, shall remain in force for the same term, and for the same extent of territory, as if the Act under which they were issued had not been repealed, but subject to the provisions of this Act in so far as applicable to them.

2. And it shall be lawful for the Commissioner, upon the application of the patentee named in any such patent, being the inventor or discoverer of the subject matter of the patent and a British subject, or a resident in any Province of Canada for upwards of a year, 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 a patent under this Act extending such Provincial patent over the whole of the Dominion, for the remainder of the term mentioned in such patent.

32. All the records of the Patent Offices of the late Province of Canada, and of the Provinces of Ontario and Quebec, of Nova Scotia and New Brunswick, shall be handed over by the officers in charge of them to the Commissioner of Patents of invention or discovery, to form part of the records of the Patent Office for the purposes of this Act. 5

MISCELLANEOUS PROVISIONS.

33. An intending applicant for a Patent who has not yet perfected his invention or discovery and is in fear of being despoiled of his idea, may file in the Patent Office a description of his invention or discovery so far, with or without plans, at his own will; and the Commissioner shall cause the said Document to be preserved in secrecy, with the exception of delivering copies of the same whenever required by the said party or by any judicial tribunal—the secrecy of the document to cease when he obtains a Patent for his invention or discovery and such document shall be called a *caveat*. 10 15

34. The Commissioner may object to grant a Patent in the following cases : 20

1. When he is of opinion that the alleged invention or discovery is not patentable in law ;

2. When it appears that the invention or discovery is already in the possession of the public with the consent or allowance of the inventor ; 25

3. When it appears that the invention or discovery has been described in a book or other printed publication before the date of the application ; or otherwise in the possession of the public.

4. When it appears that the invention or discovery has already been patented except, however, when the case is one within the seventh section of this Act ; or one in which the Commissioner has doubts as to whether the patentee or the applicant is the first inventor or discoverer. 30

35. Whenever the Commissioner objects to grant a Patent as aforesaid, he shall notify the applicant to that effect and shall state the ground or reason therefor with sufficient detail to enable the applicant to answer, if he can, the objection of the Commissioner. 35

36. Every applicant who has failed to obtain a Patent by reason of the objection of the Commissioner as aforesaid, may at any time within six months after notice thereof has been addressed to him or his agent, appeal from the decision of the Commissioner to the Governor in Council. 40

37. In cases of interfering applications for any Patent, the same shall be submitted to the arbitration of three skilled persons, one of whom shall be chosen by each of the applicants, and the third person shall be chosen by the Commissioner, or by his Deputy or the person appointed to perform the duty of that office ;—And the decision or award of such Arbitrators, or any two of them, delivered to the Commissioner in writing, and subscribed by them, or any two of them, shall be final as far as respects the granting of the Patent; 45

2. If either of the applicants refuses or fails to choose an Arbi- 50

trator, when required so to do by the Commissioner, the Patent shall issue to the opposite party;—And when there are more than two interfering applicants, and the parties applying do not all unite in appointing three Arbitrators, the Commissioner or his
5 Deputy, or person appointed to perform the duty of that office, may appoint the three Arbitrators for the purposes aforesaid.

38. All specifications, drawings, models, disclaimers, judgments and other papers, except *caveats*, shall be open to the inspection of the public at the Patent Office, under such regulations as may be
10 adopted in that behalf.

39. Clerical errors happening in the framing or copying of any instrument of the Patent Office, shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Commissioner.

15 **40.** In case any Letters Patent shall be destroyed or lost, others of the like tenor, date and effect may be issued in lieu thereof,

41. No Letters Patent shall extend to prevent the use of any invention or discovery in any foreign ship or vessel, where such invention or discovery is not so used for the manufacture of any
20 goods to be vended within or exported from Canada.

42. Every person who before the issuing of a Patent has purchased, constructed or acquired any invention or discovery for which a Patent has been obtained under this Act, shall have the right of using and vending to others, the specific art, machine,
25 manufacture or composition of matter patented, so purchased, constructed or acquired before the issue of the Patent therefor, without being liable to the Patentee or his representatives for so doing; but the Patent shall not be held invalid as regards other persons by reason of such purchase, construction or acquisition or use of
30 the invention or discovery by the person first aforesaid, or by those to whom he may have sold the same, unless the same was purchased, constructed or acquired or used for a longer period than one year before the application for a patent therefor.

43. Every Patentee under this Act, shall stamp, or engrave on
35 each patented article sold or offered for sale by him, the year of the date of the Patent applying to such article, thus; "Patented 1869,"—or as the case may be; and any such patentee selling or offering for sale any such Patented article not so marked, shall be liable to the punishment of a fine not to exceed one hundred dollars, and,
40 in default of the payment of such fine, to imprisonment not to exceed two months.

44. Whosoever writes, paints, prints moulds, casts, carves, engraves, stamps or otherwise marks upon any thing made or sold
45 Patentee, the name or any imitation of the name of any Patentee for the sole making or selling of such thing, without the consent of such Patentee—or without the consent of the Patentee writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything not purchased from the Patentee, the words,

Patent," "Letters Patent," "Queen's Patent," "Patented," or any word or words of like import, with the intent of counterfeiting or imitating the stamp, mark or device of the Patentee, or of deceiving the public and inducing them to believe that the thing in question was made or sold by or with the consent of the Patentee,—shall be 5 deemed to have committed a misdemeanor, and shall on conviction be punished therefor by fine or by imprisonment or both, in the discretion of the Court before which the conviction shall be had; but the fine shall not exceed two hundred dollars, nor shall the imprisonment exceed three months. 10

45. Any person wilfully making or causing to be made any false entry in any register or book, or any false or altered copy of any document relating to the purposes of this Act, or who shall produce or tender any such false or altered document knowing the same to be such, shall be guilty of a misdemeanor, and shall be 15 punished by fine and imprisonment accordingly.

46. Chapter thirty-four of the Consolidated Statutes of the late Province of Canada, respecting Patents for Inventions,—Chapter one hundred and seventeen of the Revised Statutes of Nova Scotia, (third series),—Chapter one hundred and eighteen of the Revised 20 Statutes of New Brunswick,—and any Act amending any of the said Chapters, or any other Act, are hereby repealed, in so far as they 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 25 under the said laws or any of them, before the coming into force of this Act.

47. When citing this Act it shall be sufficient to call it "The Patent Act of 1869."

48. This Act shall commence and take effect on the first day of 30 July, 1869.

An Act respecting Joint Stock Companies incorporated by Letters Patent.

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 as the "Canada Joint Stock Companies Letters Patent Act, 1869."

2. The following expressions, in this Act, and in all letters patent and supplementary letters patent issued under the same, shall have the meaning hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say :

1. The expression "the letters patent" means the letters patent incorporating a Company for any purpose contemplated by this Act ;

2. The expression "the supplementary letters patent" means any letters-patent granted for the increasing or reducing of the capital stock of such Company ;

3. The expression "the Company" means the Company so incorporated by letters patent ;

4. The expression "the undertaking" means the whole of the works and business of every kind, which the Company is authorized to carry on ;

5. The expression "real estate" or "land" includes all immoveable real property of every kind ;

6. The expression "shareholder" means every subscriber to or holder of stock in the Company, and extends to and includes the personal representatives of the shareholder.

3. The Governor in Council may, by letters patent under the great seal, grant a charter to any number of persons, not less than five, who shall petition therefor, constituting such persons and others who may become shareholders in the company thereby created, a body corporate and politic, for any of the purposes or objects to which the Legislative authority of the Parliament of Canada extends, except the construction and working of Railways, or the business of Banking and the issue of paper money, or Insurance.

4. 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 the same, stating therein :

1. The proposed corporate name of the Company, which shall not be that of any other known company incorporated or unincorporated, or any name liable to be unfairly confounded therewith, or otherwise on public grounds objectionable ;

2. The object for which its incorporation is sought ;
3. The place or places within the Dominion of Canada, 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 ;
4. The amount of its capital stock ; 5
5. The number of shares and amount of each share ;
6. The names in full and the address and calling of each of the applicants, with special mention of the names of not less than three nor more than nine of their number, who are to be the first directors of the Company, and the major part of whom must be resident in 10 Canada, and subjects of Her Majesty by birth or naturalization.
5. At any time, not more than one month after the last 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 ; 15
2. Such petition must recite the facts set forth in the notice, and must further state the amount of stock taken by each applicant, and also the amount paid in upon the stock of each applicant, and the manner in which the same has been paid in, and is held for the Company ; 20
3. The aggregate of the stock so taken must be at least the one half of the total amount of stock of the Company ;
4. The aggregate so paid in thereon must be at least ten per cent thereof, or five per cent of the total capital ; unless such total exceed five hundred thousand dollars, in which case the aggregate paid in 25 upon the excess over five hundred thousand dollars must be at least two per cent thereof ;
5. Such aggregate must have been paid in to the credit of the Company, or of trustees therefor, and must be standing at such credit, in some chartered bank or banks in Canada, unless the object of the 30 Company is one requiring that it should own real estate, in which case, not more than one half of such aggregate may be taken as being paid in if *bonâ fide* invested in real estate suitable to such object duly held by trustees for the Company, and being fully of the required value over and above all incumbrances thereon ; 35
6. 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.
6. Before the letters patent are issued, the applicants must establish to the satisfaction of the Secretary of State, or of such other officer as 40 may be charged by order of the Governor General in Council to report thereon the sufficiency of their notice and petition, the truth and sufficiency 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 ; 45
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.

7. The letters patent shall recite all the material averments of the notice and petition, as so established.

5 8. 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.

10 9. Every Company so incorporated may acquire, hold, alienate and convey, any real estate, requisite for the carrying on of the undertaking of such Company, and shall forthwith become and be invested with all rights, real and personal, heretofore held by or for it under any trust created with a view to its incorporation, and with all the powers privi-
15 leges and immunities requisite to the carrying on of its undertaking, as though incorporated by a special Act of Parliament, or making it by that name a body politic and corporate, and embodying all the provisions of this Act and of the letters patent.

10 10. The Directors of the Company, if they see fit at any time, after
20 the whole capital stock of the Company shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the Company to any amount which they may consider requisite in order to the due carrying out of the objects of the Company.

25 2. Such by-law shall declare the number and value of the shares of the new stock; and may prescribe the manner in which the same shall be allotted; and in default of its so doing, the control of such allotment shall be held to vest absolutely in the Directors.

30 11. The Directors of the Company, if they see fit at any time, may make a by-law for decreasing the capital stock of the Company to any amount which they may consider sufficient in order to the due carrying out of the undertaking of the Company, and advisable;

2. Such by-law shall declare the number and value of the shares of the stock as so decreased; and the allotment thereof, or the rule or
35 rules by which the same shall be made.

12. But no by-law for increasing or decreasing the capital stock of the Company, shall have any force or effect whatever, until after it shall have been sanctioned by a vote of not less than two thirds in value of the shareholders at a general meeting of the Company duly
40 called for considering the same—and afterwards confirmed by supplementary letters patent.

13. At any time, not more than six months after such sanction of such by-law, the Directors may petition the Governor, through the Secretary of State, for the issue of supplementary letters patent to
45 confirm the same;

2. With such petition they must produce such by-law, and establish to the satisfaction of the Secretary of State, or of such other officer as may be charged by order of the Governor in Council, to report thereon,

—the due passage and sanction of such by-law, and the *bonâ fide* character of the increase or decrease of capital thereby provided for;

3. And to that end the Secretary of State or such officer may take and keep of record any requisite evidence in writing under oath or affirmation, and may administer every requisite oath or affirmation. 5

14. Upon due proof so made, the Governor in Council may grant such supplementary letters patent under the great seal; and notice thereof shall be forthwith given by the Secretary of State in the Canada Gazette, in the form of the schedule B appended to this Act; and thereupon, from the date of the supplementary letters patent, 10 the capital stock of the Company shall be and remain increased, or decreased, as the case may be, to the amount, in the manner, and subject to the conditions set forth by such by-law; and the whole of the stock, as so increased or decreased, shall become subject to the provisions of this Act, in like manner (so far as may be) as though 15 every part thereof had formed part of the stock of the Company originally subscribed.

15. All powers given to the Company by the letters patent and supplementary letters patent granted in its behalf, shall be exercised subject to the provisions and restrictions contained in this Act. 20

16. The affairs of every such Company shall be managed by a Board of not less than three, nor more than nine Directors.

17. The persons named as such, in the Letters Patent, shall be the Directors of the Company, until replaced by others duly appointed in their stead. 25

18. No person shall be elected or appointed as a Director thereafter, 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 after Directors of the Company shall, further, at all times, be persons resident in Canada, and subjects of Her Majesty by birth or 30 naturalization.

19. The after 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 two years, as the Letters Patent, or (in default thereof) the By-laws of the Company 35 may prescribe.

20. In default only of other express provisions in such behalf, by the Letters Patent or By-laws of the Company,—

1. Such election shall take place yearly, all the members of the Board retiring, and (if otherwise qualified) being eligible for re- 40 election;

2. Notice of the time and place for holding general meetings of the Company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the office or chief place of business of the Company; 45

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 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 of the Company ; and shall also name, and may remove at pleasure, all other officers thereof.

21. If at any time an election of Directors be not made or do not take effect at the proper time, the Company shall not be held to be thereby dissolved ; but such election may take place at any general meeting of the Company duly called for that purpose ; and the retiring Directors shall continue in office until their successors are elected.

22. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and may make, or cause to be made, for the Company, any description of contract which the Company may by law enter into ; and may, from time to time, make By-laws not contrary to law, nor to the Letters Patent of the Company, 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 the Directors, 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, 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 in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by By-law, and the conduct in all other particulars of the affairs of the Company ; and may, from time to time, repeal, amend or re-enact the same ; but every such By-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a General Meeting of the Company, duly called for that purpose, shall only have force until the next Annual Meeting of the Company, and in default of confirmation thereat, shall, at and from that time only, cease to have force ; Provided always that one-fourth part in value of the Shareholders of the Company, shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

23. 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 or Equity in Canada.

24. The stock of the Company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the Letters Patent or By-laws of the Company, are or shall be prescribed.

25. If the Letters Patent make no other definite provision, the

stock of the Company, so far as it is not allotted thereby, shall be allotted when and as the Directors, by By-law or otherwise may ordain.

26. The Directors of the Company may call in and demand from the Shareholders thereof, respectively, all sums of money by them 5 subscribed, at such times and places, and in such payments or instalments, as the Letters Patent, or this Act, or the By-laws of the Company may require or allow; 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. 10

27. Not less than ten per centum upon the allotted Stock of the Company shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the Company; and for every year thereafter, at least a further five per centum shall in like manner be called in and made payable, until the whole shall have been 15 so called in.

28. The Company may enforce payment of all calls and interest thereon, by action in any competent Court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating 20 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 25 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.

29. If, after such demand or notice as by the Letters Patent or 30 By-laws of the Company may be prescribed, any call made upon any share or shares be not paid within such time as by such Letters Patent or By-laws 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 forfeit any shares whereon such payment is 35 not made; and the same shall thereupon become the property of the Company, and may be disposed of as by By-laws or otherwise they shall ordain.

30. No share shall be transferable, until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of 40 calls thereon.

31. No shareholder being in arrear in respect of any call, shall be entitled to vote at any meeting of the Company.

32. The Company shall cause a book or books to be kept by the Secretary, or by some other officer especially charged with that duty, 45 wherein shall be kept recorded—

1. A copy of the Letters Patent incorporating the Company, and of any supplementary Letters Patent for increasing or decreasing the capital stock thereof, and of all by-laws thereof.

2. The names, alphabetically arranged, of all persons who are or have been shareholders;

3. The address and calling of every such person, while such shareholder;

5 4. The number of shares of stock, held by each shareholder;

5. The amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder;

6. All transfers of stock, in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the
10 date of the entry thereof; and—

7. The names, addresses and calling, of all persons who are or have been Directors of the Company; with the several dates at which each ever became or ceased to be such Director.

33. The Directors may refuse to allow the entry into any such book,
15 of any transfer of stock whereof the whole amount has not been paid in; and whenever entry is made into such book, of any transfer of stock not fully paid in, to a person not being of apparently sufficient means, the Directors, jointly and severally, shall be liable to the creditors of the Company, in the same manner and to the same extent
20 as the transferring shareholder, but for such entry, would have been; but if any Director present when such entry is allowed 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 minute book of the Board of Directors, his protest against the same, and do
25 within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

34. No transfer of stock, unless made by sale under execution, shall
30 be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor, to the Company and their creditors,—until the entry thereof has been duly made in such book or books.

35 **35.** Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company; and every such shareholder, creditor or representative may make extracts there-
40 from.

36. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any shareholder.

37. Every Director, officer or servant of the Company, who know-
45 ingly makes or assists to make any untrue entry in any such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of a misdemeanor, and being convicted thereof,

shall be punished accordingly, and shall also be liable in damages for all loss or injury which any person interested may have sustained thereby.

38. Every Company neglecting to keep such book or books open for inspection as aforesaid, shall forfeit its corporate rights. 5

39. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in 10 respect of such share, and whether or not notice of such trust has been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

40. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the By-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, 15 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 20 whatsoever to any third party, therefor; provided always, that nothing in this Act 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, or to engage in the business of banking or insurance. 30

41. No Company shall use any of its funds in the purchase of stock in any other Corporation.

42. 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 up thereon; but shall not be 35 liable to an action therefor by any creditor, before an execution against the Company 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.

43. The Shareholders of the Company shall not as such be held 40 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 hereof. 45

44. 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 50 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
5 accordingly.

45. 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
10 all such meetings, and may vote accordingly as a Shareholder.

46. 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
15 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
20 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 may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself
25 from such liability.

47. No Loan shall be made by the Company to any Shareholder and if such be made, all Directors and other officers of the Company making the same, or in anywise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan,—and also
30 to third parties; to the extent of such loan, with legal interest,—for all debts of the Company contracted from the time of the making of such loan to that of the repayment thereof.

48. The Directors of the Company shall be jointly and severally liable upon any and every written contract or undertaking of the
35 Company on the face whereof the word "Limited" or the words "Limited Liability" are not distinctly written or printed after the name of the Company where first occurring in such contract or undertaking.

49. The Directors of the Company shall be jointly and severally liable
40 to the laborers, servants and apprentices thereof, for all debts, not exceeding one year's wages, due for service performed for the Company whilst they are such Directors respectively; but no Director shall be liable to an action therefor, unless the Company has been sued therefor within one year after the debt became due, nor yet unless such Director
45 is sued therefor within one year from the time when he ceased to be such Director, nor yet before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the Directors.

50. Service of all manner of summons or writ whatever upon the
50

Company, may be made by leaving a copy thereof at the office or chief place of business of the Company, with any grown person in charge thereof, or elsewhere with the President or Secretary thereof; or if the Company have no known office or chief place of business, and have no known President or Secretary, then, upon return to that effect 5 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.

51. Any description of Action may be prosecuted and maintained 10 between the Company and any Shareholder thereof; and no Shareholder, not being himself a party to such suit, shall be incompetent as a witness therein.

52. In any action or other legal proceeding, it shall not be requisite 15 to set forth the mode of incorporation of the Company, otherwise than by mention of it under its corporate name, as incorporated by virtue of letters-patent,—or of letters-patent and supplementary letters-patent, as the case may be,—under this Act; and the notice in the Canada Gazette, of the issue thereof, shall be *prima facie* proof of all things thereby declared; and on production of the letters patent, or supple- 20 mentary letters-patent themselves, or of any exemplification or copy thereof under the great seal, the fact of such notice shall be presumed; and, save only in any proceeding, by *scire facias* or otherwise, for direct impeachment thereof, the letters patent or supplementary letters-patent themselves, or any exemplification or copy thereof under the great 25 seal, shall be conclusive proof of every matter and thing therein set forth.

53. The charter of the Company shall be forfeited by non-used during three consecutive years at any one time,—or if the Company or not go into actual operation within three years after it is granted; and 30 no declaration of such forfeiture by any Act of Parliament shall be deemed an infringement of such charter.

54. The Company shall be subject to such further and other provisions as Parliament may hereafter deem expedient.

55. The Governor in Council may from time to time establish, alter, 35 and regulate the tariff of the fees to be paid on applications for letters-patent and supplementary letters-patent under this Act, may designate the department or departments through which the issue thereof shall take place, and may prescribe the forms of proceeding and record in respect thereof, and all other matters requisite for carrying out the ob- 40 jects of this Act.

2. Such fees may be made to vary in amount, under any rule or rules,—as to nature of Company, amount of capital, and otherwise,—that may be deemed expedient;

3. No step shall be taken in any Department towards the issue of 45 any letters-patent or supplementary letters-patent under this Act, until after the amount of all fees therefor shall have been duly paid.

56. The Act chapter sixty-three of the consolidated statutes of Canada, intituled: "An Act respecting joint stock Companies for man- 50 ufacturing, mining, mechanical, chemical or other purposes, or for

the erection of public hotels or baths and bath-houses, or the opening and using of salt or mineral springs, or for carrying on fishing,"—the Act chapter thirty-one of the statutes of the late Province of Canada passed in the twenty-third year of Her Majesty's reign, and intituled: "An Act 5 respecting the judicial incorporation of joint-stock Companies for certain purposes,—and the Act chapter twenty-three of the statutes of the said late Province passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, and intituled: "An 10 Act to authorize the granting of charters of incorporation to manufacturing, mining and other companies,"—and all Acts extending or amending the same, or any of them, and sections one to seven both inclusive and sections ten, eleven, twelve, and thirteen, of chapter sixty-seven of the consolidated statutes of Canada, intituled; "An Act respecting Telegraph Companies,"—are hereby repealed in so far as regards 15 the formation or incorporation hereafter, in virtue of any of the provisions thereof, of any company whatever, the incorporation of which is subject to the control of the Parliament of Canada.

2. But every such Company heretofore incorporated by virtue of any of such Acts, shall so remain, and no provision of such Acts shall, 20 as touching any such Company, be in any wise affected by this Act;

3. And every application for the incorporation of any Company, the incorporation of which is subject to the control of the Parliament of Canada,—pending at the time of the passing of this Act under the said Act passed in the twenty-third year of Her Majesty's reign or under 25 the said Act chapter twenty-three of the Acts passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign,—may be proceeded with, and incorporation by judicial decree or letters-patent (as the case may be) may be obtained in virtue thereof, as though this Act had not been passed.

30 **57.** The Company shall be subject to the provisions of any Act of this or any future Session, for the winding up of Joint Stock Companies.

SCHEDULE A.

Public notice is hereby given, that under the Canada Joint-Stock Companies Letters Patent Act, 1869, letters-patent have been issued under the great seal of the Dominion of Canada bearing date the day of incorporating [*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 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.

Public notice is hereby given, that under the Canada Joint-stock Companies Letters Patent Act 1869, supplementary letters-patent have

been this day issued under the great seal of the Dominion of Canada, bearing date the _____ day of _____ whereby the total capital stock of [here state the name of the Company] is increased [or decreased, as the case may be] from _____ dollars to _____ dollars.

Dated at the office of the Secretary of State of Canada, this _____ day of _____

A. B.

A-12

An Act to amend the law respecting the Inspection of Leather and Raw Hides.

WHEREAS it is expedient to amend the Acts 27 and 28 Victoria, Chapter 21, and 29 and 30 Victoria, Chapter 24, which regulate the Inspection of Leather and Raw Hides: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 22, of the Act 27 and 28 Victoria, Cap. 21, is hereby repealed, and the following substituted therefor:

New section substituted for 27, 28 V. c. 21, s. 22.

10 "All brand or stamp marks made by the Inspector, shall be neat and legible, and shall be made within a space not less than two inches long by one and one half inch broad, and shall be imprinted on the right side, and on the left side of the hide in the middle of the extreme end thereof, between the hinder legs and the tail; if such brand or stamp marks are not neat or legible the hides shall be held to be not inspected."

15 2. The following paragraph shall be added to Section 33 of the said Act, 27 and 28 Vict., Cap. 21:

Addition to sec. 23 of same Act.

20 "If any dispute arises between a purchaser and a seller of raw hides in relation to inspections which have been made elsewhere than in the City in which such hides are, the purchaser may appeal to the Board of Examiners of the said City, who after examination may, if they find the Inspection to be incorrect or unsatisfactory, order a new Inspection to be made by the Inspector of such City.

3. Section 3 of the Act 29 and 30 Vict., Cap. 24, shall be read as follows:

Sec. 3, of 29, 30 Vict. cap. 24, amended.

25 "Every Inspector shall subtract from the weight of each raw hide all dirt and other matters which ought not to be included in the weight of the hide, and may add to such weight all that such hides may have lost by drying; the whole at his discretion.

30 4. The Inspector shall classify raw hides as numbers one, two, or three, as the case may be; Number one denoting raw hides which are in no way injured by knife-cuts or otherwise; Number two denoting those which have received some injury from knife-cuts; and number three including hides which are much injured by knife-cuts, all bulls' hides and all considered to be such, all those which are corroded and pierced by ticks, those of animals which have died from disease, and generally all those that have been injured in any other way.

Classification of Raw Hides.

No. 57.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to amend the law respecting the
Inspection of Leather and Raw Hides.

Received and read, first time, Monday, 10th
May, 1869.

Second reading, Wednesday, 12th May, 1869,

Mr. HUOT.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

No. 58.]

BILL.

[1869.

An Act respecting Elections of Members of the House of Commons.

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 as "The Election Law, 1869." Short title.

INTERPRETATION.

2. The word "Owner" when it relates to the ownership of property situated in the Province of Quebec, shall signify proprietor, either in his own right or in the right of his wife, or as usufructuary (*usufruitier*) of a real estate in *franc-alieu*, or in free and common soccage; so that in the Province of Quebec, whenever any person has the mere right of property in any real property, and some other person has the usufructuary enjoyment (*la jouissance et l'usufruit*) of the same for his own use and benefit, the person who has the mere right of property therein shall not have the right of voting as the owner of such real property, at any Election; but in such case such usufructuary (*usufruitier*) shall alone be entitled to vote at such Election upon such lands or tenements; "Owner" in Province of Quebec.

2. The word "owner" when it relates to the ownership of property situated elsewhere than in the Province of Quebec, shall mean the proprietor for his own use and benefit of lands and tenements, by virtue of some legal title vesting the same in him in freehold under the tenure of free and common soccage. "Owner" elsewhere.

3. The word "tenant" wherever used in this Act shall mean as well any person who pays rent in money as any person who is bound to render to the owner a portion of the produce of such property, equivalent in value thereto. Tenant.

4. The words "Dwelling house" wherever used in this Act shall include a part of a house occupied as a separate dwelling, by any tenant having a separate access to the street. Dwelling house.

5. The word "Electoral District" shall mean any county or other place in, or portion of the Dominion of Canada, entitled to return a member to the House of Commons. Electoral District.

WHO MAY VOTE AT ELECTIONS.

IN COUNTIES.

3. Every male person shall in and after the year one thousand eight hundred and sixty-nine, be entitled to be registered in the List of Voters hereby required to be made, as a voter in Canada, and when registered to vote, for a member to serve in Parliament for any Voter in Counties, their qualifications.

Electoral District, being a County or Riding of a County, who is qualified as follows, that is to say :

1. If he is of the full age of twenty-one years, and not subject to any legal incapacity ; and
 2. Is a subject of Her Majesty by birth or naturalization ; and 5
- If owner.** 3. Is the owner of lands or tenements lying and being within the Electoral District, of the actual value of two hundred dollars ; or
- If tenant.** 4. Is the tenant of any such lands or tenements within the Electoral District, under a written lease for five years, at an annual rental of twenty dollars or upwards, and has been in possession thereof as such tenant for one year prior to the date of the promulgation of the Voters List by the Board, Judge or Revising Barrister, in any year, and has really and *bona fide* paid the year's rent for such lands or tenements which accrued last before such date at the rate of twenty dollars a year ; or 15
- If occupant.** 5. Is the occupant of any lands or tenements within the Electoral District, of the actual value of two hundred dollars, under a license of occupation or agreement of purchase from the Crown, and has been in occupation of the same for at least one year next before the date of the promulgation of the Voters' List as aforesaid ; or 20
- As regards income.** 6. Is a resident within such Electoral District, and is in receipt of an annual *bona fide* income of four hundred dollars, and has been in actual receipt thereof for at least one year immediately before the promulgation of the Voters' List as aforesaid ;
7. The provisions of this section shall apply to Electors in such townships in Ontario as are attached to towns for electoral purposes ;
8. The provisions of this section shall also apply to the Electoral District of Algoma, which shall as regards the qualifications of electors therein, be held to be a county within the meaning and for the purposes of this Act. 30
- IN CITIES.**
- Qualifications of voters in Cities.** 4. Every male person shall in and after the year one thousand eight hundred and sixty-nine, be entitled to be registered in the List of Voters hereby required to be made as a voter in Canada, and when registered to vote for a member to serve in Parliament for any city or part of any city which is an Electoral District, who is qualified as follows, that is to say : if he
1. Is of the full age of twenty-one years, and not subject to any legal incapacity ; and
 2. Is a subject of Her Majesty by birth or naturalization ; and
 3. Is the owner of a lot of land with a dwelling-house thereon, lying and being within the limits of such Electoral District, such lot and dwelling-house being of the actual value of four hundred dollars, and is in actual uninterrupted possession of such lot and dwelling-house or in the receipt of the rent and profits thereof as owner ; or 40
 4. Is the tenant of a lot of land with a dwelling-house, or part or parts of a dwelling-house or houses thereon, lying and being within the limits of such Electoral District, and has resided as a tenant within the said limits during the period of twelve months next before the date of the promulgation of the Voters' List as aforesaid ; or 45

mulgation of the List of Voters, by the Board, Judge or Revising Barrister, and has really and *bona fide* paid one year's rent for such dwelling-house, or part or parts of a dwelling-house or houses, at the rate of thirty dollars or upwards per annum ; provided that the year's rent 5 so required to be paid, to entitle such tenant to vote at any such election, shall be the year's rent up to the last yearly, half yearly, or quarterly day of payment (or as the case may be), which shall have occurred next before the date of the promulgation of such list as aforesaid ; and provided also that a change of residence in any such 10 city or the liberties thereof, shall not in any case deprive any tenant who has been duly registered, of his right to vote at any such election if he be in all other respects qualified to vote thereat ; and provided also, that any person who shall hold and occupy within the limits of such Electoral District, a shop, counting-house, 15 office or other place of business, and who shall not live and have his actual residence therein, shall not be entitled to be registered as a voter ; or

5. Is a resident within such Electoral District, and is in receipt of Income. an annual *bona fide* income of four hundred dollars, and has 20 been in actual receipt thereof for at least one year immediately before the date of the promulgation of the Voters' List as aforesaid.

IN TOWNS.

5. Every male person shall in and after the year one thousand eight hundred and sixty-nine, be entitled to be registered in the list of voters hereby required to be made, as a voter in Canada, and 25 when registered, to vote for a member to serve in Parliament for any town which is an Electoral District, who is qualified as follows, that is to say :

1. If he is of the full age of twenty-one years, and not subject to any legal incapacity ; and

30 2. Is a subject of Her Majesty by birth or naturalization ; and

3. Is the owner of a lot of land with a dwelling house thereon, lying 35 and being within the limits of such town, such lot and dwelling house being of the actual value of three hundred dollars, and is in actual uninterrupted possession of such lot and dwelling house, or in the receipt of the rent and profits thereof as owner ; or

4. Is the tenant of a lot of land with a dwelling house thereon, lying 40 and being within the limits of such town, and has resided as a tenant within the said limits during the period of twelve months next before the date of the promulgation of the list of voters by the Board, Judge or Revising Barrister, in any year and has really and *bona fide* paid one years' rent on such dwelling house or part or parts of a dwelling house or houses at the rate of twenty dollars or upwards per annum ; Provided that the years' rent so required to be paid to entitle such tenant to vote at any such Election, shall be the year's rent up to the last yearly, half yearly 45 or quarterly day of payment (as the case may be) which shall have occurred next before the date of the promulgation of the voters' list as aforesaid, and provided also that a change of residence in any such town or the liberties thereof shall not in any case deprive any tenant who has been duly registered, of his right to vote at any such Election, if he be in all 50 other respects qualified to vote thereat ; and provided also that any person who shall only hold and occupy within the limits of such town a shop or counting house, office or other place of business, and who shall not live and have his actual residence therein, shall not be entitled to be registered as a voter ; or

Income.

5. Is a resident within such town or the liberties thereof, and is in receipt of an annual *bonafide* income of four hundred dollars, and has been in actual receipt thereof for at least one year immediately before the date of the promulgation of the voters' list as aforesaid;

Case of joint owners or tenants.

6. Whenever two or more persons, whether as being partners in business, joint tenants or tenant in common, or *par indivis*, are entered on such list of voters as aforesaid, as the owners of any real property, or as tenants or occupants thereof, each of such persons shall be entitled to vote and to be entered on the list of voters in respect of such property, if the value of his part or share be sufficient to entitle him to vote at any Election for Members to represent in the House of Commons, the Electoral District within which such property is situate, if such property were in his individual name;—Except that if the property be held by any body corporate, no one of the members thereof shall be entitled to vote or be entered on the list of voters, in respect of such property; And provided that such persons, as in this section mentioned, must establish their right before the Board of Registration Judge or Revising Barrister according to the provisions of this Act, and be entered on the list of voters accordingly;

Where electors in townships, &c., may vote.

2. The electors of townships and parishes shall only vote at the polling place established for the polling district wherein the property on which they are qualified to vote is situated; and electors voting in respect of income at the polling place in the polling district within which they reside; but in cities the electors shall vote according to the alphabetical order arranged by the Returning Officer for each of the polling places.

Property partly in two polling districts.

7. When any real property, although wholly within the same electoral district, nevertheless lies partly within the limits of one of the polling districts therein, and partly within the limits of another of the said polling districts, the person entitled to vote as the owner, tenant or occupant of such property may vote in either of the said polling districts at his discretion if his name be entered in the list of voters for such polling district.

Existing lists to serve until new lists prepared.

8. Until the lists of voters required by this Act to be made up, or so made, revised and corrected, the persons entitled to vote at any Election of a Member to serve in the House of Commons for any Electoral District shall be such persons as were entitled to vote at the last Election held in any such Electoral District before the passing of this Act, and the lists of voters to be used at any such Election shall be the lists which were or might have been lawfully used at such Election.

WHO SHALL NOT VOTE AT ELECTIONS.**Certain persons are not to vote.**

9. The Chancellor and Vice Chancellors of the Province of Ontario,—all Chief Justices and Judges of Courts of Record,—all County and District Judges,—all Officers of the Customs,—all Agents for the sale of Crown Lands, belonging to Canada—and all Officers of excise,—shall be disqualified and incompetent to vote at any Election of a Member of the House of Commons of Canada.

Penalty

2. And if any public officer or person mentioned in this section votes at any such Election, he shall forfeit thereby the sum of two thousand dollars, to be recovered by such person as shall sue for the same, by action of debt, bill, plaint or information, in and before any Court of competent civil jurisdiction in Canada, and his vote at such election shall be null and void.

10. No Returning Officer, Deputy-Returning Officer, Election Clerk or Poll Clerk,—and no person who, at any time, either during the Election or before the Election, is or has been employed at the said Election or in reference thereto, or for the purpose of forwarding the same, by any Candidate or by any person whomsoever, as Counsel, Agent, Attorney or Clerk, at any polling place at any such Election, or in any other capacity whatever, and who has received or expects to receive either before, during or after the said Election, from any candidate or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security whatever for any sum of money, fee, office, place or employment,—shall be entitled to vote at any Election.

Returning
Officer, &c.,
not to vote.

11. No woman is or shall be entitled to vote at any Election.

Women not
to vote.

BOARD OF REGISTRATION.

12. The Governor shall within _____ months after the passing of this Act, appoint three proper persons in each Electoral District in Canada, who shall constitute a Board of Registration of Electors, to prepare and make a first voters' list to be used under the provisions of this Act, in each Polling District within each such Electoral District whose duties shall be as hereinafter provided and who shall be duly sworn to the impartial performance of their duty in the form prescribed in the Schedule A to this Act annexed before any Judge or Justice of the Peace.

Board of
Registration.

13. The Board shall forthwith after their appointment ascertain, by the best means in their power, the persons whose names, under the provisions of this Act, are entitled to be included in the voters' lists, hereby required to be made up and prepared by the Board, and shall enter the names of such persons therein, distinguishing them respectively as owners, tenants, occupants or purchasers under the Crown, showing the number of the lot or part of lot, or other description of the real property in respect of which they are so qualified, and as those entitled to vote as possessed of the requisite income qualification as hereinbefore provided.

Revision of
list.

14. In order to the perfection and revision of the voters' lists the said Board shall, within three months after the date of their appointment, post up a copy of the said list for each Polling District in three of the most public places in each polling district of their Electoral district with the following notice:—

Their duties.

“The Board of Registration of the _____ will meet at _____ in the _____ on the _____ day of _____ next, at 10 o'clock, A. M., to revise the List of Electors for the _____, and any person claiming to add to or strike off a name from the list, must give notice thereof, with the cause of objection, to either of us, on or before the 1st day of _____ next, and also notify the person or persons proposed to be struck off.

Dated the _____ day of _____

15. And the Board shall also cause public notice of the time and place of such meeting, to be given by advertisement in one or more of the newspapers published or circulating within the Electoral District if any there be.

Notice of
meeting.

16. Any person who proposes to strike a name from the list at such meeting shall give three clear days notice in writing to the party objected to, either personally or by leaving it at his last or usual place

Proceedings.

of abode, and shall prove on oath the giving the notice to the satisfaction of the Board before they hear the objection.

Lists how revised.

17. At the time and place appointed, the Board shall meet and correct the lists, and shall, with all convenient dispatch, make out an alphabetical list of the electors of each polling district, stating their residences when known, and they shall add to or strike off from the list the name of any person whose qualification or disqualification is satisfactorily proved to the Board. 5

Powers of Board.

18. The Board shall have power to summon witnesses to attend at the time and place appointed, to give evidence as to the qualification or disqualification of any person, and to administer an oath and examine the parties and such witnesses on oath; and every person so summoned who shall neglect to attend without good cause shown therefor to the Board, or attending shall refuse to be sworn or give evidence, shall be liable to a penalty of twenty dollars. 15

Applications for further revision.

19. The list of voters made in the manner hereinbefore prescribed shall be subject to further revision and correction by the Board, and application may be made by parties desirous of having the same corrected, to the said Board during such time as shall be appointed by the Board and of which public notice shall be given by the Board. 20

Determination of complaints.

20. The Board shall take cognizance of any complaint made in writing by one or more Electors, to the effect that any property designated in such complaint has been overvalued in the voters' list, provided such overvaluation would have the effect of giving the right of voting to a person not otherwise entitled to vote: And the Board shall determine such complaints in the manner, and with the formalities appointed with regard to the complaints referred to in the next following sections. 25

Persons aggrieved, proceedings by.

21. If any person deems himself aggrieved either by the insertion or omission of his name in any such list, he shall, either by himself or his agent, give notice thereof in writing to the Board within the period aforesaid, stating generally in what manner, and for what reasons he holds himself aggrieved; and the complaint shall be tried and determined by the said Board at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant. 35

Further proceedings.

22. If any person, being himself a voter whose name is on the list, thinks that the name of any other person also entered thereon ought not to have been so entered because such other person is not duly qualified as a voter,—or thinks that the name of any other person not entered thereon should be so entered because such person is duly qualified as an elector, he may file a complaint to that effect with the Board within the period aforesaid, stating his complaint and the grounds thereof, and the complaint shall be tried and determined by the Board at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant, and to the person the entry of whose name on the list is objected to, if he resides within the limits of the Electoral District, (and, if not, such notice shall be openly posted up in the office of the Board for the information of all concerned,) or to the person whose name is not entered on the said list, but ought to be entered thereon if the complaint be admitted; 50

Hearing of the parties.

23. At the time and place so appointed, or any other time and place to which the hearing may be adjourned, the Board shall, after hearing such of the parties notified as aforesaid as then and there appear, or without hearing any of them who fail so to appear, finally

determine the complaint and affirm or amend the said list by entering thereon or erasing therefrom the said names, as after such hearing they think right;

24. The Board shall hear and determine any such complaint as aforesaid, and correct the list of voters according to such determination, and may adjourn the hearing in any case at pleasure, and may examine any party or any witness adduced by any party, or any documents or writings offered as evidence, and administer or cause any one of their number to administer an oath or affirmation to any party or to any witness adduced before them, or summon any person resident in the Electoral District to attend as a witness before them;— And if any person being so summoned shall fail to attend at any time and place mentioned in the summons (being tendered compensation for his time at the rate of fifty cents a day, such compensation to be paid by the party whom the said Board or authority condemns to the payment thereof,) he shall thereby incur a penalty of twenty dollars, to be recovered with costs, to the use of the Crown.

25. All the proceedings under this section shall be summary, and the Board hearing any such complaint as aforesaid shall not be bound by any technical rules of proceeding or evidence, but shall proceed upon and determine such complaint to the best of their ability, in such manner as they deem most conducive to equity and the substantial merits of the case.

26. Any person who has filed any complaint to the Board for making up the lists of voters in any Electoral District, or concerning whom a complaint has been filed, and who deems himself aggrieved by the decision of such Board touching such complaint, may, within eight days after such decision has been given, appeal therefrom to the Judge of the County Court for the County constituting or including within its limits such Electoral District in the Provinces of Ontario and New Brunswick, or of the Superior Court for the District in which such Electoral District is in the Province of Quebec, or to any other Judge or Barrister who may have been designated by the Governor for that purpose as hereinafter mentioned, or the Revising Barrister appointed under the provisions of this Act in Nova Scotia and having jurisdiction within any Electoral District, by a petition setting forth briefly the grounds of appeal, and shall serve a copy of such petition on the Board and other parties concerned :

27. The Judge or Revising Barrister shall have full power and authority to hear and determine such appeal in a summary manner at such time and in such way as he thinks best for ensuring justice to all parties, and may direct that any further notice be given to any party, if he thinks proper, and shall have the powers for summoning before him and examining on oath or affirmation, any party or witness and compelling the production of any document, paper or thing, and generally all other powers which are vested in any Court of Record, in relation to any matter pending before it, but shall not be bound to observe any form of proceeding, except such only as he shall deem necessary for doing substantial justice to all parties;

28. The decision of such Judge or Barrister shall be final and conclusive, and the Board having custody of the list of voters to which it relates, shall correct the same, if any correction be ordered by such decision, immediately on receiving a copy thereof certified by the Judge or Barrister by whom it has been given ;

- Costs of appeal.** **29.** The costs of any such appeal shall be in the discretion of the Judge or Barrister and shall be taxed by him at such sum and for and against such parties respectively as he thinks right; and any party in whose favor any such costs are taxed, may recover them by suit at law from the party against whom they are taxed. 5
- Evidence on appeal.** **30.** No evidence shall be received by the Judge or Barrister on any such appeal, except such as he sees reasonable cause to think was adduced before the Board whose decision is appealed from; And the pendency of any such appeal shall not effect the validity of those parts of the lists of voters from which no appeal is made, but the same shall for all the purposes of this Act be deemed finally revised and corrected so soon as the delay allowed for appealing has expired: And no proceeding on such appeal shall be void for want of form. 10
- Delivery of lists.** **31.** After any list has been revised and finally corrected, the Board shall deliver the same certified as hereinafter prescribed to the proper Judge or Revising Barrister as provided in this Act; and until another is in a future year made, revised and corrected in its stead, those persons only whose names are entered upon such list, as finally revised and corrected, shall be entitled to vote in the polling district for which it was made at any Election of a Member of the House of Common the Electoral District of which such Polling District forms part. 15 20
- Lists to be certified.** **32.** The Board or one of them shall prior to the delivery of the said list to the Judge or Revising Barrister, certify by oath or affirmation before a Judge, or before any two Justices of the Peace, to the correctness of the list so by them made out, and shall transmit a duplicate original thereof certified by oath or affirmation as aforesaid, to the Secretary of State,—And all such lists shall be completed and delivered as aforesaid, on or before the day of in the year 1869; 25
- Penalty for neglect.** **33.** If the Board neglects to revise, make up and deliver the list as aforesaid, or wilfully transmits an incorrect list, for every such neglect or wilful delivery or transmission of an incorrect list, each member thereof shall be liable for so contravening this Act to a penalty of one hundred dollars, which any person may recover with costs. 30
- Lists to be furnished to Deputy Returning Officers.** **34.** The said Judge or Revising Barrister shall furnish to every Deputy-Returning Officer acting in such Electoral District or in any Ward or Polling District thereof, a true copy or copies, certified by him, of the list of voters then last revised and corrected as aforesaid, or of so much thereof as relates to the locality for which such Deputy-Returning Officer is to act; and such Deputy-Returning Officer shall not receive the vote of any person as being a voter unless the name of such person is found upon the copy of the said list so furnished to him; 35 40
- Effect of lists.** **35.** The first list of voters mentioned in the *thirty-first* section of this Act, shall be considered finally revised and corrected when it has been so revised and corrected by the Board (or by the Judge or Revising Barrister in case of an appeal) and delivered by the Board to the said Judge or Revising Barrister, and shall be binding on any Committee of the House of Commons appointed for the trial of any Petition complaining of an undue Election or return of a Member to serve in the House of Commons; 45 50
- Compensation to Board.** **36.** [The said Board shall receive a compensation of for their services and payment of any necessary expenses incurred by them in preparing the Register of electors.] 50

REVISING BARRISTERS.

37. And whereas for the purpose of obtaining a complete Register Recital of all persons who may from time to time be entitled to vote at Elections of Members of the House of Commons, it is expedient that the said original voters' lists should be, from time to time corrected, and
5 that lists should be annually made out in the manner hereinafter mentioned :—

38. The Governor shall from time to time appoint a Barrister to re- who to be ap-
vised the list of voters for each Electoral District in the Province of pointed.
Nova Scotia, and shall have power from time to time to appoint
10 a Revising Barrister to act in the place and stead of any Judge of the Superior Court in the Province of Quebec, in any Electoral District therein if he see fit, and the Judges of the Superior Court in the Province of Quebec, and the Judges of the County Courts in the Provinces of Ontario and New Brunswick, shall have and possess
15 within, their respective Districts and Counties, or within such Electoral District as they may be designated to by the Governor, all the powers and authorities of Revising Barristers under this Act.

39. The Judge or Revising Barrister shall before entering upon the Oath to be
duty of revising the lists of voters under this Act be duly sworn to taken.
20 the impartial performance of the duty in the form prescribed in the Schedule to the Act annexed.

40. The said Judge or Revising Barrister shall on or before Their duties.
the first day of in the year 1870, and each year there-
after ascertain, by the best means in their power, the persons
25 whose names, under the provisions of this Act, are entitled to be added to the voters' list hereby required to be revised by the said Judge or Revising Barrister, and shall enter the names of such persons therein, distinguishing them respectively as owners, tenants, occupants, or purchasers under the Crown, showing the number of the lot or part
30 of lot, or other description of the real property in respect of which they are so qualified; and as those entitled to vote as possessed of the requisite income qualification as hereinbefore provided, and shall also ascertain the names of such persons as should be withdrawn from the said list by reason of death, or other disqualification and shall
35 erase the same from such list.

41. In order to the perfection and revision of such lists, the Judge, Court for Re-
or Revising Barrister appointed to revise the lists of any Electoral vision of lists.
District shall make a Circuit and hold open Courts for such revision in each of the places which now are or hereafter may be appointed as
40 polling Districts for such Electoral District, and at any other places within the said Electoral District which he shall think expedient, at convenient times between the day of inclusive, and the last day of inclusive in the then current year, commencing
45 with the year 1870, and shall, ten days at the least before the holding of such Court of Revision, appoint the several times and places at which the said Courts will be holden, and declare the lists which will be revised at each of the said Courts, and the said Judge or Revising Barrister shall forthwith cause public notice thereof to be given by
50 advertisement in one or more of the newspapers published or circulating within the said Electoral District, (if any) and shall cause a sufficient number of copies of the said notice and of the voters list for each Polling District to be put up in three of the most public places in each polling District in which such Court is to be held.

42. Any person who proposes to strike a name from the list shall, Notice to be
55 before the holding of such Court, give three clear days notice in given.

writing to the party objected to, either personally or by leaving it at his last or usual place of abode, and shall prove on oath the giving the notice to the satisfaction of the Judge or Revising Barrister before hearing the objection.

43. At the time and place appointed the Judge or Revising Barrister shall attend and hear all applications to remove any name from or to add any name to such list of voters and shall correct the list, and shall with all convenient dispatch make out an alphabetical list of the resident Electors of such polling district, stating the residence when known, and he shall add to or strike off from the list the name of any person whose qualification or disqualification is satisfactorily proved.

Powers of Revising Barrister **44.** Any such Judge or Revising Barrister shall have full power and authority to hear and determine such applications in a summary manner at such Court or any adjournment thereof; and in such way as he thinks best for ensuring justice to all parties, and may direct that any further notice be given to any party, if he thinks proper, and shall have the powers for summoning before him and examining on oath or affirmation, any party or witness and compelling the production of any document, paper or thing, and generally all other powers which are vested in any Court of Record in relation to any matter pending before it, but shall not be bound to observe any form of proceeding, except such only as he shall deem necessary for doing substantial justice to all parties:

Revised list to be certified. **45.** The Judge or Revising Barrister shall, after such revision make out a correct alphabetical list of voters for each polling district, and on or before the day in each year, shall certify by oath or affirmation before any Justice of the Peace, to the correctness of the lists so by him revised and made out and shall forward the same duly certified to the Clerk of the Crown in Chancery and shall retain, and be the custodian of a duplicate original thereof certified as aforesaid. And all such lists shall be completed and delivered as aforesaid on or before the day in each year.

Effect of revised list. **46.** Any list of voters after the first shall be considered finally revised and corrected, when it has been so certified as correct by the Judge or Revising Barrister, and shall be binding on any Committee of the House of Commons, appointed for the trial of any petition complaining of an undue Election or return of a Member to serve in the House of Commons;

In case revision is not completed. **47.** If from any cause the list of voters for any Polling District is not made up and revised and corrected in any year, the list last made and revised shall be used in its stead for the purpose of any Election.

Copies to be furnished. **48.** Any Judge or Revising Barrister appointed under this Act having the custody of the lists of voters of any Electoral District, shall furnish a certified copy of such lists, then last revised and corrected, to any person who shall require such copy, on being paid for the same by such person at the rate of three cents for every ten voters whose names are on such list.

Compensation. **49.** [Every Judge and Barrister appointed to revise any lists of voters under this Act shall be paid the sum of by way of remuneration to him, and in satisfaction of his travelling and other expenses in revising and correcting such lists and also at the rate of three cents for every ten names on each copy of the lists sent to the Clerk of the Court in Chancery;

SUBDIVISIONS FOR POLLING PLACES.

50. Every City, Town, Ward, Parish, Township or other Municipal Division having more than hundred qualified voters therein, shall on or before the day of in the year 1869 be divided by well defined boundaries, such as streets, side lines, concession lines or the like, in the most convenient manner into Polling Districts by the Board of Registration having jurisdiction over the locality, and in such manner that the number of qualified electors in the several Polling Districts shall be as nearly equal as may be, and shall not in any one exceed hundred; and such subdivision shall be made immediately before the final revision and correction of the list of voters of each such City, Town, Ward, Parish, Township or other Municipal Division which shall first happen after the passing of this Act.

How Polling Districts shall be defined.

51. Whenever the number of qualified voters in any such Polling District shall increase so as to exceed hundred, or whenever the Judge or Barrister shall consider that the convenience of the electors would be promoted by a new and different subdivision, such City, Town, Ward, Parish, Township or other Municipal Division, shall be again in like manner divided into Polling Districts so as to conform to the intent and meaning of this Act, and so again, from time to time, as like occasion shall require, the Judge or Barrister using on all occasions after the first division thereof, the then last revised and corrected voters' lists for that purpose.

New subdivision when required.

52. The said Polling Districts shall be numbered consecutively in and by the order by which they are established, and a copy of such order certified under the hand of the Board, Judge or Barrister to be a true and correct copy, shall be forthwith, after the making thereof, filed with the Judge or Barrister; Provided always, that at any time within two months after the filing of such order an application for the revision of such subdivision may be made at the instance of any five of the electors, to the Judge or Barrister, who shall promptly correct such subdivision so as to conform to the true intent and meaning of this Act, or otherwise deal therewith as may seem to him right.

Districts to be numbered.

53. In case of failure on the part of any Board, Judge or Barrister to divide any City, Town, Ward, Parish or other Place into Polling Districts proportioned to the number of electors, as hereinbefore provided, or in case the time to apply for the revision as aforesaid should not have expired before the reception of the Writ, the Returning Officer shall provide for as many polling places for polling the votes of the electors in such City, Town or other Place, as shall correspond, as nearly as may be, with the number of polling places which would have been required if the said City, Town or other Place had been subdivided into the proper number of Polling Districts.

In case of failure to set off districts.

54. Whenever polling Districts shall have been established as aforesaid, or shall have been provided for by the Returning Officer, a poll shall be opened and held, in every such District, for taking the votes of the electors therein, and a copy or duplicate of the voters' list for the Polling District, shall be furnished by the Judge or Barrister to the Deputy Returning Officer appointed therefor; Provided always, that the Returning Officer in Cities shall make such arrangements as to enable all voters whose surnames shall begin with the same letter of the alphabet, to record their votes at the same polling place as nearly as may be consistent with such arrangement.

Voters' lists for each district to be furnished to D. R. Officer.

55. The Returning Officer, on receiving the Writ of Election, shall fix one polling place for each Polling District into which such City,

Polling places.

Town, Parish, Township or other Place may be subdivided, in the most central and convenient place for the electors of such Polling District: Provided that the polling places shall be at least two hundred yards distant from each other in Cities, Towns and Incorporated Villages, and at least one mile distant from each other in Parishes, Townships or other places subdivided into Polling Districts; but the building in which the poll is held, shall not be a tavern or place of public entertainment; and there shall be free access thereto to every elector. 5

Interpretation.

56. For the purpose of the six next preceding sections of this Act, and in respect of the Province of Quebec only, the word "Parish" shall be understood wherever it occurs, to include any tract of land which is generally reputed to form a Parish, whether such tract has or has not been wholly or in part originally erected into a Parish, either by the Civil authorities or by a decree of the Ecclesiastical authorities. 15

RETURNING OFFICERS.

Appointment of Returning Officer.

57. The Governor shall appoint a proper person to be Returning Officer for each Electoral District for which the Election of a Member of the House of Commons is to be held.

Who may be appointed.

58. No person shall be so appointed or act as Returning Officer for any Electoral District, in Canada, unless at the time of his appointment such person is an elector for such Electoral District, then duly and legally qualified to vote at the election of a Member for the same, nor unless he has continually resided therein during at least twelve months immediately preceding his appointment: and any person who, being so appointed, acts as Returning Officer for any Electoral Districts, without possessing the qualifications hereinbefore required, shall thereby incur a penalty of two hundred dollars. 25

Certain persons may not be appointed.

59. None of the persons hereinafter designated in this section, shall in any case be appointed or act as Returning Officer, or as Deputy-Returning Officer, or as Election Clerk, or as Poll Clerk, that is to say: 30

First.—The Members of the Privy Council;

Second.—The Members of the Senate;

Third.—The Members of the House of Commons;

Fourth.—Any Minister, Priest, Ecclesiastic, or Teacher, under any form or profession of religious faith or worship; 35

Fifth.—The Judges of the Courts of Superior Civil and Criminal Jurisdiction and the Judges of District and County Courts;

Sixth.—All persons who have served in the Parliament of Canada as Members of the House of Commons or of the Senate in the session next immediately preceding the election in question, or in the then present session if the Election takes place during a session of the said Parliament; 40

Penalty if they shall act

And if any one of the persons above mentioned in this section is appointed to act and acts as Returning Officer, or as Deputy-Returning Officer, or as Election Clerk, or as Poll Clerk, he shall thereby incur a penalty of one hundred dollars. 45

Certain persons may refuse the appointment.

60. None of the persons hereinafter mentioned in this section, shall be obliged to act as Returning Officer, or Deputy-Returning Officer, or as Election Clerk or Poll Clerk, that is to say;

First.—Physicians and Surgeons; 50

Second.—Millers;

Third.—Post-Masters;

Fourth.—Persons being sixty years of age, or upwards;

Fifth.—Persons who have previously served as Returning Officers.

61. Every person having the qualifications required by this Act for acting as Returning Officer, who refuses to perform the duty of Returning Officer at any Election after having received the Writ of Election, shall for such refusal incur a penalty of two hundred dollars; unless such person, having a right to claim the exemption granted by the next preceding section, has in fact claimed such exemption within two days next after the receipt of such Writ of Election.

ISSUE OF THE WRIT.

62. It shall be lawful for the Governor from time to time as occasion shall require in Her Majesty's name, and by an instrument or instruments under the Great Seal of Canada to summon and call together the House of Commons.

Summoning
of House of
Commons:

63. Every writ of Election shall be issued by the Governor within fourteen days after the sealing of such instrument aforesaid for summoning and calling together such House of Commons, and shall have fifty days at least between the teste and return thereof and shall be addressed and directed and delivered to the Returning Officer appointed by the Governor for the Electoral District in which an election is to be held.

Period for
issuing writs.

64. Any writ issued for the Election of a Member to serve in the House of Commons of Canada for the Electoral District of Gaspé, or for the Electoral District of Chicoutimi and Saguenay, may be made returnable at any time within ninety days from the day on which the same shall bear date.

Return of
certain writs.

PROCEEDINGS ON THE RECEIPT OF THE WRIT.

65. Each Returning Officer shall, on receiving the writ of Election, forthwith endorse thereon the date of its reception:

Duty of Re-
turning Officer

66. Within three days next after the day of such reception, he shall, by a Proclamation under his hand, issued in the English language in the Provinces of Ontario, Nova Scotia and New Brunswick, and in the English and French languages in the Province of Quebec, and in the Form C of the Schedule annexed to this Act, fix the place, day and hour, at which he will proceed to hold the Election;

Proclamation
to be issued.

67. He shall cause the said Proclamation to be posted up, in the manner hereinafter prescribed, at least eight days before the day which by such Proclamation he has fixed for holding the said Election, which day so fixed shall be called the Nomination Day;

Posting there-
of.

68. The place at which such Election shall be held, shall be fixed by the Returning Officer, and shall be in the public place most central and most convenient for the great body of the Electors in the Electoral District for which he is acting as such Returning Officer, and the hour to be fixed shall be between eleven o'clock in the forenoon and two o'clock in the afternoon, of the day by him fixed for opening such Election.

Place of hold-
ing election.

69. In and by the Proclamation the Returning Officer shall also declare the day on which, in case a Poll be demanded and granted as hereinafter provided, such Poll shall be opened, in conformity to this Act, in each Polling District, for taking and recording the Votes of the Electors according to law;

Day for hold-
ing election.

70. If the Election be for a City or Town, he shall cause the Proclamation to be posted up, at the City or Town Hall, and

Where Pro-
clamation to
be posted in
cities, &c.

in some public place in each Ward of such City or Town, and in the Province of Quebec at the door of at least one Church or Chapel, or other place of Public Worship, and in some public place in each Ward of such City or Town;

Where in counties.

71. If the Election be for a County or Riding, he shall cause the said Proclamation to be posted up, at the Town Hall where there is one, and in at least one other public place in each Polling District, in the Electoral District in which the Election is to be held, and in the Province of Quebec, at the door of at least one Church or Chapel, or other place of Public Worship, where there is one, and in at least one other public place in each Polling District in such Electoral District; 5 10

Delay.

72. Neither the day of nomination nor that of the posting of such Proclamation, shall be included within the said eight days;

What in certain electoral districts.

73. The Proclamation issued by a Returning Officer for the Electoral District of Gaspé, or the Electoral District of Chicoutimi and Saguenay, fixing the place, day and hour at which he will proceed to hold the election, shall be posted up at least twenty days before the day which by such Proclamation he has fixed for holding such election; 15

Penalty for neglect.

74. Any Returning Officer refusing or neglecting to cause such Proclamation to be posted up as above required, shall, for such neglect or refusal, incur a penalty of one hundred dollars. 20

Oath of Returning Officer.

75. Each Returning Officer shall, before the day so by him fixed for opening the Election, take and subscribe before a Justice of the Peace for the County or District in which he resides, the Oath D in the Schedule to this Act; and such Justice of the Peace shall, 25 (under a penalty of forty dollars, in case of refusal) deliver to him, under the hand of such Justice, and in the form E of the said Schedule, a certificate of his having taken the said Oath, which, together with the said certificate, shall be annexed to his return to the Writ of Election; And any Returning Officer who refuses or neglects either to take 30 and subscribe the said Oath, or to annex it with the said certificate to his return, shall, for such refusal or neglect, incur a penalty of forty dollars.

ELECTION CLERKS.

Appointment of Election Clerk.

76. Each Returning Officer shall, before the Nomination Day, appoint by a Commission under his hand, in the form F. of the said 35 Schedule, a fit person to be his Election Clerk, and to assist him in the performance of his duties as Returning Officer :

His Oath.

77. The Election Clerk shall take and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the Returning Officer, the Oath in the Form G of this Act; and 40 of his having taken such Oath, there shall be delivered to him by the person before whom he has been sworn, and under his hand, a certificate in the form H of the said Schedule ;

Penalty on refusing to act.

78. Any person so appointed as Election Clerk, who refuses to accept the office, or who, having accepted it, refuses or neglects to 45 take and subscribe the Oath hereby required of him, or to perform the duties of Election Clerk, shall, for such refusal or neglect, incur a penalty of forty dollars ;

New Election Clerk in certain cases.

79. The Returning Officer may, either before or after the Nomination Day, appoint in the manner above mentioned, another person as 50 his Election Clerk, whensoever the case requires, either by reason of the

death, illness or absence of any Election Clerk previously appointed, or of his refusal or neglect to act, or otherwise; and such new Election Clerk so appointed shall perform all the duties, and comply with all the obligations of his office, under the same penalty in case of refusal or neglect on his part, as is hereinbefore imposed in like cases;

80. Whenever any Returning Officer becomes unable to perform the duties of his office, whether by death, illness, absence or otherwise, the Election Clerk, so by him appointed shall, under the same penalties in case of refusal or neglect on his part as are hereinabove imposed in like cases on the Returning Officer, act as and shall be Returning Officer for the said Election, and shall perform all the duties and obligations of that office, in like manner as if he had been duly appointed Returning Officer, and without being required to possess any other qualification, or to take any new Oath for that purpose; and in any such case the Election Clerk shall annex to his Return to the Writ of Election the certificate of the Oath he has taken as Election Clerk, and also the Oath itself.

In case of inability to act of Returning Officer.

PROCEEDINGS ON THE NOMINATION DAY.

81. Every Returning Officer shall, at the time and place by him fixed for opening the Election, proceed to the Hustings, (which shall be held in the open air, at a place to which all the Electors may have free access and shall make, or cause to be made, in the English and French languages in the Province of Quebec, and in the English language in the other Provinces of Canada, in the presence of the Electors there assembled at the Hustings, a Proclamation in the Form J of the said Schedule, and shall then and there read, or cause to be read publicly in the English and French languages in the Province of Quebec, and in the English language in the other Provinces of Canada, the Writ of Election, and his Commission as Returning Officer, and shall then require the Electors there present to name the person or persons whom they wish to choose at the said Election to represent them in the said House of Commons in obedience to the said Writ of Election;

How nomination to be conducted.

82. No show of hands shall be taken on the Nomination day, but if at the Nomination more than one candidate be proposed, and a poll is then and there demanded by or on behalf of any one or more of such candidates, the Returning Officer shall grant a poll for taking and recording the votes of the Electors.

No show of hands.

83. Any elector present, or any candidate in person, or by his agent, may demand a poll, and when at any such Election a poll is demanded, if the Returning Officer neglect or refuse to grant the same, the Election shall be *ipso facto* null; and such Returning Officer shall, for such refusal or neglect, incur a penalty of one thousand dollars.

How a poll may be demanded.

84. If only one candidate be nominated, or if all the candidates nominated, except one, then and there publicly and openly withdraw, the Returning Officer, shall, at the expiration of one hour from the Nomination of such candidate and not before, close the Election, and shall then and there openly proclaim the person so chosen to be duly elected.

If there be only one candidate.

85. When at any Election for any Electoral District, a Poll has been granted, the Returning Officer, immediately after having granted such Poll, and before adjourning his proceedings, shall publicly proclaim from the hustings the day previously fixed in and by his first proclama-

Proclamation of polling day.

tion, and the place at which the Poll shall be so opened separately in each Polling District, for the purpose of then and there taking and recording the votes of the Electors according to law ;

Time between nomination and polling day. **86.** The Returning Officer shall allow at least days and not more than to elapse between the day so by him fixed for opening the Election, and the day by him fixed for opening the Poll, in such Polling Districts as aforesaid; 5

Further delay in certain districts. **87.** Except only that in the Electoral District of Gaspé, and in the Electoral District of Chicoutimi and Saguenay, there shall be at least fifteen days, and not more than thirty days, between the day so fixed by the Returning Officer for opening the Election and the day so fixed by him for opening the Polls in the said Electoral Districts respectively ; 10

AGENTS FOR ABSENT CANDIDATES.

Candidates agents. **88.** At any Election whether at the Hustings on the day of the opening or of the closing of the Election, or at the polling places opened and kept for such Election, in the absence of any person authorized in writing to act as Agent for any absent candidate, any elector in the interest of such candidate, may at any time during the Election, declare himself to be and may act as the Agent of any such candidate without producing any special authority in writing for that purpose ; and 15 20

Agents may not vote. **89.** Any person who, at any time either during the Election or before the Election, is employed at such Election or in reference thereto, or for the purpose of forwarding the same, by any candidate or by any person whomsoever, as Counsel, Agent, Attorney or Clerk, at any polling place at such Election, or in any other capacity whatever, and who has received or expects to receive, either before, during or after the said Election, from any candidate or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security whatever, for any sum of money, fee, office, place or employment, or valuable consideration, shall be incompetent to vote at such Election, and his vote, if given, shall be null and void, and such person shall further incur, for having so voted, a penalty of one hundred dollars. 25 35

CANDIDATES QUALIFICATION AND DECLARATION.

Members, Qualification. **90.** A person capable of being elected a Member of the House of Commons, shall be a male British Subject of the age of twenty-one years and upwards, and for six months previous to the teste of the writ of Election have been legally seized as of freehold for his own use, of land in Canada, of the value of two thousand dollars without incumbrances ; and before he shall be capable of being elected, shall, on or before the day of Nomination make the following declaration :— 40 45

His declaration. "I, A. B., do declare and testify that I am duly seized at law or in equity as of freehold, for my own use and benefit, of lands or tenements held in free and common soccage, (or duly seized or possessed for my own use and benefit of lands or tenements held in *franc alleu*, as the case may be) in Canada, of the value of two thousand dollars, of current money of Canada, over and above all rents, mortgages, charges and incumbrances charged upon or due and payable out of or affecting the same, and that I have not collusively or colourably obtained a title to or become possessed of the said lands 50 55

“ and tenements or any part thereof, for the purpose of qualifying
 “ or enabling me to be returned a Member of the House of Commons
 “ of Canada.”

And shall give and insert at the foot of the declaration herein-
 5 above required of him, a correct description of the lands or tenements
 on which he claims to be qualified according to law to be so elected,
 and of their local situation, by adding immediately after the word
 “ Canada,”) which is the last word in the said declaration) the follow-
 10 ing words: “ And I further declare that the lands or tenements afore-
 said consist of, &c.” (*here insert the description above required.*);

Description
of property.

91. Any person who, in giving the description of such lands or
 tenements as above required, knowingly and wilfully makes any false
 statement relative to the situation, position, extent or bounds of such
 lands or tenements, shall be deemed guilty of a misdemeanour, and
 15 shall, on being duly convicted thereof, incur the same pains and
 penalties as may by law be inflicted on persons guilty of wilful and cor-
 rupt perjury.

Penalty on
false descrip-
tion.

92. Any person may, with a view to his becoming a candidate at
 any Election of a Member of the House of Commons, make at any
 20 time within one year before the Nomination day, at any Election, the
 declaration mentioned in the next but one preceding section.

When dec-
laration may
be made.

93. When such declaration is so made by any Candidate, it shall
 be made either before the Returning Officer or before some Justice of
 the Peace, and such Returning Officer, or Justice of the Peace, shall
 25 take the same and shall attest it by writing at the foot thereof, the
 words “ taken and acknowledged before me,” or other words to the
 like effect, and by dating and signing such attestation;

Before whom
it may be
made.

94. Any Candidate who delivers or causes to be delivered such
 declaration so made and attested, to the Returning Officer at any time
 30 before the day of Nomination, as above mentioned, shall be deemed to
 have complied with the law to all intents and purposes as
 regards such declaration; and any Returning Officer thereunto so
 required, shall be bound (under a penalty of two hundred dollars, in
 case of refusal) to give forthwith, after such declaration is delivered to
 35 him, to the Candidate or other person who has delivered the same, an
 acknowledgement under his hand of the delivery of such declaration;

Certificate of
delivery of
Declaration.

95. Every declaration shall, for all the purposes of such Election,
 be deemed to have been made on the day on which it has been so
 delivered to the Returning Officer by the Candidate or any person on
 40 his behalf, whatever be the date of its receipt or of its attestation, and
 the possession of such declaration shall be *prima facie* evidence of the
 possessor's having been authorized by the Candidate to deliver it to
 the Returning Officer.

When de-
claration
shall be
deemed to be
delivered.

PROCEEDINGS WHEN A POLL IS GRANTED.

96. When, at any Election a poll has been granted, the Return-
 45 ing Officer, immediately after having granted such poll, and before
 adjourning his proceedings, shall publicly proclaim from the hustings
 the day previously fixed in and by his first proclamation, and the place
 at which the poll shall be so opened in each polling district for the
 50 purpose of then and there taking and recording the votes of the
 electors according to law, and shall procure suitable buildings for taking
 the poll.

Proclamation
of day for
opening Poll.

97. The day to be fixed for opening the poll shall not be a Sunday, New Year's Day, Good Friday, Christmas Day, or the day observed as the Birthday of the Sovereign; and the poll shall be opened and held on that day only, so that there shall be but one day's polling at any Election; provided however that at any general Election the polling shall not necessarily be held on the same day, in each and every Electoral District. 5

98. On the day of polling the voting shall commence at eight o'clock in the forenoon, and shall finish at five in the afternoon of the same day. 10

APPOINTMENT OF DEPUTY RETURNING OFFICERS.

99. For the purpose of taking the votes at any Election, the Returning Officer shall, by a commission under his hand and in the form K of the said schedule, appoint some suitable person to be Deputy Returning Officer for each polling district in which a polling place is to be opened and kept, and shall thereby require such Deputy Returning Officer to open and hold the poll according to law, at the time and place fixed as hereinbefore provided, and to take and record at such poll, in a book which such Deputy shall keep or cause to be kept for that purpose, in the form L of the said schedule, the votes of the electors voting at the said poll, and to return to him the said poll book signed with his hand and sealed with his seal, on or before the third day after closing the poll. 15 20

100. Each Deputy Returning Officer shall, before acting as such, take and subscribe, either before a Justice of the Peace for the county in which he resides, or before the Returning Officer, the oath in the form M in the said schedule, of the taking of such oath there shall be delivered to him by the person before whom he has taken it, a certificate under the hand of such person in the the form N of the said schedule. 25

101. Any person so appointed a Deputy Returning Officer who refuses to accept the said office, or who, after having accepted the same, refuses or neglects either to take and subscribe the said oath or to perform the duties of a Deputy Returning Officer, shall, for such neglect or refusal, incur a penalty of one hundred dollars. 30

102. The Returning Officer may appoint in the manner above provided, another person to be Deputy Returning Officer, when and so often as the case may require such appointment, either by reason of the death, illness or absence of a Deputy Returning Officer previously appointed, or by reason of his refusal or neglect to act in that capacity, or otherwise; and such new Deputy Returning Officer so appointed shall perform all the duties and obligations of the said office, under the same penalties in case of refusal or neglect on his part, as are hereinabove imposed in like cases. 35 40

PROCEEDINGS PRELIMINARY TO POLLING.

Lists of Electors.

103. Every Returning Officer, upon granting a poll at any Election, shall ascertain that every Deputy Returning Officer is in possession of a certified copy of the proper list of voters for the Polling District for which he is Deputy Returning Officer. 45

104. If the copy in the possession of the Deputy-Returning Officer has been lost or destroyed, the Returning Officer shall procure from the 50

Judge or Barrister a copy certified by him to be correct of the proper list of voters for such Polling District filed in his office, and shall cause the same to be delivered to the Deputy Returning Officer.

105. The Returning Officer shall deliver to each Deputy Returning Officer the necessary poll book or poll books for polling and recording the votes of the electors. Poll books.

106. The Returning Officer shall be authorized to include any charge for obtaining such certified copies in the account of the general expenses of holding such Election, furnished by him to the Government. Charges for Lists.

Appointment and general duties of Poll Clerks.

107. Every Deputy Returning Officer shall, by a commission under his hand, and in the form O of the said schedule, appoint a Poll Clerk to assist him in taking the poll according to law; and each Poll Clerk appointed as aforesaid shall, before acting as such, take and subscribe, either before a Justice of the Peace for the county or district in which he resides, or before the Returning Officer, or such Deputy Returning Officer, the oath in the form P in the said schedule, of the taking of which oath there shall be delivered to him, by the person before whom it has been taken, a certificate under his hand, in the form Q in the said schedule. Oath on appointment.

108. Any person so appointed a Poll Clerk who refuses to accept the said office, or who, after having accepted the same, refuses or neglects either to take and subscribe the oath hereby required of him, or to perform the duties of a Poll Clerk, shall, for such neglect or refusal, incur a penalty of forty dollars. In case of refusal to accept office.

109. Each Poll Clerk shall, at the polling place for which he is appointed, aid and assist, in the performance of the duties of his office, the Deputy Returning Officer appointed to open and keep the poll at such place in conformity to this Act, and shall obey the orders of the said Deputy Returning Officer. Duties.

110. If the Deputy Returning Officer refuses or neglects to perform the duties of his office, or becomes unable to perform them, either by death, illness, absence or otherwise, and if in any such case no other Deputy Returning Officer duly appointed by the Returning Officer in the place of the former, appears at the polling place, then such Poll Clerk shall, under the same penalties as are hereinbefore imposed in like cases on a Deputy Returning Officer, act at such poll as Deputy Returning Officer, and perform all the duties and obligations of that office, in the same manner as if he had been appointed Deputy Returning Officer by the Returning Officer, and without being bound to take any new oath for that purpose. In case D. R. O. refuses to act.

111. Whenever any Poll Clerk, in the case hereinbefore provided, acts as Deputy Returning Officer, he may appoint by a commission under his hand, in the form H of the said schedule, another person as Poll Clerk, to aid and assist him as aforesaid in the performance of the duties of his office, and may administer to such person the oath required of a Poll Clerk by this Act; and the Poll Clerk so appointed shall have the same duties and obligations as if he had been appointed Poll Clerk by the Deputy Returning Officer himself. Appointment of another Poll Clerk.

112. And also, whenever any Poll Clerk, appointed under the requirements of this Act, refuses or neglects to perform his duty as such, or becomes unable to perform it, either by death, illness, absence or other Same in another case.

cause, the Deputy Returning Officer, whose Poll Clerk he was, may appoint by a commission under his hand in the form H of the said schedule, another person as Poll Clerk at the said polling place, to aid and assist him as aforesaid in the duties of his office, and may administer to him the oath required of a Poll Clerk by this Act. 5

TAKING AND RECORDING THE VOTES.

Duty of R. O. as to poll books.

113. Each Deputy Returning Officer shall write or print in full at the head of each page of the poll book used by him, the number of such page, and certify the same by his signature as follows: "Page Number One, (or Two, or as the case may be) "A. B. Deputy Returning Officer;" and he shall certify in full words at the foot thereof, (before 10 entering any name or vote in the next succeeding page,) the first and last name and the total number of votes entered thereon, and shall then sign the same, which certificate shall be to the effect following: "I certify that the total number of names of persons whose votes are recorded on this page is _____, whereof the first name is C. D., 15 "and the last is E. F.—Signed, A. B., Deputy Returning Officer."

How votes to be recorded.

114. Each Deputy Returning Officer shall, at the polling place kept by him in conformity with this Act, record or cause to be recorded in such poll book, and in the order in which they shall be given, the votes of the electors voting at such polling place, by entering 20 therein the name, surname, legal addition and residence of each elector so voting, and by shewing by the insertion of the word "Owner," or "Tenant," or "Occupant," or "Income," in the said poll book, whether it is as owner or as a tenant or occupant, or as 25 possessed of the requisite income qualification, that such elector claims the right of voting at such poll; and when any elector has taken the oath required of him by this Act, the Deputy Returning Officer shall state in the poll book that such oath was taken by the elector, by entering opposite the name of such elector, in the proper column in the said poll book, the word "Sworn," and nothing more. 30

In case voters objected to.

115. In every case where the vote of any person is objected to by any candidate or his agent, the Deputy Returning Officer shall enter the objection in his poll book by writing opposite the name of the voter, in the column for objections, the words "Objected to" only, mentioning at the same time by which candidate, or on behalf of which candi- 35 date the objection has been made, by adding after the words "Objected to" the name only of such candidate.

Votes of persons on lists to be recorded.

116. The Deputy Returning Officer, at any Election of a Member of the House of Commons, shall receive the vote of any person whose name he finds in the proper list of voters furnished 40 to him, or in his possession as aforesaid: Provided that such person shall, if required by any candidate, or the agent of any candidate, or by the Deputy Returning Officer himself, take the oath or affirmation, which such Deputy Returning Officer is hereby empowered to administer, in the form hereinafter contained; and no other oath 45 or affirmation shall be required of any person whose name is entered on any such list of voters as aforesaid.

You swear (or, solemnly affirm) that you are the person named by the name of _____ on the list of voters now shown unto you (showing the list to the voter); and as such entitled to vote at this 50 Election; that you are a subject of Her Majesty by birth or naturalization; that you are of the full age of twenty-one years; that you have not voted before at the Election for this Electoral District either at this or any other Polling Place; and that you have not received

anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this Election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith; so help you God.

5 **117.** No question of qualification shall be raised at any Election, except to ascertain whether the party tendering his vote, is the party designated in the List of Voters; whether he is a subject of Her Majesty of the full age of twenty-one years; whether he has voted before at the Election for the Electoral District; whether he has received or been
 10 promised anything as an inducement to vote, or in compensation for loss of time, or for travelling expenses, hire of team, or any other service connected with the Election.

What question of qualification may be raised.

118. Whenever any Deputy Returning Officer has reason to know or believe that fraud or violence is being practiced in violation of the
 15 rights of electors, by which undue votes are tendered, or that any voter is not qualified, or has already voted at the said Election and offers to vote again, or tenders his vote under a false name or designation, or personates or represents himself falsely as being on the list of voters, the Deputy Returning Officer, under a penalty of two hundred dollars,
 20 shall administer the oath authorized by law to such voter, whether he be required to do so or not by any party, of which mention shall be made in the poll book.

If D. R. O. knows that fraud is being practised.

119. And when any person offering to vote has been so required by the Deputy Returning Officer, or by any of the candidates or his agent to
 25 take such oath or make such affirmation, and refuses to take or make the same, his refusal shall be stated by the Deputy Returning Officer in his poll book, by entering opposite the name of such person the word "Refused;" and in every such case the vote shall not be taken or recorded in the said poll book; and if any vote is in any such case
 30 taken and recorded, it shall be *ipso facto* null and void; and the Deputy Returning Officer shall, for having taken and recorded the same, or for having caused it to be taken and recorded in his said poll book, incur a penalty of two hundred dollars.

In case of refusal to take oath.

120. Whenever any elector does not understand the English language, the Deputy Returning Officer may employ an interpreter to translate
 35 the oath or affirmation required of such elector, as well as any lawful questions necessarily put to him and his answers; and such interpreter shall take before the Deputy Returning Officer the oath, (or if he be one of the persons permitted by law to affirm in civil cases, the affirmation,) following: "I swear (or affirm) that I will faithfully translate
 40 "such oaths, declarations, questions and answers as the Deputy Returning Officer shall require me to translate at this Election; so help me God."

Translator to be employed when required.

121. The Deputy Returning Officer shall, at the close of the polling, certify under his signature on the said book, and in full words, the true
 45 state of the votes to the effect following: "I certify that the number of votes polled at the close of the polling in the polling
 "District of the Electoral District of
 "is (the total number of votes polled) , whereof G. H. a
 50 "Candidate has polled ; J. K. a Candidate has polled
 " ; L. M. a Candidate has polled (as the case
 "may be).—Signed, A. B., Deputy Returning Officer;" of which state of the votes he shall give certified copies to any person demanding
 55 the same, before he, the said Deputy Returning Officer, leaves the polling place.

Duty of D. R. O. at close of poll.

No scrutiny by Returning Officer. **122.** No Returning Officer or Deputy Returning Officer shall grant, make or enter into any scrutiny of the votes given at any Election.

PENALTIES FOR VOTING FRAUDULENTLY.

False personation of a voter. **123.** If at the Election of a member, any person knowingly personates and falsely assumes to vote in the name of another person whose name appears on the proper list of voters, whether such other person be then living or dead, or if the name of the said other person be the name of a fictitious person, such person shall be guilty of a misdemeanor, and shall, on being convicted thereof, be liable to a fine of two hundred dollars, or to be imprisoned for a term not exceeding six months, or both, at the discretion of the Court. 5 10

Wilfully voting when disqualified. **124.** Any person wilfully voting at any such Election, without having, at the time of his so voting, all the qualification required by law for entitling him so to vote, shall, for so doing, incur a penalty of two hundred dollars, and his vote shall, moreover, be null and void; and in any action or prosecution instituted as hereinafter provided against any such person for the recovery of the said penalty, the burden of the proof of such person having, at the time of his so voting, at such Election, all the said qualifications, shall fall upon him and not upon the party instituting such action or prosecution; and any person who votes more than once at the same Election, shall, for so doing, incur a like penalty of two hundred dollars, and every vote he gives subsequently to his first vote shall be null and void. 15 20

Fraudulent conveyance of lands, effect of. **125.** If any lands or tenements are transferred or conveyed to any person, by any title or instrument whatever, fraudulently, and for the purpose of giving him the qualification requisite to enable him to vote, and if such person votes at any Election, upon such lands or tenements, he shall incur a penalty of two hundred dollars; and nevertheless such transfer or conveyance, notwithstanding any agreement to annul or revoke the same, or to reconvey such lands or tenements, shall be valid, as between the parties thereto; and every such agreement to annul or revoke any such transfer or conveyance, or to reconvey such lands and tenements, shall be null and void. 25 30

PROCEEDINGS AFTER THE CLOSE OF THE POLLS.

Oath of Poll Clerk. **126.** Every Poll Clerk shall, after the closing of the poll at which he has acted as such, but before the Deputy Returning officer who has kept the same has returned the poll book to the Returning Officer, as herein required, make and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the said Deputy Returning Officer, or before the Returning Officer himself, the oath in the form R of the schedule hereunto annexed, which oath shall thereafter be annexed to the said poll book. 35 40

Oath of D. R. O. **127.** The Deputy Returning Officer who has kept and closed the poll, shall, before returning the poll book to the Returning Officer, make and subscribe, either before a Justice of the Peace for the County or District where he resides, or before the Returning Officer, the oath in the form S of the said schedule, which oath shall thereafter be annexed to the said poll book; and the Deputy Returning Officer shall return the poll book with such oath attached, to the Returning Officer, or deposit the same in the nearest post office, as hereinafter provided, on or before the third day after closing the polls. 45

Neglect of formalities. **128.** Any Deputy Returning Officer or Poll Clerk who refuses or neglects to perform any of the obligations or formalities required of 50

him by this Act, shall, for each such refusal or neglect, incur the penalty of two hundred dollars.

129. The Deputy Returning Officer shall deliver the poll book, with the commissions of the Deputy Returning Officer and Poll Clerk, their respective oaths of office, and the said oaths in the forms R and S, attached thereto, personally to the Returning Officer; or shall deposit the same under a sealed cover addressed to the Returning Officer at his usual place of residence, in the nearest post office, if the same be nearer than the residence of the Returning Officer, and shall mention on the outside of such cover, the day and hour when it was so deposited, and that it is to be transmitted by "parcel post," and shall sign such statement, and take a proper receipt therefor; and any Deputy Returning Officer failing therein, or in any of the obligations or formalities herein prescribed as the duties of the Deputy Returning Officers, and any postmaster or other person having taken charge of such poll book and failing to transmit the same so covered and sealed in the same state in which he received it, in due time and manner, shall incur a penalty of four hundred dollars, or be imprisoned for a term not exceeding six months, or both at the discretion of the Court.

Delivery or transmission of poll books to R. O.

CLOSING THE ELECTION AND PROCEEDINGS THEREAFTER.

130. The Returning Officer shall, so soon as he shall have received all the poll books used at the election, by counting and adding up from each poll book, ascertain the total number of votes taken and received for each candidate at the election, as certified and sworn to by the several Deputy Returning Officers, and shall, within ten days thereafter, make and transmit by mail, his return to the Clerk of the Crown in Chancery; and he shall also, upon application, deliver to each of the candidates or their agents, or, if no application be made, he shall, within the same period, transmit by mail to each candidate, a duplicate of such return, which duplicate shall stand in lieu of an indenture.

number of votes to be ascertained by R. O.

131. In case any poll book is stolen or taken from its lawful place of deposit for the time being, or has been lost or destroyed, or otherwise placed beyond the reach of the Deputy Returning Officer to whom the custody of such poll book for the time being belonged, at any time before he has made his return of the same to the Returning Officer, such Deputy Returning Officer shall attend personally on the Returning Officer and report to him the fact of such loss of the said poll book; and the Poll Clerk of such Deputy Returning Officer, so soon as he is informed of such loss personally or by letter, either by or from such Deputy Returning Officer, or the Returning Officer himself, or has other good reasons for believing that such loss has occurred, shall forthwith attend personally on the Returning Officer.

In case poll book be lost.

132. The Returning Officer shall examine the Deputy Returning Officer and Poll Clerk upon oath or affirmation, as the occasion may require, as to the loss of the poll book and the contents thereof, which examination shall be taken down by him in writing, and be subscribed by the Deputy Returning Officer and Poll Clerk, and annexed to the return in lieu of such poll book; and the number of votes which the Returning Officer shall by this means find to have been recorded in such poll book for each candidate at such election, shall be included in his summing up of the votes at the election, as if the same had been taken from the poll book.

Examination of D. R. O. and Police Clerk.

133. If either the Deputy Returning Officer or the Poll Clerk omits to attend on the Returning Officer as hereby required, or refuses to be sworn or affirmed by the Returning Officer as aforesaid, he shall incur

Penalty on refusal to attend or give evidence.

a penalty of two hundred dollars, and in the case of such refusal to be sworn or affirmed as aforesaid, he shall be committed by the Returning Officer to the common gaol of the county or district, until thence discharged by an order in that behalf made by the House of Commons.

If R. O. thinks poll book has been tampered with.

134. When the Returning Officer having received any poll book, or any document connected with the election, has reason to believe that the same has been altered, injured or obliterated, or that additions have been made thereto, he shall establish the true facts in the manner above provided in case of the loss of any poll book.

Copies of poll books.

135. Each Returning Officer shall make or cause to be made exact copies of all the poll-books returned to him by his several deputies, and within ten days after making his return to the Clerk of the Crown in Chancery, as provided by the *one hundred and thirtieth* section of this Act, shall deposit such copies duly certified by him with the Judge or Revising Barrister for the Electoral District, and the said Judge or Barrister shall allow inspection thereof to any person who may demand the same on payment of a fee of twenty cents, and shall allow such person to take copies of the same at his own expense.

Original books how dealt with.

136. The Returning Officer shall forward to the Clerk of the Crown in Chancery, with his return to the Writ of Election, the original poll books, and lists of voters used at the election, duly certified as such by him.

KEEPING THE PEACE AND GOOD ORDER AT ELECTIONS.

R. O. and D. R. O. to be conservators of the Peace.

137. From the time when any Returning Officer or Deputy Returning Officer has taken and subscribed the oath of office as such, until the day next after the final closing of the polls at the election, such Returning Officer or Deputy Returning Officer, respectively, shall be a conservator of the peace, and invested, for the maintenance of the peace, for the arrest, detention or admission to bail, trial and conviction of any person or persons who break the law or trouble the peace, with the same powers with which Justices of the Peace are invested.

Their powers as such.

138. For the maintenance of the peace and of good order at such election, each such Returning Officer or Deputy Returning Officer, respectively, may require the assistance of all Justices of the Peace, constables, and other persons present at the election, whether at the place of holding the election, or at any polling place, to aid him in so doing, and may also swear in as many special constables as he deems necessary.

May arrest by verbal order.

139. Each such Returning Officer or Deputy Returning Officer, respectively, may arrest or cause to be arrested by verbal order, and may place in the custody of one or more constables or other persons, for such time as in his discretion he deems expedient, any person disturbing the peace and good order, or may cause such person to be imprisoned for any such offence, under an order signed by him, for any period not later than the final closing of the election or of the poll, respectively; which order all persons shall obey without delay, under a penalty, for any refusal or neglect so to do, of twenty dollars.

Arrest not to interfere with other penalties.

140. No such arrest, detention or imprisonment shall, in any manner, exempt the person so arrested, detained, confined or imprisoned, from any pains or penalty to which he has become liable by reason of any thing by him done contrary to the true intent and meaning of this Act or otherwise.

141. On a requisition in writing made by a candidate or by his agent, or by any two or more electors, any Returning Officer or Deputy Returning Officer shall swear in special constables.

142. Any Returning Officer or Deputy Returning Officer may, during any part of the day whereon any election is to be begun, holden or proceeded with, demand and receive from any person whomsoever, any offensive weapon, such as fire arms, swords, staves, bludgeons or the like, with which any such person is armed, or which any such person has in his hands or personal possession; and every such person, who, upon such demand, declines or refuses to deliver up to such Returning Officer or Deputy Returning Officer, any such offensive weapon as aforesaid, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding twenty dollars, or imprisonment not exceeding three months, or by both, in the discretion of the Court whose duty it is to pass the sentence of the law upon such person, upon his conviction.

143. Every person convicted of a battery committed during any part of the days whereon any election, or any poll for any election, is to be begun, holden, or proceeded with, within the distance of two miles of the place where such election or such poll is so begun, holden, or proceeded with, shall be deemed guilty of an aggravated assault, and shall be punished accordingly.

144. No candidate for the representation of any electoral district shall, with intent to promote his Election, nor shall any other person, with intent to promote the Election of any such candidate, either provide or furnish entertainment at the expense of such candidate or other person, to any meeting of electors assembled for the purpose of promoting the Election, previous to or during the Election at which he is a candidate, or pay for, procure or engage to pay for, any such entertainment; except only that nothing herein contained shall extend to any entertainment furnished to any meeting of electors, by or at the expense of any person or persons at his, her or their usual place of residence.

145. Except the Returning Officer or his Deputy, or the Poll Clerk, or one of the constables or special constables, appointed by the Returning Officer or his Deputy, for the orderly conduct of the election or poll, and the preservation of the public peace thereat, no person who hath not had a stated residence in the Polling District for at least six months next before the day of such Election, shall come during any part of the day, upon which the poll is to remain open, into such Polling District, armed with offensive weapons of any kind, as fire arms, swords, staves, bludgeons, or the like; nor shall any person whomsoever being in such Polling District, arm himself, during any part of the day, with any such offensive weapons, and thus armed approach within the distance of two miles of the place where the poll for such Polling District is held, unless called upon to do so by lawful authority.

146. No candidate for the representation of any Electoral District, or any other person, shall furnish or supply any ensign, standard, or set of colours, or any other flag, to or for any person or persons whomsoever, with intent that the same should be carried or used in such Electoral District, on the day of Election, or within eight days before such day, or during the continuance of such Election or polling, by such person or any other, as a party flag, to distinguish the bearer thereof and those who might follow the same, as the supporters of such candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; nor shall any person for any reason carry or use any such ensign, standard, set of colours, or other flag, as a party flag, within such Electoral District on the day of any such Election

or polling, or within eight days before such day, or during the continuance of such Election.

Ribbons or favors not to be furnished or worn.

147. No candidate for the representation of any Electoral District, or any other person, shall furnish or supply any ribbon, label, or the like favor, to or for any person whomsoever, with intent that the same should be worn or used within such Electoral District on the day of Election or polling, or within eight days before such day, or during the continuance of such Election, by such person or any other as a party badge to distinguish the wearer as the supporter of such candidate, or of the political or other opinions entertained, or supposed to be entertained, by such candidate; nor shall any person use or wear any ribbon label or other favor, as such badge, within such Electoral District, on the day of any such Election or polling, or within eight days before such day, or during the continuance of such Election.

Penalty.

148. Every person offending against any of the provisions of the four next preceding sections, shall be deemed guilty of a misdemeanour, punishable by fine not exceeding one hundred dollars or imprisonment not exceeding six months, or by both in the discretion of the Court passing the sentence of the law upon such person on his conviction.

Taverns to be closed.

149. Every hotel, tavern or shop in which spirituous or fermented liquors or drinks are ordinarily sold, shall be closed, during the day appointed for the polling, in the polling districts in which the polls are held; and no spirituous or fermented liquors or drinks shall be sold or given to any person within the limits of any polling district during the said period, under a penalty of one hundred dollars in every such case.

PREVENTION OF CORRUPT PRACTICES AT ELECTIONS

Certain corrupt practices defined and declared to be bribery.

150. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly;

(1) Every person who shall directly or indirectly, by himself or by any other person on his behalf, give, lend or agree to give or lend, or shall offer or promise any money or valuable consideration, or promise or endeavour to procure any money or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any Election.

(2.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer or promise, any office, place or employment, or promise to procure or endeavour to procure any office, place or employment to or for any voter or to or for any other person, in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of any voter having voted or refrained from voting at any Election.

(3.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any Election.

(4.) Every person who shall, upon or in consequence of any such

gift, loan, offer, promise, procurement or agreement, procure or engage, promise or endeavor to procure, the return of any person to serve in Parliament or the vote of any voter at any Election.

5 (5.) Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any Election, or who shall knowingly pay or cause to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any Election.

10 (6.) Any person so offending shall incur a penalty of two hundred dollars; Provided always that the actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall
15 not be a contravention of this Act.

Penalty on offenders.

151. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly :—

Persons doing certain acts declared to be guilty of bribery.

20 (1.) Every voter who shall, before or during any Election, directly or indirectly himself or by any other person on his behalf, receive, agree or contract for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or by agreeing to vote, or for refraining or agreeing to refrain from voting at any Election.

25 (2.) Every person who shall, after any Election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration, on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any Election.

30 2. Any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of two hundred dollars to any person who shall sue for the same, together with full costs of suit.

Penalty

35 **152.** No candidate shall by himself or by any person on his behalf open and support or cause to be opened or supported at his costs and charges any house of public entertainment for the accomodation of the electors.

Houses of entertainment.

40 **153.** And whereas doubts may arise as to whether the hiring of teams and vehicles to convey Electors to and from the polls, and the paying of railway fares and other expenses of voters, be or be not according to law, it is declared and enacted, that the hiring or promising to pay or payment for any horse, team, carriage, cab or other vehicle, by any candidate, or by any person on his behalf, to convey voters to or near or from the poll, or from the neighbourhood thereof, at any Election, or the payment by any candidate, or by any person on his behalf, of
45 the travelling and other expenses of any voter in going to or returning from any Election, shall be illegal acts; and the person so offending shall thereby incur a penalty of one hundred dollars; and any elector who shall hire any horse, cab, cart, waggon, sleigh, carriage, or other conveyance for any candidate, or for any agent of a candidate, for the purpose of conveying electors to or from the polling place or places,
50 shall *ipso facto* be disqualified from voting at such Election, and for every such offence shall incur a penalty of one hundred dollars.

Recital.

Certain payments, &c., declared illegal.

Threats of violence, &c.

154. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make use of, or threaten to make use of, any force, violence or restraint, or inflict, or threaten the infliction by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any Election, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with, the free exercise of the franchise of any voter, or shall thereby compel, induce, or prevail upon any voter, either to give or refrain from giving his vote at any Election, shall be deemed to have committed the offence of undue influence, and shall incur a penalty of two hundred dollars.

Penalty.

Use of above means voids an election.

155. If any person elected or returned to the House of Commons is proved guilty, before any Election Committee, of using any of the above means to procure his election, his election shall thereby be declared void, and he shall be incapable of being a candidate, or being elected or returned, until the next General Election.

Vote obtained by bribery void.

156. Upon its being proved before any Election Committee of the House of Commons, at the trial of any contested Election, that any elector voting at the said Election was bribed or guilty of any illegal act above mentioned, his vote shall be null and void, and he shall be disqualified from voting at the next General Election.

No excuse for not answering questions in suits, &c., touching election.

157. No person shall be excused from answering any question put to him in any action, suit, or other proceeding in any Court, or before any Judge, commissioner, or select committee, touching or concerning any Election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate himself, shall be used in any criminal proceeding against such person, other than an indictment for perjury, if the Judge, commissioner or chairman of the committee, shall give to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answers, to the satisfaction of the Judge, commissioner or committee.

Contracts or promises relating to election, void.

158. Every executory contract or promise or undertaking, in any way referring to, arising out of, or depending upon, any election under this Act, even for the payment of lawful expenses, or the doing of some lawful act, shall be void in law; but this provision shall not enable any person to recover back any money paid for lawful expenses connected with such Election.

PENALTIES AND PUNISHMENTS.

Stealing or tampering with poll books.

159. If any person unlawfully, either by violence or stealth, takes from any Deputy Returning Officer or Poll Clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully or maliciously destroyed, injured or obliterated, or makes or causes to be made any erasure, addition of names or interlineation of names, in, to or upon, or aids, counsels or assists in so taking, destroying, injuring or obliterating or making any erasures, addition of names, or interlineation of names, in, to or upon, any list of voters or any writ of Election, or any return to a writ of Election, or any poll book, certificate or affidavit, or any other docu- 55

ment or paper made, prepared or drawn out according to or for the purpose of meeting the requirements of this Act or any of them, every such offender shall incur a penalty of two thousand dollars.

5 **160.** Every person who aids, abets, counsels or procures the commis- Aiders and
sion of any such violation of this Act, as in the next preceding clause abettors.
mentioned, shall incur a penalty of two thousand dollars.

10 **161.** All penalties imposed by this Act shall be recoverable, with full Recovery of
costs of suit, by any person who will sue for the same by action of debt penalties.
or information, in any of Her Majesty's Courts in the Province in which
the cause of action arose having competent jurisdiction; and in default
of payment of the amount which the offender is condemned to pay, within
15 the period to be fixed by such Court, such offender shall be imprisoned
in the common gaol of the place until he has paid the amount which he
has been so condemned to pay and costs.

20 **162.** It shall be sufficient for the plaintiff, in any action or suit given Allegations
by this Act, to state in the declaration that the defendant is indebted requisite.
to him in the sum of money hereby demanded, and to allege the
particular offence for which the action or suit is brought, and that the
defendant had acted contrary to this Act, without mentioning the writ
of Election or the return thereof.

163. It shall not be necessary on the trial of any suit or prosecution Evidence.
under this Act, to produce the writ of Election or the return thereof, or
the authority of the Returning Officer founded upon any such writ of
Election, but general evidence of such facts shall be sufficient evidence.

25 **164.** Every action, suit or information given by this Act, shall be com- Limitation:
menced within the space of one year next after the Act committed, and
not afterwards.

165. Every person taking any Oath or Affirmation under this Act, False swear-
who wilfully swears or affirms falsely, shall be deemed guilty of perjury. ing.

FEEES AND EXPENSES:

30 **166.** The fees hereinafter mentioned, and no other, shall be allowed Fees, &c.; al-
to the several officers hereinafter mentioned, respectively, for their lowed to Re-
services and disbursements at any Election, that is to say:— turning Of-
cers, &c.

RETURNING OFFICERS.

- 35 (1.) Drawing proclamation one dollar.
(2.) Paid printing fifty copies actual cost.
(3.) Mileage on posting same, for each mile necessarily travelled, from place to place, to be taxed as sheriff's mileage on summoning jurors ten cents per mile.
(4.) Holding Election and making return (if no contest), including appointment and swearing Election Clerk, ten dollars.
40 (5.) Election Clerk, one day two dollars.
(6.) Two Constables one day (each), one dollar; —
And the following additional charges in contested cases:—
(7.) Appointing Deputies, and swearing them (each), fifty cents.
(8.) Furnishing poll books, and copies of voters' lists, when necessary,
45 actual cost not exceeding ten cents for thirty names.
(9.) Mileage to deliver same to deputies, when necessary; only one
mileage for both, to be taxed as above per mile ten cents.

- (10.) Making up and transmitting returns to the Clerk of the Crown in Chancery (including duplicates to each candidate, and all other necessary services connected therewith),.....*ten dollars.*
- (11.) Copy of poll books to be deposited in Registry Office, actual cost not exceeding.....*ten cents for every thirty names.* 5
- (12.) For services under clauses such amount as the Governor may think reasonable under the circumstances of the case.
- (13.) Postage,.....*amount actually paid out.*
- (14.) Pay of Election Clerk, one day.....*two dollars.* 10
- (15.) Mileage of Returning Officer and Election Clerk, going to and returning from the Election on Nomination day (each),.....*ten cents for every mile necessarily travelled.*

DEPUTY RETURNING OFFICERS.

- (16.) Taking the polls, including all the services connected therewith, and making returns,.....*four dollars.* 15
- (17.) Paid Poll Clerk, one day.....*two dollars.*
- (18.) Paid one Constable, one day.....*one dollar.*
- (19.) For each polling booth, *actual cost, not exceeding four dollars,*

IN CITIES AND TOWNS.

- (20.) To Returning Officers in Cities and Towns, holding Election and making returns when no contest (exclusive of actual charge for printing),.....*ten dollars.* 20
- (21.) When Election contested (exclusive of actual charge for printing),.....*twenty dollars.*
- (22.) To Deputy Returning Officers, Election Clerks, Poll Clerks and Constables, the same charge as at rural Elections; and the like charge, for polling booths, as in rural polling places; which said fees, allowances and disbursements shall be paid over to the Returning Officer, by warrant of the Governor, directed to the Receiver General, out of the Consolidated Revenue Fund of the Dominion, and shall be distributed by such Returning Officer to the several officers and persons entitled to the same under the provisions of this Act, which distribution he shall report to the Governor through the Secretary of State. 30

MISCELLANEOUS PROVISIONS.

- 167.** Any person before whom it is hereby required that any oath be taken, or any affirmation made in the manner herein provided, shall administer such oath or affirmation gratuitously. 35
- 168.** One copy of this Act (with a copious alphabetical index prefixed) for the Returning Officer, and one for each of his Deputies, shall be transmitted, with the Writ of Election, to each Returning Officer. 40
- 169.** Upon, from and after the completion revision and correction of the first lists of voters under this Act, Chapter six of the Consolidated Statutes of the late Province of Canada, entitled *An Act respecting Elections of Members of the Legislature*; the Act passed by the Legislature of the late Province of Canada, in the twenty-third year of Her Majesty's Reign, chapter seventeen, entitled, *An Act for the more effectual prevention of Corrupt Practices at Elections*; the Act passed by the Legislature of the late Province of Canada, in the twenty-fourth year of Her Majesty's Reign, chapter twenty-five, entitled, *An Act to amend chapter six of the Consolidated Statutes of Canada, respecting Elections of Members of the Legislature,* for the removal of all doubts as to the right of appeal in the case hereinafter mentioned; the Act passed by the Legislature of the late 45

Oaths to be administered gratis.

Copy of this Act to each R. O., &c.

Repealing clause.

Province of Canada in a Session held in the twenty-seventh year of Her Majesty's Reign, chapter eight entitled, *An Act to amend the Laws respecting the qualification and registration of voters in Lower Canada*; the Act passed by the Legislature of the late Province of 5 Canada, in the twenty-ninth and thirtieth years of Her Majesty's Reign, chapter thirteen, entitled, *An Act to amend chapter six of the Consolidated Statutes of Canada, intituled "An Act respecting Elections of Members of the Legislature,"* also an Act passed by the Legislature of the Province of New Brunswick in the eighteenth year 10 of Her Majesty's Reign, entitled, *An Act to regulate the Election of Members to serve in the General Assembly*; the Act passed by the Legislature of the Province of Nova Scotia in the twenty-sixth year of Her Majesty's Reign, intituled; *An Act to regulate the Election of Members to serve in the General Assembly*; and chapter four of the 15 Revised Statutes of Nova Scotia, relating to the prevention of corrupt practices at Elections, and all other Acts and parts or clauses of Acts passed by the said Legislatures amending the said Acts or any of them, and all other acts or enactments conflicting or inconsistent with this Act are hereby repealed, so far as the same relate to 20 the election of Members, saving and excepting always as regards any Election held or to be held, or any proceeding had taken or depending thereunder, prior to the completion of such voters' lists as aforesaid, with respect to which the laws now in force in the Province in which any such Election has been or may be held, or such proceeding has 25 been or may be had or taken, or may be depending thereunder shall continue to have full force and effect.

Exceptions.

SCHEDULE A.

OATH REFERRED TO IN SECTION TWELVE.

We the undersigned members of the Board of Registration duly appointed for the Electoral District of _____ do hereby solemnly swear that we will well and faithfully discharge the duties assigned to us, without favor or partiality, that we will place no name on the list of voters, and will strike no name off the same, unless we shall be satisfied that the same, by the law under which we have been appointed as such Board, should be placed on or struck off the same, and that we shall in all respects conform to the said law, to the best of our judgment and ability.

Sworn at _____ this _____ day of _____
A. D.

Before me

J. P.

B.

OATH REFERRED TO IN SECTION THIRTY-NINE.

I the undersigned _____ Judge of the Court having jurisdiction in and over the Electoral District of _____ under the Election Law of 1869, or (I the undersigned Revising Barrister appointed under the Election Law of 1869, in aud for the Electoral District of _____ as the case may be) do hereby solemnly swear that I will well and faithfully discharge the duties assigned to me, under the said Act, without favor or partiality, that I will place no name on the list of voters, and will strike no name off the same, unless I

shall be satisfied that the same by the law should be placed on or struck off the same, and that I shall in all respects conform to the said law, to the best of my Judgment and ability.

C.

REFERRED TO IN THE FIFTY-NINTH SECTION OF THIS ACT.

Proclamation of the Returning Officer declaring the time and place fixed for the opening of the Election, and also the day for opening the poll.

PROCLAMATION

Electoral District of _____, to wit:

Public notice is hereby given to the Electors of the County, (or as the case may be) of _____, that, in obedience to Her Majesty's Writ to me directed, and bearing date the _____ day of the month of _____, I require the presence of the said Electors at _____, in the County (or Township, or in the City or Town) of _____ on the _____ day of the month of _____, at _____ o'clock in the _____ noon, for the purpose of electing a person (or persons, as the case may be), to represent them in the House of Commons of Canada; and that in case a Poll be demanded and allowed in the manner by law prescribed, such Poll will be opened on the _____ day of the month of _____, in the year _____, in each of the Polling Districts in which a Polling place is to be opened and kept according to law, of which due notice will be given on the Day of Nomination. Of all which every person is hereby required to take notice and to govern himself accordingly.

Given under my hand at _____, this _____ day of the month of _____, in the year 18_____.

(Signature.) A. B. Returning Officer.

D.

OATH REFERRED TO IN THE SIXTY-EIGHTH SECTION OF THIS ACT.

Oath of the Returning Officer.

I, the undersigned, A. B., Returning Officer for the Electoral District of _____ solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases solemnly affirm) that I am legally qualified according to law to act as Returning Officer for the said Electoral District of _____, and that I will act faithfully in that capacity, without partiality, fear, favor or affection; so help me God.

(Signature.) A. B. Returning Officer.

E.

FORM REFERRED TO IN THE SIXTY-EIGHTH SECTION OF THIS ACT.

Certificate of the Returning Officer having taken Oath of Office.

I, the undersigned, hereby certify that on the _____ day of the month of _____, 18____, A. B., the Returning Officer for the Electoral District of _____, took, and subscribed before me the Oath (or Affirmation) of office in such case required of a Returning Officer by the section _____ of "The Election Law of 1869."

In testimony whereof, I have delivered to him this Certificate.

(Signature.) C. D.
Justice of the Peace.

F.

FORM REFERRED TO IN THE SIXTY-NINTH SECTION OF THIS ACT.

Commission of an Election Clerk.

To E. F. (set forth his legal addition and residence.)

Know you, that in my capacity of Returning Officer for the Electoral District of _____, I have appointed and do hereby appoint you to be my Election Clerk, to act in that capacity according to law at the approaching Election for the said Electoral District of _____, which Election will be opened by me on the _____ day of the month of _____, 18____.

Given under my hand this _____ day of the month of _____, in the year 18____.

(Signature.) A. B.,
Returning Officer.

G.

OATH REFERRED TO IN THE SEVENTIETH SECTION OF THIS ACT.

Oath of the Election Clerk.

I, the undersigned E. F., appointed Election Clerk for the Electoral District of _____, solemnly swear (or if he be one of the persons permitted by law to affirm, solemnly affirm), that I will act faithfully in my said capacity as Election Clerk, and also in that of Returning Officer, if required to act as such, according to law, without partiality, fear, favor or affection; so help me God.

(Signature.) E. F.
Election Clerk.

H.

FORM REFERRED TO IN THE SEVENTIETH SECTION OF THIS ACT.

Certificate of the Election Clerk having taken the Oath of Office.

I, the undersigned, hereby certify that on the _____ day of _____ the month of _____, 18____, E. F., Election Clerk for the Electoral District of _____, took and subscribed before me the Oath (or Affirmation) of office required in such case of an Election Clerk, by the _____ section of "The Election Law of 1869.

In testimony whereof, I have delivered to him this Certificate under my hand.

(Signature.) C. D.
Justice of the Peace.
or, A. B.
Returning Officer.

J.

FORM REFERRED TO IN THE SEVENTY-FOURTH SECTION OF THIS ACT.

Proclamation which the Returning Officer is to cause to be read at the Hustings, on the day of the opening of the Election.

OYEZ. OYEZ. OYEZ.

All persons are commanded and strictly enjoined to keep silence while Her Majesty's Writ for the present Election is publicly read, under the pains and penalties in such case provided.

K.

FORM F, REFERRED TO IN THE NINETY-NINTH SECTION OF THIS ACT.

Commission of a Deputy Returning Officer.

To G. H. (insert his legal addition and residence.)

Know you, that in my capacity of Returning Officer for the Electoral District of _____ I have appointed and do hereby appoint you to be Deputy Returning Officer, for the _____ Polling District number _____ of the said Electoral District of _____, there to take and record the votes of the Electors according to law, at the Polling place to be by you opened and kept for that purpose, and you are hereby authorized and required to open and hold the Poll of such Election for the said _____ Polling District on the _____ day of the month of _____, at eight o'clock in the forenoon, at (here describe particularly the place in which the Poll is to be held), and there to keep the said Poll open during the hours prescribed by law, and to take and record at the said Polling place, in a book which you will keep for that purpose, in the manner by law provided, the votes of the electors voting at the said Polling place, and to return to me the

said Poll Book, signed with your hand and sealed with your seal, together with this commission, on or before the day of the month of _____, 18 _____

Given under my hand, at _____, this _____ day of the month of _____, in the year _____ 18 _____

(Signature.) A. B.
Returning Officer.

M.

OATH REFERRED TO IN THE HUNDRETH SECTION OF THIS ACT.

Oath of Deputy Returning Officer.

I, the undersigned G. H., appointed Deputy Returning Officer for the Polling District of the Electoral District of _____, solemnly swear (or, being one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully, in my said capacity of Deputy Returning Officer, without partiality, fear, favour or affection; so help me God.

(Signature.) G. H.
Deputy Returning Officer.

N.

FORM REFERRED TO IN THE HUNDRETH SECTION OF THIS ACT.

Certificate of the Deputy Returning Officer (or, one of the Deputy Returning Officers, as the case may be), having taken the Oath of Office.

I, the undersigned, hereby certify that on the _____ day of the month of _____, G. H., Deputy Returning Officer for the _____ Polling District of the Electoral District of _____, took and subscribed the oath (or affirmation) of Office required in such case of a Deputy Returning Officer, by the one-hundredth section of "The Election Law of 1869."

In testimony whereof I have delivered to him this certificate under my hand.

(Signature.) C. D.
Justice of the Peace.
or, A. B.
Returning Officer.

O.

FORM REFERRED TO IN THE HUNDRED AND SEVENTH SECTIONS OF THIS ACT.

Commission of a Poll Clerk.

To I. J. (insert his legal addition and residence.)

Know you, that in my capacity of Deputy Returning Officer for the _____ Polling District of the Electoral District of _____, I have appointed and do hereby appoint _____ of _____

you to be Poll Clerk for the said Polling District of
the Electoral District of

Given under my hand, at this day
of the month of , in the year 18 .

(Signature.) G.H.
Deputy Returning Officer.

P.

OATH REFERRED TO IN THE HUNDRED AND SEVENTH SECTION OF THIS ACT.

Oath of a Poll Clerk.

I, the undersigned, I. J., appointed Poll Clerk for the
Polling District of the Electoral District of
do solemnly swear (or, if he be one of the persons per-
mitted by law to affirm in civil cases, do solemnly affirm) that I will
act faithfully in my capacity of Poll Clerk, and also in that of Deputy
Returning Officer, if required to act as such, according to law, without
partiality, fear, favour or affection; so help me God.

(Signature.) I. J.,
Poll Clerk.

Q.

FORM REFERRED TO IN THE HUNDRED AND SEVENTH SECTION OF
THIS ACT.

Certificate of the Poll Clerk having taken the Oath.

I, the undersigned, hereby certify, that on the day
of the month of , I. J., Poll Clerk for the
Polling District of the Electoral District of
in the County (or as the case may be) of
took and subscribed before me the oath (or affirmation) of office required
of a Poll Clerk in such cases by the section of "The
Election Law of 1869."

In testimony whereof, I have delivered to him this certificate under
my hand.

(Signature.) C. D.,
Justice of the Peace.
or A. B.,
Returning Officer.
or G. H.,
Deputy Returning Officer.

FORM R, REFERRED TO IN THE ONE HUNDRED AND TWENTY-SIXTH SECTION OF THIS ACT.

Oath of the Poll Clerk after the closing of the Poll.

I, the undersigned, Poll Clerk for the _____ Polling District of the Electoral District of _____, in the County _____ (or Riding, City or Town as the case may be), do solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that the Poll Book kept in and for the said _____, (as the case may be), under the direction of G. H., who has acted as Deputy Returning Officer therein, has been so kept by me under his direction as aforesaid, correctly and to the best of my skill and judgment; and that the total number of voters polled in such Poll Book as the number of _____ whereof C. D., a Candidate, has polled _____ votes, E. F., a Candidate has polled _____ votes (and so on, as the case may be), and that to the best of my knowledge and behalf, it contains a true and exact record of the votes given at the Polling place in the said _____, (as the case may be) as the said votes were taken at the said Poll by the said Deputy Returning Officer.

(Signature.)

I. J.

Poll Clerk.

Sworn (or affirmed) and subscribed before me, at _____, this day of the month of _____, in the year _____

(Signature.)

X. Y.

Justice of the Peace

or, A. B.

Returning Officer.

or, G. H.

Deputy Returning Officer.

FORM S, REFERRED TO IN THE ONE HUNDRED AND TWENTY-SEVENTH SECTION OF THIS ACT.

Oath of the Deputy Returning Officer after the closing of the Poll.

I, the undersigned, Deputy Returning Officer, for the _____ Polling District of the Electoral District of _____ do solemnly swear, (or, if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm), that, to the best of my knowledge and belief, the Poll Book kept for the said _____, (as the case may be) under my direction, hath been so kept correctly; and that the total number of votes polled in such Poll Book is _____, whereof C. D., a Candidate, has polled _____ votes, (and so on as the case may be), and that, to the best of my knowledge and belief, it contains a true and exact record of the votes given at the Polling Place in the said Polling District, as the said votes were taken at the Polling Place.

(Signature.)

G. H.

Deputy Returning Officer.

Sworn before me at _____, in the County of _____

, this _____

day of _____ 18 _____

X. Y.

Justice of the Peace.

or, A. B.

Returning Officers.

(as the case may be.)

An Act respecting the Salary of the Governor General.

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 payable yearly, and *pro rata* for any period less Salary of
than a year, to the Governor General of Canada, for the time being, Governor
5 the salary of ten thousand pounds sterling, equal to and of the value General
of forty-eight thousand six hundred and sixty-six dollars and sixty-
three cents; and the same shall be payable out of the Consolidated
Revenue Fund of Canada, and shall form the third charge thereon.

No. 59¹

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act respecting the Salary of the
Governor General.

Received and read, first time, Thursday, 20th
May, 1869.

Second reading, Friday, 21st May, 1869.

Hon. Sir J. A. MACDONALD.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO,

An Act to enable Edmund Walter Plunkett to obtain Letters Patent for a new and useful invention for the manufacture of Nails.

WHEREAS Edmund Walter Plunkett, of the City of Montreal, Preamble.
Civil Engineer, a British subject and resident in Canada, has by his Petition represented that he has become acquainted with and obtained a knowledge of a new and useful invention for
5 the manufacture of nails, and is desirous of introducing and operating the same in the Dominion of Canada; and that the working of said invention would prove of great public utility; and he hath prayed that an Act may be passed to enable him to obtain a Patent
10 of his Petition should be granted; and whereas it is expedient that the prayer of his Petition should be granted; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Notwithstanding anything to the contrary contained in chapter thirty-four of the Consolidated Statutes of Canada, intituled,
15 An Act respecting Patents of Inventions, it shall be lawful for the Governor General, if he see fit upon satisfactory proof of the truth of the said statement of the said Petitioner to grant Letters Patent to the said Edmund Walter Plunkett, in the same manner and to the same effect as the same might have been granted to him under
20 the said Act, if he had been the inventor of the said invention. Governor may grant a Patent notwithstanding Con. Stat. C. 34.

2. Any such Letters Patent to be granted as aforesaid, shall nevertheless be granted on the following conditions. Conditions on which a Patent shall be granted.

1. That the Patentee his heirs or assigns shall within two years from the date of the Letters Patent establish or cause to be established within the limits of the Dominion, a factory in which the
25 said invention shall be used, practiced and carried on. Factory in Canada.

2. That the privileges granted by such Letters Patent shall cease upon the abandonment of such works, and the stoppage thereof, for a period of one year, at any time during the term for which
30 the Patent is granted: Privileges to cease upon stoppage of working of invention.

3. Before any Patent is granted under this Act, the Petitioner shall give one month's notice in the *Canada Gazette* of his intention to apply for the same, stating therein the name of the inventor, and such particulars as will identify the said invention. Notice to be given before Patent is granted.

35 4. This Act shall be deemed a Public Act.

Public Act.

No. 60

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to enable Edmund Walker Plunkett
to obtain Letters Patent for a new and
useful invention for the manufacture of
Nails.

PRIVATE BILL.

Mr. M. P. RYAN.

OTTAWA :

PRINTED BY HUNTER, ROSE & CO.

An Act and continue in force the provisions of divers Acts relating to La Banque du Peuple.

WHEREAS La Banque du Peuple hath, by its petition, prayed that its Charter may be continued in force, and it is expedient to grant its 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 provisions of the Act passed by the Legislature of the late Province of Canada, in the seventh year of Her Majesty's Reign, intituled "An Act to incorporate certain persons carrying on the business of banking in the City of Montreal, under the name "of La Banque du Peuple;" as amended by an Act passed in the eleventh year of Her Majesty's Reign, intituled; "An Act to amend the Act incorporating La Banque du Peuple" and by another Act passed in the eighteenth year of Her Majesty's Reign, intituled; "An Act to increase the capital stock of La Banque du Peuple and for other purposes, and by another Act passed on the nineteenth year of Her Majesty's Reign, intituled "An Act to amend the Acts relating to La Banque du Peuple" and by another Act passed in the twenty second year of Her Majesty's Reign, intituled "An Act to amend a certain Act relating to La Banque du Peuple" and by another Act passed in the twenty fourth year of Her Majesty's Reign, intituled "An Act further to increase the capital stock of La Banque du Peuple," are hereby continued and shall remain in force, until the first day of January, which will be in the year of Our Lord one thousand eight hundred and eighty, and from that time to the end of the then next Session of the Parliament of Canada.

Preamble

7th Vict. C. 62.

10th and 11th Vict. C. 62.

18th Vict. C. 43.

19th Vict. C. 27.

22nd Vict. C. 51.

24th Vict. C. 93.

Above Acts continued

No. 61.

2nd Session, 1st Parliament, 32 Vic., 1869.

BILL.

An Act and continue in force, the provisions of divers Acts relating to "La Banque du Peuple." BILL

PRIVATE BILL.

Hon. Mr. DORION

OTTAWA.

PRINTED BY HUNTER, ROSE & COMPANY.

An Act to enable Edward Schultze to obtain Letters Patent for a new and useful Invention called Metallic Compression Casting.

WHEREAS Edward Schultze, of the city of Montreal, Manufacturer, a British subject and a resident in Canada, has by his Petition represented that he has become acquainted with and obtained a knowledge of a new and useful invention called Metallic Compression Casting, and is desirous of introducing and operating the same in the Dominion of Canada; and that the working of said Invention would prove of great public utility; and he hath prayed that an Act may be passed to enable him to obtain a Patent for the said invention.

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:

1. Notwithstanding anything to the contrary contained in Chapter Thirty-four of the Consolidated Statutes of Canada, intituled: An Act respecting Patents of Invention, it shall be lawful for the Governor General, if he shall see fit, upon satisfactory proof of the truth of the said statements of the said Petitioner, to grant Letters Patent to the said Edward Schultze for the said Invention, in the same manner and to the same effect as the same might have been granted to him under the said Act if he had been the Inventor of the said Invention.

Preamble.

Governor may grant a Patent notwithstanding Con. Stat. Can., c. 34.

2. Any such Letters Patent to be granted as aforesaid, shall nevertheless be granted on the following conditions:

Conditions upon which a Patent shall be granted. Factory in Canada.

1. That the Patentee, his heirs or assigns shall within two years from the date of the Letters Patent, establish or cause to be established within the limits of the Dominion, a Factory in which the said invention shall be used, practised and carried on.

2. That the privileges granted by such Letters Patent shall cease upon the abandonment of such works and the stoppage thereof, for a period of one year at any time during the term for which the Patent is granted.

Privilege to cease upon stoppage of working of Invention.

3. Before any Patent is granted under this Act, the Petitioner shall give one month's notice in the Canada Gazette of his intention to apply for the same, stating therein the name of the Inventor, and such particulars as will identify the said Invention.

Notice to be given before Patent is granted.

4. This Act shall be deemed a public Act.

Public Act.

No. 62.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to enable Edward Schultze to obtain
Letters Patent for a new and useful Inven-
tion called Metallic Compression Casting.

PRIVATE BILL.

Mr. M. P. RYAN.

OTTAWA:

PRINTED BY HUNTER ROSE & CO.

An Act to amend the Charter of the City Bank.

WHEREAS the City Bank have by their Petition prayed that Preamble.
 their Charter be amended and continued in force, 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
 5 House of Commons of Canada, enacts as follows ;—

1. The present Capital Stock of the Bank shall after the passing Value of
 of this Act, be divided into Twelve thousand Shares of One hun- shares.
 dred Dollars each, instead of Fifteen thousand Shares of Eighty
 dollars each, as heretofore.

10 **2.** Immediately after the passing of this Act, the Bank shall open Register and
 a new Register of Shareholders, and shall convert the shares conversion of
 standing in the names of the respective Shareholders in the present shares.
 Register of Shareholders, into such number of shares of one hun-
 dred dollars each, as shall represent at the par value the amount

15 of the shares theretofore standing in the name of each Shareholder,
 and in case there shall remain a sum or balance representing at As to frac-
 the par value, a fractional part of a share, the Shareholder of whose tional parts
 share or shares it shall have formed a portion shall have a right of shares.

20 pay to the Bank an amount sufficient to make with such sum or
 balance, the sum of one hundred dollars, and the Bank shall
 thereupon register in his or their name, an additional share of one
 hundred dollars, and no other or more formal transfer to such
 Shareholder shall be required ;

25 If such amount be not paid to the Bank within the delay afore- The same.
 said, the balance representing the fractional part of a share shall
 be placed at the credit of the Shareholder of whose share or shares
 the same shall have formed portion, and shall be subject to his
 order, and thereupon without any transfer or other formality being
 30 required, all the rights of such Shareholder in such fractional part
 of a share, shall belong to and be vested in the Bank.

3. The provisions contained in the next preceding section shall Section 2 to
 apply to all Executors, Administrators, Tutors, Curators, Trustees apply to ex-
 and other persons acting in a representative capacity, and to the ecutors, trus-
 35 shares held by them, and any moneys representing fractional tees, &c.
 parts of shares may be paid without the authority of any Court or
 Judge.

4. Notwithstanding anything contained in Section Ten of the Section 10 of
 Charter of the said City Bank, it shall be lawful for the Bank in- the Bank
 40 stead of exacting the Bonds and Securities therein mentioned, to Charter
 set apart and create a Fund to provide for losses sustained through amended.
 the officers and persons specified in the said Section.

5. This Act, and the Act of the Parliament of the late Province This Act to
 of Canada, 27 Victoria, Chapter 41, shall be construed as one Act, be one with 2
 Vic., c. 41.

and all provisions in the said cited Act which are inconsistent with this Act, are hereby repealed.

Charter con-
tinued.

6. The Charter of the said City Bank, as hereby amended, shall be and remain in force until the first day of May, 1881, and from that time until the end of the then next Session of the Parliament of Canada, and no longer. 5

No. 63.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to amend the Charter of the
City Bank.

PRIVATE BILL.

Hon. Mr. IRVINE.

OTTAWA :

PRINTED BY HUNTER, ROSE, & CO.

An Act to authorize the issuing of Letters Patent of invention to Henry Fitzwilliam Bellew, for a new description of building material or blocks.

WHEREAS Henry Fitzwilliam Bellew, of the city of Quebec, in the County of Quebec, hath, by his petition, represented that he has become possessed, by purchase from the inventor in the United States, of a process for the manufacture of a new and hitherto unknown description of building material known as the "American Building Block," and which can be manufactured at so moderate a cost as to render it an article of great economic value; and that he is desirous of being empowered to apply for, and if found entitled thereto, to obtain a patent for the same, and it is expedient to grant the prayer of his petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. It shall and may be lawful for the Governor General, if he shall see fit, and upon being satisfied that the said Henry Fitzwilliam Bellew, represents the original inventor of the said process, to grant a Patent to the said Henry Fitzwilliam Bellew for the said invention or process, in the same manner, upon the same conditions and restrictions, and to the same effect as the same might have been granted to him under Chapter thirty-four of the Consolidated Statutes of Canada, intituled, "An Act respecting Patents for Inventions," if he had been the introducer of the said process from any place on the Continent of Europe beyond the limits of Her Majesty's Dominions.

2. Any such Letters Patent, to be granted as aforesaid, shall, nevertheless, be granted on the following conditions:—

1. That the Patentee shall, within two years from the date of the Letters Patent, establish, or cause to be established, within the limits of the Dominion of Canada, a factory for the manufacture of such building material or blocks;

2. That the privileges granted by such Letters Patent shall be available to the Patentee so long only as such factory shall continue in operation.

3. Before any Patent is granted under this Act, the petitioner shall give one month's notice in the "Canada Gazette," of his intention to apply for the same, stating therein the name of the original inventor, the date of the Patent obtained in the United States, and such other particulars as will sufficiently identify the invention.

4. This Act shall be deemed a Public Act.

Public Act.

Preamble.

Governor
may grant a
Patent not-
withstanding
Con. Stat.
Canada C. 34

Conditions
on which the
Patent shall
be granted.
Factory in
Canada.

Requirements
before the
Patent shall
be granted.

No. 64.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to authorize the issuing of Letters
Patent of Invention to Henry Fitz-
william Bellew for a new description of
building material or blocks.

PRIVATE BILL.

Hon. Mr. IRVINE.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Act of the late Province of Canada passed in the twenty-ninth and thirtieth years of Her Majesty's Reign, to enable Philip Pearson Harris to obtain a Patent for a certain invention.

WHEREAS Philip Pearson Harris, of the city of Quebec, has by Preamble.
his petition set forth that in accordance with the provisions of
an Act passed in the Legislature of the late Province of Canada in the
session held in the twenty-ninth and thirtieth years of Her Majesty's
5 reign, entitled "An Act to enable Philip Pearson Harris to obtain a 29, 30 V. c.
Patent for a machine for refining and deodorising crude petroleum oil," 157.
Letters Patent for the said invention were duly issued dated the seventh
day of March, one thousand eight hundred and sixty-seven, in favor of the
said Philip Pearson Harris, with the condition that within two years from
10 the date of the said Letters Patent, a factory should be established within
the said Province for the manufacture of the said machine, and that
for reasons set forth in the said petition, the establishment of the said
factory has been unavoidably delayed beyond the period mentioned in
the said Act, and hath prayed for extension of the said time; and whereas
15 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 Letters Patent shall have full force and effect, Period ex-
provided the said Patentee shall within two years from the passing of tended on a
20 this Act, establish or cause to be established within the Provinces of certain condi-
Quebec and Ontario, a factory for the manufacture of the said machine. tion.

BILL.

An Act to amend the Act of the late Province of Canada, passed in the twenty-ninth and thirtieth years of Her Majesty's reign, to enable Philip Pearson Harris to obtain a Patent for a certain invention.

PRIVATE BILL.

Hon: Mr. IRVINE.

OTTAWA.

PRINTED BY HUNTER, ROSE & COMPANY.

Act to continue for a limited time the Charter of *La Banque Jacques Cartier*.

WHEREAS "La Banque Jacques Cartier" hath by its petition Preamble.
 prayed for a continuance and extension of its charter, and
 it is expedient to accede to the prayer of the said petition to the ex-
 tent and subject to the limitation hereinafter mentioned; therefore
 5 Her Majesty, by and with the advice and consent of the Senate
 and House of Commons of Canada, enacts as follows :

Act of Can-
 ada 24 V., c.
 90, and 27 V.,
 c. 43, contin-
 ued to 1st
 June, 1894,
 &c.
 10 **1.** The Act of the legislature of the late Province of Canada passed
 in the twenty-fourth year of Her Majesty's Reign, chapter ninety,
 and intituled, "An Act to incorporate *La Banque Jacques Cartier*,
 15 —and the Act of the said Legislature passed in the twenty-seventh
 year of Her Majesty's Reign, chapter forty-three, and intituled,
 "An Act to amend the Act respecting *La Banque Jacques Cartier*,
 shall be and are hereby continued and extended and shall remain
 in force until the first day of June, in the year of our Lord, one
 thousand eight hundred and ninety-four, and thence until the end
 of the then next session of the Parliament of the Dominion of
 Canada, and no longer.

No. 66.

2nd Session, 1st Parliament, 32 Victoria, 1869

BILL.

An Act to continue for a limited time the
Charter of *La Banque Jacques Cartier*.

PRIVATE BILL.

Hon. Sir GEO. E. CARTIER.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO,

An Act to enable Richard Charles Porter to obtain a Patent for a machine for cutting straw and hay.

WHEREAS Richard Charles Porter, of the Township of Ireland, in the County of Megantic, has, by his petition to Parliament, represented that he is a British subject and a resident of Canada, and that he has become possessed, by purchase from the inventor in the United States, of the right of introducing into this Dominion a new and useful invention, being a machine for cutting hay and straw, and has prayed that an Act may be passed to enable him to obtain a Patent for the said machine and discovery, and whereas it is expedient that the prayer of the said petition be granted: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Notwithstanding anything to the contrary contained in any law now in force, it shall be lawful for the Governor General if he shall see fit, upon satisfactory proof of the truth of the said statement of the said Petitioner, to grant Letters Patent to the said Richard Charles Porter for the said machine and discovery in the same manner and to the same effect as the same might have been granted to him if he had been the inventor of the said machine and discovery.

Governor
may grant
Letters
Patent to
R. J. Porter.

2. Such Letters Patent shall, nevertheless, be granted on the following conditions:

Conditions
of such
Patent.

1. That the Patentee shall, within two years from the date of the Letters Patent, establish, or cause to be established, within the limits of this Province, a factory for the manufacture of the said machine

2. That the privileges granted by the said Letters Patent shall be available to the Patentee so long only as the factory shall continue in operation.

3. Before any Patent is granted under this Act the petitioner shall give one months' notice in the "Canada Gazette" of his intention to apply for the same, stating therein the name of the original inventor, the date of the patent obtained in the United States, and such other particulars as will sufficiently identify the invention.

Notice of
application

No. 67.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to enable Richard Charles Porter
to obtain a Patent for a machine for cut-
ting straw and hay.

PRIVATE BILL.

Hon. Mr. IRVINE.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act for the Incorporation of the Elgin and St. Clair Railway Company.

WHEREAS a line of Railway is being constructed in the States of Indiana, Illinois and Michigan, having a terminus on the River St. Clair, with the object of obtaining more direct communication than at present exists between the West and East: Preamble.

5 And whereas it is desirable to construct a Tunnel under, or a bridge over the River St. Clair, and a line of Railway in Canada to connect therewith:

And whereas the construction of a line of Railway from some point on the River St. Clair in the Township of Moore, to some
10 point in the County of Elgin, at or near the Town of St. Thomas, would effect that object and also tend greatly to the development of the resources of the Counties of Elgin, Middlesex, and Lambton:

And whereas Andrew Elliott and others have petitioned for an Act to incorporate a Company to construct such Tunnel or Bridge
15 and Railway:

And whereas the said Tunnel or Bridge and said line of Railway, as connecting the Western States with the Dominion of Canada, is a work of general advantage to Canada, and it is therefore expedient to grant the prayer of the said petition:

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

1. For the construction of the said line of Railway, the following persons, viz: Andrew Elliott, J. E. Young, W. A. Thomson, McKellar, John E. Kitten, R. Eaton, S. Truesdale, Thos. W. Dobbie,

25 John H. Monroe, Shelton Sturgis, Nicol Kingmill, together with such other persons as may become Shareholders in the Company, and hereby incorporated, are hereby ordained and declared to be a body corporate under the name of the Elgin and St. Clair Railway Company.

30 2. The Company and their agents and servants shall have full power and authority under this Act to extend, lay out, construct, make and finish a double or single track of Railway of iron or steel at their own costs and charges, of such width or gauge as the Company see fit, from a point on the River St. Clair in the Town-
35 ship of Moore, to some point in the County of Elgin, at or near the Town of St. Thomas, with power to erect, construct, maintain, work and manage a Tunnel for Railway purposes under, or a Bridge over the River St. Clair, from the terminus of their Railway in the Township of Moore, to or near the Village of St. Clair, in
40 the State of Michigan.

3. It shall be lawful for the said Company to unite with any other Company incorporated or which may be incorporated by the laws of the United States, or any one or more of them, for the purpose of constructing or aiding in the construction of the said Tunnel or Bridge, or with any Railway Company similarly incorporated
45

or to be incorporated, which may join with the Company hereby incorporated for the purpose of constructing the said Tunnel or Bridge.

Capital for
Railway:—
and for bridge
or tunnel.

4. The capital stock of the said Company shall be for the purpose of building the said Railway, one million of dollars, divided into ten thousand shares of one hundred dollars each; and for the purpose of building the said Tunnel or Bridge, two millions of dollars, divided into twenty thousand shares of one hundred dollars each; and the subscription of stock in the said Company shall specify whether such subscription is for the purpose of the said Railway, or for the purposes of the said Tunnel or Bridge.

Provisional
Directors and
their powers.

5. The persons named in the first section, are constituted the Board of Provisional Directors of the said Company, and shall hold office as such until the first election of Directors under this Act, and shall have power and authority immediately after the passing of this Act, to open stock books, and procure subscriptions of stock for the undertaking; giving at least four weeks' previous notice by advertisement in the newspapers hereinafter mentioned, and in the "Ontario Gazette," 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 it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

Ten per cent.
must be paid
on subscrib-
ing.

6. No subscription of stock in the capital of the said Company shall be legal or valid unless ten per centum shall have been actually and *bona fide* paid thereon within five days after subscription into one or more of the Chartered Banks of the Province of Ontario to be designated by the said Directors; and such ten per centum shall not be withdrawn from such Bank, or otherwise applied, except for the purposes of such Railway, or Bridge, or Tunnel, or upon the dissolution of the Company from any cause whatever; and the said Directors, or a majority may in their discretion exclude any persons from so subscribing, who in their judgment would hinder, delay, or prevent the said Company from proceeding with or completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said Provisional Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in each allocation the said Directors may in their discretion exclude any one or more of the said subscribers, if in their judgment this will best secure the building of the said Railway Tunnel or Bridge.

Directors may
exclude un-
pleasant sub-
scribers, in
allocating
stock.

First general
meeting for
election of
directors.

7. So soon as five hundred thousand dollars of the said capital stock for the purposes of the Railway shall have been subscribed, and ten per centum *bona fide* paid thereon, and deposited in one or more of the Chartered Banks of the Province of Ontario for the purposes of the Company, the hereinbefore mentioned Directors, or a majority of them, shall call a meeting of the shareholders of the said Company, at such time and place as they may think proper, giving at least two weeks' notice in one or more newspapers published in the Counties of Elgin, Middlesex and Lambton, and in the Canada and Ontario Gazettes respectively, at which meeting the shareholders shall elect nine Directors from the shareholders possessing the qualifications hereinafter mentioned, which Directors shall hold office until the next annual general meeting of the shareholders as hereinafter provided.

8. The annual general meeting of the shareholders for the election of Directors and other general purposes shall be held at the Town of St. Thomas, or elsewhere within the Province of Ontario, as may be appointed by by-law, on the first Wednesday in the month of June of each year, and two weeks' previous notice thereof shall be given by publication in newspapers, as provided in the last preceding clause.

Annual gen-
eral mee tin g

Notice.

9. No person shall be elected a Director of the said Company, unless he shall be the holder and owner of at least ten shares in the stock of the said Company, and shall have paid up all calls made thereon.

Qualification
of Directors.

10. No call to be made at any time upon the said capital stock, shall exceed ten per centum of the said capital.

Special gen-
eral meetings.

11. Whenever it shall be deemed expedient by the Board of Directors that a special general meeting of the shareholders shall be convened, the same may be done by advertisement to be published in the manner last hereinbefore mentioned, and by circulars addressed by post to each shareholder at his last known or usual place of address, not less than two weeks previous thereto; and the special object of the said meeting shall be distinctly set forth in such advertisement and circular.

12. All deeds and conveyances for land required by the said Company may be in the form given in Schedule annexed, and all Registrars are required to register the same, on the production of a duplicate thereof, with an affidavit of due execution, and for so doing the Company shall pay to the said Registrar, the fee of *two shillings and six pence*, and no more.

Form of con-
veyance to
Company.

13. The Elgin and St. Clair Railway, when constructed and ready to be operated, may be leased to the Erie and Niagara Extension Railway Company, for such time and on such terms as may be acceptable to a majority of the shareholders, to be ascertained by vote at a special shareholders' meeting called for the special purpose.

Railway may
be leased to
a certain com-
pany.

14. The said Bridge or Tunnel shall be constructed so as not materially to obstruct the navigation of the St. Clair River, and the said Bridge, if constructed, shall have one or more draws of ample width to give free and unobstructed passage to all steamboats and other vessels navigating the said river; the said draws shall be at all times tended and moved at the expense of the said Company, so as not to hinder unnecessarily the passage of any steamboats or vessels. From sundown until sunrise during the season of navigation, suitable lights shall be maintained upon the said Bridge to guide vessels and steamboats approaching the draws; and the said Company shall be liable to pay the owners of any steamboat or vessel, or of the cargoes thereof, all damages which they may sustain by reason of any neglect of the provisions of this section.

Tunnel or
bridge, how-
to be con-
structed.

15. The Company shall have full power under this Act, to purchase and construct and hold as part of the property of the said Company, one or more steamers or ferry-boats, and to work and use the same in conveying or ferrying their freight and passengers across the River St. Clair, pending the construction of the said Bridge or Tunnel.

Power to hold
and work
ferry-boats.

Municipalities may assist the Company.

16. It shall be lawful for any municipality or municipalities through any part of which or near which the Railway, Tunnel or Bridge, or works of the said Company shall pass or be situated to aid and assist the said Company by loaning or guaranteeing or giving money by way of bonus or other means, to the Company, or by issuing Municipal Bonds to or in aid of the Company, and otherwise, in such manner and to such extent as such municipalities or any of them, shall think expedient. 5

Proviso.

Provided always that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers, as provided in "the Railway Act of 1868." 10

Limitation of time for paying stock and beginning and completing works.

17. Five hundred thousand dollars at least of the said capital stock for the purpose of the said Railway shall be subscribed, and the said deposit in cash for ten per centum shall be made, and the said line of Railway *bona fide* commenced within two years from the passing of this Act; and the said line of Railway shall be completed within five years from the passing of this Act. 15

The same.

And five hundred thousand dollars of the said capital stock for the purposes of the said Tunnel or Bridge shall be subscribed, and a deposit of ten per centum paid thereon, and the said Tunnel or Bridge *bona fide* commenced within five years from the passing of this Act, and the said Tunnel or Bridge shall be completed within ten years from the passing of this Act. 20

Short Title.

18. This Act may be cited as the Elgin and St. Clair Railway Act. 25

SCHEDULE.

Know all men by these presents, that I
of _____ do hereby in consideration of
paid to me by the Elgin and St. Clair Railway Company, (the receipt whereof I do hereby acknowledge) do grant and confirm to the said Company, its successors and assigns, for ever, all that certain Parcel of Land situate
for the purpose of their Railway. And I _____ the wife
of the said _____ do hereby release my dower on
the said Lands. As witness _____ hand and seal this
day of _____ one thousand eight hundred and sixty

Signed, sealed and delivered,
in the presence of

STANDARD LIFE INSURANCE COMPANY

NEW YORK

DECEMBER 31, 1911

STATE OF NEW YORK

IN SENATE

1912

No. 68.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act for the Incorporation of the
Elgin and St. Clair Railway Company.

PRIVATE BILL.

Mr. MORRISON (Niagara).

OTTAWA.
PRINTED BY HUNTER, ROSE & COMPANY.

An Act for the more speedy trial in certain cases, of persons charged with felonies and misdemeanors, in the Province of Ontario.

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

Printed
not

2. That the prisoner has his option to be forthwith tried before such Judge without the intervention of a Jury, or to remain untried until the next sittings of such sessions or of a Court of Oyer and Terminer. prisoner consents.

20 3. If the prisoner demands a trial by Jury, the Judge shall remand him to jail ; but if he consents to be tried by the Judge without a Jury, the County Attorney and Clerk of the Peace shall draw up a Record of the proceedings as nearly as may be in one of the forms in the Schedule to this Act :—If upon being arraigned upon the charge, the prisoner pleads Prisoner pleading "guilty."
25 guilty, such plea shall be entered in the Record, and the Judge shall pass the sentence of the law on such prisoner, which shall have the same force and effect as if passed at any Court of General Sessions of the Peace.

30 4. If the prisoner upon being so arraigned and consenting as afore- Prisoner pleading "not guilty." said pleads not guilty, the Judge shall appoint an early day, or the same day, for his trial, and it shall be the duty of the County Attorney or Clerk of the Peace to subpoena the witnesses named in the depositions, or as many of them as he may think sufficient to prove the charge, to attend at the time appointed for such trial, and the prisoner being 35 ready, the Judge shall proceed to try him, and if he is found guilty, sentence shall be passed as in the last preceding section mentioned, but if he is found not guilty, the Judge shall immediately discharge him from custody, so far as respects the charge in question.

5. The record in any such case shall be filed among the records of Record. the Court of General Sessions of the Peace, as indictments are, and as part of such records.

6. Any witness duly summoned or subpoenaed to attend and give Witnesses. evidence before such Judge sitting on any such trial on the day

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An Act for the more speedy trial in certain cases, of persons charged with felonies and misdemeanors, in the Province of Ontario.

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

1. Any person committed to a jail on a charge of being guilty of any offence for which he may be tried at a Court of General Sessions of the Peace, may with his own consent, and subject to the provisions hereinafter made, be tried out of Sessions, and if convicted, may be sentenced, by any Judge being the chairman of such court. Judge may try by consent, without a jury.
2. It shall be the duty of every Sheriff within twenty-four hours after any prisoner charged as aforesaid is committed to jail, to notify such Judge in writing that such prisoner is so confined, stating his name and the nature of the charge preferred against him, whereupon with as little delay as possible, such Judge shall cause the prisoner to be brought up before him. Report of Sheriff. Prisoner to be brought before judge.
3. Having obtained the depositions on which the prisoner was committed, the Judge shall state to him,—
 1. That he is charged with the offence, describing it ;
 2. That the prisoner has his option to be forthwith tried before such Judge without the intervention of a Jury, or to remain untried until the next sittings of such sessions or of a Court of Oyer and Terminer. Proceedings previous to: and at the trial if the prisoner consents.
3. If the prisoner demands a trial by Jury, the Judge shall remand him to jail ; but if he consents to be tried by the Judge without a Jury, the County Attorney and Clerk of the Peace shall draw up a Record of the proceedings as nearly as may be in one of the forms in the Schedule to this Act :—If upon being arraigned upon the charge, the prisoner pleads guilty, such plea shall be entered in the Record, and the Judge shall pass the sentence of the law on such prisoner, which shall have the same force and effect as if passed at any Court of General Sessions of the Peace. Prisoner pleading "guilty."
4. If the prisoner upon being so arraigned and consenting as aforesaid pleads not guilty, the Judge shall appoint an early day, or the same day, for his trial, and it shall be the duty of the County Attorney or Clerk of the Peace to subpoena the witnesses named in the depositions, or as many of them as he may think sufficient to prove the charge, to attend at the time appointed for such trial, and the prisoner being ready, the Judge shall proceed to try him, and if he is found guilty, sentence shall be passed as in the last preceding section mentioned, but if he is found not guilty, the Judge shall immediately discharge him from custody, so far as respects the charge in question. Prisoner pleading "not guilty."
5. The record in any such case shall be filed among the records of the Court of General Sessions of the Peace, as indictments are, and as part of such records. Record.
6. Any witness duly summoned or subpoenaed to attend and give evidence before such Judge sitting on any such trial on the day Witnesses.

appointed for the same shall be bound to attend, and in case he fails to attend, he shall be held guilty of contempt of Court, and he may be proceeded against according to law.

7. This Act shall apply only to the Province of Ontario.

SCHEDULE.

Form of Record when the Prisoner pleads Not Guilty.

Province of Ontario, } Be it remembered that A. B. being a pri-
 County of } soner in the Jail of the said County, on a
 to wit : } charge of having on day of 186 ,
 feloniously stolen, &c., (*one cow, the property of C. D., or as the case may
 be, stating briefly the offence,*) and being brought before me
 Judge of the County Court of the said County, on the
 day of 186 , and asked by me if he consented to be tried
 before me without the intervention of a Jury, consented to be so tried ;
 and that upon the day of 186 , the said A. B. being again
 brought before me for trial, and declaring himself ready, was arraigned
 upon the said charge and pleaded not guilty ; and after hearing the
 evidence adduced as well in support of the said charge as for the pri-
 soner's defence (*or as the case may be*) I find him to be guilty of the
 offence with which he is charged as aforesaid, and I accordingly sen-
 tence him to be (*here insert such sentence as the law allows and the Judge
 thinks right,*) or I find him not guilty of the offence with which
 he is charged, and discharge him accordingly. Witness my hand at
 at in the County of , this day of 186 .

O. K.

Signature of Judge.

Form of Record when the Prisoner pleads Guilty.

Province of Ontario } Be it remembered that A. B. being a
 County of } prisoner in the Jail of the said County, on a
 To wit : } charge of having on the day of
 186 , feloniously stolen &c., (*one cow the property of, or as
 the case may be, stating briefly the offence,*) and being brought before
 me Judge of the said County Court of the said County
 on the day of 186 , and asked by me if he
 consented to be tried before me without the intervention of a jury,
 consented to be so tried : and that said A. B. being then arraigned upon
 the said charge, he pleaded guilty thereof, whereupon I sentence the
 said A. B. to be (*here insert such sentence as the law allows and the
 Judge thinks right.*) Witness my hand this day of 186 .

O. K.

Signature of Judge.

No. 70.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act for the more speedy trial in certain cases, of persons charged with felonies and misdemeanors in the Province of Ontario.

Received and read, first time, Friday, 21st
May, 1869.

Second reading, Wednesday, 26th May, 1869.

Hon. Mr. MACDONALD, (Cornwall.)

OTTAWA:

PRINTED BY HUNTER, ROSE & CO,

An Act respecting Seduction.

WHEREAS it is expedient in the interests of public morals and ^{Preamble.}
 for the protection of society to declare the seduction of an
 unmarried woman under certain circumstances to be a criminal offence
 and to provide for its punishment as such: Therefore Her Majesty,
 5 by and with the advice and consent of the Senate and House of
 Commons of Canada, enacts as follows:

1. Whosoever shall under promise of marriage, seduce and have ^{Seduction a}
 illicit connection with any unmarried woman of previous chaste charac- ^{misdemeanor.}
 10 ter, is guilty of a misdemeanor, and shall on conviction, be liable to be
 imprisoned for any term not exceeding two years, in any gaol or place
 of confinement with or without hard labor, or to pay such fine as the
 Court may award, in addition to or without any such other punish- ^{Punishment.}
 ment as aforesaid.

2. No conviction shall be had under this Act on the testimony of ^{Evidence,}
 15 the woman seduced, unsupported by other evidence, nor unless the ^{&c.}
 indictment is found within two years after the commission of the
 offence.

3. The subsequent inter-marriage of the parties may be pleaded in ^{Marriage by}
 bar of conviction. ^{the parties.}

No. 71.

2nd Session, 1st Parliament, 22 Victoria, 1869.

BILL.

An Act respecting Seduction.

Received and read first time, Friday, 21st May,
1869.

Second reading, Wednesday, 26th May, 1869.

Mr. MORRIS.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the duties of Justices of the Peace, out of Sessions, in relation to summary convictions and orders.

WHEREAS it is expedient to assimilate, amend and consolidate the statute law of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and

Preamble.

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25 directed to such person, stating shortly the matter of the information or complaint, and requiring him to appear at a certain time and place, before the same Justice or Justices, or before such other Justice or Justices of the same Territorial Division as may then be there, to answer to the said information or complaint, and to be further dealt with according to law.

30 2. Every such Summons shall be served by a Constable or other Peace Officer, or other person to whom the same may be delivered, upon the person to whom it is directed, by delivering the same to the party personally, or by leaving it with some person for him at his last or most usual place of abode.

Service of Summons.

3. The Constable, Peace Officer, or person who serves the same, shall attend at the time and place, and before the Justice or Justices in the Summons mentioned, to depose, if necessary, to the service thereof.

Proof of Service.

35 4. But nothing hereinbefore contained shall oblige any Justice or Justices of the Peace to issue any such Summons in any case where the application for any order of Justices is by law to be made *ex parte*.

Proviso as to *ex parte* cases.

40 5. No objection shall be allowed to any information, complaint or summons, for any alleged defect therein, in substance or in form, or for any variance between such information, complaint or summons, and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint; but if any such variance appears to the Justice or Justices present and acting at such hearing

No objection on account of defect or variance.

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An Act respecting the duties of Justices of the Peace, out of Sessions, in relation to summary convictions and orders.

WHEREAS it is expedient to assimilate, amend and consolidate the statute law of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders, and to extend the same as so amended to all Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. In all cases where an information is laid before one or more of Her Majesty's Justices of the Peace for any Territorial Division of Canada, that any person being within the jurisdiction of such Justice or Justices, has committed or is suspected to have committed any offence or act over which the Parliament of Canada has jurisdiction, and for which he is liable by law, upon a Summary Conviction for the same before a Justice or Justices of the Peace, to be imprisoned or fined, or otherwise punished, and also in all cases where a complaint is made to any such Justice or Justices in relation to any matter over which the Parliament of Canada has jurisdiction, and upon which he or they have authority by law to make any order for the payment of money or otherwise, such Justice or Justices of the Peace may issue his or their Summons (A), directed to such person, stating shortly the matter of the information or complaint, and requiring him to appear at a certain time and place, before the same Justice or Justices, or before such other Justice or Justices of the same Territorial Division as may then be there, to answer to the said information or complaint, and to be further dealt with according to law.

2. Every such Summons shall be served by a Constable or other Peace Officer, or other person to whom the same may be delivered, upon the person to whom it is directed, by delivering the same to the party personally, or by leaving it with some person for him at his last or most usual place of abode.

3. The Constable, Peace Officer, or person who serves the same, shall attend at the time and place, and before the Justice or Justices in the Summons mentioned, to depose, if necessary, to the service thereof.

4. But nothing hereinbefore contained shall oblige any Justice or Justices of the Peace to issue any such Summons in any case where the application for any order of Justices is by law to be made *ex parte*.

5. No objection shall be allowed to any information, complaint or summons, for any alleged defect therein, in substance or in form, or for any variance between such information, complaint or summons, and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint; but if any such variance appears to the Justice or Justices present and acting at such hearing

Preamble.

Where an information is laid, &c., before a Justice of the Peace, &c., such Justice may issue a summons to the party accused.

Service of Summons.

Proof of Service.

Proviso as to *ex parte* cases.

No objection on account of defect or variance.

to be such, that the person summoned and appearing has been thereby deceived or misled, such Justice or Justices, may, upon such terms as he or they think fit, adjourn the hearing of the case to a future day.

If the summons having been duly served, &c., is not obeyed, the Justice may proceed to issue his Warrant.

6. If the person served with a Summons does not appear before the Justice or Justices at the time and place mentioned in the Summons, and it be made to appear to the Justice or Justices, by oath or affirmation, that the Summons was duly served what the Justice or Justices deem a reasonable time before the time therein appointed for appearing to the same, then the Justice or Justices, upon oath or affirmation being made before him or them, substantiating the matter of the information or complaint to his or their satisfaction, may, if he or they think fit, issue his or their Warrant (B) to apprehend the party so summoned, and to bring him before the same Justice or Justices or before some other Justice or Justices of the Peace in and for the same Territorial Division, to answer to the said information or complaint, and to be 15 further dealt with according to law; or the Justice or Justices before whom any such information is laid, for any such offence as aforesaid, punishable on conviction, upon oath or affirmation being made before him or them substantiating the matter of the information to his or their satisfaction, may, if he or they think fit, instead of issuing a Summons, 20 issue in the first instance his or their Warrant (C) for apprehending the person against whom the information has been laid, and bringing him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same Territorial Division, to answer to the information and to be further dealt with according to law. 25

Warrant may issue in the first instance on information supported by oath, &c.

Justices may proceed *ex parte*, if summons duly served is not obeyed, &c.

7. If where a summons has been issued, and upon the day and at the place therein appointed for the appearance of the party summoned, the party fails to appear in obedience to the Summons, then, if it be proved upon oath or affirmation to the Justice or Justices present, that a Summons was duly served upon the party a reasonable time before 30 the time appointed for his appearance, the Justice or Justices of the Peace may proceed *ex parte* to the hearing of the information or complaint, and adjudicate thereon, as fully and effectually to all intents and purposes as if the party had personally appeared before him or them in obedience to the Summons. 35

Warrant to be under hand and seal.

8. Every Warrant to apprehend a Defendant that he may answer to an information or complaint shall be under the hand and seal or hands and seals of the Justice or Justices issuing the same, and may be directed to any one or more or to all of the Constables (or other Peace Officers of the Territorial Division within which it is to be 40 executed, or to such Constable and all other Constables in the Territorial Division within which the Justice or Justices who issued the Warrant hath or have jurisdiction, or generally to all the Constables (or Peace Officers) within such Territorial Division, and it shall state shortly the matter of the information or complaint 45 on which it is founded, and shall name or otherwise describe the person against whom it has been issued, and it shall order the Constables (or other Peace Officers) to whom it is directed, to apprehend the Defendant, and to bring him before one or more Justice or Justices of the Peace, of the same Territorial Division, as the case may require, 50 to answer to the information or complaint and to be further dealt with according to law.

Duration of Warrant, and bond executed.

9. It shall not be necessary to make the Warrant returnable at any particular time, but the same may remain in full force until executed; and the Warrant may be executed by apprehending the Defendant at 55 any place in the Territorial Division within which the Justices who issued the same have jurisdiction, or, in case of fresh pursuit, at any

place in the next adjoining Territorial Division, within seven miles of the border of the first mentioned Territorial Division, without having the Warrant backed as hereinafter mentioned.

10. In all cases where the Warrant is directed to all Constables or Peace Officers in the Territorial Division within which the Justice or Justices who issued the same have jurisdiction, any Constable or Peace Officer for any place within the limits of the jurisdiction may execute the Warrant in like manner as if the Warrant was directed specially to him by name, and notwithstanding that the place in which the Warrant is executed be not within the place for which he is a Constable or Peace Officer.

What Officer may execute it.

11. If any person against whom any Warrant has been issued be not found within the jurisdiction of the Justice or Justices by whom it was issued, or, if he escapes into, or is, or is suspected to be in any place within Canada, out of the jurisdiction of the Justice or Justices who issued the Warrant, any Justice of the Peace, within whose jurisdiction such person may be or be suspected to be, upon proof upon oath or affirmation of the handwriting of the Justice or Justices issuing the Warrant, may make an endorsement upon it, signed with his name, authorizing the execution of the Warrant within his jurisdiction; and such endorsement shall be a sufficient authority to the person bringing the Warrant, and to all other persons to whom it was originally directed, and to all Constables or other Peace Officers of the Territorial Division wherein the endorsement has been made, to execute the same in any place within the jurisdiction of the Justice of the Peace endorsing the same, and to carry the offender, when apprehended, before the Justice or Justices who first issued the Warrant or some other Justice having the same jurisdiction.

Backing the Warrant in another jurisdiction: its effect.

12. No objection shall be taken or allowed to any Warrant issued as aforesaid, for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the Informant or Complainant, but if it appears to the Justice or Justices present and acting at the hearing, that the party apprehended under the Warrant has been deceived or misled by any such variance, such Justice or Justices may, upon such terms as he or they think fit, adjourn the hearing of the case to some future day, and in the meantime commit (D) the Defendant to the Common Gaol, or other prison, or place of security within the Territorial Division or place wherein the Justice or Justices may be acting, or to such other custody as the Justice or Justices think fit, or may discharge him upon his entering into a Recognizance (E), with or without surety or sureties, at the discretion of the Justice or Justices, conditioned for his appearance at the time and place to which the hearing is so adjourned.

No objection allowed for want of form; but adjournment in certain cases.

13. In all cases where a Defendant is discharged upon Recognizance and does not afterwards appear at the time and place in the Recognizance mentioned, the Justice who took the Recognizance, or any Justice or Justices who may then be present, having certified (F) upon the back of the Recognizance the non-appearance of the Defendant, may transmit such Recognizance to the proper Officer in the Province appointed by law to receive the same, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of the non-appearance of the said Defendant, and the Justice or Justices may issue his or their Warrant for the apprehension of the Defendant on the information or complaint.

Where a defendant is discharged on recognizance and fails to appear, &c.

14. In any information or complaint or proceedings thereon, in which it is necessary to state the ownership of any property belonging

Description of property of partners, &c.,

in any information or complaint proceedings thereon. to or in possession of partners, joint tenants, parceners or tenants in common, or *par indivis*, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named and another, or others, as the case may be; and whenever in any information or complaint or the proceedings thereon, it is necessary to mention, 5 for any purpose whatsoever, any partners, joint tenants, parceners or tenants in common, or *par indivis*, it shall be sufficient to describe them in the manner aforesaid; and whenever in any information or complaint, or the proceedings thereon, it is necessary to describe the ownership of any work or building made, maintained or repaired at 10 the expense of the Corporation or inhabitants of any Territorial Division or place, or of any materials for the making, altering or repairing the same; they may be therein described as the property of the inhabitants of such Territorial Division or place.

Aiders and abettors of offences punishable on summary conviction. 15. Every person who aids, abets, counsels or procures the commission of any offence which is punishable on summary conviction, shall be liable to be proceeded against and convicted for the same, either together with the principal offender, or before or after his conviction, and shall be liable, on conviction, to the same forfeiture and punishment as the principal offender, and may be proceeded against and convicted 20 either in the Territorial Division or place where the principal offender may be convicted, or in that in which the offence of aiding, abetting, counselling or procuring was committed.

Summons to prison likely to give material evidence. 16. If it be made to appear to any Justice of the Peace, by the oath or affirmation of any credible person, that any person within the jurisdiction of such Justice is likely to give material evidence on behalf of the Prosecutor or complainant or Defendant, and will not voluntarily appear as a witness at the time and place appointed for the hearing of the information or complaint, the Justice shall issue his Summons (G 1) to such person, requiring him to be and appear at a time and 30 place mentioned in the summons, before the said Justice, or any other Justice or Justices of the Peace for the Territorial Division, who may then be there, to testify what he knows concerning the information or complaint.

Warrant if any person fails to appear. 17. If any person so summoned neglects or refuses to appear at the 35 time and place appointed by the Summons, and no just excuse be offered for such neglect or refusal, then (after proof upon oath or affirmation of the Summons having been served upon him, either personally or by leaving the same for him with some person at his last or most usual place of abode) the Justice or Justices before whom such person 40 should have appeared may issue a Warrant (G 2) to bring and have such person, at a time and place to be therein mentioned, before the Justice who issued the Summons, or before any other Justice or Justices of the Peace for the same Territorial Division who may be then there, to testify as aforesaid, and the said Warrant may, if necessary, be 45 backed as hereinbefore mentioned, in order to its being executed out of the jurisdiction of the Justice who issued the same.

Warrant in the first instance. 18. If the Justice is satisfied, by evidence upon oath or affirmation, that it is probable that the person will not attend to give evidence without being compelled so to do, then instead of issuing a Summons 50 he may issue his Warrant (G 3) in the first instance, and the warrant may, if necessary, be backed as aforesaid.

Commitment for refusal to give evidence. 19. If on the appearance of the person so summoned before the last mentioned Justice or Justices, either in obedience to the Summons, or upon being brought before him or them, by virtue of the Warrant, 55 such person refuses to be examined upon oath or affirmation concerning

the premises, or refuses to take an oath or affirmation, or having taken the oath or affirmation refuses to answer such questions concerning the premises as are then put to him, without offering any just excuse for his refusal, any Justice of the Peace then present, and having jurisdiction, may, by Warrant (G 4), commit the person so refusing to the Common Gaol or other prison for the Territorial Division where the person then is, there to remain and be imprisoned for any time not exceeding ten days, unless in the meantime, he consents to be examined and to answer concerning the premises.

10 **20.** In all cases of complaint upon which a Justice or Justices of the Peace may make an order for the payment of money or otherwise, it shall not be necessary that such complaint be in writing unless it be required to be so by some particular Act or Law upon which such complaint is framed.

Complaints need not be in writing, &c.

15 **21.** In all cases of informations for offences or acts punishable upon summary conviction, any variance between the information and the evidence adduced in support thereof as to the time at which such offence or act is alleged to have been committed, shall not be deemed material, if it be proved that such information was in fact laid within
20 the time limited by law for laying the same; and any variance between the information and the evidence adduced in support thereof, as to the place in which the offence or act is alleged to have been committed, shall not be deemed material, if the offence or act be proved to have been committed within the jurisdiction of the Justice or
25 Justices by whom the information is heard and determined.

Certain variances between information and evidence not material.

22. If any such variance, or any other variance between the information and the evidence adduced in support thereof, appears to the Justice or Justices present, and acting at the hearing, to be such that the party charged by the information has been thereby deceived or misled, the Justice or Justices, upon such terms as he or they think fit, may
30 adjourn the hearing of the case to some future day, and in the meantime commit (D) the Defendant to the Common Gaol, or other prison, or to such other custody as the Justice or Justices think fit, or may discharge him upon his entering into a Recognizance (E), with or without
35 Surety or Sureties, at the discretion of the Justice or Justices, conditioned for his appearance at the time and place to which the hearing is adjourned.

But in case the defendant has been misled, Justice may adjourn the case.

23. In all cases where a Defendant has been discharged upon Recognizance as aforesaid, and does not afterwards appear at the time
40 and place in the Recognizance mentioned, the Justice who took the Recognizance, or any other Justice or Justices who may then be there present, having certified (F) upon the back of the Recognizance the non-appearance of the Defendant, may transmit the Recognizance to the proper Officer in the Province appointed by law to receive the same, to
45 be proceeded upon in like manner as other Recognizances, and the Certificate shall be deemed sufficient *prima facie* evidence of the non-appearance of the Defendant.

Defendant bailed and not appearing.

24. All complaints upon which a Justice or Justices of the Peace are authorized by law to make an order, and all informations for any
50 offence or act punishable upon summary conviction, unless some particular Act or Law otherwise requires, and except in cases where it is herein otherwise provided, may respectively be made or laid without any oath or affirmation as to the truth thereof.

- Except where warrant is issued in the first instance. **25.** But in all cases of informations, where the Justice or Justices receiving the same, thereupon issue his or their Warrant in the first instance, to apprehend the Defendant, and in every case where the Justice or Justices issue his or their Warrant in the first instance, the matter of the information shall be substantiated by the oath or affirmation of the informant, or by some witness or witnesses on his behalf, before the Warrant shall be issued; and every complaint shall be for one matter of complaint only and not for two or more matters of complaint, and every information shall be for one offence only, and not for two or more offences, and every complaint or information may be laid or made by the complainant or informant in person, or by his Counsel or Attorney, or other person authorized in that behalf. 5
- Complaint or information to be for one matter only. **26.** In all cases where no time is specially limited for making any complaint or laying any information in the Act or Law relating to the particular case, the complaint shall be made and the information shall be laid within three months from the time when the matter of the complaint of information arose. 15
- When no time is limited for information or complaint. **27.** Every complaint and information shall be heard, tried, determined and adjudged by one Justice or two or more Justices of the Peace, as may be directed by the Act or Law upon which the complaint or information is framed, or by any other Act or Law in that behalf. 25
- As to the hearing of complaints and informations. **28.** If there be no such direction in any Act or Law, then the complaint or information may be heard, tried, determined and adjudged by any one Justice for the Territorial Division where the matter of the complaint or information arose. 25
- If there be no such direction. **29.** The room or place in which the Justice or Justices sit to hear and try any complaint or information, shall be deemed an open and public Court to which the public generally may have access, so far as the same can conveniently contain them. 30
- To be deemed an open Court. **30.** The party against whom the complaint is made or information laid, shall be admitted to make his full answer and defence thereto, and to have the witnesses examined and cross-examined by Counsel or Attorney on his behalf.
- Defendant may make full defence, and produce witnesses. **31.** Every Complainant or Informant in any such case shall be at liberty to conduct the complaint or information, and to have the witnesses examined and cross-examined by Counsel or Attorney on his behalf. 35
- Prosecutor may be heard by counsel or attorney. **32.** If on the day and at the place appointed by the summons for hearing and determining the complaint or information, the Defendant against whom the same has been made or laid does not appear when called, the Constable, or other person who served him with the summons, shall declare upon oath in what manner he served the summons; and if it appear to the satisfaction of the Justice or Justices that he duly served the summons, then the Justice or Justices may proceed to hear and determine the case in the absence of the Defendant, or the Justice or Justices, upon the non-appearance of the Defendant, may, if he or they think fit, issue his or their warrant in manner hereinbefore directed, and shall adjourn the hearing of the complaint or information until the Defendant is apprehended. 40 45 50
- In case the defendant does not appear. **33.** When the Defendant has been apprehended under the warrant, he shall be brought before the same Justice or Justices, or some other Justice or Justices of the Peace for the same Territorial Division, who
- When defendant has been apprehended, &c.

shall thereupon, either by his or their warrant (H) commit the Defendant to the Common Gaol, or other prison, or if he or they think fit, verbally to the custody of the Constable or other person who apprehended him, or to such other safe custody as he or they deem fit, and may order the Defendant to be brought up at a certain time and place before him or them, of which order the Complainant or Informant shall have due notice.

34. If upon the day and at the place so appointed, the Defendant appears voluntarily in obedience to the summons in that behalf served upon him, or is brought before the Justice or Justices by virtue of a warrant, then, if the Complainant or Informant, having had due notice, does not appear by himself, his Counsel or Attorney, the Justice or Justices shall dismiss the complaint or information unless for some reason he or they think proper to adjourn the hearing of the same until some other day, upon such terms as he or they think fit, in which case the Justice or Justices may commit (D) the Defendant in the meantime to the Common Gaol, or other prison, or to such other custody as he or they think fit, or may discharge him upon his entering into a recognizance (E) with or without surety or sureties, at the discretion of the Justice or Justices, conditioned for his appearance at the time and place to which such hearing may be adjourned.

35. If the Defendant does not afterwards appear at the time and place mentioned in his Recognizance, then the Justice who took the Recognizance, or any Justice or Justices then and there present, having certified (F) on the back of the recognizance the non-appearance of the Defendant, may transmit the recognizance to the proper officer appointed to receive the same, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of the non-appearance of the Defendant.

36. If both parties appear, either personally or by their respective Counsel or Attorneys, before the Justice or Justices who are to hear and determine the complaint or information, then the said Justice or Justices shall proceed to hear and determine the same.

37. In case the Defendant be present at the hearing, the substance of the information or complaint shall be stated to him, and he shall be asked if he has any cause to shew why he should not be convicted, or why an order should not be made against him, as the case may be.

38. If he thereupon admits the truth of the information or complaint, and shews no sufficient cause why he should not be convicted, or why an order should not be made against him, as the case may be, the Justice or Justices present at the hearing, shall convict him or make an order against him accordingly.

39. If he does not admit the truth of the information or complaint, the Justice or Justices shall proceed to hear the Prosecutor or Complainant and such witnesses as he may examine, and such other evidence as he may adduce in support of his information or complaint, and shall also hear the Defendant and such witnesses as he may examine, and such other evidence as he may adduce in his defence, and also hear such witnesses as the Prosecutor or Complainant may examine in reply, if such Defendant has examined any witnesses or given any evidence other than as to his (the Defendant's) general character.

40. The Prosecutor or Complainant shall not be entitled to make any observations in reply, upon the evidence given by the Defendant,

If defendant appears, &c.

If defendant afterwards fail to appear, &c.

If both parties appear.

Proceedings on the hearing.

Justice may convict, &c., if defendant admits the truth.

If he does not admit the truth, &c.

As to observations by either party.

nor shall the Defendant be entitled to make any observations in reply upon the evidence given by the Prosecutor or Complainant in reply.

Decision of the case.

41. The Justice or Justices, having heard what each party has to say, and the witnesses and evidence adduced, shall consider the whole matter and, unless otherwise provided, determine the same, and convict or make an Order upon the Defendant, or dismiss the information or complaint as the case may be. 5

Minute of conviction; to be made.

42. If he or they convict or make an order against the Defendant, a minute or memorandum thereof shall then be made, for which no fee shall be paid, and the conviction (I 1, 3) or order (K 1, 3) shall afterwards be drawn up by the Justice or Justices in proper form, under his or their hand and seal or hands and seals. 10

Or if he dismiss the complaint, &c.

43. If the Justice or Justices dismiss the information or complaint, he or they may, when required so to do, make an order of dismissal of the same (L), and shall give the Defendant a Certificate thereof (M), which Certificate upon being afterwards produced, shall without further proof, be a bar to any subsequent information or complaint for the same matter, against the same party. 15

If information or complaint negatives by exemption.

44. If the information or complaint in any case negatives any exemption, exception, proviso, or condition in the Statute on which the same is framed, it shall not be necessary for the Prosecutor or Complainant to prove such negative, but the Defendant may prove the affirmative thereof in his defence, if he would have advantage of the same. 20

Prosecutors and complainants in certain cases to be deemed competent witnesses and examined upon oath, &c.

45. Every prosecutor of any information not having any pecuniary interest in the result, and every complainant in any complaint whatever his interest may be in the result of the same, shall be a competent witness to support such information or complaint; and every witness at any hearing shall be examined upon oath or affirmation, and the Justice or Justices before whom any witness appears for the purpose of being examined, shall have full power and authority to administer to every witness the usual oath or affirmation; provided that no prosecutor shall be deemed incompetent as a witness on the ground only that he may be liable to costs. 25 30

Justice may adjourn hearing of any case and commit defendant or suffer him to go at large, &c.

46. Before or during the hearing of any information or complaint, any one Justice or the Justices present, may in his or their discretion, adjourn the hearing of the same to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties, or of their respective Attorneys or Agents then present, and in the meantime the Justice or Justices may suffer the Defendant to go at large or may commit (D) him to the Common Gaol or other prison, within the Territorial Division for which the Justice or Justices are then acting, or to such other safe custody as the Justice or Justices think fit, or may discharge the Defendant upon his recognizance (E), with or without sureties, at the discretion of the Justice or Justices, conditioned for his appearance at the time and place to which such hearing or further hearing is adjourned. 35 40 45

If defendant or prosecutor do not appear, the case may nevertheless be heard.

47. If, at the time and place to which the hearing or further hearing has been adjourned, either or both of the parties do not appear, personally or by his or their Counsel or Attorneys respectively, before the Justice or Justices or such other Justice or Justices as may then be there, the Justice or Justices then there present may proceed to the hearing or further hearing as if the party or parties were present. 50

48. If the Prosecutor or Complainant do not appear, the Justice or Justices may dismiss the information with or without costs, as to him or them seems fit. If the prosecutor do not appear.
49. In all cases when a Defendant is discharged upon his recognizance, and does not afterwards appear at the time and place mentioned in the recognizance, the Justice or Justices who took the recognizance, or any other Justice or Justices who may then be there present, having certified (F) on the back of the recognizance the non-appearance of the accused party, may transmit such recognizance to the proper officer appointed to receive the same by the laws of the Province in which the recognizance was taken, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of the non-appearance of the Defendant. If defendant fail to re-appear, &c.
50. In all cases of conviction where no particular form of conviction is given by the Act or Law creating the offence or regulating the prosecution for the same, and in all cases of conviction upon Acts or Laws hitherto passed, whether any particular form of conviction has been therein given or not, the Justice or Justices who convict, may draw up his or their conviction, on parchment or on paper, in such one of the forms of conviction (I 1, 3) as may be applicable to the case, or to the like effect. Form of convictions and orders to be as in Schedule where no particular form is given in the Statute creating the offence.
51. In case an order be made, and no particular form of order is given by the Act or Law giving authority to make such order, and in all cases of orders made under the authority of any Acts or Laws hitherto passed, whether any particular form of order is therein given or not, the Justice or Justices by whom the order is made, may draw up the same in such one of the forms of orders (K 1, 3) as may be applicable to the case, or to the like effect. Where no special form of order is given, form in (K 1, 3) may be adopted.
52. In all cases when by any Act or Law authority is given to commit a person to prison, or to levy any sum upon his goods or chattels by distress, for not obeying an order of a Justice or Justices, the Defendant shall be served with a copy of the Minute of the Order before any warrant of commitment or of distress is issued in that behalf, and the Order or Minute shall not form any part of the warrant of commitment or of distress. Defendant to be served with copy of the minute before distress or commitment.
53. In all cases of Summary Conviction, or of Orders made by a Justice or Justices of the Peace, the Justice or Justices making the same, may in his or their discretion, award and order in and by the conviction or order, that the Defendant shall pay to the Prosecutor or Complainant such costs as to the said Justice or Justices seem reasonable in that behalf, and not inconsistent with the fees established by law to be taken on proceedings had by and before Justices of the Peace. Power to Justices to award costs not inconsistent with the fees established by law to be taken.
54. In cases where the Justice or Justices, instead of convicting or making an order, dismiss the information or complaint, he or they, in his or their discretion, may, in and by his or their order of dismissal, award and order that the Prosecutor or Complainant shall pay to the Defendant such costs as to the said Justice or Justices seem reasonable and consistent with law. Costs may be awarded to defendant when the case is dismissed.
55. The sums so allowed for costs shall in all cases be specified in the conviction or order, or order of dismissal, and the same shall be recoverable in the same manner and under the same Warrants as any penalty adjudged to be paid by the conviction or order is to be recovered. Costs so allowed shall be specified.

And may be recovered by distress. **56.** In cases where there is no such penalty to be recovered, such costs shall be recoverable by distress and sale of the goods and chattels of the party, and in default of distress, by imprisonment, with or without hard labour, for any time not exceeding one month, unless the costs be sooner paid.

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Power to Justices to issue warrant of distress in cases where a pecuniary penalty, &c., has been adjudged.

57. Where a conviction adjudges a pecuniary penalty or compensation to be paid, or where an order requires the payment of a sum of money, and by the Act or Law authorizing such conviction or order, the penalty, compensation, or sum of money is to be levied upon the goods and chattels of the Defendant, by distress and sale thereof; and also in cases where, by the Act or Law in that behalf, no mode of raising or levying the penalty, compensation or sum of money, or of enforcing the payment of the same, is stated or provided, the Justice or any one of the Justices making such conviction or order, or any Justice of the Peace for the same Territorial Division, may issue his Warrant of Distress (N 1, 2) for the purpose of levying the same, which Warrant of Distress shall be in writing, under the hand and seal of the Justice making the same.

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In certain cases warrant may be backed for execution in another jurisdiction.

58. If, after delivery of the warrant of distress to the Constable or Constables to whom the same has been directed to be executed, sufficient distress cannot be found within the limits of the jurisdiction of the Justice granting the warrant, then upon proof being made upon oath or affirmation of the handwriting of the Justice granting the warrant, before any Justice of any other Territorial Division, such Justice shall thereupon make an endorsement (N 3) on the warrant, signed with his hand, authorizing the execution of the warrant within the limits of his jurisdiction, by virtue of which warrant and endorsement the penalty or sum, and costs, or so much thereof as may not have been before levied or paid, shall be levied by the person bringing the warrant, or by the person or persons to whom the warrant was originally directed, or by any Constable or other Peace Officer of the last mentioned Territorial Division, by distress and sale of the goods and chattels of the Defendant therein.

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When the issuing of a warrant would be ruinous to defendant or when there are no goods, Justice may commit him to prison.

59. Whenever it appears to any Justice of the Peace to whom application is made for any warrant of distress, that the issuing thereof would be ruinous to the Defendant and his family, or whenever it appears to the Justice, by the confession of the Defendant or otherwise, that he hath no goods and chattels whereon to levy such distress, then the Justice, if he deems it fit, instead of issuing a warrant of distress, may (O 1, 2) commit the Defendant to the Common Gaol, or other prison in the Territorial Division, there to be imprisoned with or without hard labour, for the time and in the manner the Defendant could by law be committed in case such warrant of distress had issued, and no goods or chattels had been found whereon to levy the penalty or sum and costs.

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When distress issued, defendant may be bailed or detained until it is returned.

60. In all cases where a Justice of the Peace issues any warrant of distress, he may suffer the Defendant to go at large, or verbally, or by a written warrant in that behalf, may order the Defendant to be kept and detained in safe custody, until return has been made to the warrant of distress, unless the Defendant gives sufficient security, by recognizance or otherwise, to the satisfaction of the Justice, for his appearance before him at the time and place appointed for the return of the warrant of distress, or before such other Justice or Justices for the same Territorial Division, as may then be there.

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If defendant does not

61. In all such cases where a Defendant gives security by recognizance, and does not afterwards appear at the time and place in the said

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recognizance mentioned, the Justice who hath the same, or any Justice or Justices who may then be there present, upon certifying (F) on the back of the recognizance the non-appearance of the Defendant, may, transmit the recognizance to the proper officer appointed by law to receive the same, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of the non-appearance of the Defendant.

afterwards appear the recognizance to be certified and transmitted to the proper officer.

62. If at the time and place appointed for the return of any warrant of distress, the Constable, who has had execution of the same returns (N 4) that he could find no goods or chattels whereon he could levy the sum or sums therein mentioned, together with the costs of, or occasioned by the levy of the same, the Justice of the Peace before whom the same is returned may issue his warrant of commitment (N 5) directed to the same or any other Constable, reciting the conviction or order shortly, the issuing of the warrant of distress, and the return thereto, and requiring the Constable to convey the Defendant to the Common Gaol, or other prison of the Territorial Division for which the Justice is then acting, and there to deliver him to the Keeper thereof, and requiring the Keeper to receive the Defendant into such gaol or prison, and there to imprison him, or to imprison him and keep him to hard labour, in the manner and for the time directed by the Act or Law on which the conviction or order mentioned in the warrant of distress is founded, unless the sum or sums adjudged to be paid, and all costs and charges of the distress, and also the costs and charges of the commitment and conveying of the Defendant to prison, if such Justice thinks fit so to order (the amount thereof being ascertained and stated in such commitment,) be sooner paid; but if no term of imprisonment be specified in the Act or Law, the period for which the Justice shall order the Defendant to be so imprisoned shall not exceed three months.

In default of sufficient distress Justice may commit defendant to prison.

Term limited.

63. Where a Justice or Justices of the Peace, upon any information or complaint adjudges or adjudge the Defendant to be imprisoned, and the Defendant is then in prison undergoing imprisonment upon conviction for any other offence, the warrant of commitment for the subsequent offence shall be forthwith delivered to the gaoler or other Officer to whom it is directed, and the Justice or Justices who issued the same, if he or they think fit, may award and order therein, that the imprisonment for the subsequent offence shall commence at the expiration of the imprisonment to which the Defendant was previously sentenced.

Imprisonment for a subsequent offence to commence at expiration of that for a previous offence.

64. When any information or complaint is dismissed with costs, the sum awarded for costs in the Order for Dismissal may be levied by distress [Q 1] on the goods and chattels of the Prosecutor or Complainant in the manner aforesaid; and in default of distress or payment, the Prosecutor or Complainant may be committed [Q 2] to the common gaol or other prison, in manner aforesaid, for any time not exceeding one month, unless such sum, and all costs and charges of the distress, and of the commitment and conveying of the prosecutor or complainant to prison (the amount thereof being ascertained and stated in the commitment), be sooner paid.

If information be dismissed; costs may be recovered by distress upon prosecution.

65. In all cases where the sum adjudged to be paid on any summary conviction or order exceeds ten dollars, or the imprisonment adjudged exceeds one month, or the conviction has taken place before, or the order has been made by one Justice only, any person who thinks himself aggrieved by any such conviction or order, may appeal in the Province of Quebec or Ontario, to the next Court of General or Quarter Sessions of the Peace, which shall be holden not less than twelve days after the day of such conviction or order, for the district, county or place wherein the cause of the complaint has arisen, or, in the Province

Parties may appeal in certain cases to the Court of General or Quarter Sessions, &c.

of Quebec, to any other Court for the time being discharging the functions of such Court of General or Quarter Sessions, in and for such district, in the Province of Nova Scotia to the next term or sitting of the Supreme Court in the County, and in the Province of New Brunswick to a Judge of the Supreme Court or of the County Court of the County 5 where the cause of the information or complaint has arisen; Provided that such person shall give to the prosecutor or complainant a notice in writing of such appeal, and of the cause and matter thereof, within four days after such conviction or order, and eight days, at the least, before the holding of such Court, and shall also either remain in custody until 10 the holding of the Court, or shall enter into a recognizance, with two sufficient sureties, before a Justice or Justices of the Peace, conditioned personally to appear at the said Court and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; or if such appeal is against any conviction 15 or order whereby only a penalty or sum of money is adjudged to be paid, shall deposit with the Justice or Justices convicting or making the order such a sum of money as such Justice or Justices deem to be sufficient to cover the sum so adjudged to be paid, together with the costs of the conviction or order and the costs of the appeal; and upon 20 such notice being given and such recognizance being entered into, or such deposit being made, the Justice or Justices before whom such recognizance is entered into, or such deposit has been made, shall liberate such person, if in custody; and the said Court shall hear and determine the matter of the appeal, and shall make such order therein, with 25 or without costs to either party, as to the Court seems meet; and in case of the dismissal of the appeal, or the affirmance of the conviction or order, shall order and adjudge the offender to be punished according to the conviction, or the defendant to pay the amount adjudged by the said order and to pay such costs as may be awarded, and shall, if 30 necessary, issue process for enforcing such judgment; and in any case where, after any such deposit has been made as aforesaid, the conviction or order is affirmed, the Court may order the sum thereby adjudged to be paid, together with the costs of the conviction or order, and the costs of the appeal, to be paid out of the money deposited, and the resi- 35 due thereof, if any, to be repaid to the defendant; and in any case where, after any such deposit, the conviction or order is quashed, the Court shall order the money deposited to be repaid to the defendant, and in every case where any conviction or order is quashed on appeal as aforesaid, the Clerk of the Peace or other proper officer shall forth- 40 with endorse on the conviction or order a memorandum that the same has been quashed; and whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction or order has been quashed in every case where such copy or certificate would be 45 sufficient evidence of such conviction or order.

Proviso: Appellant to give security or bail.

Or deposit such sum of money as will cover amount of judgment and costs.

Court to determine the matter.

In case conviction or order is quashed the Court to order repayment of deposit to appellant and a memorandum to be endorsed on the conviction or order.

Proposed New Clause.

66. When an appeal has been lodged in due form and in compliance with the requirements of this Act, against any summary conviction or decision, the Court of General or Quarter Sessions of the Peace or Court appealed to, may at the request of either appellant or respondent, 50 empanel a Jury to try the facts of the case, and shall administer to such Jury the following oath:

"You shall well and truly try the facts in dispute in the matter of A. B., (*the informant*) against C. D., (*the defendant*), and a true verdict give according to the evidence: So help you God." 55

And the Court, on the finding of the Jury, shall give such judgment as the law requires, and if a Jury be not so demanded, the Court shall try and be the absolute judges as of the law in respect to such conviction or decision; but no witness shall in either case be examined who

was not examined before the Justice or Justices at the hearing of the case.

5 **67.** No judgment shall be given in favor of the appellant if the appeal is based on an objection to any information, complaint or summons, or to any warrant to apprehend a defendant, issued upon any such information, complaint or summons, for any alleged defect therein in substance or in form, or for any variance between such information, complaint, summons or warrant and the evidence adduced in support thereof
 10 at the hearing of such information or complaint,—unless it shall be proved before the Court hearing the appeal that such objection was made before the Justice or Justices of the Peace before whom the case was tried and by whom such conviction, judgment or decision was given,
 —nor unless it is proved that notwithstanding it was shewn to such
 15 Justice or Justices of the Peace that by such variance the person summoned and appearing or apprehended, had been deceived or misled, such Justice or Justices refused to adjourn the hearing of the case to some further day, as provided by this Act.

Appeal not to be based on alleged defect in form or substance.

20 **68.** In all cases of appeal from any summary conviction or order had or made had before any Justice or Justices of the Peace, the Court to which such appeal is made shall hear and determine the charge or complaint on which such conviction or order has been had or made upon the merits, notwithstanding any defect of form or otherwise in such conviction or order; and if the person charged or complained against is found
 25 guilty the conviction or order shall be affirmed and the Court shall amend the same if necessary, and any conviction or order so affirmed or affirmed and amended shall be enforced in the same manner as convictions or orders affirmed in appeal.

Decision to be given on the merits notwithstanding defect of form in conviction

30 **69.** And for the more effectual prevention of frivolous appeals, the Court of General or Quarter Sessions of the Peace or other Court or Judge to whom an appeal is made, upon proof of notice of the appeal to such Court having been given to the person entitled to receive the same, though such appeal was not afterwards prosecuted or entered,
 may, if such appeal has not been abandoned according to law, at the
 35 same Court for which such notice was given, order to the party or parties receiving the same such costs and charges as by the said Court or Judge may be thought reasonable and just, to be paid by the party or parties giving such notice, such costs to be recoverable in the manner provided by this Act for the recovery of costs upon an appeal against
 40 an order or conviction.

If appeal is abandoned after notice given costs to be recovered.

70. In case an appeal against any conviction or order be decided in favor of the Respondents, the Justice or Justices who made the conviction or order, or any other Justice of the Peace for the same Territorial
 15 Division, may issue the warrant of distress or commitment for execution of the same, as if no Appeal had been brought.

Proceedings after appeal.

71. No conviction, or order or adjudication made in appeal therefrom shall be quashed for want of form, or be removed by *certiorari* into any of Her Majesty's Superior Courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided
 50 it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same.

No certiorari.

72. Every Justice of the Peace before whom any person shall be summarily convicted of any offence by virtue of this Act, shall transmit the conviction to the Court of General or Quarter Sessions or to the
 Justice convicting to return the conviction.

Court discharging the functions of the Court of General or Quarter Sessions as aforesaid, or to any other Court or Judge to which the right to appeal is given by section *sixty-five* of this Act, as the case may be, in and for the District, County or place wherein the offence has been committed, before the time when an appeal from such conviction could 5 be heard, there to be kept by the proper officer among the records of the Court; and if such conviction has been appealed against, and a deposit of money made, shall return the deposit into the said Court; and upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the Court, or proved to be a true copy, shall be sufficient 10 evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against, until the contrary be shown.

Effect of conviction if no appeal.

73. In all cases where it appears by the conviction, that the defendant has appeared and pleaded, and the merits have been tried, and 15 that the defendant has not appealed against the conviction where an appeal is allowed, or if appealed against, the conviction has been affirmed, such conviction shall not afterwards be set aside or vacated in consequence of any defect of form whatever, but the construction shall be such a fair and liberal construction as will be agreeable to the justice 20 of the case.

To whom costs to be payable.

74. If upon any Appeal the Court trying the Appeal, orders either party to pay costs, the order shall direct the costs to be paid to the Clerk of the Peace or other proper officer of the Court, to be by him paid over to the party entitled to the same, and shall state within what 25 time the costs shall be paid.

Enforcement of payment.

75. If the same be not paid within the time so limited, and the party ordered to pay the same has not been bound by any recognizance conditioned to pay such costs, the Clerk of the Peace or his Deputy, on application of the party entitled to the costs, or of any person on his 30 behalf and on payment of any fee to which he may be entitled, shall grant to the party so applying, a Certificate [R] that the costs have not been paid, and upon production of the Certificate to any Justice or Justices of the Peace for the same Territorial Division, he or they may enforce the payment of the costs by Warrant of Distress [S 1] in manner aforesaid, 35 and in default of distress he or they may commit [S 2] the party against whom the warrant has issued in manner hereinbefore mentioned, for any time not exceeding two months, unless the amount of the the costs and all costs and charges of the distress and also the costs of the commitment and conveying of the party to prison, if the Justice or 40 Justices think fit so to order (the amount thereof being ascertained and stated in the commitment), be sooner paid.

Justices of the Peace to make returns to the Quarter Sessions of all convictions and fines in cases adjudicated by them, and of the application by him of moneys received from Defendants.

76. Every Justice of the Peace, shall make a return in writing under his hand of all convictions made by him to the next ensuing General or Quarter Sessions of the Peace, or to the next term or sitting of any 45 Court having jurisdiction in appeal as hereinbefore provided, for the District or County or place in which such conviction takes place, and of the receipt and application by him of the moneys received from the Defendants (and in the case of any convictions before two or more Justices, such Justices, being present and joining therein, shall make a 50 joint Return thereof,) in the following form :—

RETURN of Convictions made by me (or us, as the case may be) in the month of 18

Name of the Prosecutor.	Name of the Defendant.	Nature of the charge.	Date of Conviction.	Name of Convicting Justice.	Amount of penalty, fine or damage.	Time when paid or to be paid to said Justice.	To whom paid over by said Justice.	If not paid, why not, and general observations, if any.

A. B., Convicting Justice,
or

5 A. B. and C. D., Convicting Justices, (as the case may be.)

77. And any Justice or Justices to whom any such moneys may be afterwards paid, shall make a Return of the receipts and application thereof, to the next General or Quarter Sessions of the Peace, or other Court as aforesaid, which return shall be filed by the Clerk of the Peace, with the records of his office.

10

A return to be made of subsequent receipts, &c.

78. In case the Justice or Justices, before whom any such conviction takes place or who receives any such moneys, neglect or refuse to make such return thereof, or in case any such Justice or Justices wilfully make a false, partial or incorrect return, or wilfully receive a larger amount of fees than by law they are authorized to receive, such Justice or Justices, so neglecting, or refusing, or wilfully making such false, partial or incorrect return, or wilfully receiving a larger amount of fees as aforesaid, shall forfeit and pay the sum of *eighty dollars*, together with full costs of suit, to be recovered by any person suing for the same by action of debt or information in any Court of Record in the Province in which such Return ought to have been or is made, one moiety whereof shall be paid to the party suing, and the other moiety into the hands of Her Majesty's Receiver General to and for the public uses of the Dominion.

15

Penalty for Justices of the Peace neglecting to comply with the provisions of this Act.

79. All prosecutions for penalties arising under the provisions of the next preceding section shall be commenced within six months next after the cause of action accrues, and the same shall be tried in the District, County or place wherein such penalties have been incurred, and if a verdict or judgment passes for the defendant, or the plaintiff becomes non-suit, or discontinues the action after issue joined, or if upon demurrer, or otherwise, judgment be given against the plaintiff, the defendant shall recover his full costs of suit, as between Attorney and Client, and shall have the like remedy for the same, as any defendant hath by law in other cases.

20

Actions for such penalties limited to six months after cause.

80. The Clerk of the Peace of the District or County in which any such returns are made shall, within seven days after the adjournment of the next ensuing General or Quarter Sessions, or of the term or sitting of such other Court as aforesaid, cause the said returns to be

25

Clerk of the Peace to publish and put up in Court House the returns so made

to General or Quarter Sessions. published in one public newspaper, in the District or County, or if there be no such newspaper, then in a newspaper of an adjoining District or County, and shall also fix up in the Court House of the District or County and also in a conspicuous place in the Office of such Clerk of the Peace, for public inspection, a Schedule of the returns so made by such Justices; and the same shall continue to be so fixed up, and exhibited until the end of the next ensuing General or Quarter Sessions of the Peace or of the term or sitting of such other Court as aforesaid, and for every Schedule so made and exhibited by the said Clerk of the Peace, he shall be allowed the expense of publication, and such fee as may be fixed by competent authority.

Copy of returns to be sent to Minister of Finance.

81. The Clerk of the Peace of each District or County within twenty days after the end of each General or Quarter Sessions of the Peace, or the sitting of such Court as aforesaid, shall transmit to the Minister of Finance a true copy of all such returns made within his District or County.

This Act not to prevent prosecution of a Justice in default.

82. Nothing in the six next preceding sections shall have the effect of preventing any person aggrieved, from prosecuting by indictment, a Justice of the Peace, for any offence, the commission of which would subject him to indictment at the time of the coming into force of this Act.

In case of tender or payment of the amount of distress.

83. In all cases where a Warrant of Distress has issued against any person, and such person pays or tenders to the Constable having the execution of the same, the sum or sums in the warrant mentioned, together with the amount of the expenses of the distress up to the time of payment or tender, the Constable shall cease to execute the same.

Payment may be made to the keeper of the prison.

84. In all cases in which any person is imprisoned for non-payment of any penalty or other sum, he may pay or cause to be paid to the keeper of the prison in which he is imprisoned, the sum in the Warrant of Commitment mentioned, together with the amount of the costs, charges and expenses (if any) therein also mentioned, and the keeper shall receive the same, and shall thereupon discharge the person, if he be in his custody for no other matter.

In what cases one Justice may act.

85. In all cases of summary proceedings before a Justice or Justices of the Peace out of Sessions, upon any information or complaint, one Justice may receive the information or complaint, and grant a summons or warrant thereon, and issue his summons or warrant to compel the attendance of any witnesses for either party, and do all other acts and matters necessary, preliminary to the hearing, even in cases where by the statute in that behalf the information or complaint must be heard and determined by two or more Justices.

After hearing, &c.

86. After a case has been heard and determined, one Justice may issue all warrants of distress or commitment thereon.

Proceedings after judgment.

87. It shall not be necessary that the Justice who acts before or after the hearing, be the Justice or one of the Justices by whom the case is or was heard and determined.

In case two Justices are required.

88. In all cases where by any Act or Law it is required that an information or complaint shall be heard and determined by two or more Justices, or that a conviction or order shall be made by two or more Justices, such Justices must be present and acting together during the whole of the hearing and determination of the case.

Amount to be paid to party

89. When several persons join in the commission of the same offence,

and upon conviction thereof, each is adjudged to forfeit a sum equivalent to the value of the property, or to the amount of the injury done, no further sum shall be paid to the party aggrieved than the amount forfeited by one of such offenders only, and the corresponding sum, forfeited by the other offender, shall be applied in the same manner as other penalties imposed by a Justice or Justices of the Peace are directed to be applied.

aggrieved limited.

90. The evidence of the party aggrieved and also the evidence of any inhabitant of the District, County or place in which any offence has been committed, shall be admitted in proof of the offence notwithstanding any forfeiture or penalty incurred by the offence, may be payable to any public fund of such District, County or place.

Within what time proceedings may be commenced.

91. Any one Judge of Sessions of the Peace, Recorder, Police Magistrate, District Magistrate, or Stipendiary Magistrate, appointed for any District, County, City, Borough, Town, or Place and sitting at a Police Court or other place appointed in that behalf, shall have full power to do alone whatever is authorized by this Act to be done by two or more Justices of the Peace; and the several forms hereinafter contained may be varied so far as it may be necessary to render them applicable to Police Courts, or to the Court or other place of sitting of such functionary as aforesaid.

Certain officers to have the powers of two Justices.

92. Any Judge of Sessions of the Peace, Police Magistrate or Stipendiary Magistrate, sitting at any Police Court or other place appointed in that behalf, shall have such and like powers and authority to preserve order in the said Courts during the holding thereof, and by the like ways and means as now by law are or may be exercised and used in like cases and for the like purposes by any Courts of Law in Canada, or by the Judges thereof respectively, during the sittings thereof.

Power to preserve order, &c.

93. Any Judge of the Sessions of the Peace, Police Magistrate, District Magistrate, or Stipendiary Magistrate, in all cases where any resistance is offered to the execution of any Summons, Warrant of Execution or other Process issued by him, may enforce the due execution of the same by the means provided by the law or enforcing the execution of the Process of other Courts in like cases.

Power to punish resistance to process, &c.

94. The expression "Territorial Division" whenever used in this Act, shall mean—District, County, Union of Counties, Township, City, Town, Parish or other judicial division or place to which the context may apply, and the words "District or County" shall include any territorial or judicial division or place, in and for which there is such Judge, Justice, Justice's Court, officer or prison, as is mentioned in the context and to which the context may apply.

Meaning of certain words.

95. The words "Common Gaol" or "Prison," whenever they occur in this Act, shall be held to mean any place other than a Penitentiary where parties charged with offences against the law are usually kept and detained in custody.

The same.

96. The several forms in the Schedule to this Act contained, varied to suit the case, or forms to the like effect, shall be deemed good, valid and sufficient in law.

Forms.

97. This Act shall commence and take effect on the first day of , in the year of our Lord, one thousand eight hundred and

Commencement of Act.

SCHEDULE.

(A). See s. 1.

SUMMONS TO THE DEFENDANT UPON AN INFORMATION OR COMPLAINT.

Canada, }
 Province of , }
 District (or County, }
 United Counties, or }
 as the case may be, }
 of , }

To A. B., of (laborer):

Whereas information hath this day been laid (or complaint hath this day been made) before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, City, Town, &c., as the case may be) of , for that you (here state shortly the matter of the information or complaint): These are therefore to command you, in Her Majesty's name, to be and appear on , at o'clock in the forenoon, at , before me, or such Justice or Justices of the Peace for the said District (or County, United Counties, or as the case may be,) as may then be there, to answer to the said information (or complaint), and to be further dealt with according to law.

Given under (my) hand and seal, this day of , in the year of our Lord , at , in the District (or County, or as the case may be) aforesaid.

J. S. [L. s.]

(B). See s. 6.

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Canada, }
 Province of , }
 District (or County, }
 United Counties, or }
 as the case may be, }
 of , }

To all or any of the Constables or other Peace Officers in the District (or County, United Counties, or as the case may be) of

Whereas on last past, information was laid (or complaint was made) before , (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) of , for that A. B. (&c., as in the Summons): And whereas (I) the said Justice of the Peace then issued (my) Summons unto the said A. B., commanding him, in Her Majesty's name, to be and appear on , at o'clock in the (fore) noon, at , before (me) or such Justice or Justices of the Peace as might then be there, to answer unto the said information (or complaint), and to be further dealt with according to law; And whereas the said A. B. hath neglected to be and appear at the time and place so appointed in and by the said Summons, although it hath now been proved to me upon oath that the said Summons hath

been duly served upon the said A. B. : These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (me) or some one or more of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) to answer to the said information (or complaint); and to be further dealt with according to law.

Given under my hand and seal, this _____ day of _____, in the year of our Lord _____ at _____, in the District (or County, United Counties, or as the case may be) aforesaid.

J. S. [L. s.]

(C) See s. 6.

WARRANT IN THE FIRST INSTANCE.

Canada, }
Province of _____, }
District (or County, }
United Counties, or }
as the case may be, }
of _____, }

To all or any of the Constables or other Peace Officers in the said District (or County, United Counties, or as the case may be,) of _____

Whereas information hath this day been laid before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) of _____ for that A. B. (here state shortly the matter of information); and oath being now made before me substantiating the matter of such information : These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (me) or some one or more of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) to answer to the said information, and to be further dealt with according to law.

Given under my Hand and Seal, this _____ day of _____ in the year of our Lord _____, at _____, in the District (County, &c., as the case may be) aforesaid.

J. S. [L. s.]

(D) See ss. 12, 22, 34, 46.

WARRANT OF COMMITTAL FOR SAFE CUSTODY DURING AN ADJOURNMENT OF THE HEARING.

Canada, }
Province of _____, }
District (or County, }
United Counties, or }
as the case may be }
of _____, }

To all or any of the Constables or Peace Officers in the District (or County, United Counties, or as the case may be) of _____, and to the Keeper of the Common Gaol (or Lock-up House) at _____ :

Whereas on _____ last past, information was laid (or complaint made) before _____, (one) of Her Majesty's

Justices of the Peace in and for the said District (or County, United Counties, or as the case may be of _____, for that (i.e., as in the Summons); And whereas the hearing of the same is adjourned to the day of _____ (instant,) at _____ o'clock in the (fore) noon, at _____, and it is necessary that the said A. B. should in the meantime be kept in safe custody: These are therefore to command you, or any one of the said Constables or Peace Officers, in Her Majesty's name, forthwith to convey the said A. B. to the Common Gaol (or Lock-up House,) at _____, and there deliver him into the custody of the Keeper thereof, together with this Precept: And I hereby require you, the said Keeper, to receive the said A. B. into your custody in the said Common Gaol (or Lock-up House) and there safely keep him until the day of _____, (instant) when you are hereby required to convey and have him, the said A. B., at the time and place to which the said hearing is so adjourned as aforesaid, before such Justices of the Peace for the said District (or County, United Counties, as the case may be) as may then be there, to answer further to the said information (or complaint), and to be further dealt with according to law.

Given under my hand and seal, this _____ day of _____ in the year of our Lord _____, at _____, in the District (or County, &c., as the as may be) aforesaid.

J. S. [L. s.]

(E) See ss. 12, 22, 34, 46.

RECOGNIZANCE FOR THE APPEARANCE OF THE DEFENDANT WHEN THE CASE IS ADJOURNED, OR NOT AT ONCE PROCEEDED WITH.

Canada, }
 Province of }
 District (or County, }
 United Counties, or }
 as the case may be) }
 of }

Be it remembered, That on _____, A. B. of _____ (laborer,) and L. M. of _____, (grocer,) and O. P. of _____ (yeoman,) personally came and appeared before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of _____, and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following, that is to say: the said A. B. the sum of _____ and the said L. M. and O. P. the sum of _____ each, of good and lawful current money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said A. B. shall fail in the condition endorsed (or hereunder written).

Taken and acknowledged the day and year first above mentioned at _____ before me.

J. S. [L. s.]

The condition of the within (or the above) written recognizance is such that if the said A. B. shall personally appear on the day of _____, (instant,) at _____ o'clock in the (forenoon), at _____, before me or such Justices of the Peace for the said District (or County, United Counties, or as the case may be) as may

then be there, to answer further to the information (*or* complaint) of C. D. exhibited against the said A. B. and to be further dealt with according to law, then the said recognizance to be void, or else to stand in full force and virtue.

NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO THE
DEFENDANT AND HIS SURETIES.

Take notice that you, A. B., are bound in the sum of _____ and you L. M. and O. P., in the sum of _____, each, that you, A. B., appear personally on _____ at _____ o'clock in the (*forenoon*) at _____, before me or such Justices of the Peace for the District (*or* County, United Counties, *or as the case may be*) of _____ as shall then be there, to answer further to a certain information (*or* complaint) of C. D. the further hearing of which was adjourned to the said time and place, and unless you appear accordingly, the recognizance entered into by you, A. B., and by L. M. and O. P. as your sureties, will forthwith be levied on you and them.

Dated this _____ day of _____, one thousand eight hundred and _____

J. S. [L. s.]

(F) See ss. 13, 23, 35, 49, 61.

CERTIFICATE OF NON-APPEARANCE TO BE ENDORSED ON THE
DEFENDANT'S RECOGNIZANCE.

I hereby certify, that the said A. B. hath not appeared at the time and place in the said condition mentioned, but therein hath made default, by reason whereof the within written recognizance is forfeited.

J. S. [L. s.]

(G 1) See s. 16.)

SUMMONS TO A WITNESS.

Canada, }
Province of _____, }
District (*or* County, }
United Counties, *or* }
as the case may be, }
of _____, }

To E. F. of _____, in the said District (*or* County, United Counties, *or as the case may be*) of _____

Whereas information was laid (*or* complaint was made) before _____ (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of _____, for that (&c., *as in the Summons*), and it hath been made to appear to me upon (*oath*) that you are likely to give material evidence on behalf of the Prosecutor (*or* Complainant *or* Defendant) in this behalf; These are therefore to require you to be and appear on _____, at _____ o'clock in the (*fore*) noon, at _____ before me or such Justice or Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be*) as may then be there, to testify what you shall know concerning the matter of the said information (*or* complaint).

Given under my hand and seal, this _____ day of _____ in the

year of our Lord _____, at _____ in the District (or County, or as the case may be) aforesaid.

J. S. [L. s.]

(G 2) See s. 17.

WARRANT WHERE A WITNESS HAS NOT OBEYED A SUMMONS.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be, }
of }

To all or any of the Constables and other Peace officers in the said District (or County, United Counties, or as the case may be) of

Whereas information was laid (or complaint was made) before (one) of Her Majesty's Justices of the Peace, in and for the said District (or County, United Counties, or as the case may be) of for that (&c., as in the Summons,) and it having been made to appear to (me) upon oath, that E. F., of _____ in the said District (or County, United Counties, or as the case may be, (laborer) was likely to give material evidence on behalf of the (prosecutor or as the case may be) (I) did duly issue (my) Summons to the said E. F., requiring him to be and appear on _____, at _____ o'clock in the (fore) noon of the same day, at _____, before me or such Justice or Justices of the Peace for the said District (or County, United Counties, or as the case may be) as might then be there, to testify what he should know concerning the said A. B., or the matter of the said information (or complaint): And whereas proof hath this day been made before me, upon oath, of such Summons having been duly served upon the said E. F.; And whereas the said E. F. hath neglected to appear at the time and place appointed by the said Summons, and no just excuse has been offered for such neglect; These are therefore to command you to take the said E. F., and to bring and have him on _____, at _____ o'clock in the _____ noon, at _____ before me or such Justice or Justices of the Peace for the District (or County, United Counties, or as the case may be) as may then be there to testify what he shall know concerning the said information (or complaint).

Given under my hand and seal, this _____ day of _____ in the year of our Lord _____, at _____ in the District (or County, or as the case may be) aforesaid.

J. S. [L. s.]

(G 3) See s. 18.

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be, }
of }

To all or any of the Constables, or other Peace Officers in the said District (or County, United Counties, or as the case may be) of

Whereas information was laid (or complaint was made) before the undersigned (one) of Her Majesty's Justice of the Peace in and for the said District (or County, United Counties, or as the case may be) of _____, for that (&c., as in the *Summons*;) and it being made to appear before me upon oath, that E. F., of _____ (laborer,) is likely to give material evidence on behalf of the (prosecutor, or as the case may be) in this matter, and it is probable that the said E. F., will not attend to give evidence without being compelled so to do; These are therefore to command you to bring and have the said E. F., on _____, at _____ o'clock in the (fore) noon, at _____, before me or such other Justice or Justices of the Peace, for the District (or County, United Counties, or as the case may be) as may then be there, to testify what he shall know concerning the matter of the said information (or complaint).

Given under (my) hand and seal, this _____ day of _____, in the year of Our Lord _____, at _____, in the District (or County, or as the case may be,) aforesaid.

J. S. [L. s.]

(G 4) See s. 19.

COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN OR GIVE EVIDENCE.

Canada, }
Province of _____, }
District, (or County, }
United Counties, or }
as the case may be,) }
of _____ }

To all or any of the Constables or other Peace Officers in the said District (or County, United Counties, or as the case may be) of _____ and to the Keeper of the Common Gaol of the said district (or County, United Counties, or as the case may be) at _____

Whereas information was laid (or complaint was made) before (me) (one) of Her Majesty's Justices of the Peace, in and for the said District (or County, United Counties, or as the case may be) of _____ for that (&c., as in the *Summons*;) and one E. F., now appearing before me such Justice as aforesaid, on _____, at _____, and being required by me to make oath (or affirmation) as a witness in that behalf, hath now refused so to do, (or being now here duly sworn as a witness in the matter of the said information or complaint) doth refuse to answer a certain question concerning the premises which is now here put to him, and more particularly the following question (*here insert the exact words of the question*;) without offering any just excuse for such his refusal; These are therefore to command you, or any one of the said Constables or Peace officers to take the said E. F., and him safely to convey to the Common Gaol at _____ aforesaid, and there deliver him to the said Keeper thereof, together with this precept; and I do hereby command you the said Keeper of the said Common Gaol, to receive the said E. F., into your custody in the said Common Gaol and there imprison him for such his contempt for the space of _____ days, unless he shall in the meantime consent to be examined and to answer concerning the premises, and for so doing, this shall be your sufficient warrant.

Given under my hand and seal, this _____ day of _____ in the year of our Lord _____, at _____, in the District (or County, or as the case may be) aforesaid.

J. S. [L. s.]

(H) See s. 33.

WARRANT TO REMAND A DEFENDANT WHEN APPREHENDED.

Canada, }
 Province of , }
 District (or County, }
 United Counties, or }
 as the case may be,)
 of ,)

To all or any of the Constables, or other Peace officers in the said District (or County, United Counties, or as the case may be) of , and to the Keeper of the Common Gaol (or Lock-up House)

at
 Whereas information was laid (or complaint was made) before (one) of Her Majesty's Justices of the Peace in and for the District (or County, United Counties, or as the case may be) of , for that (i.e., as in the summons or warrant); And whereas the said A. B. hath been apprehended under and by virtue of a warrant, upon such information (or complaint) and is now brought before me as such Justice as aforesaid; These are therefore to command you, or any one of the said Constables, or Peace officers, in Her Majesty's name, forthwith to convey the said A. B. to the Common Gaol (or Lock-up House) at , and there to deliver him to the said Keeper thereof, together with this Precept; And I do hereby command you the said Keeper to receive the said A. B. into your custody in the said Common Gaol (or Lock-up House,) and there safely keep him until next, the day of (instant), when you are hereby commanded to convey and have him at , at o'clock in the noon of the same day, before me, or such Justice or Justices of the Peace of the said District (or County, United Counties, or as the case may be) as may then be there, to answer to the said information (or complaint,) and to be further dealt with according to law.

Given under my hand and seal, this day of , in the year of our Lord, , at , in the district (or County, as the case may be) aforesaid.

J. S. [L. S.]

(I I) See ss. 42, 50.

CONVICTION FOR A PENALTY TO BE LEVIED BY DISTRESS, AND IN DEFAULT OF SUFFICIENT DISTRESS, BY IMPRISONMENT.

Canada, }
 Province of }
 District (or County, }
 United Counties, or }
 as the case may be,)
 of .)

Be it remembered, That on the day of , in the year of our Lord, , at , in the said District (or County, United Counties, or as the case may be), A. B. is convicted before the undersigned, (one) of Her Majesty's Justices of the Peace for the said District (or County, United Counties, or as the case may be,) for that the said A. B., (i.e., stating the offence, and the time and place when

and where committed,) and I adjudge the said A. B. for his said offence to forfeit and pay the sum of _____ (*stating the penalty, and also the compensation, if any,*) to be paid and applied according to law, and also to pay to the said C. D. the sum of _____, for his costs in this behalf; and if the said several sums be not paid forthwith *or* on or before the _____ of _____ next,) * I order that the same be levied by distress and sale of the goods and chattels of the said A. B., and in default of sufficient distress, * I adjudge the said A. B., to be imprisoned in the Common Gaol of the said District (*or* County, United Counties, *or as the case may be,*) at _____ in the said District (*or* County) of _____ (there to be kept to hard labour if such _____ be the sentence) for the space of _____ unless the said several sums and all costs and charges of the said distress (and of the commitment and conveying of the said A. B. to the said Gaol) be sooner paid. Given under (my) hand and seal, the day and year first above mentioned, at _____ in the District (*or* County, United Counties, *or as the case may be*) aforesaid.

J. S. [L. s.]

* *Or when the issuing of a Distress Warrant would be ruinous to the Defendant or his family, or it appears he has no goods whereon to levy a distress, then instead of the words between the asterisks ** say, "inasmuch as it hath now been made to appear to me that the issuing of a Warrant of Distress in this behalf would be ruinous to the said A. B. or his family," (or, "that the said A. B. hath no goods or chattels whereon to levy the said sums by distress.") I adjudge, &c., (as above, to the end.)*

(I 2)

CONVICTION FOR A PENALTY, AND IN DEFAULT OF PAYMENT, IMPRISONMENT.

Canada, }
 Province of }
 District (*or* County, }
 United Counties, *or* }
as the case may be,) }
 of _____ . }

Be it remembered, That on the _____ day of _____, in the year of our Lord, _____, at _____, in the said District (*or* County, United Counties, *or as the case may be,*) A. B., is convicted before the undersigned, (*one*) of Her Majesty's Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be,*) for that he the said A. B., (*&c., stating the offence, and the time and place when and where it was committed,*) and I adjudge the said A. B. for his said offence to forfeit and pay the sum of _____ (*stating the penalty and the compensation, if any,*) to be paid and applied according to law; and also to pay to the said C. D. the sum of _____ for his costs in this behalf; and if the said several sums be not paid forthwith (*or, on or before* _____ next,) I adjudge the said A. B. to be imprisoned in the Common Gaol of the said District (*or* County, United Counties, *or as the case may be,*) at _____ in the said District (*or* County) of _____ (*and there to be kept at hard labour*) for the space of _____, unless the said sums and the costs and charges of conveying the said A. B. to the said Common Gaol, shall be sooner paid. Given under my hand and seal, the day and year first above mentioned, at _____ in the District (*or* County, United Counties, *or as the case may be,*) aforesaid.

J. S. [L. s.]

(I 3) See ss. 42, 50.

CONVICTION WHEN THE PUNISHMENT IS BY IMPRISONMENT, &C.

Canada, }
 Province of , }
 District (or County, }
 United Counties, (or }
 as the case may be,) }
 of , }

Be it remembered, That on the _____ day of _____, in the year of our Lord _____, in the said District (or County, United Counties, or as the case may be,) A. B. is convicted before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be), for that he the said A. B. (&c., stating the offence and the time and place when and where it was committed); and I adjudge the said A. B. for his said offence to be imprisoned in the Common Gaol of the said District (or County, United Counties, or as the case may be,) at _____ in the County of _____ (and there to be kept at hard labour) for the space of _____; and I also adjudge the said A. B. to pay to the said C. D. the sum of _____ for his costs in this behalf, and if the said sum for costs be not paid forthwith, (or on or before _____ next,) then * I order that the said sum be levied by distress and sale of the goods and chattels of the said A. B.; and in default of sufficient distress in that behalf, * I adjudge the said A. B. to be imprisoned in the said Common Gaol, (and kept there at hard labour) for the space of _____, to commence at and from the term of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under my hand and seal, the day and year first above mentioned at _____ in the District (or County, United Counties, or as the case may be) aforesaid.

J. S. [L. s.]

* Or, when the issuing of a distress warrant would be ruinous to the Defendant and his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks ** say, "inasmuch as it hath now been made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said A. B., and his family," (or, "that the said A. B. hath no goods or chattels whereon to levy the said sum for costs by distress)" I adjudge. &c.

(K 1) See ss. 42, 51.

ORDER FOR PAYMENT OF MONEY TO BE LEVIED BY DISTRESS, AND IN DEFAULT OF DISTRESS, IMPRISONMENT.

Canada, }
 Province of , }
 District (or County, }
 United Counties, (or }
 as the case may be,) }
 of , }

Be it remembered, That on _____ complaint was made before the undersigned, (one) of Her Majesty's Justices of the Peace in and or the said District (or County, United Counties, or as the case may be)

of for that (*stating the facts entitling the Complainant to the order, with the time and place when and where they occurred,*) and now at this day, to wit, on , at ; the parties aforesaid appear before me the said Justice, (*or, the said C. D. appears before me the said Justice, but the said A. B. although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me on oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here on this day before me or such Justice or Justices of the Peace for the said District (or County, United Counties, or as the case may be) as should now be here, to answer the said complaint, and to be further dealt with according to law*); and now having heard the matter of the said complaint, I do adjudge the said A. B. (to pay to the said C. D. the said sum of forthwith, (*or on or before next, or as the Act or Law may require*), and also to pay to the said C. D. the sum of for his costs in this behalf; and if the said several sums be not paid forthwith (*or on or before next*) then,* I hereby order that the same be levied by distress, and sale of the goods and chattels of the said A. B.) and in default of sufficient distress in that behalf,* I adjudge the said A. B. to be imprisoned in the Common Gaol of the said District (*or County, United Counties, or as the case may be*) at in the said District (*or County*) of , (and there kept to hard labour) for the space of unless the said several sums and all costs and charges of the said distress (and of the commitment and conveying of the said A. B. to the said Common Gaol) shall be sooner paid.

Given under my hand and seal, this day of in the year of our Lord , at in the District (*or County, or as the case may be,*) aforesaid.

J. S. [L. s.]

* *Or, when the issuing of a distress warrant would be ruinous to the Defendant or his family, or it appears he has no goods whereon to levy a distress, then, instead of the words between the asterisks ** say, "inasmuch as it hath now been made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said A. B. and his family," (or, "that the said A. B. hath no goods or chattels whereon to levy the said sums by distress."*

(K 2)

ORDER FOR PAYMENT OF MONEY, AND IN DEFAULT OF PAYMENT, IMPRISONMENT.

Canada, }
 Province of , }
 District (*or County,*
 United Counties, *or*
as the case may be,) }
 of , }

Be it remembered, That on complaint was made before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or County, United Counties, or as the case may be,*) of , for that (*stating the facts entitling the complainant to the order, with the time and place when and where they occurred,*) and now on this day, to wit, on , at , the parties aforesaid appear before me the said Justice, (*or the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not*

appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me upon oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here this day before me, or such Justice or Justices of the Peace for the said District (or County, United Counties, or as the case may be,) as should now be here, to answer to the said complaint, and to be further dealt with according to law,) and now having heard the matter of the said complaint, I do adjudge the said A. B. (to pay to the said C. D. the sum of forthwith, (or on or before next, or as the Act or Law may require,) and also to pay to the said C. D. the sum of for his costs in this behalf; and if the said several sums be not paid forthwith, (or on or before next), then I adjudge the said A. B. to be imprisoned in the Common Gaol of the said District (or County, United Counties, or as the case may be,) at , in the said District (or County of (there to be kept at hard labour if the Act or Law authorize this) for the space of , unless the said several sums (and costs and charges of commitment and conveying the said A. B. to the said Common Gaol) shall be sooner paid.

Given under (my) hand and seal, this day of , in the year of our Lord , at , in the District (or County, United Counties, or as the case may be) aforesaid.

J. S. [L. S.]

(K 3) See ss. 42, 51.

ORDER FOR ANY OTHER MATTER WHERE THE DISOBEYING OF IT IS PUNISHABLE WITH IMPRISONMENT.

Canada, }
 Province of }
 District (or County, }
 United Counties, or }
 as the case may be, }
 of . }

Be it remembered, That on complaint was made before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) of , for that (stating the facts entitling the Complainant to the order, with the time and place where and when they occurred,) and now on this day, to wit, on , at , the parties aforesaid appear before me the said Justice, (or the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me upon oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here this day before me, or such Justice or Justices of the Peace for the said District (or County, United Counties, or as the case may be,) as should now be here, to answer to the said complaint, and to be further dealt with according to law,) and now having heard the matter of the said complaint, I do therefore adjudge the said A. B. to (here state the matter required to be done), and if upon a copy of the Minute of this Order being served upon the said A. B. either personally or by leaving the same for him at his last or most usual place of abode, he shall neglect or refuse to obey the same, in that case I adjudge the said A. B. for such his disobedience to be imprisoned in the Common Gaol or the said District (or County, United Counties, or as the case may be,)

at _____, in the said County of _____ (there to be kept at hard labour *if the Statute authorize this*); for the space of _____ unless the said order be sooner obeyed, and I do also adjudge the said A. B. to pay to the said C. D. the sum of _____ for his costs in this behalf, and if the said sum for costs be not paid forthwith, (*or, on or before _____ next,*) I order the same to be levied by distress and sale of the goods and chattels of the said A. B., and in default of sufficient distress in that behalf, I adjudge the said A. B. to be imprisoned in the said Common Gaol (there to be kept at hard labour) for the space of _____ to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under (*my*) hand and seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District (*or County, United Counties, or as the case may be*) aforesaid.
 J. S. [L. S.]

(L) See s. 43.

ORDER OF DISMISSAL OF AN INFORMATION OR COMPLAINT.

Canada,
 Province of _____ }
 District (*or County,*
 United Counties, *or*
as the case may be) }
 of _____

Be it remembered, That on _____ information was laid (*or complaint was made*) before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or County, United Counties, or as the case may be*) of _____, for that (*&c., as in the Summons to the Defendant,*) and now at this day, to wit, on _____ at _____, both the said parties appear before me in order that I should hear and determine the said information (*or complaint*) (*or the said A. B. appeareth before me, but the said C. D. although duly called doth not appear,**) whereupon the matter of the said information (*or complaint*) being by me duly considered (it manifestly appears to me that the said information (*or complaint*) is not proved,) I do therefore dismiss the same, and do adjudge that the said C. D. do pay to the said A. B. the sum of _____ for his costs incurred by him in his defence in this behalf: and if the said sum for costs be not paid forthwith, (*or on or before _____,*) I order that the same be levied by distress and sale of the goods and chattels of the said C. D., and in default of sufficient distress in that behalf, I adjudge the said C. D. to be imprisoned in the Common Gaol of the said District (*or County, United Counties, or as the case may be*) at _____ in the said County of _____ (and there to be kept at hard labour) for the space of _____, unless the said sum for costs and all costs and charges of the said distress (and of the commitment of the said C. D. to the said Common Gaol,) shall be sooner paid.

Given under my hand and seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District (*or County, United Counties, or as the case may be*) aforesaid.

J. S. [L. S.]

* *If the Informant (or Complainant) do not appear, these words may be omitted.*

(M) See s. 43.

CERTIFICATE OF DISMISSAL.

I hereby certify that an information (or complaint preferred by C. D. against A. B. for that (or as in the summons,) was this day considered by me, one of Her Majesty's Justices of the Peace in and for the District (or County, United Counties, or as the case may be) of _____, and was by (me) dismissed (with costs.)

Dated this _____ day of _____, one thousand eight hundred and _____

J. S. [L. S.]

(N 1) See s. 57.

WARRANT OF DISTRESS UPON A CONVICTION FOR A PENALTY.

Canada,
Province of }
District (or County,
United Counties, or
as the case may be)
of }

To all or any of the Constables, or other Peace Officers in the said District (or County, United Counties, or as the case may be) of _____
Whereas A. B., late of _____, (labourer) was on this day (or on _____ last past) duly convicted before _____ (one) of Her Majesty's Justices of the Peace, in and for the said District (or County, United Counties, or as the case may be) of _____ for that (stating the offence as in the conviction) and it was thereby adjudged that the said A. B., should for such his offence forfeit and pay, (f.c., as in the conviction), and should also pay to the said C. D. the sum of _____ for his costs in that behalf; and it was thereby ordered that if the said several sums should not be paid (forthwith) the same should be levied by distress and sale of the goods and chattels of the said A. B.; and it was thereby also adjudged that the said A. B., in default of sufficient distress, should be imprisoned in the Common Gaol of the said District (or County, United Counties, or as the case may be) at _____ in the said County of _____ (and there to be kept at hard labour) for the space of _____ unless the said several sums and all costs and charges of the said distress, and of the commitment and conveying of the said A. B., to the said Common Gaol should be sooner paid; *And whereas the said A. B., being so convicted as aforesaid, and being (now) required to pay the said sums of _____ and _____ hath not paid the same or any part thereof, but therein hath made default. These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B.; and if within _____ days next after the making of such distress, the said sums, together with the reasonable charges of taking and keeping the distress, shall not be paid, then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale unto me (the convicting Justice or one of the convicting Justices) that I may pay and apply the same as by law is directed, and may render the overplus, if any, on demand, to the said A. B.; and if no such distress can be found, then, that you certify the same unto me, to the end that such further proceedings may be had thereon as to law doth appertain.

Given under my hand and seal, this _____ day of _____ in the

year of our Lord _____, at _____ in the District (or County, or as
the case may be) aforesaid.

J. S. [L. s.]

(N 2) See s. 57.

WARRANT OF DISTRESS UPON AN ORDER FOR THE PAYMENT OF
 MONEY.

Canada,
 Province of }
 District (or County,
 United Counties, or
as the case may be) }
 of .

To all or any of the Constables, or other Peace Officers, in the said
 District (or County, United Counties, or *as the case may be*) of

Whereas on _____ last past, a complaint was made before
 (one) of Her Majesty's Justices of the Peace in and for the said Dis-
 trict (or County, United Counties, or *as the case may be*) for that (*&c.*,
as in the order,) and afterwards, to wit, on _____, at _____
 _____, the said parties appeared before _____ (*as in the order,*)
 and thereupon the matter of the said complaint having been considered,
 the said A. B. was adjudged (to pay to the said C. D. the sum of
 _____ on or before _____ then next,) and also to pay to the
 said C. D. the sum of _____ for his costs in that behalf; and it
 was ordered that if the said several sums should not be paid on or
 before the said _____ then next, the same should be levied by dis-
 tress and sale of the goods and chattels of the said A. B.; and it was
 adjudged that in default of sufficient distress in that behalf, the said
 A. B., should be imprisoned in the Common Gaol of the said District
 (or County, or United Counties, or *as the case may be*) at _____,
 in the said County of _____ (and there kept at hard labour) for the
 space of _____, unless the said several sums and all costs and
 charges of the distress (and of the commitment and conveying of the
 said A. B. to the said Common Gaol) should be sooner paid; And*
 whereas the time in and by the said order appointed for the payment
 of the said several sums of _____ and _____ hath elapsed, but the
 said A. B. hath not paid the same, or any part thereof, but herein hath
 made default; These are therefore to command you, in Her Majesty's
 name, forthwith to make distress of the goods and chattels of the said
 A. B.; and if within the space of _____ days after the making of
 such distress, the said last mentioned sums, together with the reason-
 able charges of taking and keeping the said distress, shall not be paid,
 that then you do sell the said goods and chattels so by you distrained,
 and do pay the money arising from such sale unto me, (*or some other of*
the convicting Justices, as the case may be) that I (*or he*) may pay and
 apply the same as by law directed, and may render the overplus, if any,
 on demand to the said A. B.; and if no such distress can be found,
 then that you certify the same unto me, to the end that such proceed-
 ings may be had therein, as to law doth appertain.

Given under my hand and seal, this _____ day of _____ in the
 year of our Lord _____, at _____, in the District (or County,
or as the case may be) aforesaid.

J. S. [L. s.]

(N 3) See s. 58.)

ENDORSEMENT IN BACKING A WARRANT OF DISTRESS.

Canada,
 Province of
 District (or County,
 United Counties, or
 as the case may be)
 of

Whereas proof upon oath hath this day been made before me, one of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) that the name of J. S. to the within Warrant subscribed, is of the hand-writing of the Justice of the Peace within mentioned, I do therefore authorize U. T. who bringeth me this warrant, and all other persons to whom this Warrant was originally directed, or by whom the same may be lawfully executed, and also all Constables and other Peace Officers in the said District (or County, United Counties, or as the case may be,) of to execute the same within the said District (or County, United Counties, or as the case may be)

Given under my hand, this day of , one thousand eight hundred and

O. K.

(N 4) See s. 62.

CONSTABLE'S RETURN TO A WARRANT OF DISTRESS.

I, W. T., Constable of , in the District (or County, United Counties, or as the case may be) of , hereby certify to J. S., Esquire, one of Her Majesty's Justices of the Peace for the District (or County, United Counties, or as the case may be) that by virtue of this warrant, I have made diligent search for the goods and chattels of the within mentioned A. B., and that I can find no sufficient goods or chattels of the said A. B. whereon to levy the sums within mentioned.

Witness my hand, this day of , one thousand eight hundred and

(N 5) See s. 62.

WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

Canada,
 Province of
 District (or County,
 United Counties, or
 as the case may be.)
 of

To all or any of the Constables and other Peace Officers in the District, (or County, United Counties, or as the case may be,) of , and to the Keeper of the Common Gaol of the said District (or County, United Counties, or as the case may be,) of , at , in the said District (or County) of :

Whereas (&c., as in either of the foregoing distress warrants, N1, 2, to the asterisks, * and then thus): And whereas afterwards on the

day of _____, in the year aforesaid, I, the said Justice issued a warrant to all or any of the Constables or other Peace Officers of the District (or County, United Counties, or as the case may be,) of _____ commanding them, or any of them, to levy the said sums of _____ and _____ by distress and sale of the goods and chattels of the said A. B. ; And whereas it appears to me, as well by the return to the said warrant of distress, by the Constable who had the execution of the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the sums above mentioned could be found ; These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said A. B., and him safely to convey to the Common Gaol at _____ aforesaid, and there deliver him to the said Keeper, together with this Precept ; and I do hereby command you, the said Keeper of the said Common Gaol, to receive the said A. B. into your custody, in the said Common Gaol, there to imprison him (and keep him at hard labour) for the space of _____, unless the said several sums, and all the costs and charges of the said distress, (and of the commitment and conveying of the said A. B. to the said Common Gaol) amounting to the further sum of _____, shall be sooner paid unto you, the said Keeper ; and for so doing, this shall be your sufficient warrant.

Given under my hand and seal, this _____ day of _____, in the year of our Lord _____, at _____ in the District (or County, or as the case may be) aforesaid.

J. S. [L. S.]

(O 1) See s. 59.

WARRANT OF COMMITMENT UPON A CONVICTION FOR A PENALTY IN THE FIRST INSTANCE.

Canada, }
Province of _____, }
District (or County, }
United Counties, or }
as the case may be,) }
of _____, }

To all or any of the Constables and other Peace Officers in the said District (or County, United Counties, or as the case may be,) of _____, and to the Keeper of the Common Gaol of the said District (or County, United Counties, or as the case may be,) of _____, at _____, in the said District (or County) of _____ :

Whereas A. B., late of _____ (labourer,) was on this day convicted before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the said District (or County, United Counties, or as the case may be) for that (stating the offence as in the conviction,) and it was thereby adjudged that the said A. B., for his offence should forfeit and pay the sum of _____ (s.c., as in the conviction,) and should pay to the said C. D. the sum of _____ for his costs in that behalf ; and it was thereby further adjudged that if the said several sums should not be paid (forthwith) the said A. B. should be imprisoned in the Common Gaol of the said District (or County, United Counties, or as the case may be) at _____ in the said District (or County) of _____ (and there kept at hard labour) for the space of _____, unless the said several sums (and the costs and charges of conveying the said A. B. to the said Common Gaol) should be sooner paid ; And whereas the time in and by the said conviction appointed for the payment of the

said several sums hath elapsed, but the said A. B. hath not paid the same or any part thereof, but therein hath made default; These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said A. B., and him safely to convey to the Common Gaol at aforesaid, and there to deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of the said Common Gaol, to receive the said A. B. into your custody in the said Common Gaol, there to imprison him (and keep him at hard labour) for the space of , unless the said several sums (and costs and charges of carrying him to the said Common Gaol, amounting to the further sum of), shall be sooner paid unto you, the said Keeper; and for your so doing, this shall be your sufficient warrant.

Given under (*my*) hand and seal, this day of
in the year of our Lord , at , in the District
(*or County, or as the case may be*) aforesaid.

J. S. [L. s.]

(O 2) See s. 59.

WARRANT OF COMMITMENT ON AN ORDER IN THE FIRST INSTANCE.

Canada, }
Province of }
District (*or County,* }
United Counties, *or* }
as the case may be) }
of . }

To all or any of the Constables and other Peace Officers in the said District, (*or County, United Counties, or as the case may be*) of , and to the Keeper of the Common Gaol of the District (*or County, United Counties, or as the case may be*) of at in the said District (*or County*) of

Whereas on last past, complaint was made before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or County, United Counties, or as the case may be*) of for that (*&c., as in the order*), and afterwards, to wit, on the day of , at the parties appeared before me, the said Justice (*or as it may be in the order*), and thereupon having considered the matter of the complaint, I adjudged the said A. B. to pay the said C. D. the sum of , on or before the day of then next, and also to pay to the said C. D. the sum of for his costs in that behalf; and I also thereby adjudged that if the said several sums should not be paid on or before the day of then next, the said A. B. should be imprisoned in the Common Gaol of the District (*or County, United Counties, or as the case may be*) of at in the said County of (and there be kept at hard labour) for the space of unless the said several sums (and the costs and charges of conveying, the said A. B. to the said Common Gaol, *as the case may be*) should be sooner paid; And whereas the time in and by the said order appointed for the payment of the said several sums of money hath elapsed, but the said A. B. hath not paid the same or any part thereof, but therein hath made default; These are therefore to command you, the said Constables and Peace Officers, or any of you, to take the said A. B. and him safely to convey to the said Common Gaol, at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of

the said Common Gaol, to receive the said A. B. into your custody in the said Common Gaol, there to imprison him (*and keep him at hard labour*) for the space of _____, unless the said several sums (and the costs and charges of conveying him to the said Common Gaol, amounting to the further sum of _____), shall be sooner paid unto you the said Keeper; and for your so doing, this shall be your sufficient Warrant.

Given under my hand and seal, this _____ day of _____, in the year of our Lord _____ at _____, in the District (*or County, or as the case may be*) aforesaid.

J. S. [L. s.]

(Q 1)—See s. 64.

WARRANT OF DISTRESS FOR COSTS UPON AN ORDER FOR DISMISSAL OF AN INFORMATION OR COMPLAINT.

Canada, }
Province of _____, }
District (*or County,* }
United Counties, *or* }
as the case may be) }
of _____

To all or any of the Constables or other Peace Officers, in the said District (*or County, United County, or as the case may be,*) of _____
Whereas on _____ last past, information was laid (*or complaint was made*) before _____ (*one of Her Majesty's Justices of the Peace*) in and for the said District (*or County, United Counties, or as the case may be*) of _____ for that (*ſc.*, *as in the order of dismissal,*) and afterwards, to wit, on _____ at _____, both parties appearing before _____ in order that (*I*) should hear and determine the same, and the several proofs adduced to (*me*) in that behalf being by (*me*) duly heard and considered, and it manifestly appearing to (*me*) that the said information (*or complaint*) was not proved, (*I*) therefore dismissed the same and adjudged that the said C. D. should pay to the said A. B. the sum of _____ for his costs incurred by him in his defence in that behalf; and (*I*) ordered that if the said sum for costs should not be paid (*forthwith*) the same should be levied on the goods and chattels of the said C. D., and (*I*) adjudged that in default of sufficient distress in that behalf the said C. D. should be imprisoned in the Common Gaol of the said District (*or County, United Counties, or as the case may be*) of _____ at _____ in the said District *or County* of _____ (and there kept at hard labour) for the space of _____, unless the said sum for costs, and all costs and charges of the said distress, and of the commitment and conveying of the said A. B. to the said Common Gaol should be sooner paid; * And whereas the said C. D. being now required to pay to the said A. B. the said sum for costs, hath not paid the same, or any part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said C. D., and if within the space of _____ days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, then that you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to me (*the Justice who made such order or dismissal as the case may be*) that (*I*) may pay and apply the same as by law directed, and may render the overplus (if any) on demand to the said C. D., and if no such

distress can be found, then that you certify the same unto me, (or to any other Justice of the Peace for the same District (or County, United Counties, or as the case may be) to the end that such proceedings may be had therein as to law doth appertain.

Given under (my) hand and seal, this _____ day of _____, in the year of our Lord _____, at _____ in the District (or County, or as the case may be) aforesaid.

J. S. [L. s.]

(Q 2) See s. 64.

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE
LAST CASE.

Canada, }
Province of _____, }
District (or County, }
United Counties, or }
as the case may be) }
of _____

To all or any of the Constables or Peace Officers in the said District (or County, United Counties, or as the case may be) of _____, and to the Keeper of the Common Gaol of the said District (or County, United Counties, or as the case may be) of _____ at _____ in the said District (or County) of _____

Whereas (i.e., as in the last form, to the asterisk, * and then thus :) And whereas afterwards, on the _____ day of _____, in the year aforesaid, I, the said Justice, issued a warrant to all or any of the Constables or other Peace Officers of the said District (or County, United Counties, or as the case may be) commanding them, or any one of them to levy the said sum of _____ for costs, by distress and sale of the goods and chattels of the said C. D.; And whereas it appears to me, as well by the return to the said warrant of distress of the Constable (or Peace Officer) charged with the execution of the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said C. D., but that no sufficient distress whereon to levy the sum above mentioned could be found; These are therefore to command you, the said Constables and Peace Officers, or any one of you, to take the said C. D. and him safely convey to the Common Gaol of the said District (or County, United Counties, or as the case may be,) at _____ aforesaid, and there deliver him to the Keeper thereof, together with this Precept; and I hereby command you, the said Keeper of the said Common Gaol, to receive the said C. D. into your custody in the said Common Gaol, there to imprison him (and keep him at hard labour) for the space of _____ unless the said sum, and all the costs and charges of the said distress (and of the commitment and conveying of the said C. D. to the said Common Gaol amounting to the further sum of _____,) shall be sooner paid up unto you the said Keeper; and for your so doing, this shall be your sufficient warrant.

Given under my hand and seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District (or County, or as the case may be) aforesaid.

J. S. [L. s.]

(R) See s. 75.

CERTIFICATE OF CLERK OF THE PEACE THAT THE COSTS OF AN APPEAL ARE NOT PAID.

Office of the Clerk of the Peace for the District (or County, United Counties, or as the case may be) of

TITLE OF THE APPEAL.

I hereby certify, that at a Court of General or Quarter Sessions of the Peace, (or other Court discharging the functions of the Court of General or Quarter Sessions, as the case may be) holden at _____, in and for the said District (or County, United Counties, or as the case may be) on _____ last past, an appeal by A. B. against a conviction (or order) of J. S., Esquire, one of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) came on to be tried, and was there heard and determined, and the said Court of General or Quarter Sessions (or other Court, as the case may be), thereupon ordered that the said conviction (or order) should be confirmed (or quashed) and that the said (Appellant) should pay to the said (Respondent) the sum of _____ for his costs incurred by him in the said appeal, and which sum was thereby ordered to be paid to the Clerk of the Peace for the said District (or County, United Counties, or as the case may be) on or before the _____ day of _____ instant, to be by him handed over to the said (Respondent), and I further certify that the said sum for costs has not, nor has any part thereof, been paid in obedience to the said order.

Dated this _____ day of _____, one thousand eight hundred and _____

G. H.
Clerk of the Peace.

(S 1) See s. 75.

WARRANT OF DISTRESS FOR COSTS OF AN APPEAL AGAINST A CONVICTION OR ORDER.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be, }
of }

To all or any of the Constables or other Peace Officers in the said District (or County, United Counties, or as the case may be) of

Whereas (&c., as in the warrants of distress, N 1, 2, ante, and to the end of the Statement of the Conviction or Order, and then thus): And whereas the said A. B. appealed to the Court of General Quarter Sessions of the Peace (or other Court discharging the functions of the Court of General or Quarter Sessions, as the case may be) for the said District (or County, United Counties, or as the case may be) against the said Conviction or Order, in which appeal the said A. B. was the Appellant, and the said C. D., (or J. S. Esquire, the Justice of the Peace who made the said Conviction or Order) was the Respondent, and which said appeal came on to be tried and was heard and determined at the last General Quarter Sessions of the Peace (or other Court, as the case may

be) for the said District (or County, United Counties, or as the case may be) holden at _____, on _____, and the said Court thereupon ordered that the said Conviction (or Order) should be confirmed (or quashed) and that the said (Appellant) should pay to the said (Respondent) the sum of _____ for his costs incurred by him in the said appeal, which said sum was to be paid to the Clerk of the Peace for the said District (or County, United Counties, or as the case may be) on or before the day of _____, one thousand eight hundred and _____, to be by him handed over to the said C. D.; and whereas the Clerk of the Peace of the said District (or County, United Counties, or as the case may be) hath, on the _____ day of _____ instant, duly certified that the said sum for costs had not been paid; * These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B., and if within the space of _____ days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to the Clerk of the Peace for the said District (or County, United Counties, or as the case may be) of _____, that he may pay and apply the same as by law directed; and if no such distress can be found, then that you certify the same unto me or any other Justice or the Peace for the same District (or County, United Counties, or as the case may be) to the end that such proceedings may be had therein, as to law doth appertain.

Given under my hand and seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District (or County or as the case may be) aforesaid.

O. K. [L. s.]

(S 2) See s. 75.

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE LAST CASE.

Canada, }
 Province of _____, }
 District (or County, }
 United Counties, or }
 as the case may be) }
 of _____ }

To all or any of the Constables, or other Peace Officers, in the said District (or County, United Counties, or as the case may be) of _____, and to the Keeper of the Common Gaol of the said District (or County, United Counties, or as the case may be) of _____, at _____, in the said County of _____:

Whereas (ſc., as in the last form, to the asterisk,* and then thus): And whereas, afterwards, on the _____ day of _____, in the year aforesaid, I, the undersigned, issued a warrant to all or any of the Constables and other Peace Officers in the said District (or County, United Counties, or as the case may be) of _____, commanding them, or any of them, to levy the said sum of _____, for costs, by distress and sale of the goods and chattels of the said A. B.; And where as it appears to me, as well by the return to the said Warrant of Distress to the Constable (or Peace Officer), who was charged with the execution of the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the said sum above mentioned could be found; These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said A. B., and

him safely to convey to the Common Gaol of the said District (or County, United Counties of *as the case may be,*) at *afore-* said, and there deliver him to the said keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of the said Common Gaol, to receive the said A. B. into your custody in the said Common Gaol, there to imprison him (*and keep him at hard labour*) for the space of *,* unless the same sum and all costs and charges of the said distress (and for the commitment and conveying of the said A. B. to the said Common Gaol, amounting to the further sum of *,*) shall be sooner paid unto you, the said Keeper, and for so doing, this shall be your sufficient Warrant.

Given under my hand and seal, this *day of* *,* in the year of our Lord *,* at *,* in the District (County, United Counties, or *as the case may be*) aforesaid.

J. N. [L. S.]

GENERAL FORM OF INFORMATION OR OF COMPLAINT ON OATH.

Canada, }
 Province of *,* }
 District (or County, }
 United Counties, or }
as the case may be) }
 of }

The information (or complaint) of C. D., of the township of *in the said District (or County, United Counties, or as the case may be,* of *(laborer). (If preferred by an Attorney or Agent, say:)* "D. E.) his duly authorized Agent (or Attorney), in this behalf, taken upon oath, before me, the undersigned, one of Her Majesty's Justices of the Peace, in and for the said District (or County, United Counties, or *as the case may be*) of *,* at N., in the said District, County, or *as the case may be*) of *this* day of *,* in the year of our Lord, one thousand eight hundred and *,* who saith* that (he hath just cause to suspect and believe, and doth suspect and believed that) A. B., of the (township) of *,* in the said District (or County, *as the case may be*) of *,* within the space of *,* (*the time within which the information (or complaint) must be laid,*) last past, to wit, on the *day of* *instant, at the (township) of* *in the District (County, or as the case may be) aforesaid,* did (*here set out the offence, &c.*) contrary to the form of Statute in such case made and provided.

C. D. (or D. E.)

Taken and sworn before me, the day and year and at the place above mentioned.

J. S.

FORM OF ORDER OF DISMISSAL OF AN INFORMATION OR COMPLAINT.

Canada, }
 Province of *,* }
 District (or County }
 United Counties, or }
as the case may be) }
 of }

Be it remembered, that on *,* information was laid (or

complaint was made) before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or County, United Counties, or as the case may be*) of _____, for that (*&c., as in the Summons of the Defendant*) and now at this day, to wit, on _____, at _____, (*if at any adjournment insert here: "To which day the hearing of this case hath been duly adjourned, of which the said C. D. had due notice,"* both the said parties appear before me in order that I should hear and determine the said information, (*or complaint*) (*or the said A. B. appeareth before me, but the said C. D., although duly called, doth not appear*); whereupon the matter of the said information (*or complaint*) being by me duly considered, (*it manifestly appears to me that the said information (or complaint) is not proved, and (If the Informant (or Complainant) do not appear these words may be omitted*) I do therefore dismiss the same, (and do adjudge that the said C. D. do pay to the said A. B. the sum of _____ for his costs incurred by him in defence in his behalf; and if the said sum for costs be not paid forthwith. (*or on before* _____), I order that the same be levied by distress and sale of the goods and chattels of the said C. D. and in default of sufficient distress in that behalf, I adjudge the said C. D. to be imprisoned in the Common Gaol of the said District (*or County, United Counties, as the case may be*) of _____ at _____ in the said (*County*) of _____ (*and there kept at hard labor* for the space of _____, unless the said sum for costs, and all costs and charges of the said distress (and of the commitment and conveying of the said C. D. to the said Common Gaol) shall be sooner paid.

Given under my hand and seal, this _____ day of _____ in the year of our Lord, _____ at _____ in the District (*or County, or as the case may be*) aforesaid.

J. S. [L. s.]

FORM OF CERTIFICATE OF DISMISSAL.

I hereby certify, that an information (*or complaint*) preferred by C. D. against A. B. for that (*&c., as in the Summons*) was this day considered by me, one of Her Majesty's Justices of the Peace in and for the said District (*or County, United Counties, or as the case may be*) of _____, and was by me dismissed (*with costs*),

Dated this _____ day of _____, one thousand _____

J. S.

GENERAL FORM OF NOTICE OF APPEAL AGAINST A CONVICTION OR ORDER.

To C. D. of, &c., and _____ (*the names and additions of the parties to whom the notice of appeal is required to be given.*)

Take notice, that I, the undersigned A. B., of &c., do intend to enter and prosecute an appeal at the next General Quarter Sessions of the Peace, (*or in any other Court discharging the functions of the Court of General or Quarter Sessions, as the case may be,*) to be holden at _____, in and for the District (*or County, United Counties, or as the case may be,*) _____, against a certain conviction (*or order*) bearing date on or about the _____ day of _____ instant, and made by (you) C. D., Esquire, (*one*) of Her Majesty's Justices of the Peace for the said District (*or County, United Counties, or as the case may be,*) of _____, whereby the said A. B., was convicted of having (*or was ordered*) _____, (*here state the offence as in the conviction, order, information or summons, as correctly as possible:*) And further, take notice that the grounds of my appeal are, first, that (I am not guilty of the said offence;

econdly, that the formal conviction drawn up and returned to the Sessions is not in law sufficient to support the said conviction of me, the said A. B.,) *(together with any other grounds, care being taken that all are stated, as the appellant will be precluded from going into any other than those stated.)*

Dated this day of , one thousand eight hundred and

A. B.

MEM.—*If this notice be given by several Defendants, or by an Attorney, it can easily be adapted to the special case.*

FORM OF RECOGNIZANCE TO TRY THE APPEAL, &c.

Be it remembered, that on , A. B., of (*labourer,*) and L. M., of (*grocer*) and N. O., of (*yeoman,*) personally came before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or County, United Counties, or as the case may be,*) of , and severally acknowledged themselves to owe to our Sovereign Lady the Queen, the several sums following, that is to say, the said A. B. the sum of , and the said L. M. and N. O. the sum of , each, of good and lawful money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said A. B. shall fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned at , before me.

J. S.

The condition of the within written Recognizance is such, that if the said A. B. shall, at the (*next*) General or Quarter Sessions of the Peace, (*or other Court discharging the functions of the Court of General or Quarter Sessions, as the case may be*) to be holden at , on the day of next, in and for the said District (*or County, United Counties, or as the case may be,*) of , enter and prosecute an appeal against a certain conviction bearing date the day of instant, and made by (me) the said Justice, whereby he the said A. B. was convicted, for that he the said A. B. did on the day of , at the township of , in the said District (*or County, United Counties, or as the case may be,*) of , (*here set out the offence as stated in the conviction;*) And further, that if the said A. B. shall abide by and duly perform the order of the Court to be made upon the trial of such appeal, then the said Recognizance to be void, or else to remain in full force and virtue.

FORM OF NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO THE DEFENDANT (APPELLANT) AND HIS SURETIES.

Take notice, that you, A. B., are bound in the sum of , and you, L. M. and N. O. in the sum of each, that you the said A. B. at the next General or Quarter Sessions of the Peace to be holden at , in and for the said District, (*or County, United Counties, or as the case may be,*) of , enter and prosecute an Appeal against a conviction (*or order*) dated the day of (*instant,*) whereby you, A. B. were convicted of (*or ordered &c.,*) (*stating offence or the subject of the order shortly*), and abide by and perform the Order of the Court to be made upon the trial

of such Appeal; and unless you the said A. B. prosecute such Appeal accordingly, the Recognizance entered into by you will forthwith be levied on you, and each of you.

Dated this _____ day of _____ one thousand eight hundred and _____

SURETIES.

COMPLAINT BY THE PARTY THREATENED FOR SURETIES FOR THE PEACE.

*Proceed as in the Form (T) to the asterisk *, then: that a A. B. of the (Township) of _____, in the District (County, or as the case may be,) of _____; did, on the _____ day of _____ (instant or last past, as the case may be), threaten the said C. D. in the words or to the effect following, that is to say, (set them out, with the circumstances under which they were used :) and that from the above and other threats used by the said A. B. towards the said C. D., he the said C. D. is afraid that the said A. B. will do him some bodily injury, and therefore prays that the said A. B. may be required to find sufficient Sureties to keep the peace and be of good behaviour towards him the said C. D.; and the said C. D. also saith that he doth not make this complaint against nor require such Sureties from the said A. B. from any malice or ill-will, but merely for the preservation of his person from injury.*

FORM OF RECOGNIZANCE FOR THE SESSIONS.

Be it remembered, that on the _____ day of _____, in the year of our Lord _____, A. B. of _____ (labourer), L. M. of _____ (grocer), and N. O. of _____ (butcher), personally came before (us) the undersigned, (two) of Her Majesty's Justices of the Peace for said District (or County, United Counties, or as the case may be,) of _____ and severally acknowledged themselves to owe to our Lady the Queen the several sums following, that is to say: the said A. B. the sum of _____, and the said L. M. and N. O. the sum of _____, each, of good and lawful money of Canada, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said A. B. fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at _____, before us.

J. S.

J. T.

The condition of the within written Recognizance is such, that if the within bounded A. B. (of, &c.) shall appear at the next Court of General or Quarter Sessions of the Peace (or other Court discharging the functions of the Court of General Quarter Sessions, as the case may be,) to be holden in and for the said District (or County, United Counties, or as the case may be) of _____, to do and receive what shall be then and there enjoined him by the Court, and in the meantime shall keep the peace and be of good behaviour towards Her Majesty and all Her liege people, and specially towards C. D. (of &c.) for the term of _____ now next ensuing, then the said Recognizance to be void, or else to stand in full force and virtue.

FORM OF COMMITMENT IN DEFAULT OF SURETIES.

Canada,
Province of
District (or County,
United Counties, or
as the case may be)
of

To all or any of the Constable or other Peace Officers in the District (or County) (or one of the United Counties, or as the case may be) of and to the Keeper of the Common Gaol of the said District, (County or United Counties, or as the case may be) at in the said District (or County, &c.,)

Whereas on the day of instant, complaint on oath was made before the undersigned (or J. L., Esquire,) (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of , by C. D. of the township of , in the said District (County, or as the case may be) (labourer,) that A. B. of, &c., on the day of , at the township of aforesaid, did threaten (&c., follow to end of complaint, as in form above, in the past tense, then): And whereas the said A. B. was this day brought and appeared before the said Justice (or J. S., Esquire, one of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of , to answer unto the said complaint: And* having been required by me to enter into his own Recognizance in the sum of

with two sufficient sureties in the sum of each, as well for his appearance at the next General Quarter Sessions of the Peace, (or other Court discharging the functions of the Court of General or Quarter Sessions, as the case may be,) to be held in and for the said District (or County, United Counties, or as the case may be,) of , to do what shall be then and there enjoined him by the Court, as also in the meantime to keep the Peace and be of good behaviour towards Her Majesty and Her liege people, and especially towards the said C. D., hath refused and neglected, and still refuses and neglects to find such sureties); These are therefore to command you and each of you to take the said A. B., and him safely to convey to the (Common Gaol) at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; And I do hereby command you the said Keeper of the (Common Gaol) to receive the said A. B. into your custody, in the said (Common Gaol,) there to imprison him until the said next General or Quarter Sessions of the Peace (or the next term, or sitting, the said Court discharging the functions of the Court of General or Quarter Sessions, as the case may be,) unless he, in the meantime, find sufficient sureties as well for his appearance at the said Sessions (or Court), as in the meantime to keep the peace as aforesaid.

Given under my hand and seal, this day of in the year of Our Lord , at in the District (or County, or as the case may be) aforesaid.

J. S. [L. S.]

An Act respecting the trial and punishment of Juvenile Offenders.

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

1. In this Act the expression "any two or more Justices," shall as respects the Province of Quebec and the Province of Ontario, mean and include any two or more Justices of the Peace, or any Recorder, Police magistrate, District magistrate or other functionary or tribunal invested at the time of the passing of this Act, with the powers assigned to any two or more Justices of the Peace, by Chapter 106 of the Consolidated Statutes of Canada...

Interpretation.

Provision Not

2. Every person who is committed or having persons not attempted to commit, or with having been an aider, abettor, counsellor or procurer in the commission of any offence which is simple larceny, or punishable as simple larceny, and whose age at the period of the commission or attempted commission of such offence does not, in the opinion of the Justice before whom he is brought or appears as mentioned in section seven, exceed the age of sixteen years, shall, upon conviction thereof, in open Court, upon his own confession or upon proof, before any two or more Justices be committed to the common gaol or other place of confinement within the jurisdiction of such Justices, there to be imprisoned with or without hard labour, for any term not exceeding three months, or, in the discretion of such Justices, shall forfeit and pay such sum, not exceeding twenty dollars, as the said Justices may adjudge.

more than sixteen years of age may be summarily convicted of certain offences before two Justices.

3. The Justices before whom any person is charged and proceeded against under this Act, before such person is asked whether he has any cause to shew why he should not be convicted, shall say to the person so charged, these words, or words to the like effect:

And must if the offender objects to summary trial.

12 effect:

say to the person so charged these words or words to the like effect: he has any cause to speak why he should not be convicted shall speak to the effect: The Justices before whom any person is charged and pro- and must

40 Justices may adjudge:

and day such sum, not exceeding twenty dollars, as the said three months or in the discretion of such Justices shall, for so long as he is committed to the common goal or other place of confinement.

35 His own confession or upon proof before any two or more Justices sixteen years shall upon conviction thereof in open Court upon

30 simple felony or punishable as simple felony, and whose age at the time of the commission of such offence shall be at least sixteen years, shall be deemed to be a confession of such offence, and shall be taken as such in all legal proceedings thereon.

2nd Session

An Act re Peace, convict

Received 1869.

Second re

PRINT

On the 11th of the month of June 1869, the following Act of the Parliament of Great Britain, bearing the title of "An Act to amend the Law relating to the Peace, and to amend the Law relating to the Punishment of Offences," was passed by the House of Commons, and by the House of Lords, and received the Royal Assent on the 11th day of June 1869.

HER Majesty, by and with the advice and consent of the General Assembly of Great Britain, has enacted as follows:

For the purpose of amending the Law relating to the Peace, and to amend the Law relating to the Punishment of Offences,

No 181

BITT

1869

An Act respecting the trial and punishment of Juvenile Offenders.

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 the expression "any two or more Justices," shall
 5 as respects the Province of Quebec and the Province of Ontario, mean and include any two or more Justices of the Peace, or any Recorder, Police magistrate, District magistrate or other functionary or tribunal invested at the time of the passing of this Act, with
 10 Chapter 106 of the Consolidated Statutes of Canada, intituled "*An Act respecting the trial and punishment of Juvenile Offenders*," and acting within the local limits of their or of his jurisdiction, and any functionary, or tribunal invested by the proper Legislative authority with power to do acts usually required to be done by
 15 two or more Justices of the Peace; and as respects the Province of Nova Scotia or the Province of New Brunswick, the said expression shall mean and include any functionary or tribunal invested by the proper legislative authority with power to do acts usually required to be done by two or more
 20 Justices of the Peace:—and the expression "the Justices" shall have the same meaning as the expression "two or more Justices of the Peace" as above defined: and the expression "the Common Gaol or other place of confinement" shall include any Reformatory Prison provided for the reception of juvenile offenders
 25 in the Province in which the conviction referred to takes place, and to which by the law of that Province the offender can be sent.

Intrepretation.

2. Every person charged with having committed or having
 attempted to commit, or with having been an aider, abettor,
 counsellor or procurer in the commission of any offence which is
 30 simple larceny, or punishable as simple larceny, and whose age at the period of the commission or attempted commission of such offence does not, in the opinion of the Justice before whom he is brought or appears as mentioned in section *seven*, exceed the age of
 35 sixteen years, shall, upon conviction thereof, in open Court, upon his own confession or upon proof, before any two or more Justices be committed to the common gaol or other place of confinement within the jurisdiction of such Justices, there to be imprisoned with or without hard labour, for any term not exceeding three months, or, in the discretion of such Justices, shall forfeit and pay such sum, not exceeding *twenty dollars*, as the said
 40 Justices may adjudge.

Persons not more than sixteen years of age may be summarily convicted of certain offences before two Justices.

3. The Justices before whom any person is charged and pro-
 ceeded against under this Act, before such person is asked whether
 he has any cause to shew why he should not be convicted, shall
 say to the person so charged, these words, or words to the like
 45 effect:

And must if the offender objects to summary trial.

" We shall have to hear what you wish to say in answer to the charge against you ; but if you wish to be tried by a Jury, you must object now to our deciding upon it at once :"

And if such person, or a parent or guardian of such person, then objects, such person shall be dealt with as if this Act had not been passed ; but nothing in this Act shall prevent the summary conviction of any such person before one or more Justices of the Peace, for any offence for which he is liable to be so convicted under any other Act.

Case dismissed if offence is not proved.

4. If the Justices, upon the hearing of any such case, deem the offence not proved, or that it is not expedient to inflict any punishment, they shall dismiss the party charged on his finding sureties for his future good behaviour, or without sureties, and then make out and deliver to the party charged, a certificate under the hands of such Justices stating the fact of such dismissal.

Form of certificate.

Such certificate shall be in the form or to the effect set forth in the form following :

To wit : We, _____ of Her Majesty's Justices of the Peace for the _____, of _____, (or if a Recorder, &c.,) I, a _____, of the _____, of _____, as the case may be, do hereby certify, that on the _____ day of _____, in the year of our Lord, _____, at _____, in the said _____ of _____, M. N., was brought before us the said Justices (or me the said _____) charged with the following offence, that is to say (here state briefly the particulars of the charge), and that we the said Justices (or I the said _____) thereupon dismissed the said charge.

Given under our hands (or my hand) this _____ day of _____

Justices may send case to be tried by a Jury, if they see fit.

5. If the Justices are of opinion, before the person charged has made his defence, that the charge is from any circumstance a fit subject for prosecution by indictment, or if the person charged, upon being called upon to answer the charge, objects to the case being summarily disposed of under the provisions of this Act, such Justices shall, instead of summarily adjudicating thereupon, deal with the case in all respects as if this Act had not been passed ; but this shall not prevent his being afterwards tried summarily by his own consent by the Judge of a County Court in the Province of Ontario, under any Act then in force for that purpose.

No further prosecution for the same offence.

6. Every person obtaining such certificate of dismissal as aforesaid, and every person convicted under the authority of this Act, shall be released from all further or other proceedings for the same cause.

Compelling party accused to attend.

7. In case any person whose age is alleged not to exceed sixteen years be charged with any offence mentioned in section two, on the oath of a credible witness before any Justice of the Peace, such Justice may issue his summons or warrant, to summon or to apprehend the person so charged, to appear before any two Justices of the Peace, at a time and place to be named in such summons or warrant.

Power to remand or take bail.

8. Any Justice or Justices of the Peace, if he or they think fit, may remand for further examination or for trial, or suffer to go at large upon his finding sufficient sureties, any such person charged before him or them with any such offence as aforesaid.

9. Every such surety shall be bound by recognizance to be conditioned for the appearance of such person before the same or some other Justice or Justices of the Peace for further examination, or for trial before two or more Justices of the Peace as aforesaid, or for trial by indictment at the proper Court of Criminal Jurisdiction, as the case may be.

Condition of recognizance.

10. Every such recognizance may be enlarged from time to time by any such Justice or Justices or Court to such further time as he or they appoint; and every such recognizance not so enlarged shall be discharged without fee or reward when the party has appeared according to the condition thereof.

Enlarging or discharging recognizance.

11. Any Justice of the Peace may, by summons, require the attendance of any person as a witness upon the hearing of any case before two Justices under the authority of this Act, at a time and place to be named in such summons.

Summoning witnesses.

12. Any such Justice may require and bind by recognizance all persons whom he considers necessary to be examined touching the matter of such charge, to attend at the time and place appointed by him, and then and there to give evidence upon the hearing of such charge.

Binding witnesses over.

13. In case any person so summoned or required or bound as aforesaid, neglects or refuses to attend in pursuance of such summons or recognizance, then upon proof being first given of such person having been duly summoned as hereinafter mentioned, or bound by recognizance as aforesaid, either of the Justices before whom any such person ought to have attended, may issue a warrant to compel his appearance as a witness.

Compelling attendance in case of refusal.

14. Every summons issued under the authority of this Act, may be served by delivering a copy thereof to the party, or to some inmate at such party's usual place of abode, and every person so required by any writing under the hand or hands of any Justice or Justices to attend and give evidence as aforesaid, shall be deemed to have been duly summoned.

Summons to witness, how served.

15. The Justices before whom any person is summarily convicted of any such offence as hereinbefore mentioned, may cause the conviction to be drawn up in the following form, or in any other form of words to the same effect, (varying the wording to suit the case,) that is to say:

Form of conviction.

To wit: } Be it remembered that on the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, at _____, in the District of _____, (County or United Counties, &c., or as the case may be) A. O. is convicted before us J. P. and J.R., two of Her Majesty's Justices of the Peace for the said District (or City, &c.,) or me, S. J., Recorder, &c. _____, of the _____ of _____, or as the case may be) for that he the said A. O. did (specify the offence and the time and place when and where the same was committed, as the case may be, but without setting forth the evidence), and we the said J. P. and J. R. (or I the said S. J.) adjudge the said A. O. for his said offence to be imprisoned in the _____ (or to be imprisoned in the _____ and there kept at hard labour, for the space of _____; (or we (or I) adjudge the said A. O. for his said offence to forfeit and pay _____,) (here state the penalty actually imposed,) and in default of immediate payment of the said sum, to be imprisoned in the _____ (or to be imprisoned in the _____, and _____

55

kept to hard labour) for the space of _____, unless the said sum shall be sooner paid.

Given under our hands and seals (or my hand and seal) the day and year first above mentioned.

And the conviction shall be good and effectual to all intents and purposes. 5

Conviction not void for want of form &c.

16. No such conviction 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 shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there is a good and valid conviction to sustain the same. 10

Convictions to be sent to Clerks of the Peace.

17. The Justices before whom any person is convicted under the provisions of this Act, shall forthwith transmit the conviction and recognizances to the Clerk of the Peace for the district, city, county or union of counties wherein the offence was committed, there to be kept by the proper officer among the records of the Court of General or Quarter Sessions of the Peace, or of any other Court discharging the functions of a Court of General or Quarter Sessions of the Peace. 15 20

Returns to Secretary of State.

18. Each such Clerk of the Peace shall transmit to the Secretary of State of Canada, a quarterly return of the names, offences and punishments mentioned in the convictions, with such other particulars as may from time to time be required.

No forfeiture, but restitution may be ordered.

19. No conviction under the authority of this Act shall be attended with any forfeiture, except such penalty as may be imposed by the sentence, but whenever any person is adjudged guilty under the provisions of this Act, the presiding Justices may order restitution of the property in respect of which the offence was committed, to the owner thereof or his representatives. 25 30

Or the payment of the value in money.

20. If such property be not then forthcoming, the Justices, whether they award punishment or dismiss the complaint, may inquire into and ascertain the value thereof in money, and if they think proper, order payment of such sum of money to the true owner, by the person convicted, either at one time or by instalments, at such periods as the Court deems reasonable. 35

Recovery of such value.

21. The party so ordered to pay may be sued for the same as a debt in any Court in which debts of the like amount may be by law recovered, with costs of suit, according to the practice of such Court.

Enforcing payment of penalties.

22. Whenever the Justices adjudge any offender to forfeit and pay a pecuniary penalty under the authority of this Act, and such penalty is not forthwith paid, they may if they deem it expedient, appoint some future day for the payment thereof, and order the offender to be detained in safe custody until the day so to be appointed, unless such offender gives security to the satisfaction of the Justices for his appearance on such day, and the Justices may take such security by way of recognizance or otherwise at their discretion. 40 45

Committal for non-payment.

23. If at any time so appointed such penalty has not been paid, the same or any other Justices of the Peace may, by Warrant under their hands and seals, commit the offender to the Common Gaol or other place of confinement within their jurisdiction, there to remain for 50

any time not exceeding three months, reckoned from the day of such adjudication; such imprisonment to cease on payment of the said penalty.

5 **24.** The Justices before whom any person is prosecuted or
 10 tried for any offence cognizable under this Act, may, in their
 discretion, at the request of the prosecutor or of any other person
 who appears on recognizance or summons to prosecute or give evi-
 15 dence against such person, order payment to the prosecutor and
 witnesses for the prosecution, of such sums of money as to them seem
 reasonable and sufficient, to reimburse such prosecutor and witnesses
 for the expenses they have severally incurred in attending before them,
 and in otherwise carrying on such prosecution, and also to compensate
 20 them for their trouble and loss of time therein, and may order payment
 to the Constables and other Peace Officers for the apprehension and
 detention of any person so charged.

Costs of pro-
 secution may
 be awarded.

25. And although no conviction takes place, the said Justices may
 order all or any of the payments aforesaid, when they are of opinion
 that the parties or any of them have acted *bonâ fide*.

Even without
 conviction.

20 **26.** Every fine imposed under the authority of this Act, shall be
 paid to the Justices who impose the same, or to the Clerk of the
 Recorder's Court, or the Clerk of the County Court, or the Clerk
 of the Peace, or other proper officer

To whom and
 for what pur-
 pose fines
 shall be paid
 over.

, as the case may
 25 be, and shall be by him or them paid over to the County Treasurer
 for County purposes, if the same was imposed in the Province of
 Ontario; and if it was imposed in any new district in the Province
 of Quebec, then to the Sheriff of such district as Treasurer of the
 Building and Jury Fund for such district, to form part of the said
 30 Fund, and if it was imposed in any other district in the Province
 of Quebec, then to the Prothonotary of such district, to be by him
 applied, under the direction of the Lieutenant Governor in
 Council, towards the keeping in repair of the Court House in such
 district, or to be by him added to the moneys or fees collected by
 40 him, for the erection of a Court House or Gaol in such district, so
 long as such fees are collected to defray the cost of such erection,
 and if it was imposed in the Province of Nova Scotia it shall
 be paid over to

and if it was imposed in the Province of New
 45 Brunswick, it shall be paid over to

27. The amount of expenses of attending before the Justices
 and the compensation for trouble and loss of time therein, and
 the allowances to the Constables and other Peace Officers for the
 apprehension and detention of the offender, and the allowances to be
 50 paid to the prosecutor, witnesses and constables for attending at the
 trial or examination of the offender, shall be ascertained by and cer-
 tified under the hands of such Justices, but the amount of the costs,
 charges and expenses attending any such prosecution, to be allowed
 and paid as aforesaid, shall not in any one case exceed the sum of
 55 *eight dollars*.

Certificate of
 expenses.

28. Every such order of payment to any prosecutor or other person,
 after the amount thereof has been certified by the proper Justices of
 the Peace as aforesaid, shall be forthwith made out and delivered by
 the said Justices or one of them, or by the Clerk of the Recorder's
 60 Court, Clerk of the County Court or Clerk of the Peace, as the case
 may be, unto such prosecutor or other person, upon such Clerk being

By whom
 such expenses
 shall be paid.

paid his lawful fee for the same, and shall be made upon the officer to whom fines imposed under the authority of this Act are required to be paid over in the district, city, county or union of counties in which the offence was committed, or was supposed to have been committed, who upon sight of every such order, shall forthwith pay to the person named therein, or to any other person duly authorized to receive the same on his behalf, out of any monies received by him under this Act, the money in such order mentioned, and shall be allowed the same in his accounts of such moneys. 5 10

29. The Act cited in the first section of this Act, chapter one hundred and six of the Consolidated Statutes of Canada is hereby repealed, except as to cases pending under it at the time of the coming into force of this Act, and as to all sentences pronounced and punishments awarded under it, as regards all which this Act shall be construed as a re-enactment of the said Act with the amendments hereby made and not as a new law. 15

Commence-
ment of this
Act 30. This Act shall commence and take effect on the day of in the year of Our Lord one thousand eight hundred and 20

No. 75.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act respecting the trial and punishment of Juvenile Offenders.

Received and read first time, Friday, 21st May, 1869.

Second reading, Tuesday, 25th May, 1869.

Hon. Sir JOHN A. MACDONALD.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the Criminal Law, and to repeal certain enactments therein mentioned.

WHEREAS by the several Acts of the Parliament of Canada, passed in the now last Session and present Session thereof respectively, and mentioned in the Schedule A to this Act, divers Acts and parts of Acts and provisions of law, heretofore in force in the late Province of Canada, and in the Provinces of Nova Scotia and New Brunswick, have been assimilated, amended and consolidated, and it is expedient to provide for the repeal thereof, and of so much of any other Acts or provisions of law as may be contrary to or superseded by the said Acts mentioned in Schedule A; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Acts and parts of Acts mentioned in Schedule B hereunto annexed, are hereby repealed, as are also all other Acts and parts of Acts and provisions of law, contrary to or inconsistent with the Acts mentioned in Schedule A or any of them, subject to the following provisions:

Such repeal shall not extend to matters relating solely to subjects as to which the Provincial Legislatures have, under the British North America Act, 1867, exclusive powers of legislation, or to any enactment of any such Legislature for enforcing by fine, penalty or imprisonment any law in relation to any such subject as last aforesaid, or to any municipal By-law relating to any offence within the scope of the powers of the municipality:

Such repeal shall not extend to any provision of any Act of the Parliament of Canada, creating, or providing for the punishment of, any offence against such Act, or for the proceedings for enforcing such provision,—or to any other Act or enactment not mentioned as repealed in Schedule B, and not contrary to the Acts mentioned in Schedule A, or any of them, but making special provision for the punishment of any offence, or as to the proceedings for the prosecution and conviction of the offender, other than that made in the Acts in Schedule A or any of them for a like purpose;—but in any such case the offender may be indicted or otherwise proceeded against, and convicted (summarily or otherwise as the case may be,) and punished, either under any of the Acts mentioned in Schedule A, or any other Act of the Parliament of Canada, or under any such Act or enactment as aforesaid not mentioned as repealed in Schedule B:—

Every offence wholly or partly committed against any Act or enactment hereby repealed, prior to such repeal, shall be dealt with inquired of, tried, determined and punished, and every penalty in respect of any such offence shall be recovered, in the same manner as if the said Acts and enactments had not been repealed; and every act duly done, and every Warrant and other instrument duly made or granted before such

repeal, shall continue and be of the same force and effect as if the said Acts and enactments had not been repealed; and every right, liability, privilege and protection in respect of any matter or thing committed or done before such repeal, shall continue and be of the same force and effect as if the said Acts and enactments had not been repealed, and every action, prosecution or other proceeding commenced before such repeal, or thereafter commenced in respect of any such matter or thing, may be prosecuted, continued and defended as if such Acts and enactments had not been repealed. 5

2. Nothing in any of the Acts mentioned in Schedule A shall affect the crime of High Treason, except only as respects cases punishable under the provisions of the *Act for the better security of the Crown and of the Government*, mentioned in the said Schedule. 10

3. The provisions in the Act respecting procedure in criminal cases and other matters relating to criminal law, as to the number of peremptory challenges allowed to prisoners in criminal cases, shall not apply to any trial to be had in the Province of New Brunswick, before the first day of January, in the year of our Lord one thousand eight hundred and seventy-one; and until after the said day, a Warrant issued by a Justice of the Peace in the said Province, may as here- tofore be executed in any part thereof, without being backed. 15 20

4. No provision in any of the Acts mentioned in the said Schedule A requiring any warrant or document issued or granted by any Justice of the Peace, to be under seal, shall apply to any such instrument or document issued or granted in the Province of New Brunswick before the day last aforesaid; and if in any such instrument or document issued in any Province in Canada at any time, it is stated, that the same is given under the hand and seal of any Justice signing it, such seal shall be presumed to have been affixed by him, and its absence shall not invalidate the instrument, or such Justice may at any time thereafter affix such seal with the same effect as if it had been affixed when such instrument was signed. 25 30

5. Notwithstanding any provision in any of the Acts mentioned in Schedule A, that any term of imprisonment less than two years shall be in some gaol or place of confinement other than the Penitentiary, any offender sentenced under any such Act before the day last aforesaid in New Brunswick or Nova Scotia, to imprisonment for a term less than two years, may in the discretion of the Court passing such sentence be sentenced to undergo such imprisonment in the Penitentiary of the Province where the sentence is passed, instead of being sentenced to undergo the same in any other gaol or place of confinement, and any such provision as first aforesaid, shall be construed subject to this section. 35 40

6. In all cases when a party who has entered into a recognizance under the *Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders*, has failed to appear according to the condition of such recognizance, and his default has been certified by the Justice or Justices as therein provided, the proper Officer to whom the recognizance and certificate of default are to be transmitted in the Province of Ontario, shall be the Clerk of the Peace of the County for which such Justice or Justices are appointed or are acting, and the Court of General Sessions of the Peace for such County shall, at its then next sitting, order all such recognizances to be forfeited and estreated, and the same shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such Court; and in the other Provinces of Canada, the "proper Officer" to whom any such recognizance and certificate shall be trans- 45 50 55

mitted, shall be the Officer to whom like recognizances have been heretofore accustomed to be transmitted under the law in force before the coming into force of the said Act, and such recognizances shall be enforced and collected in the same manner as like recognizances have heretofore been.

7. No return purporting to be made by any Justice of the Peace under the Act last above cited, shall be vitiated by the fact of its including by mistake, any convictions or orders had or made before him in any matter over which any Provincial Legislature has exclusive jurisdiction, or with respect to which he may have acted under the authority of any Provincial law.

8. Any Judge of the Sessions of the Peace or any District Magistrate, in the Province of Quebec, shall in all cases have all the powers vested in two Justices of the Peace by any Act mentioned in Schedule A, or any other Act relating to Criminal law, in force in that Province.

9. The foregoing provisions of this Act, and the repeal of the Acts and enactments therein referred to, shall take effect on and after the first day of January, in the year of our Lord, one thousand eight hundred and seventy, and not before, except as to such of the said Acts and enactments as are contrary to or inconsistent with the Acts mentioned in Schedule A, as being passed in the now last Session of the Parliament of Canada, which shall be held to have been repealed from the time when the Act or Acts to or with which they are contrary or inconsistent, came into force.

10. This Act shall be construed as having been passed after the Acts of the present Session mentioned in Schedule A, and as amending and explaining them.

SCHEDULE A.

ACTS OF THE PARLIAMENT OF CANADA.

Acts passed in the Session of 1867-8, 31st Victoria.

CHAPTER.	TITLE.
14	An Act to protect the inhabitants of Canada against lawless aggressions 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.
47	An Act respecting the manufacture or importation of copper coins or tokens.
62	An Act respecting Harbor Police.
69	An Act for the better security of the Crown and of the Government.
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 of indictable offences.
73	An Act respecting Police of Canada.
74	An Act respecting persons in custody charged with high treason or felony.
75	An Act respecting penitentiaries and the Directors thereof and for other purposes.

Acts passed in the present Session of the Parliament of Canada.

An Act to remove doubts as to Legislation in Canada, regarding offences not wholly committed within its limits.

An Act respecting offences relating to the Coin.

An Act respecting Forgery.

An Act respecting offences against the Person.

An Act respecting Larceny and other similar offences.

An Act respecting malicious injuries to Property.

An Act respecting Perjury.

An Act for the better preservation of peace in the vicinity of Public Works.

An Act respecting certain offences relative to Her Majesty's Army and Navy.

An Act for the better protection of Her Majesty's Military and Naval Stores.

An Act respecting Cruelty to Animals.

An Act respecting Vagrants.

An Act respecting Procedure in Criminal Cases and other matters relating to Criminal Law.

An Act respecting the duties of Justices of the Peace, out of sessions, in relation to persons charged with Indictable Offences.

An Act respecting the duties of Justices of the Peace, out of sessions, in relation to Summary Convictions and Orders.

An Act respecting the prompt and summary administration of criminal justice in certain cases.

An Act respecting the trial and punishment of Juvenile Offenders.

An Act respecting Juvenile Offenders within the Province of Quebec.

An Act for the more speedy trial in certain cases of persons charged with felonies and misdemeanors, in the Provinces of Ontario and Quebec.

SCHEDULE B.

ACTS OF THE LEGISLATURE OF THE LATE PROVINCE OF CANADA.

Consolidated Statutes of Canada.

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
Chapter 30	An Act respecting the Sale of Intoxicating Liquors near Public Works.	The whole.
Chapter 90	An Act respecting Offences against the State.	The whole.
Chapter 91	An Act respecting Offences against the Person.	The whole.
Chapter 92	An Act respecting Offences against Person and Property.	The whole.
Chapter 93	An Act respecting Arson and other Malicious Injuries to Property.	The whole.
Chapter 94	An Act respecting Forgery.	The whole.
Chapter 96	An Act respecting Cruelty to Animals.	The whole.
Chapter 99	An Act respecting the Procedure in Criminal Cases.	The whole, except sections eighty-seven, ninety-seven, one hundred and twenty, and one hundred and twenty-one.
Chapter 102	An Act respecting the Duties of Justices of the Peace, out of Sessions, in relation to persons charged with Indictable Offences.	The whole, except section fifty-nine.
Chapter 103	An Act respecting the Duties of Justices of the Peace, out of Sessions, in relation to Summary Convictions and Orders.	The whole, except sections seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one and eighty five.

SCHEDULE B.—Continued.

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
Chapter 105	An Act respecting the prompt and summary administration of Criminal Justice in certain cases.	The whole, except sections thirty, thirty-one, thirty-two, and thirty three.
Chapter 106	An Act respecting the trial and punishment of Juvenile Offenders.	The whole, except sections six, seven, and eight.

Acts passed since the Consolidation of the Statutes.

23 V., c. 37	An Act for the further protection of Growing Timber.	The whole.
24 V., c. 7	An Act to amend the Law relating to the unlawful Administering of Poison.	The whole.
24 V., c. 10	An Act to prevent vexatious Indictments for certain Misdemeanors.	The whole.
24 V., c. 11	An Act to amend the <i>Prison and Asylum Inspection Act</i> .	The whole.
24 V., c. 12	An Act to amend the one hundred and eleventh chapter of the Consolidated Statutes of Canada, intituled: "An Act respecting the Provincial Penitentiary of Canada."	The whole.
24 V., c. 14	An Act to abolish the right of Courts of Quarter Sessions and Recorders' Courts to try Treasons and Capital Felonies.	The whole.
24 V., c. 15	An Act to amend the one hundred and second chapter of the Consolidated Statutes of Canada, intituled: "An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with Indictable Offences."	The whole.
24 V., c. 26	An Act to amend and consolidate the Laws respecting the Recorders' Court of the City of Quebec.	Section thirty-six.

SCHEDULE B.—*Continued.*

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
27, 28 V., c. 19.	An Act to amend and consolidate the Law respecting Accessories to and Abettors of Indictable Offences, and for other purposes relative to the Criminal Law.	The whole.
29 V., c. 13.	An Act for abolishing the Punishment of Death in certain cases.	The whole.
29 V., c. 14.	An Act to provide more fully for the punishment of Offences against the Person, in respect to the crime of Kidnapping.	The whole.
29, 30 V., c. 5.	An Act to prevent the unlawful training of persons to the use of arms, and to practice military evolutions or exercises; and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.	The whole.
29, 30 V., c. 121.	An Act to incorporate the Canada Vine Growers' Association.	Section sixteen.

Consolidated Statutes for Upper Canada.

Chapter 13	An Act respecting the Court of Error and Appeal.	So much as is repealed by or inconsistent with the Act of this Session, respecting Procedure in Criminal cases, and other matters relating Criminal Law.
Chapter 31	An Act respecting Jurors and Juries.	Sections ninety-nine and one hundred.
Chapter 32	An Act respecting Witnesses and Evidence.	Sections three and four, as to Criminal cases only.

SCHEDULE B.—*Continued.*

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
Chapter 97	An Act relating to High Treason, to Tumults and Riotous Assemblies and to other offences.	The whole.
Chapter 99	An Act to prevent the unlawful training of persons in military evolutions and the use of fire arms; and to authorize the seizure of fire arms collected for purposes dangerous to the public peace.	The whole except section three.
Chapter 100	An Act for the punishment of any persons who seduce soldiers or sailors to desert from Her Majesty's service.	The whole.
Chapter 101	An Act respecting Forgery and Perjury in certain cases.	The whole, except section two.
Chapter 108	An Act respecting prosecutions in cases of Misdemeanor.	Section three.
Chapter 110	An Act to allow to any person indicted a copy of the indictment.	The whole.
Chapter 111	An Act respecting amendments at trial.	The whole.
Chapter 113	An Act respecting new trials and appeals, and Writs of Error in criminal cases in Upper Canada.	The whole except sections five, sixteen and seventeen.
Chapter 115	An Act respecting the punishment of certain offences, and the commuting of sentence of death in certain cases.	The whole.
Chapter 116	An Act respecting corruption of blood.	The whole.
Chapter 124	An Act respecting the Return of Convictions and Fines by Justices of the Peace and of Fines levied by Sheriffs.	The whole, except section seven.

Acts passed since the Consolidation of the said Statutes.

29, 30 V., c. 121	An Act to prevent the unlawful training of persons to the use of arms, and to practice military evolutions or exercises; and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.	The whole.
29, 30 V., c. 41	An Act to amend the Law of Crown and Criminal Procedure and Evidence at Trial in Upper Canada.	The whole, so far as regards criminal procedure only.
29, 30 V., c. 44	An Act respecting Persons in custody charged with High Treason or Felony.	The whole.

SCHEDULE B.—*Continued.*

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
29, 30 Vict., c. 50	An Act to amend the Law respecting Appeals in cases of Summary Convictions, and Returns thereof by Justices of the Peace in Upper Canada.	The whole.

Consolidated Statutes for Lower Canada.

Chapter 12	An Act respecting the Desertion of Soldiers.	The whole.
Chapter 13	An Act respecting Arms and Munitions of War.	The whole.
Chapter 77	An Act respecting the Court of Queen's Bench.	Section sixty-three.
Chapter 84	An Act respecting the selecting and summoning of Jurors.	Section thirty-three.
Chapter 98	An Act respecting Appeals from the decisions of Justices of the Peace in Summary Convictions.	Sections one and two.
Chapter 105	An Act respecting certain matters connected with the Administration of Justice in Criminal Matters.	Sections one, three, four and five.

ACTS OF THE LEGISLATURE OF THE PROVINCE OF NEW BRUNSWICK.

Revised Statutes—Part IV.

Chapter 138	Of Summary Convictions before Justices.	The whole, except section twenty-two, which shall apply to the new Summary Convictions Act.
Chapter 147	Of Offences against the Public Peace.	Sections one, two, three, four and five.

SCHEDULE B.—*Continued.*

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
Chapter 148	Of Offences against the Administration of Justice.	The whole.
Chapter 149	Of Homicide and other Offences against the Person.	The whole.
Chapter 150	Of Offences against the Habitation.	The whole.
Chapter 151	Of Fraudulent Appropriations.	The whole.
Chapter 152	Of Forgery and Offences relating to the Coin.	The whole.
Chapter 153	Of Malicious Injuries to Property.	The whole, except section sixteen.
Chapter 154	Of other Felonies.	The whole.
Chapter 155	Of the Definition of Terms and Explanations.	The whole.
Chapter 156	Of Proceedings before Indictment.	The whole, except sections seventeen, eighteen, twenty and twenty-two.
Chapter 158	Of Proceedings on Indictment.	The whole, except sections three and twenty-three.
Chapter 159	Of Trial.	The whole, except sections ten, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and so much of section twenty-seven as respects the appropriation of the fine in cases of common assault.
Chapter 160	Of Error, Punishment and Expenses.	Sections two, three, four, five, six, seven and thirteen.

SCHEDULE B.—*Continued.*

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
The Schedules to Part IV.	The whole, except Schedule U.

Acts passed since the Revision of the Statutes.

21 V.,(1858) c. 22	An Act in amendment of the Criminal Law.	The whole, except sections three and five.
23 V.,(1860) c. 32	An Act relating to Procedure in Criminal Cases.	Sections three and five.
23 V.,(1860) c. 33	An Act in amendment of the Law relating to Summary Convictions.	The whole.
23 V.,(1860) c. 34	An Act to amend the Law relating to False Pretences.	The whole.
24 V.,(1861) c. 10	An Act to prevent the carrying of Deadly Weapons about the Person.	The whole.
25 V.,(1862) c. 10	An Act to amend the Law relating to Offences against the Person.	The whole.
25 V.,(1862) c. 21	An Act for taking away the Punishment of Death in certain cases, and substituting other Punishments in lieu thereof.	The whole.
27 V.,(1864) c. 4	An Act further to amend the Law relating to Offences against the Person.	The whole.
27 V.,(1864) c. 6	An Act relating to Larceny and other similar Offences.	The whole.
27 V.,(1864) c. 8	An Act relating to the issuing of Warrants by Justices of the Peace, and in aid of Police Officers and Constables in the execution of their duties.	Section one.
30 V.,(1866) c. 9	An Act respecting Offences relating to the Army and Navy.	The whole.

SCHEDULE B.—*Continued.*

ACTS OF THE LEGISLATURE OF THE PROVINCE OF NOVA SCOTIA.

Revised Statutes—Third Series—Part III and IV.

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
Chapter 136	Of Juries.	Section fifty-one, and section fifty-seven so far as regards criminal cases.
Chapter 156	Of Treason.	The whole.
Chapter 157	Of Offences relating to the Army and Navy.	The whole.
Chapter 159	Of Offences against Religion.	Sections one and three.
Chapter 161	Of Offences against the Law of Marriage.	Sections one and two.
Chapter 162	Of Offences against the Public Peace.	Sections one, two, three and four.
Chapter 163	Of Offences against the Administration of Justice.	The whole.
Chapter 164	Of Offences against the Person.	The whole.
Chapter 166	Of Offences against the Habitation.	The whole.
Chapter 167	Of Fraudulent Appropriations.	The whole.
Chapter 168	Of Forgery and Offences relating to the Coin.	The whole.
Chapter 169	Of Malicious Injuries to Property.	The whole.
Chapter 170	Of the Definition of Terms in this Title.	The whole.
Chapter 171	Of the Administration of Criminal Justice in the Superior Court.	The whole, except sections fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine,

SCHEDULE B.—*Continued.*

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
Chapter 172	Of the Duties of Justices of the Peace in Criminal Matters.	ninety, ninety-one, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, and the schedule to the said chapter.
The whole.		

Acts passed since the Revision of the Statutes.

27 V., (1864) c. 9	An Act in addition to Chapter 167 of the Bill for Revising and Consolidating the General Statutes of Nova Scotia, "Of Offences against the Person."	The whole.
29 V., (1866) c. 19	An Act in addition to, and to amend Chapter 169 of the Revised Statutes, "Of Malicious Injuries to Property."	The whole.
29 V., (1866) c. 37	An Act to provide for the seizure of Arms and Munitions of War.	The whole.
29 V., (1866) c. 38	An Act for the better security of the Crown and the Government of Nova Scotia against Treasonable and Seditious Practices and Attempts.	The whole.
30 V., (1867) c. 13	An Act to amend Chapter 157 of the Revised Statutes of Nova Scotia (third series) "Of Offences relating to the Army and Navy."	The whole.

No. 76.

2nd Session, 1st Parliament, 32 Vict., 1869.

BILL.

An Act respecting the Criminal Law, and
to repeal certain enactments therein
mentioned.

Received and read, first time, Monday, 21st June,
1869.

Second reading, same day.

Hon. Sir JOHN A. MACDONALD.

OTTAWA :

PRINTED BY HUNTER, ROSE & CO,

No

177

Not
Printed

2. The said Court shall be a Court of Record.

Of Record.

178

Not
Printed

to time be filled in like manner.

20 5. The Chief Justice of the said Court shall have rank and pre-

Rank and precedence.

179

Not
Printed

35 thereon) the yearly sums following, as and for the salaries of the said judges that is to say; to the Chief Justice of the said Court the sum of dollars, and to each of the Puisne Justices, the sum of dollars, which said sums shall be paid from time to

Extent of Lease	TITLE OF ACT	Reference to Act
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1. The provisions of the Act shall apply to the lease of land in the Province of Ontario, whether the land is situated in a township or in a city, town or village, and whether the land is situated in a rural or an urban area.

Section 17 of the Act shall apply to the lease of land in the Province of Ontario, whether the land is situated in a township or in a city, town or village, and whether the land is situated in a rural or an urban area.

An Act to establish a Supreme Court 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 Preamble,
and House of Commons of Canada, enacts as follows :

1. There is hereby constituted and established a Court of Common Court estab-
Law and Equity and Admiralty Jurisdiction in the Dominion of lished.
5 Canada, which shall be called "The Supreme Court of Canada."

2. The said Court shall be a Court of Record. Of Record,

THE JUDGES.

3. The said Court shall be presided over by a Chief Justice and six Number and
Puisne Judges, any four of whom in the absence of the others of them quorum.
may lawfully hold the said Court in General Term.

10 4. Her Majesty may appoint by Letters Patent under the Great Qualification
Seal of Canada, one person who is or has been a Judge of one of the of Chief Jus-
Superior Courts in either of the Provinces of Ontario, Quebec, Nova tice and
Scotia or New Brunswick, or who is a Barrister or Advocate of at least Judges, re-
fifteen year's standing at the Bar of either of the said Provinces, to be spectively.
15 Chief Justice of the said Court, and six persons who are or have been
Judges of one of the said Superior Courts or who are Barristers or Vacancies.
Advocates of at least ten year's standing 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.

20 5. The Chief Justice of the said Court shall have rank and pre- Rank and
cedence over all other Judges in the said Dominion, or in any of the precedence.
Provinces thereof; and the Puisne Judges of the said Court shall also
take precedence over all other Judges in the Dominion, or in any of the
said Provinces (except Chief Justices and the Chancellor of Upper
25 Canada), and as between themselves according to seniority of appoint-
ment to their respective offices.

30 6. The Judges to be appointed under this Act shall hold their Offices Tenure of of-
during good behaviour, but the Governor General may remove any fice.
Judge or Judges of the said Court, upon the address of the Senate
and House of Commons.

35 7. [They shall be paid and payable out of the Consolidated Revenue Salaries and
Fund of Canada, (after paying or reserving sufficient to pay how payable.
all such sums as have been heretofore charged thereon, but in
preference to all other payments which shall be hereafter charged
thereon) the yearly sums following, as and for the salaries of the said
judges that is to say; to the Chief Justice of the said Court the sum
of dollars, and to each of the Puisne Justices, the sum
of dollars, which said sums shall be paid from time to

time, quarterly free and clear from all deductions whatsoever, on the first day of January, the first day of April, the first day of July, and the first day of October, in each year, by equal portions; the first payment to be made on the first of such days respectively, which shall occur after the appointment of the Judge entitled to receive the same; and if any person hereafter appointed to any of such Offices shall die or resign the same, the executor or administrator of the person so dying, or of the person so resigning shall be entitled to receive such proportionable 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 day of his appointment.]

Retiring allowances of Judges of the Court.

8. [Her Majesty may by Letters Patent under the Great Seal of Canada, give and grant unto any of the Judges appointed in pursuance of this Act, an annuity equal to two-thirds of the salary payable to such Judge under the provisions of this Act, to commence and take effect immediately after the period when the person to whom such annuity shall be granted shall resign his said office of Judge of the said Court, and to continue from thenceforth during the natural life of the person to whom the same shall be granted; and such annuity shall be issued and payable out of and charged and chargeable upon the Consolidated Revenue Fund of Canada, after paying or reserving sufficient to pay all such sums of money as are now charged thereon; but in preference to all other payments which shall hereafter be charged upon or payable out of the said fund; and such annuity shall be paid quarterly free from all deductions whatsoever, on the four usual days of payment aforesaid, in each year, and the first quarterly payment or a proportionate part thereof, to be computed from the time of the resignation of his said office, shall be made on such of the said days as shall next happen after the resignation of the said office, and the executors or administrators of the person to whom the said annuity shall be granted as aforesaid, shall be paid such proportionate part of the said annuity as shall accrue from the commencement or the last quarterly payment thereof, as the case may be, to the day of his death; but no annuity granted to any Judge appointed under this Act, shall be valid unless such person shall have continued in the said office for the space of fifteen years, or for that space in the said office and the office of a Judge of one or more of Her Majesty's Superior Courts of Law or Equity in one of the said Provinces, or shall be afflicted with some permanent infirmity, disabling him from the due execution of his office, which shall be recited in the grant.]

Oath of office.

9. Every Judge to be appointed in pursuance of this Act, shall previous to his executing the duties of his Office take the following Oath:

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 one "of the Justices) of the Supreme Court of Canada."

How administered.

10. The said Oath shall be administered to the Chief Justice of the said Court, before the Governor General or person administering the Government of the Dominion in Council, and to the Puisne Judges of the said Court in open Court by the Chief Justice.

Judges to hold no other office.

11. No Judge to be appointed under this Act, shall hold any other Office either under the Government of the Dominion of Canada, or under the Government of either of the said Provinces.

APPELLATE JURISDICTION.

- 12.** The said Supreme Court shall have, hold, and exercise an appellate civil and criminal jurisdiction within and throughout the Dominion of Canada. To be throughout Canada.
- 13.** Appeal shall lie to the said Supreme Court from all judgments of the Courts of Error and Appeal, Queen's Bench, Chancery and Common Pleas, in the Province of Ontario; of the Court of Queen's Bench and Superior Court in the Province of Quebec; of the Executive Councils and Supreme Courts in the Provinces of Nova Scotia and New Brunswick. From what Provincial Courts.
- 14.** Appeals shall also lie to the said Supreme Court from the Special Terms of the said Court hereinafter provided for. From Special Terms.
- 15.** A Writ of Error may be brought in the said Supreme Court from the judgment in any civil action or criminal proceeding of any of the said Provincial Courts, or of any special term of the said Supreme Court, in any case in which the proceedings shall have been according to the course of the common law of England. In what cases.
- 16.** Four Judges of the said Supreme Court shall constitute a quorum for the purpose of hearing and determining causes in Appeal and Error. Quorum in Appeal.
- 17.** The said Supreme Court for the purpose of hearing and determining Appeals and Writs of Error, and of exercising such original jurisdiction as is hereinafter directed to be exercised by the said Court sitting in general term, shall hold two terms in each year, at the City of Ottawa, one of such terms beginning on the third Monday in January, and the other of such terms beginning on the first Monday in June, in each year, and each of such terms shall continue for the space of twenty days. Two terms in Appeal yearly.
- 18.** The said terms shall be called and known as the General Terms of the said Supreme Court. How designated.
- 19.** The said Supreme Court may adjourn the said General Terms from time to time, and meet again at the time fixed on the adjournment for the transaction of business. May be adjourned.
- 20.** The said Supreme Court shall have power to quash proceedings in cases brought before it, in which Error or Appeal does not lie, or where such proceedings 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.
- 21.** The said 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 said Court may order the payment of the costs of the Court below, and also of the Appeal or proceeding in Error in their discretion, 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.
- 22.** Proceedings on Writs of 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. Forms of proceeding in Error.

And in Appeal.

23. Proceedings in Appeals from decrees, judgments or orders in Equity and Admiralty, and from the Courts 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. 5

Judgment, &c., to be carried out by Court below.

24. The judgment, decree or order of the said Supreme Court in Appeal shall be certified by the Registrar of the said Court, to the proper officer of the Court having original jurisdiction below, and all subsequent proceedings may be taken thereupon as if the judgment, 10
decree or order had been given or pronounced in the said Court below.

Discontinuing proceeding.

25. An Appellant or Plaintiff in Error may discontinue his proceedings by giving to the Respondent a notice entitled in the Court and cause and signed by the Appellant, his Attorney or Solicitor, stating that he discontinues such proceedings, and thereupon the Respondent 15
or Defendant in Error shall be at once entitled to the costs of and occasioned by the proceedings in Appeal or Error, and may either sign judgment for such costs, or obtain an order for their payment in the Court of original jurisdiction below, and may take all further proceedings in that Court as if no appeal or proceedings in error had been 20
brought.

Consent to reversal.

26. 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 Court and cause, and signed by the respondent or defendant in Error, his attorney or 25
solicitor, stating that he consents to the reversal of the judgment, decree or order, and thereupon the Court shall pronounce judgment of reversal, as of course.

Motion for dismissal of case be not brought on when ripe for hearing.

27. In case an appellant or plaintiff in Error shall fail to bring the appeal or proceeding in Error on to be heard at the first general term 30
of the said Supreme Court, after the appeal or proceeding in Error shall be ripe for hearing, the respondent or defendant in Error may, on notice to the appellant or plaintiff in Error, move the said 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 35
be made as to the said Court or Judge shall seem just.

Limitation of time for Appeal or Error.

28. No appeal or writ of Error shall be allowed from any final judgment, decree or decretal order, unless the same be brought within two years from the signing or pronouncing thereof, and no appeal shall lie from any interlocutory order or rule, unless the same be brought 40
within six months from the making or granting thereof.

Security in Appeal or Error, \$500.

29. No appeal shall be allowed or writ of Error issued, until the appellant or plaintiff in Error has given proper security to the extent of five hundred dollars to the satisfaction of the Court below, from whose judgment, order or decree he is about to bring Error or appeal, 45
or a Judge thereof.

Execution stayed.

30. Upon the perfecting of such security execution shall be stayed in the original cause, except in the following cases:—

Exceptions and conditions. Case of decree or order for delivery of

1. If the decree, order or judgment which is appealed from, or upon which Error is brought, directs an assignment or delivery of documents 50
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 judgment, decree or order is appealed from, or from which Error is brought, or of a Judge thereof, in such sum as the said Court or Judge may direct, that the appellant will obey the order or judgment of the said Supreme Court.

documents or personal property;

2. If the decree, order or judgment 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 said Court below, to abide the order or judgment of the said Supreme Court.

Or for execution of any instrument.

3. If the decree, order or judgment appealed from directs the sale or delivery of possession of real property, chattels, real or immovable, the execution of the decree, order or judgment shall not be stayed until security has been entered into to the satisfaction of the said Court below, 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 decree, order or judgment be affirmed he will pay the value of the use and occupation of the property from the time the appeal or writ of Error is brought until the delivery of possession thereof; and also in case the order, judgment or decree 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.

Or for the sale of or possession of real property.

4. If the decree, order or judgment appealed from, or upon which a writ of Error is brought, directs the payment of money, either as a debt, or for damages or costs, execution thereon 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 decree, order or judgment, 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.

Or for payment of money.

5. If the decree, order or judgment appealed from, or upon which Error is brought, directs the delivery of perishable property the said Court below, 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 on appeal.

Case of perishable property.

31. 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.

Order to Sheriff to stay execution.

32. 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 appellant or plaintiff in Error may recover the same from him in action for money had and received, or by means of an order or rule of the Court appealed from.

If the Sheriff has levied.

Appeal upon special case.

33. An appeal, but not a writ of error, shall lie from a judgment of a Court of common law, and from a judgment of the common law side of the said Supreme Court sitting in special term as hereinafter provided for, 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 case of a special verdict, and the said Court shall draw any inferences of fact from the facts stated in the special case which the Court of original jurisdiction ought to have drawn. 5

Appeal on rule to enter verdict, &c., on a point reserved.

34. An appeal shall lie from the decision of any Court of common law, and from the common law side of the said Supreme Court sitting in special term, 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. 10

In cases of motion for new trial.

35. 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, provided any one of the Judges dissent from the rule being refused, or when granted, from its being discharged or made absolute, as the case may be, or provided the Court in its discretion think fit that an appeal should be allowed. 15 20

Notice in such cases.

36. No appeal shall be allowed under the three next 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. 25

No appeal in certain cases.

37. 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 shall be allowed.

Informations *in rem*, or under Revenue Laws.

38. The four next preceding sections shall apply to informations *in rem*. and to informations for penalties for the infraction of any Revenue Law. 30

Ejectment.

39. An appeal shall lie in ejectment in the same manner and to the same extent as in any other case.

Appeal [and] Error in certain cases.

40. An appeal shall, in addition to proceedings in Error, where the same are applicable, lie to the said Supreme Court in all cases of proceedings for or upon a Writ of Mandamus, and [to] all proceedings upon Habeas Corpus, and in all cases upon which a by-law of a Municipal Corporation has been quashed by rule of Court after argument. 35

Appeals in Criminal cases.

41 A person convicted of treason, felony or misdemeanor before the Court of Queen's Bench or Common Pleas, in the Province of Ontario, or before the Court of Queen's Bench in the Province of Quebec, or before the Supreme Court in either of the said Provinces of Nova Scotia or New Brunswick, or who has been convicted as aforesaid before any Court of Oyer and Terminer or Gaol Delivery, and whose conviction has been affirmed by any of the hereinbefore mentioned Provincial Courts, may appeal against the conviction or affirmation, and the Supreme 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; but no such appeal shall be made unless allowed by the Superior Court appealed from, or by two 40 45 50

of the Judges thereof in term or vacation, nor unless such allowance has been granted and the appeal has been heard within six months after the conviction was affirmed, unless otherwise ordered by the said Supreme Court, and any rule or order of the said Supreme Court shall be final.

42. No other appeal from a decision of any Court of common law shall be allowed; but in any case, either civil or criminal, in which the judgment, decision or other matter appealed against shall appear of record, a Writ of Error shall notwithstanding lie.

No other appeal. Error allowed.

43. A Writ of Error shall lie where the matters complained of appear of record, from all judgments of the Court of Queen's Bench in the Province of Quebec in criminal cases; but in all other cases in which any judgment or order of the said Court of Queen's Bench, or of the Superior Court of the said Province of Quebec, is sought to be reversed in the said Supreme Court, the proceedings shall be by way of appeal only, and no Writ of Error shall lie.

Errors from Q. B. Quebec in criminal cases only. Appeal in others.

44. In the case of the death of one of several appellants pending the appeal to the said Supreme Court, a suggestion may be filed of his death, and the proceedings may thereupon be continued at the suit of and against the surviving appellant, as if he were the sole appellant, and such suggestion, if untrue, may be set aside on motion made to the said Supreme Court, or a Judge thereof in Chambers.

Case of death of one of several appellants.

45. In case of the death of a sole appellant, or of all the appellants, the legal representative of the sole appellant, or of the last surviving appellant, 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, 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 said Court, or a Judge thereof.

Or of sole appellants or all the appellants.

46. In case of the death of one of several respondents, a suggestion may be filed of such death, and the proceedings may be continued against the surviving respondent, and such suggestion, if untrue, may be set aside on motion by the said Court, or a Judge thereof.

Of one of several respondents.

47. In the case of the death of a sole respondent, or of all the respondents, 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 giving the notice to the parties interested, as a Judge of the said Supreme Court may direct.

Of sole respondent, or of all.

48. The foregoing provisions respecting appeals shall apply as well to cases where the appeal shall be from any Court of Appeal in any of the said Provinces, as to cases where the appeal shall be brought directly from the Court of original jurisdiction.

Provisions to apply to appeals, from Courts of Appeal, &c. &c.

49. In appeals in cases on the Admiralty side of the said Supreme Court no new allegations or evidence shall be admitted.

Appeals on Admiralty side.

SPECIAL CASE ON CONSTITUTIONAL MATTERS.

50. The Governor General, by and with the advice and consent of the Privy Council may direct a special case to be laid before the

Special case on any Provincial Act.

Supreme Court sitting in general term, in which special case there may be set forth any Act passed by 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 the said Act, or of any provision or provisions thereof, as the Governor General in Council may order. 5

Opinion to be certified after hearing.

51. The said Supreme Court shall, after hearing counsel for the Dominion of Canada, and for the Province whose Act shall be in question (if the respective Governments of the Dominion and the Province shall think fit to appear), and also after hearing counsel for such person or persons whose interests may be affected by the said Act, 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, certify their opinions upon the said special case to the Governor General in Council. 10 15

ORIGINAL JURISDICTION.

In General Term.

52. Except as hereinafter provided, the said Supreme Court shall exercise no original jurisdiction whilst sitting in General Term.

In what cases the Court shall have it.

53. The said Supreme Court shall have and possess exclusive original jurisdiction in the Dominion of Canada in all causes at law and equity in the Provinces of Ontario, Nova Scotia and New Brunswick, and in civil causes in the Province of Quebec as follows:— 20

Constitutionality of Acts.

1. In all cases in which the constitutionality of any Act of the Legislature of any Province of the Dominion shall come in question. 25

Dominion Revenue Laws.

2. In all cases in which it shall be sought to enforce any law of the Dominion of Canada relating to the revenue, or in which any such law shall come in question, including actions, suits, and proceedings, by way of information, to enforce penalties and proceedings by way of information *in rem*. 30

The Crown when representing a Government is a party.

3. In all cases in which the Crown, as representing the Government of Great Britain and Ireland, or the Government of any British colony, or the Government of any Province of the Dominion, shall be a party, plaintiff or defendant.

Saving clause.

4. This shall not be deemed to take away summary jurisdiction in revenue matters in any case in which the same may now be exercised by Justices of the Peace. 35

Foreign State a party.

5. In all cases in which any foreign State or Government shall be a party plaintiff.

Or foreign Consul.

6. In all cases in which any Consul of a foreign State shall be a party. 40

Cases under a treaty.

7. In all cases in which any law of the Dominion of Canada passed to carry out a treaty with a foreign Government shall come in question.

Cases assigned to the Court by Statute of Canada.

8. In all cases in which any question shall arise under any Statute or Act of the Parliament of Canada hereafter to be passed, and by which exclusive original jurisdiction shall be conferred on the said Supreme Court. 45

54. In case in any action or suit brought or instituted in any Court of any of the said Provinces, it shall be found impossible to proceed for want of jurisdiction, in consequence of a question arising therein as to the constitutionality of any Act of the Legislature of any of the said Provinces, the said cause may be removed by Certiorari into the said Supreme Court, in which case proceedings therein shall be thereafter carried on as though such action or suit had been originally brought or instituted in the said last mentioned Court.

Certain constitutional cases may be removed into the Court by Certiorari.

55. The Judges of the said Supreme Court shall make general rules and orders regulating the proceedings to remove such causes, and the proceedings therein after removal.

Judges to make rules.

56. The said Supreme Court shall have, in the several Provinces of Ontario, Nova Scotia and New Brunswick, in causes at law and in equity, and in the Province of Quebec in civil causes concurrent and original jurisdiction with the Provincial Courts in the following cases :

Concurrent jurisdiction with Provincial Courts in certain cases.

1. Where the plaintiff and defendant, or one of several plaintiffs, and one of several defendants, are domiciled in different Provinces of the Dominion.

2. Where either the plaintiff or defendant, or one or more of several plaintiffs, or one or more of several defendants, are domiciled without the Dominion.

57. The said Supreme Court and the Judges thereof shall also have exclusive original jurisdiction to issue the writ of Habeas Corpus *ad ubjiciendum* to bring up the body of any person in custody within the Dominion of Canada, in pursuance of any treaty with any foreign State or Government for the extradition of criminals, or in pursuance of any Act of the Parliament of Great Britain and Ireland, or of the late Province of Canada, or of the said Dominion, to carry out the provisions of any such treaty.

Exclusive jurisdiction in cases of extradition.

58. The said Supreme Court shall also have and possess exclusive jurisdiction in Admiralty in cases of contract and tort, and in proceedings *in rem*, and *in personam*, arising on or in respect of the navigation of, and commerce upon the inland navigable waters of the Dominion, above tide water, and beyond the jurisdiction of any now existing Court of Vice-Admiralty.

Admiralty cases, in contract, &c., or *in rem* &c., on inland waters.

59. For the purpose of exercising the original jurisdiction of the said Supreme Court, a special term of the said Court shall be held on the first Monday of April and October in each year, at the cities of Toronto, Quebec and Halifax, for the respective Provinces of Ontario, Quebec and Nova Scotia, and on the third Monday of April and October in each year at the city of Fredericton, for the Province of New Brunswick, and the said special term shall continue until the Saturday of the following week.

Special terms for exercise of original jurisdiction.

60. Two Judges of the said Court shall constitute a quorum at such special terms.

Quorum.

61. At the said special terms there shall be transacted the following business :—

Business at special terms.

1. Such proceedings in suits at common law as may be had before the Courts of common law at Westminster sitting in Banc.

2. The re-hearing of causes, petitions and motions in equity causes which may have already been heard before a single Judge.

3. The review of proceedings in Admiralty causes which shall have previously been heard before a single Judge.

- In Quebec. 4. In the Province of Quebec the review or the re-hearing of causes, petitions and motions which have already been heard and determined by a single Judge, and for the hearing and disposing of applications for new trials, and the disposal of such other matters as according to the code of procedure of the Province of Quebec may be disposed of by the Superior Court of the said Province sitting in Banc. 5
- Sittings of a single Judge. **62.** On the first Monday in March and September in each year^a single Judge of the said Supreme Court shall hold a sittings at the said cities of Toronto, Quebec, Halifax and Fredericton, for the respective Provinces of which the said cities are the capitals, and at such sittings the following business may be transacted:— 10
1. The trial of all issues of fact in actions on the common law side of the said Court.
 2. The disposition of matters of practice not cognizable by a Judge sitting in Chambers in actions at common law. 15
 3. The hearing of causes in suits on the equity side of the said Court.
 4. The hearing of causes on the Admiralty side of the said Court.
- In Quebec. 5. In the Province of Quebec the hearing and trial of causes and the transaction of all business which according to the provisions of the said code of procedure may be within the jurisdiction of a single Judge of the Superior Court, sitting in open Court. 20
- Admiralty cases and equity suits. **63.** A single Judge of the said Court may sit in Court out of Term, and may hear and determine causes and all interlocutory matters in Admiralty causes, and may hear and determine motions, petitions and all other interlocutory applications in equity suits. 25
- In what Division suits shall be completed. **64.** All actions, suits and proceedings in the said Supreme Court, shall be carried to a termination in the Division of the Court for the Province in which the said actions, suits and proceedings shall be originally brought.
- Rule of decision in Quebec. **65.** The rule of decision in all civil actions (excepting causes in Admiralty) which may be brought in the Province of Quebec, shall be the law of the said Province, and the procedure in such suits shall be regulated by the Code of Procedure of the said Province. 30
- In other Provinces. **66.** The rule of decision in all actions at law, and suits in equity brought or instituted in the said Court, in any of the Provinces of Ontario, Nova Scotia and New Brunswick, shall be the law of England. 35
- Rule of procedure in common law cases. **67.** The procedure in actions at common law including suits relating to the Revenue, shall unless otherwise herein provided for or afterwards provided for by general rules made in pursuance of this Act, be regulated by the practice and procedure of Her Majesty's Courts of Common Law at Westminster. 40
- Issues of fact: by jury. **68.** Issues of fact on the common law side of the said Court shall be tried according to the rules of the common law of England by a jury.
- Procedure in equity. **69.** The procedure in suits in equity shall unless otherwise herein provided for or afterwards provided for by general orders made in pursuance of this Act, be regulated by the practice of Her Majesty's High Court of Chancery in England. 45
- In admiralty cases. **70.** The procedure in Admiralty causes shall unless otherwise herein provided for by general orders made in pursuance of this Act, be 50

regulated by the present practice of the High Court of Admiralty of England, on its instance side.

71 In actions at common law and suits in equity, brought in the said Court by the Crown, as representing the Government of the United Kingdom, or the Government of one of the Provinces, or of a British Colony, the proceeding shall be by information in the name of Her Majesty's Attorney General for the Dominion. Suits by the Crown as representing a Government.

72. In actions and suits brought against the Crown as representing any of the Governments in the last preceding section mentioned, the procedure may be as nearly as possible according to the Act of the Imperial Parliament, known as the "Petition of Rights Act." How brought against the Crown representing, &c.

73. The said Supreme Court sitting in special term, may on a proper case and subject to the provisions as to jurisdiction hereinbefore contained, grant the prerogative Writ of Mandamus. Writ of Mandamus.

74. The process of the said Court shall run throughout the Dominion of Canada, shall be tested in the name of the Chief Justice of the said Court, and shall be directed to the Sheriff of any County, or other judicial division into which any of the said Provinces may be divided, and the Sheriffs of the said respective Counties or divisions shall be deemed and taken to be ex-officio Officers of the said Supreme Court, and shall perform the duties and functions of Sheriffs in connection with the said Court, and shall also perform the duties of the Marshal in Admiralty causes and matters. Process of the Court.
Duty of Sheriffs.

75. The said Sheriffs shall receive and take to their own use, such fees as the Judges of the said Supreme Court shall by general order fix and determine. Their fees.

76. The Sheriff of the respective Counties or district in which the said sittings of the said Supreme Court are to be held on the first Mondays of March and September, as hereinbefore provided for, shall in the same manner as jurors are struck and summoned according to the laws of the particular Province in which the sittings shall be held, for service on juries of the Superior Courts of the Province, strike a panel of thirty-six jurors and cause such jurors to be duly summoned to attend the said sittings for the trial of issues of fact, and the said Sheriff shall return the said panel into Court on the first day of the said sittings. Jurors to be summoned to attend the Court.

77. There shall be a Registrar of the said Court, who shall reside and keep his Office at the City of Ottawa. Registrar.

78. There shall be four Deputy Registrars of the said Court, one of whom shall reside and keep his Office at each of the said Cities of Toronto, Quebec, Halifax and Fredericton. Deputy Registrars.

79. The proceedings in actions, suits or causes originally brought in the said Supreme Court or removed thereto as hereinbefore provided, shall be carried on in the offices of the said Deputy Registrar's respectively. Proceedings to be at their offices.

80. [The said Registrar shall be paid a salary of _____ dollars per annum, and the said Deputy Registrars shall each be paid a salary of _____ dollars per annum, and the said Registrar and Deputy Registrars shall be appointed by an instrument under the great seal of the Dominion of Canada to hold office during pleasure.] Salary and how appointed.

- Fees to be paid by stamps.** **81.** [All fees payable to the Registrar and Deputy Registrars under the provisions of this Act shall be paid by means of stamps, which shall be issued for that purpose by the Minister of , who shall regulate the sale thereof, and the proceeds of the sale of such stamps shall be paid into the Consolidated Fund of the Dominion of Canada.] 5
- Masters and referees, &c.** **82.** The Judges of the said Court may appoint such persons as they may think fit, being Barristers-at-law of not less than three years' standing, to be masters, referees and examiners in suits in equity depending in the said Court, to whom reference may be ordered, and who may take evidence in causes in equity depending therein. 10
- Fees.** **83.** The said masters shall receive and take to their own use such fees as the said Supreme Court may by orders made by the said Court in general term direct.
- Examiners in admiralty.** **84.** The Judges of the said Supreme Court may appoint such persons, being Barristers-at-law, as they may think fit to be examiners to teke evidence in suits in Admiralty, who shall receive and take such fees as the said Supreme Court shall by general rules or orders fix and determine. 15

GENERAL PROVISIONS.

- Reporter.** **85.** A fit and proper person, being a Barrister of at least five years' standing, may be appointed by an instrument under the great seal of Canada, to hold office during pleasure, as the reporter of the said Supreme Court, who shall, subject to the Judges of the said Court, report the decisions thereof, and publish such reports, [and such reporter shall be paid a salary of dollars per annum out of the Consolidated Revenue Fund of Canada.] 20
- Salary.** 25
- Affidavits.** **86.** All persons authorised to take affidavits in any of the Superior Courts of any Province may administer affidavits sworn in such Province in the said Supreme Court.
- Who may practice in the Court as Barristers** **87.** All persons being Barristers or Advocates in any of the said Provinces shall be admitted by the said Supreme Court sitting in general term to practice as Barristers and Counsel at the bar of the said Court, and before the Judges thereof, upon paying such fees as the said Court shall by its general rules or orders fix and determine, and upon signing a roll to be kept in the custody of the Registrar of the said Court amongst the records thereof, to be called "The Barristers' Roll." 30 35
- And as Attorneys or Solicitors.** **88.** All persons being Attorneys, Solicitors or Proctors of the Superior Courts of any of the said Provinces shall be admitted to practice as Attorneys, Solicitors and Proctors in the said Supreme Court, upon taking such oath and paying such fees as shall by the said Supreme Court be prescribed and fixed, and upon signing a roll to be kept in the custody of the Registrar of the said Court amongst the records thereof, to be called "The Roll of Attorneys and Solicitors." 40

- Judges to make Rules of procedure as well in appellate as original jurisdiction.** **89.** The Judges of the said Supreme Court, or any five or more of them, of whom the Chief Justice shall be one, may from time to time make General Rules and Orders for regulating as well the original as the appellate procedure of the said Supreme Court, and for the effectual 45

execution of this Act, and of the intention and object hereof, and for fixing the fees and costs to be taxed and allowed to and received and taken by the practitioners and officers of the said Court, 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; but such General Rules and Orders, so far as they relate to the procedure of the said Court in the exercise of its original jurisdiction in the Province of Quebec, shall not vary or in any way alter or affect any provision of the Code of Procedure of that Province. Proviso as to Quebec.

10 **90.** This Act shall come into force so soon as His Excellency the Governor General shall issue his proclamation so declaring. Commencement of Act.

91. This Act may be cited as "The Supreme Court Act." Short Title.

80-4

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No. 80.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to establish a Supreme Court for
the Dominion of Canada.

Received and read the first time, Friday, 21st
May, 1869.

Second reading, Tuesday, 25th May, 1869.

Hon. Sir JOHN A. MACDONALD.

OTTAWA.
PRINTED BY HUNTER, ROSE & COMPANY,

81

An Act to amend the *Act respecting the inspection of steamboats, and for the greater safety of passengers by them.*

IN amendment of the Act "*respecting the inspection of steamboats, and for the greater safety of passengers by them,*" passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, Chapter sixty-five : Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. So much of the sixth section of the said Act as provides that certificates granted by Inspectors shall be according to the form in the Schedule of the said Act is hereby repealed ; and such certificates shall be according to the form in the Schedule of this Act.
- 10 2. For, and notwithstanding anything to the contrary contained in the sixteenth section of the said Act, no steamboat employed chiefly in the carriage of freight, when carrying not more than twenty-five passengers shall be required to have on board or attached to such steamboat more than two boats in addition to a life boat.
- 15 3. For, and notwithstanding anything to the contrary contained in the seventeenth section of the said Act, no steamboat employed chiefly in the carriage of freight, when carrying not more than sixty passengers, shall be required to be provided with or carry on board on any voyage, more than one life-preserver for each passenger, and one life-
20 preserver for each of the crew, then on board of such steamboat.
4. Every steamboat to which the sixteenth section of the said Act applies shall be provided with sufficient means for lowering from on board safely and expeditiously each boat required by the said section, as amended by this Act, to be on board of or attached to such steam-
25 boat, on each occasion on which such boats are so required to be on board of or attached to the same.
5. The printed paper mentioned in section twenty-four of the said Act shall be provided and filled up by the owner or master of the steamboat.
- 30 6. Every steamboat not employed in the carriage of passengers, and every steamboat to which the sixteenth, seventeenth, eighteenth and nineteenth sections of the said Act do not apply, shall at all times when the crew thereof is on board, be provided with and have on board or attached to such steamboat in some convenient place a good
35 suitable and sufficient boat, or good, suitable and sufficient boats, in good condition and properly equipped, and provided with oars in sufficient number and other necessary tackle, and of sufficient capacity to carry all the crew of such steamboat, and with sufficient means for lowering such boat or boats from on board safely and expeditiously
40 and also a life preserver for each one of the crew, and also a number, in due proportion to that of the crew, of good and sufficient fire buckets, of metal or leather, axes and lanterns, to the satisfaction of the Inspector.

7. The twenty-sixth section of the said Act is hereby amended by repealing the words relating to the qualification of a second class engineer and substituting therefor the following words :

“ A second class engineer to be qualified to take charge of any steam-boat, except a seagoing steamboat of more than five hundred tons burthen, adapted to carry more than sixty passengers.”

8. The Board of steamboat inspection, or the chairman and any one member thereof, may by written and signed endorsement on the certificate or temporary certificate of any engineer except a first class engineer, limit the holder of such certificate to the charge of any class or classes of steamboat specified in such endorsement, for taking charge of which alone he may be deemed qualified by knowledge and experience ; and a certificate so endorsed shall not protect the holder thereof from the consequences of serving, nor any person from the consequences of employing the holder thereof, as engineer on any steamboat of any class not mentioned in such endorsement, unless a special permission to take charge of a particular steamboat of another class is further endorsed on such certificate and signed by the chairman and by a member of the Board of Steamboat Inspection.

9. Every Inspector of steamboats, duly appointed under the said Act, is hereby empowered to demand of the owner or master of any steamboat being inspected by him, the production of the certificate of registry of such steamboat ; and it shall thereupon be the duty of such owner or master to produce and exhibit the same to such inspector.

10. For every contravention in respect of any steamboat in the Dominion of Canada, on any one voyage or trip thereof, or in port, of any provision in this Act, or in the said Act as amended by this Act, the owner or master thereof shall incur a penalty of not more than two hundred nor less than forty dollars ; And Inspectors of steamboats, duly appointed under the said Act amended by this Act, are hereby empowered to detain any steamboat on board of which the provisions of this Act have not been fully complied with ; and in case any such Inspector gives notice in writing to any Collector of the Customs that any of the provisions of this Act have not been fully complied with in respect to any steamboat, such Collector shall not grant clearance for such steamboat, unless nor until he receives the certificate in writing of such Inspector, to the effect that such provisions have been fully complied with in respect to such steamboat.

11. The Schedule of the said Act is hereby repealed, and the following Schedule is hereby substituted.

SCHEDULE.

Having examined the steamboat (*name*) of _____ whereof
are owners, and _____ is master, on this _____ day of
A. D. 18 _____

The particulars of her gross and register tonnage as shewn on her certificate of registry, being as follows :

	Tons.
Tonnage under tonnage deck.....	
Houses on deck (<i>naming them</i>).....	
Total gross tonnage.....	
Deduct for engine room.....	
Register tonnage.....	

I, (*Inspector's name*) do certify that she is in all respects staunch, seaworthy, and in good condition for navigation; that her engine, machinery, pumps and boilers are sufficient and suitable to be employed in the carriage of passengers, (*or, as a tug-boat, or, as a freight-boat or, as a freight-boat and in the carriage of not more than twenty-five (or sixty, as the case may be) passengers, or, as a ferry-boat, as the case may be*) without hazard to life, on the route for which placed, and that the boilers of such steamer can carry with safety from to pounds (*here insert number of pounds*) per square inch, and no more: and I further certify that the equipment of the vessel throughout, including (*here enumerate all or any of the following articles required to be included in the equipment of the steamer named in the certificate, viz:*) boats, life boats, life preservers, fire buckets, axes, lanterns and other things is in conformity with the provisions of the law: and I declare it to be my deliberate conviction, founded on the inspection I have made, that the said steamboat may be so employed in the waters hereinafter specified, without peril to life from any imperfections, or from materials, workmanship, or arrangements of the several parts, or from age or use, and that such steamboat is adapted to carry passengers.— (*If the steamboat is certified as one to be employed as a tug-boat, or only as a freight-boat, the last nine words may be omitted.*) And I further certify that the said vessel is to run in the waters between (*here insert the places between which the vessel is to be employed in running.*)

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82

An Act to naturalize Eli Clinton Clark.

WHEREAS Eli Clinton Clark, residing in the City of Toronto, in the County of York, Province of Ontario, and Dominion of Canada, lumber merchant, has by his petition represented that he is desirous of becoming a permanent resident of the said Dominion, and in order to be relieved from the legal incapacity under which he labours as an alien has prayed that he may be naturalized as a subject of Her Most Gracious Majesty; and whereas it is just and expedient to grant such 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 Eli Clinton Clark shall henceforth be deemed and taken to be and to have always heretofore been, in so far as relates to his power of having, possessing, occupying, claiming, recovering, conceding, bequeathing, giving or transferring any real or personal property in this Dominion or any right, title, privilege, dependence or interest therein, and to all matters whatsoever, a natural born subject of Her Majesty, to all intents and purposes whatsoever, as if he had been born in any of the Provinces constituting the said Dominion of Canada; provided always that the said Eli Clinton Clark to entitle himself to the privileges and advantages conferred upon him by this Act, shall within one year after the passing of this Act, take and subscribe with the Clerk of the Peace of the County of York, in the Province of Ontario, who is hereby authorized to administer the same, the oath of allegiance to Her Majesty, Her Heirs and Successors; and such oath so taken and subscribed shall be kept by the said Clerk of the Peace amongst the records of his office.

An Act for the relief of John Horace Stevenson.

WHEREAS John Horace Stevenson, of the City of Toronto, in the County of York, Merchant, late of the Town of Napanee, in the County of Lennox and Addington, hath by his petition humbly set forth, that on the Twenty-second day of November, in the year of our Lord one thousand eight hundred and sixty, he was married to Mary Elizabeth Foote, (now called Mary Elizabeth Perry,) and such marriage was solemnized at the private residence of Benjamin Foote, the Father of the said Mary Elizabeth Foote, at the said Town of Napanee, then the Village of Napanee, according to the rites of the Wesleyan Methodist Church in Canada; that at the time of such marriage he was a minor under the age of twenty-one years, being then in his seventeenth year, and was inveigled into the said marriage not knowing fully the effect and importance of the same; that the said marriage was by license and performed without the knowledge or consent and contrary to the wish of his Father, who was then alive and resided in Napanee aforesaid; that about the time the said marriage ceremony was being performed, his Father became acquainted with the fact and made every endeavor in his power to prevent the same, but the said ceremony had been performed before he had an opportunity to interfere; that he and the said Mary Elizabeth Foote, were separated by his Father immediately after the said marriage ceremony, and have lived separate ever since, and the said marriage was never consummated by co-habitation; that in or about the year one thousand eight hundred and sixty-four, the said Mary Elizabeth Foote, became engaged to be married to one John F. Perry, to whom she was subsequently married (so far as it was possible) in the State of New York, one of the United States of America, but when, by whom or at what particular place, the said petitioner has been unable to ascertain; that ever since that time the said Mary Elizabeth Foote and John F. Perry, have been and still are living together as man and wife at Nevada County, in the State of California, one of the said United States, and the said Mary Elizabeth Foote has had at least one child by the said John F. Perry; that the place where the separation of the said Mary Elizabeth Foote, from him the said John Horace Stevenson occurred, was the said Town of Napanee; that he has not commenced or prosecuted any action in any Court against the said John F. Perry, by reason of the premises as the cause of action in respect thereof, arose beyond the jurisdiction of any Court in the Province of Ontario, and the said John F. Perry, since the time such cause of action arose has resided and still continues to reside beyond the jurisdiction of any of the Courts aforesaid; that an action has been commenced by Her Majesty the Queen, by a writ of *Scire Facias* against Jehiel D. Roblin and Samuel Huff, Junior, on the Bond upon which the marriage license was issued by the authority of which the said marriage was celebrated, and such proceedings were thereupon had that Her Majesty recovered upon the said Bond a judgment of the said Court for the amount of the said Bond debt, the effect of the said judgment being to declare that such marriage was not illegal and void notwithstanding the infancy of the said petitioner and the absence of consent on the part of his Father; that the said Mary Elizabeth Foote, has by her so called marriage with the said John F. Perry, and by her adulterous intercourse with him dis-

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solved the said bond of matrimony on her part, and the said John Horace Stevenson, has been deprived of the comforts of matrimony, and is liable to have a spurious issue imposed upon him, unless the said marriage should be declared null and void; therefore, he humbly prays that the said marriage may be dissolved, so as to enable him to marry again, and that he may have such further and other relief in the premises as may be deemed fit; And, whereas the said John Horace Stevenson, hath made proof of the adultery above stated, and it is expedient that the prayer of the said petition should be granted; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said marriage between the said John Horace Stevenson, and the said Mary Elizabeth Foote, is and shall be henceforth null and void to all intents and purposes whatsoever.

2. It shall and may be lawful for the said John Horace Stevenson, 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 between him and the said Mary Elizabeth Foote.

3. In case of the said John Horace Stevenson, again contracting matrimony with any person or persons with whom it would be lawful for him to contract matrimony, if they the said John Horace Stevenson and Mary Elizabeth Foote had not intermarried, and having any issue born to him, the 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 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 purposes whatsoever if the marriage between the said John Horace Stevenson and Mary Elizabeth Foote, had not taken place.

An Act respecting Immigration and Immigrants.

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

1. Whereas the concurrent jurisdiction given to Canada and to the Provinces by the 95th section of the British North America Act 1867, is according to arrangements arrived at by the different governments concerned to be exercised as follows, namely, the Canada Government to maintain an Immigration Office at London in England, and to have other Offices in the United Kingdom as it may think proper, from time to time; and to maintain one Immigration agency on the Continent of Europe, and have other similar agencies, as it may think proper, from time to time: and to maintain Quarantine stations at Halifax, St. John (New Brunswick) and *Grosse Ile*; and to maintain Immigration offices at Quebec, Montreal, Kingston, Toronto, Hamilton, Ottawa, Halifax, St. John (New Brunswick) and wherever else it may deem necessary; the Provincial Governments to determine their policy concerning the settlement and colonization of uncultivated lands, as bearing on Immigration; and to appoint agents in Europe and elsewhere as they may think proper, who shall be duly accredited by the Canada Government, and also agents in their own Provinces; and to furnish respectively all information and documents connected with Immigration and the colonization of their unsettled lands, and transmit the same to the Department of Agriculture or to the agents of Canada in Europe; conferences of delegates of the Canadian and Provincial Governments to be convened, from time to time, at the office of the Minister of Agriculture, by the Governor in Council, at the request of one or more of the Provincial Governments or without such request; Canadian Immigration agents to use as directed, any sum or sums of money handed to them by any Local Government, for the purpose of procuring either food, clothing, transport or other help to Immigrants intending to settle within the territory of the Province having furnished such sum or sums; Immigration offices shall be maintained at London in England, and elsewhere in the United Kingdom, as to the Governor in Council may seem proper from time to time, and also at Quebec, Montreal, Kingston, Toronto, Hamilton, Ottawa, Halifax, Saint John (New Brunswick), and elsewhere in Canada, as to the Governor in Council, may seem proper from time to time; and an Immigration Agency or as many Immigration Agencies as to the Governor in Council may seem proper from time to time, shall be maintained on the Continent of Europe; and Quarantine stations shall be maintained at Halifax, St. John (New Brunswick) and *Grosse Ile*; and Canadian Immigration Agents, shall use as directed, any sum or sums of money granted to them by any Local Government for the purpose of procuring either food, clothing, transport or other help to Immigrants intending to settle within the territory of the Province having furnished such sum or sums.

Preamble.

Where immigration offices shall be maintained.

Quarantine stations.

IMMIGRANTS—DUTY PAYABLE ON THEM.

2. There shall be raised, levied and collected, a duty payable in the manner hereinafter prescribed by the master of every Vessel arriving

Capitation duty payable

by Masters of vessels: in any Port in Canada from any Port in the United Kingdom or of any other part of Europe, with Passengers or Immigrants therefrom, and such duty shall be *one dollar* for every Passenger or Immigrant above the age of one year, who embarked from any Port in the United Kingdom under the sanction of Her Majesty's Government, ascertained by a certificate from one of the Officers of Her Majesty's Customs at the Port at which such Vessel cleared, or from any other Port in Europe, with the sanction of the Government of the Country to which such Port belongs, ascertained by certificate of the proper authority at such Port,—and *one dollar and fifty cents* for every Passenger or Immigrant who embarked without such sanction: 5 10

How such duty shall be paid.

2. The said duty shall be paid by the master of such Vessel, or by some person on his behalf, to the Collector of Customs 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 vessel; and no such entry shall be deemed validly made or to have any legal effect whatsoever, unless such rates or duties are so paid as aforesaid; but no child under the age of one year shall be reckoned among the number of Passengers; 15

Commissariat drafts to be accepted in payment of duty.

3. Any draft, order or other document made or signed by any person in the United Kingdom aforesaid, duly empowered to that effect by Her Majesty's Government, and directed to Her Majesty's Commissary General or other Commissariat Officer in Canada, and authorizing the payment to the Collector of Customs aforesaid, of the duty which would otherwise be payable by the Master of any Vessel for any number of Immigrants on board such Vessel, shall be accepted by the Collector as payment of the duty payable on such Immigrants, and the sum mentioned in such order shall thereafter be received by such Collector and paid over and applied in the same manner as other money raised under the authority of this Act. 20 25 30

IMMIGRANTS.—PROPORTION OF PASSENGERS TO SIZE OF VESSEL.

Proportion of passengers to superficial area of deck of vessel.

3. If any Vessel from any Port or place on the Continent of Europe, or from any other Port or place out of her Majesty's Dominions, comes within the limits of Canada, having on board or having had on board at any time during her voyage, any greater number of Passengers than one Adult Passenger for every twelve clear superficial feet on the lower or platform deck of such Vessel appropriated to the use of such Passengers and unoccupied by stores or other goods not being the personal luggage of such Passengers, or having on board or having had on board at any time during her voyage a greater number of persons, (including the Master and Crew and the cabin Passengers, if any,) than in the proportion of one person for every two tons of the tonnage of such Vessel calculated in the manner used for ascertaining the tonnage of British Ships, the Master of such Vessel shall thereby incur a penalty of not less than *eight dollars* nor more than *twenty dollars* for each Passenger or person constituting such excess; 40 45 50

Penalty for contravention.

Definition of "adult"

2. For the purposes of this section, each person of or above the age of fourteen years shall be deemed an Adult, and two persons above the age of one year and under the age of fourteen years, shall be reckoned and taken as one Adult.

IMMIGRANTS.—OBLIGATIONS OF MASTERS OF VESSELS BRINGING THEM.

Recital.

4. And whereas Masters of Vessels are in the practice of embarking Passengers after the Vessel has been cleared and examined by the proper Officer at the Port of departure, and without delivering lists of such additional Passengers to some Officer to whom by law the same 55

ought to be delivered; for the prevention and punishment of such practice: For every Passenger not included in the list of Passengers by any Vessel sailing from a Port in Her Majesty's Dominions, delivered to the Collector of Customs at the Port of Departure, or at the Port where such additional Passenger was embarked, or at the Port at which such Vessel touched after the embarkation of such Passenger, the Master of such Vessel shall, in addition to the duty payable as aforesaid, and at the same time and under the same penalties, pay to the Collector of Customs at the Port in Canada at which the said Vessel is first entered, the sum of *eight dollars* for each Passenger so embarked as aforesaid, and not included in one of the said lists.

Penalty for carrying passengers not entered on list.

5. No Master of any Vessel arriving at any port in Canada, shall permit any Passenger to leave the Vessel until he has delivered to the Collector of Customs at the Port, a certified and correct Passenger list in the form hereinafter mentioned, nor until such list has been certified to be correct and a certificate of such correctness and a permission to allow his Passengers to leave the Vessel, and a receipt for the duties payable by him under the provisions of this Act, has been given to him by the Collector of Customs, under a penalty of not less than *twenty dollars* and not exceeding *one hundred dollars*, to be paid by the Master of the Vessel, for every Passenger leaving the same contrary to the Provisions of this Act:

Master not to allow passengers to leave vessel until list has been delivered.

2. The said list shall contain the name of each head of a family being a Passenger on board the Vessel, his profession or trade, his country and the place of his destination, and the number of adult persons and children belonging to his family on board such Vessel, and the name of each person not belonging to any family, with the like particulars of country, trade, profession and destination.

What list shall contain.

6. Nothing in this Act shall prevent the Master of any Vessel from permitting any Passenger to leave the Vessel at the request of such Passenger before the arrival of the Vessel at her final Port of destination; but in every such case, the names of the Passengers so leaving shall be entered in the manifest on the list of Immigrants made out at the time of the clearing of the Vessel from the United Kingdom or other part of Europe as aforesaid, and shall be certified under the signatures of the Passengers so leaving the Vessel; And if the number of Passengers remaining on board on the arrival of the Vessel at her final Port of destination does not correspond with that mentioned in such manifest, after deducting the number who have so left the Vessel, the Master thereof shall incur a penalty of *twenty dollars* for each Passenger not found on board or entered on the manifest as having left the Vessel as aforesaid.

Proceedings when passengers leaves vessel before her arrival in port.

7. Every Pilot who has had charge of any Vessel having Passengers on board, and knows that any Passenger has been permitted to leave the Vessel contrary to the provisions of this Act, and who does not within twenty-four hours after the arrival of such Vessel in the Harbour to which he engaged to pilot her, inform the Collector of Customs thereat, that a Passenger or Passengers has or have been so permitted to leave the Vessel, shall incur a penalty not exceeding *five dollars*, for every Passenger with regard to whom he has willfully neglected to give such information.

Duty of Pilot to report infringement of this Act.

REPORT BY THE MASTER.

8. The Master of any Passenger Vessel shall, within twenty-four hours after such vessel arrives at her final Port of destination, and before any entry of such Vessel shall be allowed, deliver to the Collector or Customs at the Port at which such Vessel is entered, a correct Report in the form of the Schedule A to this Act, of all the Passengers on board

Master of vessel to deliver report of passengers.

such Vessel at the time of her departure from the Port or place whence she cleared or sailed for Canada, and a true statement of the other particulars mentioned in the said form, under a penalty upon such Master of *twenty dollars* for each day during which he neglects so to deliver such list, after the expiration of the said twenty-four hours, and of *eight dollars* for each Passenger whose name is omitted in such list. 5

Other particulars to be entered in report.

9. In addition to the particulars hereinbefore required in the list of Passengers to be delivered on each voyage by the Master of any Vessel carrying Passengers and arriving at any Port in Canada to the Collector of Customs at such Port, the Master shall report in writing to the Collector the name and age of all Passengers embarked on board of such vessel on such voyage, who are lunatic, idiotic, deaf or dumb, blind or infirm, stating also whether they are accompanied by relatives able to support them: 10

Penalty for contravention:

2. And if any Master of any such Vessel omits to report the particulars herein specified, or makes any false report in any such particulars, he shall incur a penalty of not less than *twenty dollars* and not exceeding *one hundred dollars*, for every such Passenger in regard to whom any such omission has occurred or any such false report is made, for which penalty the owner or owners of the Vessel shall also be liable jointly and severally. 15 20

As to passengers who have died.

10. The said report shall further contain the name, age and last place of residence of any person who has died during the passage of the Vessel, and shall specify whether such Passenger was accompanied by relatives or other persons, and the names of such relatives or other persons, who were entitled to take charge of the moneys and effects left by such Passenger; and if there were no such relatives or other persons entitled to take charge of the same, then the report shall fully designate the quantity and description of the property (whether money or otherwise) left by such Passenger; and the said Master shall pay over and fully account for the same to the Collector of Customs for the Port at which the Vessel is entered: 25 30

Disposal of property.

Collector of Customs to give receipt.

2. The Collector of Customs shall thereupon grant to such Master a receipt for all moneys or effects so placed in his hands by the Master, which receipt shall contain a full description of the nature or amount thereof; and if any Master of a Vessel shall neglect or refuse to make such report, or to pay over and account for any such moneys or effects, as required by this section, he shall incur a penalty of not less than *twenty dollars* and not exceeding *one thousand dollars* for every such case of neglect or refusal. 35 40

Penalty for neglect or refusal to make report.

SPECIAL DUTY OF QUARANTINE OFFICERS.

Duty of Medical Superintendent.

11. The Medical Superintendent of any Quarantine Station shall forthwith after the anchoring thereat, in compliance with the requirements of "The Quarantine and Health Act of 1868," of any Vessel carrying Passengers, examine into their condition; and for that purpose the said Medical Superintendent, or other competent person thereunto appointed, may go on board and through any such Vessel and inspect the list of Passengers, and the Bill of Health, Manifest, Log Book or other papers of the Vessel, and, if necessary, take extracts from the same: 45

Presence of any lunatic or idiotic person, &c., to be reported.

2. If, on examination, there is found among such Passengers any Lunatic, Idiotic, Deaf and Dumb, Blind or Infirm Person, not belonging to any Immigrant family, and such person is, in the opinion of the Medical Superintendent, likely to become permanently a public 50

charge, the Medical Superintendent shall forthwith report the same officially to the Collector of Customs at the Port at which the Vessel is to be first entered, who shall (except in the cases in which it is hereinafter provided that such bond may be dispensed with) require the Master of the Vessel, in addition to the duty payable for the Passengers generally, to execute, jointly and severally with two sufficient sureties, a Bond to Her Majesty in the sum of *three hundred dollars* for every such Passenger so specially reported, conditioned to indemnify and save harmless the Government of Canada or of any Province in Canada, or Municipality, Village, City, Town or County, or Charitable institution within the same, from any expense or charge to be incurred within three years from the execution of the Bond, for the maintenance and support of any such Passenger :

Subsequent proceedings.

3. The said sureties shall justify before and to the satisfaction of the said Collector, and by their Oath or Affirmation (which such Collector may administer) shall satisfy him that they are respectively residents in Canada, and each worth double the penalty of such Bond over and above all their debts and liabilities, personal and real ;

Nature of sureties.

4. It shall be optional with the Master of such Vessel either to enter into such Bond jointly and severally with sufficient sureties, as aforesaid, or to pay to the Collector of Customs who might otherwise require such Bond, such sum as may have been fixed in that behalf by any instructions from the Government of Canada, as being just and equitable and sufficient to indemnify Canada, or any of the Provinces or any Municipality, Village or City, Town or County, or Charitable Institution within Canada, against the risk of expense for the care, support and maintenance of Passenger or Passengers during the then next ensuing three years ;

Master may pay over a certain sum instead of giving security.

5. And the Collector of Customs may dispense with such bond, or money in lieu thereof, if it appears by the certificate of the Medical Superintendent at the proper Quarantine Station (which certificate the said Medical Superintendent may give) that the Passenger with respect to whom such bond or money is required has become lunatic, idiotic, deaf and dumb, blind or infirm, from some cause not existing or discernable at the time of the departure of the ship from the port where such Passenger embarked.

When bond or payment may be dispensed with.

12. The proper Agent for Immigration may with, the consent of the Minister of Agriculture, make arrangements with the Master, Owner or Charterer of the vessel carrying the lunatic, idiotic, deaf and dumb, blind or infirm person with respect to whom a bond has been given, or money paid in lieu thereof, or with the Master, Owner or Charterer of any other vessel, for the reconveyance of such person to the port from which he was carried to Canada.

Arrangement for sending back such persons.

2. Money paid in lieu of or on breach of the condition of a Bond in any such case, or so much thereof as is necessary, may be applied to pay for such reconveyance of the person with respect to whom it has been paid, and when such person has been so reconveyed, the Bond so given may be cancelled, or the money paid in lieu thereof (deducting the passage money if any) may be returned, on the receipt by the said Agent for Immigration of a certificate of the safe arrival of the lunatic, idiotic, deaf and dumb, blind or infirm person at the port from which he was brought as aforesaid, under the hand of the Chief Emigration Officer or British Consul there, or on proofs satisfactory to such Agent

Money paid in lieu of bond may be applied to such reconveyance.

for Immigration of his having died during the voyage without any fault attaching to the Owner, Master or any of the Crew of such vessel.]

Proceedings of such person becomes chargeable upon Canada, &c.

13. If any Passenger, in respect to whom any Bond has been given aforesaid, becomes at any time within three years from the execution thereof, chargeable upon Canada, or upon any Province, Municipality, 5
Lage, City, Town, or County, or upon any Charitable Institution within Canada, the payment of such charge or expense incurred for the maintenance and support of such Passenger shall be provided for out of the moneys collected on and under such Bond, to the extent of the penalty therein contained or such portion thereof as is required for the 10
payment of such charges or expenses.

Penalty for neglect or refusal to execute bond.

14. If the Master of any Vessel, on board which such Passenger specially reported as aforesaid has been carried, neglects or refuses to execute the said Bond, or to pay the sum which he may pay instead of giving such Bond forthwith, after the said ship has been reported to 15
the Collector of Customs, such Master shall incur a penalty of four hundred dollars, and the said Vessel shall not be cleared on her return voyage until the said Bond has been executed or the said sum paid, nor until the said penalty has been paid with all costs incurred or any prosecution for the recovery thereof. 20

How such bond shall be disposed of.

15. After any such Bond as aforesaid has been executed, the Collector of Customs shall transmit the same to the Receiver General of Canada, to be by him kept and held, during the said period of three years from the execution of the said Bond, or until the payment of the penalty therein mentioned (if incurred) has been enforced: 25

Necessity of enforcing bond—how ascertained.

2. For the purpose of ascertaining the necessity of such enforcement, the Immigration Agents, upon representation made to either of them, in their respective portions of Canada, shall ascertain the right and claim to indemnity for the maintenance and support of any such specially reported Passenger, and shall report the same to the Governor 30
through the Minister of Agriculture, and the said report shall be final and conclusive in the matter, and shall be evidence of the facts therein stated;

Penalty to be sued for.

3. And the said penalty, or so much thereof as is sufficient from time to time to defray the expense incurred for the maintenance and 35
support of any Passenger for whom the said Bond was given as aforesaid, shall be prosecuted for and recovered by suit or information in Her Majesty's name, in any Court in Canada having jurisdiction in civil cases to the amount for which such suit or information is brought. 40

PAUPER IMMIGRANTS.

Landing of pauper or destitute immigrants may be prohibited.

16. The Governor may, by proclamation, whenever deemed necessary, prohibit the landing of pauper or destitute Immigrants in all Ports or any Port in Canada, until such sums of money as may be found necessary are provided and paid into the hands of one of the Canadian 45
Immigration agents, by the master of the vessel carrying such Immigrants for their temporary support and transport to their place of destination. And during such time as any such pauper immigrants would, in consequence of such orders have to remain on board such vessel, the Governor may provide for proper anchorage grounds being assigned to such vessel 50
and for such vessel being visited and superintended by the Medical Superintendent or any Inspecting Physician of the Port or Quarantine Station, and for the necessary measures being taken to prevent the rise or spread of diseases amongst the passengers, in such vessel and amongst people on shore. 55

PROVISIONS FOR THE PROTECTION OF PASSENGERS.

17. Every Passenger on board any Vessel arriving in the Port or Harbour to which the Master of such Vessel engaged to convey him, shall be entitled to remain and keep his luggage on board such vessel during forty-eight hours, after her arrival in such Port or Harbour; and every such Master who compels any Passenger to leave his Vessel before the expiration of the said term of forty-eight hours shall incur a penalty of not exceeding *twenty dollars*, for every passenger he so compels to leave his Vessel, nor shall the Master of the Vessel, remove before the expiration of the said forty-eight hours, any berthing or accommodation used by his Passengers, under, a like penalty, except with the written permission of the Medical Superintendent at the proper Quarantine Station.

Passengers to be entitled to remain on board forty-eight hours after arrival in port.

18. The Master of any Vessel having Passengers on board shall land his Passengers and their luggage free of expense to the said Passengers, at the usual Public Landing Places in the Port of arrival, according to orders which he may receive from the authorities of the said Port, and at reasonable hours not earlier than six of the clock in the morning, and not later than four of the clock in the afternoon; and the Vessel shall, for the purpose of landing Passengers and luggage, be anchored in such convenient and safe place, or moored at such wharf as may be appointed for that purpose by the authorities of the Port.

Passengers and luggage to be landed free of expense.

19. The Governor in Council may, by proclamation, from time to time, appoint the place at which all Immigrants and Passengers arriving at any Port in Canada, other than such as may be specially excepted in such proclamation, shall be landed, and may, in and by such proclamation, make such regulations as he shall think proper, for the government of the place so appointed, and for the protection of the Immigrants landed thereat, and such proclamation being published at least twice in the *Canada Gazette*, with an interval of at least six days between each publication, shall have the force of law, and shall be in force until suspended by a later proclamation for the like purpose, published as aforesaid; and at the place so appointed the Governor may cause proper shelter and accommodation to be provided for Immigrants until they can be forwarded to their place of destination; and any contravention of any such proclamation as aforesaid, or of any regulation therein contained, shall be deemed a contravention of this Act.

Governor may appoint landing places.

2. The Master of any vessel arriving in any Port in Canada and having on board the same any Immigrants or Passengers to whom any such proclamation as aforesaid then in force shall apply, shall land such Immigrants or Passengers and their luggage free of expense at the place so appointed, and at reasonable hours, not earlier than six in the morning nor later than four in the afternoon, and the vessel shall, for the purpose of landing such Immigrants or Passengers and their luggage, either be moored at the wharf at the place appointed for such landing, or anchored in the Port: and the masters of such vessels so anchored, shall duly land, within the hours aforesaid, by steam tug, or other proper tender, their passengers at such wharf as aforesaid, and not elsewhere, under a penalty of *forty dollars* for each offense against the provisions of this section or the next preceding section;

Regulation as to the landing of passengers.

20. And for the purpose of securing to Foreign Immigrants, coming to Canada, the observance towards them during the voyage of the laws of the Country from which they are conveyed hither,—if during the voyage of any Vessel carrying Passengers or Immigrants from any Port not within the United Kingdom to any Port in Canada,

Penalty for breach of law or contract by master of vessel.

the Master or any of the crew of such Vessel, are guilty of any infraction of the laws in force in the Country in which such Foreign Port is situate, regarding the duties of such Master or crew towards the Passengers in such Vessel,—or if the Master of any such Vessel shall during such voyage commit any breach whatever of the contract for the passage made with any Passenger or Immigrant by such Master, or by the Owner or Charterer of such vessel, or any person acting on his behalf,—such Master or such one of the crew shall for any such offence be liable to a penalty of not less than *twenty dollars*, nor more than *one hundred dollars* independently of any remedy which the party complaining otherwise has by law. 5 10

Proof how made.

21. Proof under this Act of the law of a Foreign Country may be made by the testimony of any Consul for the Country from which the vessel sailed; and the proof of the contract for his passage made by any such Immigrant in any such vessel, sailing from any European Port not within the United Kingdom, may be made in all cases by the evidence of the parties to such contract. 15

Soliciting and recommending immigrants prohibited.

22. No person shall, at any port or place within Canada, for hire, reward or gain, or the expectation thereof, conduct, solicit, recommend either orally, or by handbill or placard, or in any other manner, any Immigrant, to or on behalf of any steamboat owner or charterer, or to or on behalf of any Railway Company, or to or on behalf of any lodging house-keeper or tavern-keeper, or any other person, for any purpose connected with the preparations or arrangements of such Immigrant for his passage to his final place of destination in Canada or in the United States of America or the territories thereof; or give or pretend to give to such Immigrant any information, oral, printed or otherwise, or assist him to his said place of destination, or in any way exercise the vocation of booking passengers or taking money for their inland fare or for the transportation of their luggage, unless such person has first obtained a license from the Mayor of the City or municipality in Canada within which such person resides, authorizing him to act in such capacity; and any person so acting without having first obtained such license, shall, upon every conviction, incur a penalty of not less than *fifty dollars*. 20 25 30 35

Penalty.

License now obtained.

2. Such Mayor may grant such license on such person producing a recommendation from the Government Immigration Agent nearest to the place where the license is granted, to the effect that he is a proper person to receive such license, and on his giving a satisfactory bond to the Mayor, with two sufficient sureties in the penal sum of *three hundred dollars*, as security for his good behaviour; and such license shall not be for any period longer than one year from its date; and such person shall pay for such license to the Corporation of such City or Municipality such sum, not exceeding *one hundred dollars*, as the Mayor and Council shall determine. 40 45

Lists of places to be displayed in taverns, &c.

23. Every keeper of a Tavern, Hotel or Boarding-house in a City, or in any Town, Village or place to which the Governor by Proclamation published in the *Canada Gazette*, declares that this section shall extend, who receives into his house, as a Boarder or Lodger, any Immigrant within three months from his arrival in Canada, shall cause to be kept conspicuously posted in the public rooms and passages of his house and printed upon business cards, a list of the rates of prices which will be charged to Immigrants per day and week for board or lodging, or both, and also the rates for separate meals, which card shall contain the name of the keeper of such house, together with the name of the street in which it is situated, and its number in such street: 50 55

2. Every keeper of any such Tavern, Hotel or Boarding-house, neglecting or refusing to post a list of rates, or to keep business cards, or charging or receiving, or permitting or suffering to be charged or received for boarding or lodging, or for meals in his house, any sum in excess of the rates or prices so posted and printed on such business cards, or omitting immediately on any Immigrant entering such house as a boarder or lodger for the purpose of taking any meal therein, to deliver to such Immigrant one of such printed business cards, shall, upon conviction of any of the said offences, be deprived of his license, and incur a penalty of not less than *five dollars*, nor more than *twenty dollars*.

Penalty for contiavention

3. And no such Boarding-house Keeper, Hotel Keeper, or Tavern Keeper shall have any lien on the effects of such Immigrant for any amount claimed for such board or lodging, for any sum exceeding *five dollars*; and any such person detaining the effects of any immigrant after he has been tendered the said sum of *five dollars*, or such less sum as is actually due for board or lodging, shall, on conviction thereof, incur a penalty of not less than *five dollars*, or more than *twenty dollars*, over and above the value of the effects so detained, if not immediately restored, and a search warrant may be issued for the same.

Boarding house keeper, &c., not to have lien on immigrants' goods beyond five dollars.

RECOVERY OF DUTIES AND PENALTIES.

24 Every duty, penalty or forfeiture, imposed or declared under the authority of this Act, shall be a special lien upon the vessel by reason whereof it has become payable and the master whereof has become liable in such penalty, and may be enforced and collected by the seizure and sale of the vessel, her tackle, apparel and furniture, under the warrant or process of the Justices or Court before whom it has been sued for and recovered, and shall be preferred to all other liens or hypothecations, except mariners' wages.]

Duties, penalties, &c., to be a lien upon the vessel.

25. All prosecutions for penalties under section twenty-three of this Act, may be brought at the place where the offender then is, before any Magistrate having jurisdiction in such place, at the suit of any Agent for Immigration in the employ, of Her Majesty, in Canada, [and the penalties to be recovered under the said section shall be paid into the hands of the Receiver General, to form part of the Consolidated Revenue Fund of Canada.]

Where prosecutions under s. 23 may be brought.

2. The Magistrate before whom any such penalty is recovered may, in his discretion, award any part of the penalty to the party aggrieved by the infraction of law or breach of contract complained of, and may award costs against the offending party, as in the ordinary cases of summary proceedings, and may also award imprisonment for a period not exceeding three months, to terminate on payment of any penalty incurred under the said section.

Magistrate may award part of penalty to party aggrieved.

26. All penalties other than those referred to in the next preceding section imposed by this Act, or by any Regulation made by the Governor in Council, under the provisions of this Act, and not exceeding *eighty dollars* in amount, shall be sued for by any Collector of Customs, or by any Immigration Agent, and recovered with costs on the oath of one credible witness other than the prosecutor, in a summary manner, before any two Justices of the Peace, and such Justices may commit the offender to the Common Gaol until such penalty and costs are paid; and all such penalties exceeding the sum of *eighty dollars* may be recovered by civil action by any such officer as aforesaid on like evidence in any Court of competent jurisdiction :

Penalties under other sections, how recovered.

- Disposal of penalties. 2. One moiety of every such penalty shall belong to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General to form part of the Consolidated Revenue of Canada, and the other moiety shall belong to the prosecutor ;
- When penalty exceeds forty dollars offence to be misdemeanor. 3. But every offence against the provisions of this Act or any Regulation made under it, the penalty imposed for which by this Act or any such Regulation exceeds the sum of *forty dollars*, shall be a misdemeanor punishable by fine or imprisonment or both in the discretion of the Court before which the offender is convicted. 5
- Summons to be issued. 27. Upon complaint being made before any one Justice of the Peace, 10 in any case over which two Justices have jurisdiction as aforesaid, he shall issue a Summons requiring the party complained against to appear on a day and at an hour and place to be named in such Summons, and every such Summons shall be served on the party offending or complained against, or shall be left at his place of residence or business, 15 or on board any vessel to which he belongs :
- Proceedings upon appearance or default. 2. Either upon the appearance or default to appear of the party complained against, any two or more Justices may proceed summarily upon the case, and either with or without any written information, and upon proof of the offense or of the complainant's claim, either by confession of the party complained against, or upon the oath of at least one credible witness other than the Prosecutor (which oath such Justices may administer) the Justices may convict the offender, and upon such conviction order the offender or party complained against to pay the penalty imposed by this Act, or by any such Regulation as aforesaid, according to the nature of the offense, and also to pay the costs attending the information or complaint ; 20 25
- If moneys are not paid, the same may be levied by distress. 3. If forthwith upon such order the moneys thereby ordered to be paid, are not paid, the same may be levied, with the costs of the distress and sale, by distress and sale of the goods and chattels of the party ordered to pay such moneys, the surplus, if any, to be returned to him upon demand ; and any such Justices may issue their warrant accordingly, and may also order such party to be detained and kept in safe custody until return can conveniently be made to such Warrant of Distress, unless such party gives security to the satisfaction of such Justices for his appearance before them on the day appointed for such return, such day not being more than three days from the time of taking such security ; 30 35
- Proceedings if there is no sufficient distress. 4. But if it appears to such Justices, by the admission of such party or otherwise, that no sufficient distress can be had whereon to levy the moneys so adjudged to be paid, they may, if they think fit, refrain from issuing a Warrant of Distress in the case, or if such Warrant has been issued, and upon the return thereof such insufficiency as aforesaid is made to appear to the Justices, or to any two or more of them, then such Justices shall, by Warrant, cause the party ordered to pay such moneys and costs as aforesaid to be committed to Gaol, there to remain without bail for any term not exceeding three months, unless such moneys and costs ordered to be paid and such costs of distress and sale as aforesaid, be sooner paid and satisfied ; But such imprisonment of a Master of any Vessel shall not discharge the Vessel from the lien or liability attached thereto by the provisions of this Act. 40 45 50
- Conviction or proceeding not to be quashed for want of form, &c. 28. No conviction or proceeding under the four next preceding sections shall be quashed for want of form, or be removed by appeal or *certiorari*, or otherwise, into any of Her Majesty's Superior Courts of Record in Canada ; and no Warrant of Commitment shall be held void 55

by reason of any defect therein, provided it be thereby alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

MONEYS LEVIED AND EXPENDED.

29. All the expenses to be incurred in carrying the provisions of this Act into effect or under the provisions thereof shall be paid out of any moneys granted from time to time by Parliament for that purpose, and for affording help and advice to Immigrants, aiding Destitute, Immigrants, visiting and relieving them, procuring medical assistance and otherwise attending to the object of Immigration, as determined by the Parliamentary grants, and by orders of the Governor General for the management of the same.

Payment of expenses.

30. The moneys levied under this Act shall be paid by the Collector of Customs by whom they are received, into the hands of the Receiver General, to form part of the Consolidated Revenue Fund of Canada.

Moneys collected how disposed of.

INTERPRETATION.

31. In this Act, unless there be something in the context inconsistent with such interpretation, the word "Master" shall apply to any person in command of a Vessel; the word "Vessel" shall include all Ships, Vessels, or Craft of any kind carrying Passengers; the word "Passengers" shall apply to all Passengers as well as to Immigrants usually and commonly known and understood as such, but not to Troops or Military Pensioners and their families, who are carried in Transports or at the expense of the Imperial Government.

Interpretation: "Master," "Vessel," "Passengers."

32. This Act shall commence and take effect on the first day of January, 1870, and on and after the said day the following Acts and parts of Acts shall be repealed, that is to say:—

Commencement of Act.

So much of Chapter forty of the Consolidated Statutes of the late Province of Canada "*respecting Emigrants and Quarantine*," as has not been already repealed.

Acts repealed c. s. Can. c. 40.

The Act of the Legislature of the said late Province of Canada, passed in the twenty-fifth year of Her Majesty's Reign, Chapter eight "*to amend the Act respecting Emigrants and Quarantine*."

Can. 25 Vic. c. 16.

The Act of the Legislature of the said late Province of Canada, passed in the Session thereof held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, Chapter sixteen "*to amend the Act respecting Emigrants and Quarantine*."

Can. 27, 28 Vic. c. 16.

The Act of the Legislature of the Province of New Brunswick, passed in the twenty-fourth year of Her Majesty's Reign, Chapter four, "*relating to Passengers arriving within this Province*."

N. B. 24 Vic. c. 4.

except only as regards offences committed or liabilities incurred under any of the said Acts before the said day, with respect to which, and to all proceedings relating to which, the said Acts shall remain in force; and every enactment or provision in any other Act or law in force in any part of Canada before the coming into force of this Act, inconsistent with this Act, or making any provision for any matter provided for by this Act other than such as is hereby made shall also be repealed on and after the said day.

33. When citing this Act it shall be sufficient to call it "The Immigration Act 1869."

Short title.

S H E D U L E A.

PARTICULARS RELATIVE TO THE VESSEL.

Vessel's Name.	Master's Name.	Tonnage.	From what Port or place.	Total number of Superficial feet in the several compartments set apart for Passengers other than Cabin Passengers.	Total number of Adult Passen- gers exclusive of Master, Crew and Cabin Passengers, which the Vessel can legally carry.	Where bound.

NAMES AND DESCRIPTION OF PASSENGERS.

Port of Embarkation.	Names of Passengers.	Adults.		Children between 1 and 14.		Number of infants not over 1 year.	Profession, Occu- pation or calling of Passengers.	Nation or Country of Birth.	Port at which Passengers have contracted to be landed	Any further particulars, as deaths, &c.
		Age.		Age.						
		Male.	Female.	Male.	Female.					

S U M M A R Y.

	Number of Souls.	Number of Adults to which they are equal under the Immigration Act, 1869.
Adults		
Children between 1 and 14.....		
Infants not over 1.....		
Total.....		

I hereby certify that the above is a correct description of the (*description of Vessel as Ship, Brig, &c.,*) (*Name of Vessel*) and a correct list of all the Passengers on board the same at the time of her departure from (*place from whence she came*) and that all the particulars therein mentioned are true.

Date

Signature of Master.

An Act to continue and amend the Charter of the Quebec Bank.

WHEREAS the Quebec Bank have by their petition prayed Preamble.
that their Charter may be amended and continued in force,
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
5 House of Commons of Canada, enacts as follows:

1. So much of section three of chapter one hundred and twenty- Sec. 3 of Cap.
seven of the Acts of the Parliament of the late Province of Canada, 127, of 22
passed in the twenty-second year of Her Majesty's reign, and inti- Vic. amended.
tuled "An Act to amend and consolidate the Acts forming the
10 Charter of the Quebec Bank and for other purposes," as limited
the periods within which the part of the capital stock of the said
Bank not subscribed for at the passing of the said Act, should be
subscribed for and called in, is hereby repealed.
2. The Act above cited and so much of the Royal Charter creating Charter of
15 and constituting the said Quebec Bank, and of the several Acts and Bank con-
Ordinances relating to the said Bank as are not repealed by the said tinued,
above cited Act, shall be and remain in force until the first day of
January, which will be in the year one thousand eight hundred and
ninety-five, and from that time until the end of the then next
20 Session of the Parliament of Canada and no longer.

An Act to incorporate the Canada Marine Insurance Company.

WHEREAS the formation and establishment of Marine and Preamble:
Inland Navigation Insurance Companies is of great public
utility, and would afford greater convenience to the inhabitants
of Canada for effecting insurances and settling losses, and also
more security for losses, and greater facilities for recovering them,
5 and would also contribute to the prosperity of the trade of the
Dominion; and whereas the persons hereinafter named are willing
and desirous to establish and maintain such a Company, and have
petitioned to be incorporated for that purpose, and it is expedient
to grant their prayer; therefore Her Majesty, by and with the
10 advice and consent of the Parliament of Canada, enacts as follows:

1. Hugh Allan, Andrew Allan, John McLennan, Hugh McLennan, Thomas Rimmer, William Gunn and Alexander Mitchell, and every other person who shall hereafter become a Shareholder of the said Company, shall be and are hereby united into a Com-
15 pany for making and effecting inland navigation and marine insurances, according to the rules and directions hereinafter mentioned, and for that purpose are constituted a body politic and corporate under the name of "The Canada Marine Insurance Company."

2. The said Company shall have the power and authority to
20 make with any person or persons, all insurances connected with marine risks of navigation, and transportation by water; against loss or damage either by fire or by perils of the navigation of or to any vessel, steamer, boat or other craft, either sea-going or
25 navigating upon lakes, rivers or navigable waters, and of or to any cargo, goods, wares and merchandies; specie, bullion, jewels, bank notes, bills of exchange, and other evidences of debts conveyed therein, or conveyed by any Railway or stored in any warehouse or railway station while in transit; and of and to any timber or
30 other property of any description, 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 risk on which they have made or may make insurance, and generally to do and perform all other
35 necessary matters and things to such objects.

3. The said Company shall have power and authority within
the limits of Canada, to purchase, have and hold, to them
and their successors, any real or immovable estate, lands and tene-
ments, which shall be necessary for their immediate accomodation,
40 and the transaction of their business, not exceeding the yearly value of five thousand dollars, and the same to sell and dispose of, and others to acquire as may be deemed expedient; and to take and hold any real estate *bona fide* mortgage and hypothecated to the said Company by way of security, or conveyed to them in
45 satisfaction or payment of any debt previously contracted in the

- course of their dealings, or purchased at any sale under any judgment, execution or decree of court which may have been obtained for such debts, or by virtue of any proceeding at law, or acquired by purchase to avoid a loss to the said Company through prior claims, and to hold the same for a period not exceeding five years, during which time the said Company shall be bound to sell or dispose of, and convert the same into money, or property authorized to be held by virtue of this Act. 5
- Investment of funds.** 4. It shall be lawful for the said Company, within the limits of Canada, to invest their funds or any part thereof, in loans on public or landed securities, or in such other securities as shall be authorized by the by-laws, and the same to call in and re-loan as occasion may require, and as may be deemed expedient by their directors from time to time; and in the purchase of public securities, stocks of chartered banks or other chartered companies, the bonds and debentures and other evidences of debt of the Government of the Dominion of Canada, or of the Province of Quebec, and to sell and transfer the same; provided always that the said Company shall not deal in any goods, wares or merchandizes, other than such as they shall become possessed of by virtue of any insurance made thereon, or which may be abandoned to them. 10 15 20
- Capital of the Company.** 5. The capital of the said Company shall be formed by and consist of twenty thousand shares of one hundred dollars each, and the said capital stock with the property of the Company, shall be held liable for the payment of all engagements, losses or damages that may from time to time occur, and be justly claimed from, or charged upon the said Company, but it shall be lawful for the said Company from time to time to increase the capital stock to an amount not exceeding in the whole forty thousand shares, by a resolution adopted by the majority of the shareholders present at a meeting expressly convened for the purpose. 25 30 35
- Directors.** 6. The corporate powers, property and business of the said Company, shall be exercised, conducted and managed by a board of five directors. 35 40
- Duties of first Directors.** 7. It shall be the duty of the parties named in the first clause of this Act, or a majority of them to open books in the City of Montreal, for the subscription of the stock of the said Company, and so soon as one hundred thousand dollars of the said stock shall have been subscribed, and five per centum shall have been paid on account of the same to organize the said Company, and to call a meeting of the shareholders by giving at least ten days' notice in two newspapers published in the City of Montreal for that purpose. 40 45 50
- Election of Directors.** 8. It will be the duty of the said shareholders, or so many of them as shall attend the meeting provided for in the last preceding clause of this Act, at such meeting to proceed to the appointment and election of five directors as provided for by this Act, upon whom shall devolve hereafter the duty of organizing, conducting and managing the affairs of the said Company, until the first annual general meeting of the shareholders upon the next ensuing Monday in February, as provided for in this Act, and the said parties named in the first clause of this Act, after such election shall be relieved from further duty touching the organization or management of the affairs of the said Company. 45 50

9. A general meeting of the shareholders shall be held at the usual place of business of the said Company, or any other place in the City of Montreal, upon the first Monday of February, annually, for the election of Directors, which Directors shall be
 5 elected by ballot, and shall serve till the next annual general meeting, and until such time as their successors shall be elected, and for the transaction of such other business as may properly be laid before such meeting, and for the review of the general affairs of the said Company; and it shall be the duty of the Directors for
 10 the time being to give due notice of such meeting by publishing the same at least ten days before the day aforesaid, in at least one daily newspaper published in the City of Montreal, and in the event of the first Monday in February in any year being a legal holiday, then the annual meeting aforesaid shall be held on the
 15 next following day not being a holiday, and the shareholders present either in person or by proxy, at all general meetings shall have one vote for each and every share that shall be held in his or her name, or in the name of any firm, association or partnership of which he or she may be a partner, upon the books of the said Company for
 20 at least fifteen days next preceding such annual election, provided always that no more than one vote be given or taken upon any share, and that the scrutineers at such election shall decide as to the rights of any person to vote, in the event of disagreement or dispute between parties holding shares registered in the name of
 25 any firm, association or partnership as aforesaid. And in the case of a failure to elect from any equality of votes for more than five Directors, a new election shall be then and there held to fill the undetermined places; and in case of any vacancy occurring in the number of Directors, such a vacancy shall be filled up for the
 30 remainder of the year in which it may occur by a shareholders to be nominated by a majority of the Directors, provided always that no person shall be elected or nominated to be a Director who shall not be a shareholder in the Company to the extent of at least ten shares at the time of his election or nomination, and during his
 35 continuance in office, either registered in his own name or in the name of the firm or partnership of which he is a member: provided further that no two persons of a firm or partnership be qualified by the same shares.

Annual General Meeting.

Failure to elect Directors.

10. The corporation shall not be dissolved by a failure to elect
 40 Directors at the time when such election should be made pursuant to this Act; but such election may be made on any other day, in such manner as may be directed and required by the by-laws of the Company, provided that any ten or more of the shareholders holding or representing at least one-fourth of the subscribed stock,
 45 may require the Directors to call a special general meeting of the shareholders, in the manner prescribed for the annual general meetings for the purpose of electing new Directors, or any other purpose to be mentioned in the requisition or advertisements, and on their refusal or neglect to do so, may themselves call such meeting by an advertisement to be published in two newspapers published
 50 in Montreal as aforesaid.

Such failure not to operate dissolution of Company.

11. Any number of the Directors aforesaid, being a majority of
 55 them, shall have full power from time to time to make and enact by-laws, rules and regulations (the same not being repugnant to this Act, or to the laws of this Province) for the proper management of the affairs of the said Company, and from time to time to alter and repeal the same, and others to make and enact in their stead; provided that no such by-laws, rules and regulations as aforesaid, shall be valid or have effect after an annual or special meeting,
 60 convened as aforesaid, unless approved and confirmed by a majority of the shareholders present thereat.

Powers of Directors.

Meetings of
Directors.
Quorum &c.

12. There shall be a monthly meeting of the directors, and three or more of the directors shall form a quorum for transacting and managing the affairs of the Company, and at the first meeting after the annual election, the said board of directors shall appoint one of their members to be president, who shall serve for one year, 5
or until the next general annual meeting of directors, and until his successor shall be appointed, and such other officers as shall be deemed necessary, at such salaries as they may deem proper, and at such meeting shall also nominate and appoint one of their number who shall be the managing director of the Company, and the 10
said board of directors shall have the power to call special general meetings of the shareholders whenever they shall deem it necessary for any purpose to be mentioned in the advertisement thereof.

Sub-board.

13. The president and two of the directors appointed for that purpose shall be a sub-board, and shall hold all requisite meetings 15
for the transaction of business, and all policies of insurance issued by the Company, shall be signed by the president or managing director, and at least one of the directors so appointed, and shall be countersigned by the secretary, provided always that no director or officer shall be held liable except as a shareholder in the 20
Company, for the giving out and signing policies of insurance or any other lawful acts, deeds or transactions done and performed in pursuance of this Act, and no director shall be answerable for, or chargeable with the defaults, neglects or misdeeds of others of them, or of any other officer or clerk of the Company. 30

Commence-
ment of
business.

14. So soon as the sum of twenty thousand dollars shall have been paid in on account of the said capital stock, and not before the said board of directors shall proceed with the business and purposes of the said Company.

Subscription
for shares.

15. Any person may subscribe for such and so many shares as 35
he may think fit, and five per centum on each share shall be paid at the time of subscribing therefor, and the remainder at such times as the directors for the time being shall appoint; and if any shareholder refuse or neglect to pay the calls or instalments thereon at the time when required so to do, he shall forfeit his shares, together 40
with the amount paid thereon, and the said shares shall be sold and the sum arising from such sale, together with the amount so previously paid, shall be accounted for and divided in the like manner as the other moneys of the Company, unless the sum produced from such sale shall be more than sufficient to pay all arrears 45
and interest on such instalments, together with the expense of such sale, and in such case the surplus of such money shall be paid on demand to the owner, and no more shares shall be sold than what shall be deemed necessary to pay such arrears, interest and expenses. 50

Enforcing
payment of
instalments.

16. In case the said directors shall deem it more expedient in any case to enforce the payment of any unpaid instalments, than to forfeit the shares, it shall and may be lawful for the Company to sue for and recover the same from such shareholder, with interest thereon, in any action for debt, in any Court having civil juris- 55
diction to the amount claimed, and in any such action it shall be sufficient to allege that the defendant is the holder of one or more shares (stating the number of shares,) and is indebted to the Company in the sum to which the calls in arrear may amount; and to maintain such action, it shall be sufficient that the signature of the defendant to some book or paper, by which such subscription of 60
such shares shall appear, be proved by one witness, whether in the employment of, or interested in the Company, or in any way

allied, or related to any of the said directors or shareholders, or other persons interested in the said Company or not, and that the number of calls in arrears have been made.

17. The shares of the said Company shall be assignable and transferable according to such rules as the board of directors shall appoint and establish, and such transfers shall be recognized and acknowledged by the Company, only after they shall have been entered in the books of the Company: and no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until his debt is paid, or security to the satisfaction of the directors be given to them that it will be paid; and if any shares are sold under execution the Company shall have the first privilege or lien upon the proceeds thereof for the payment of any debt due to the Company.
18. No separate statement shall be required for the part of year following the day on which the Company shall have issued their first policy, but after that period an annual detailed statement shall be made which shall exhibit a full and unreserved statement of the affairs of the Company, of their funds, property and securities, the amount in real estate, bonds and mortgages, notes and other securities, therefor, public debt or other stock, and the amount of debt due to and from the Company, together with a fair estimate of the net profits of the Company not before divided, up to the first day of February in each year, and allowing for any previous or probable deficiencies which said annual statement shall be submitted to the annual general meeting aforesaid.
19. After the submission of the said statement and approval thereof by the shareholders at the annual general meeting, or any subsequent adjourned or special general meeting, the board of directors shall declare such dividend in favor of stockholders out of the net profits of the preceding period as they shall think fit, which dividend shall be paid in cash.
20. Shareholders shall not be held liable for any claim engagement loss or payment whatsoever for or by reason of the liabilities of the said Company of what nature soever, beyond the amount of the share or shares which each may respectively hold remaining unpaid and after payment to the said Company of the full amount of such share or shares such shareholders shall not be liable for any further sum of money whatever.
21. All shares in the Company shall be deemed personal property.
22. No dividend shall be declared or paid out of the capital stock of the Company, nor shall any dividend out of the said net profits be declared or paid unless the said capital shall be unimpaired.
23. The operations and business of the said Company shall be carried on at such place in the city of Montreal as the directors shall direct; but agencies with or without branch boards of directors, may be established elsewhere in Canada as the shareholders shall deem expedient, and such branch board of directors shall consist of not less than three, who shall be shareholders to the extent of at least ten shares, or one thousand dollars each, and shall be appointed by the board of directors.
24. Suits against the Company may be prosecuted or maintained by any shareholder therein, and no shareholder of the Company not being in his individual capacity a party to such suit shall be incompetent as a witness in suit and legal proceedings by or against the Company.

Shares, how transferable.

Annual statement of affairs.

Declaration of Dividends.

Liability of Shareholders.

Shares personal property As to Dividend.

Seat of operations.

Suits against Company.

No. 86.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to incorporate the Canada Marine
Insurance Company.

PRIVATE BILL.

Hon. Mr. ABBOTT.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO,

An Act to amend the Act incorporating the Royal Canadian Bank, by extending if necessary the time for resumption of specie payment, and also to authorize if necessary the amalgamation of the said Bank with any other bank or banks and for other purposes.

WHEREAS under and pursuant to the provisions of the Act of Preamble. Parliament of the late Province of Canada, passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter eighty-four, the Royal Canadian Bank was
 5 incorporated and has been since carrying on its business of bankers. And whereas the said Royal Canadian Bank has by its petition represented that it is at present unable to meet in specie upon demand the amount of its bank notes in circulation, claims of depositors and other debts, although possessed of assets more than sufficient to pay all its liabilities
 10 in full, if such assets are properly realized and applied and hath prayed that under the circumstances an Act of Parliament of Canada should be passed containing the provisions hereinafter mentioned. 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
 15 and House of Commons of Canada, enacts as follows:

1. Notwithstanding any thing contained in the twenty-fifth section of the said recited Act, the suspension by the said bank of payment on demand in specie of the notes or bills of the said bank, shall not operate as or be any forfeiture of the charter or corporate privileges of the said
 20 bank, unless such suspension shall continue for the period of ninety days from and after the passing of this Act. Extension of period during which suspension may continue.

CLAUSES AS TO AMALGAMATION.

2. The directors of the said bank may enter into an agreement with any other banking institution or institutions for an amalgamation, and may determine upon the terms of such amalgamation, and the
 25 relative values of the stock of the said bank, and of such amalgamating bank or banks and may agree upon such other terms for the conduct, management and general relations of the amalgamated institutions as the directors of the said banks may think best, not, however, being inconsistent with or in excess of the powers conferred by their respective Acts of incorporation; such agreement shall not however be valid
 30 until confirmed by a majority of such of the shareholders of the Royal Canadian Bank as shall be present either in person or by proxy at any special general meeting of shareholders called for that purpose. Certain powers to Directors with respect to amalgamation.

3. The directors of any other banking institution or institutions are hereby authorized to enter into an agreement of amalgamation with the
 35 Royal Canadian Bank to the purport and effect set forth in the last preceding section, but such agreement shall not be valid until confirmed at a special general meeting called for the purpose of the shareholders of the bank or banks so entering into the said agreement. Powers to Directors of other Banks.

4. The terms of the said agreement of amalgamation shall be set forth in a formal indenture of union, executed by the said respective banks parties thereto, and upon the filing of a duplicate thereof in in the office of the Secretary of State for Canada such amalgamation shall be taken to be fully complete and the said amalgamated 5 banks shall thereafter be deemed to be one corporation under such name, not being the name of any other bank not entering into such amalgamation, as may be declared in such indenture, and shall possess all the corporate powers, rights and privileges theretofore held, enjoyed or possessed by any or either of the said respective banks, and 10 the provisions contained in their respective Acts of incorporation, shall apply to the said amalgamated bank which shall in all respects be subject to and be regulated by the said provisions except in so far as the same may be varied by the terms of the said indenture of union or this Act, and in case of any conflict between the terms of the provisions 15 contained in the said respective Acts of incorporation, those contained in the said recited Act of incorporation of the Royal Canadian Bank shall be construed, taken and held to govern the said amalgamated bank; and immediately after the filing of the said indenture in the office of the said Secretary of State, a copy of the same certified by the 20 said Secretary shall be published at length in the *Canada Gazette*, at the expense of the said bank.

What shall be deemed evidence of amalgamation.

5. The production of the said indenture of union with the certificate thereon endorsed of the Secretary of state for Canada, of the filing of the duplicate thereof, in his office, or the production of a copy of such 25 duplicate indenture certified by the said Secretary of State or of a copy of the *Canada Gazette* in which the said indenture has been published, under the last preceding section shall be conclusive evidence, in all courts and proceedings, of the execution and filing of the said indenture, without further or other proof, and shall also be *prima facie* evidence, 30 without further proof, in all courts and proceedings, of the complete union and incorporation into one corporation of the said amalgamated institutions.

Amalgamated Bank may increase its capital stock.

6. The said amalgamated bank may, by by-law or by-laws, and upon the terms set forth in such by-law or by-laws, from time to time 35 increase their capital stock, but the additions thereto shall not exceed the amount of the original capital stock of the Royal Canadian Bank and of such amalgamating bank or banks, as authorized by their respective Acts of incorporation. But no such by-law shall be valid until confirmed by a majority of such of the shareholders as shall 40 be present in person or by proxy at a special general meeting of the shareholders of the amalgamated bank called for that purpose.

Head office.

7. The indenture of union, hereinbefore mentioned, may provide for the place where the head or principal office of the amalgamated bank shall be situate, and may also contain provisions for the removal of 45 such principal office from time to time.

Effect of amalgamation on shareholders.

8. Immediately upon the union or amalgamation of the said bank taking place, the shareholders of the respective banks so amalgamating shall (*ipso facto*) become the shareholders of the said amalgamated 50 bank in the amounts and according to the relative values of the stocks of the amalgamated banks, as provided for and set forth in the said indenture of union.

Scale of Votes.

2. And notwithstanding any thing to the contrary contained in the several Acts of incorporation relating to the said banks, each share in 55 the capital stock of the said united corporation, shall entitle the holder thereof to one vote at all general meetings of the shareholders of the

said bank, unless he shall be in default, in respect of any calls upon such share ;

3. 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 each of the amalgamating banks shall forthwith become vested in the said amalgamated corporation, its successors and assigns, as for its own use and benefit absolutely, and it may in its own name, sue for, collect and get in, any, or any part of the said estate, rights or effects ;

Property, &c.,
of amalga-
mating
Banks.

4. And the said amalgamated corporation shall forthwith also become subject and liable to pay and discharge all of the debts obligations, bills, promissory notes or other liabilities of each of the said amalgamated banks, and may be directly sued and proceeded against in respect thereof, as fully and effectually as if the same were originally, and they shall be taken and construed so to be the debts, obligations, promissory notes and liabilities of the said amalgamated corporation ;

Debts and
liabilities.

9. The amalgamation taking effect as hereinbefore provided shall in no way release, affect or discharge the liability or obligation of any surety to any or either of the amalgamating banks, for or in respect of any bill, debt, claim, service, employment or matter, or thing whatsoever, but the said liability and obligation shall continue in full force and effect, and shall be taken and construed to be a liability or obligation in favour of the said amalgamated corporation, as if the same had been originally and directly given to or entered into with the said last mentioned corporation.

Liability of
Sureties.

CLAUSES AS TO WINDING UP.

10. In the event of the Royal Canadian Bank not being able to resume its business, or in case no such amalgamation takes place as hereinbefore provided, then it shall and may be lawful at any special general meeting of shareholders held within ninety days from the passing of this Act to provide for its winding up, and the liquidation of its liabilities by the execution, within the said period of ninety days, of a deed of assignment of all its estate and effects to three trustees to be named therein, such deed and assignment to be in the form of schedule A, to this Act, and the said trustees and their successors shall be deemed and taken to be a body corporate, and by the name of the "Trustees of the Royal Canadian Bank" may have, held, take, receive, grant alien, assign, transfer, release and convey all or any part of the said trust, estate and effects, and by the same name may bring or defend any action, suit or proceeding, and do, execute or perform any act, deed, matter or thing, which they may think necessary in the performance or execution of the trusts of the said assignment ; but notwithstanding any such incorporation, in any action, suit or proceeding brought or prosecuted by the said trustees, they shall not possess any other or different or higher rights or remedies than the bank would have had, if suing in its own name.

Proceeding
for liquida-
tion.

11. The trustees to be named in the said deed of assignment shall be nominated as follows : two thereof by the shareholders of the said bank at the meeting provided for in the last preceding section at which the winding up of the said bank is determined upon, and the third of the said trustees shall be appointed to represent the interests of the creditors of the said bank by the Court of Chancery or a Judge thereof and such appointment shall be made upon the summary application of the said bank to such court or judge, but notice of such application shall be given to the creditors of the said bank in such manner as the court or judge may direct ; and the court or judge may direct in what

How trustees
shall be ap-
pointed.

manner the creditors by classes or otherwise may be represented upon such application: If however at the time of the meeting of the said shareholders at which such winding up is determined upon, the liabilities of the said bank shall have been reduced to within the sum of five hundred thousand dollars, then the said third trustee shall also be appointed at the aforesaid meeting of the said shareholders and the provision hereinbefore contained with respect to the appointment of such third trustee by the Court of Chancery or a judge thereof shall be and become inoperative. 5

What the
Deed of
Assignment
shall be held
to contain.

12. Such deed of assignment shall be construed to contain the following special provisions. 10

1. The said trustees shall have power to carry on or continue so much of the operations of the bank as may be necessary for the beneficial winding up of the same;

2. To sell the real and personal, mixed and moveable property, effects and things in action of the bank by public or private contract, with power if they think fit, and upon the concurrence of a majority of the shareholders present in person or by proxy, at any special general meeting to be called for such purpose (and provided that by the terms of such sale, the payment in full of the claims of all of the creditors shall not be deferred beyond the period of six months thereafter), to sell and transfer all of the said estate and effects to any bank or banks upon such terms and conditions as may be agreed upon, and in such case the execution by the said trustees of a deed to the form and effect set forth in schedule B to this Act, shall be deemed and taken to vest in such purchasing bank all such estate and effects, and such deed shall and may be validly registered in any registry office with respect to lands by the production and filing of a duplicate thereof, with a memorandum or schedule thereunder or annexed thereto of the particular lands or real estate lying within the limits for which such office is the proper office for registry; 15 20 25 30

3. To execute on behalf of the bank and in their name as trustees all deeds, receipts and documents they may think necessary;

4. To refer disputes to arbitration and to compound claims, also to renew or extend time of payment of bills or debts payable to the bank; 35

5. To do or execute in the name of the bank or otherwise, all such other things as may be necessary for the winding up of the affairs of the bank and distributing its assets;

6. It shall be the duty of the trustees to deposit day by day all current moneys received by them in one or more of the incorporated or chartered banks, and no amount shall be withdrawn therefrom, except upon the cheque of at least two of the trustees 40

7. The trustees may appoint such accountants, book-keepers and others as may be necessary to assist in the winding up of the trust estate and may pay them reasonable salaries and remuneration therefor; 45

8. The trustees shall make up a balance sheet and statement of the affairs of the trust at least once in every month until the estate is wound up, and such statement shall be published at least once in every month until the estate is wound up and such statement shall be published at least once on the expiration of each month in one of the daily newspapers published at the City of Toronto; 50

9. The trustees shall from time to time and at the earliest times possible declare and pay dividends to the creditors of the said bank rateably and in proportion to their respective claims, and shall upon demand in exchange for other vouchers, issue certificates bearing interest at the rate of six per cent per annum of the amount due to any creditor ;

10. the trustees shall after payment in full of the claims of creditors pay, divide or apportion (as the case may be), any of the remaining assets of the said bank or residue of the trust estate unto and amongst the shareholders of the said bank, according to the amount of shares held by them respectively and any of such assets may be sold or valued and apportioned specifically ;

11. The trustees shall meet at least once in every two weeks, and at any time any two of them upon six days' notice to the other may convene and hold any special meeting ;

12. The trustees shall semi-annually on the first Wednesday in the month of May and November in each year, at a general meeting of the creditors and shareholders to be held at noon, at the principal office of the said bank submit a full statement of the affairs and position of the said trust estate ;

13. Immediately upon the execution of the said deed of assignment, all legal proceedings of any kind pending against the said bank shall be stayed and all of the estate and effects of the said bank shall become vested in the said trustees and for the purposes mentioned in the said assignment and according to the provisions thereof, and it shall be unnecessary to file or register any copy of the said deed in any office for filing or registry with respect to real or personal property in Canada, but the said deed may at any time be validly registered in any registry office, with respect to lands by the production and filing of a duplicate thereof with a schedule or memorandum thereunder, or annexed thereto of the particular lands within the limits of such registry office.

14. All deeds, bills, notes, cheques, certificates, vouchers or other documents necessary to be executed or given by the trustees shall be signed by at least two of the said trustees.

15. The trustees shall be entitled to receive such remuneration in equal proportion and in such manner as the shareholders may from time to time determine upon.

16. Whenever the claims of all of the creditors of the said bank shall have been paid in full, or reduced to less than the sum of one hundred thousand dollars, the trustee if any appointed as the representative of the creditors by the Court of Chancery or a judge thereof shall thereupon vacate his said office and the remaining trustees shall thereupon appoint a third trustee in his place, who shall remain and continue such trustee until the special general meeting of the shareholders of the said bank, which shall be convened by the said trustees, immediately after such appointment and at which a majority of the stockholders present in person or by proxy, may nominate and appoint such third trustee ; And in case of any vacancy in the number of the trustees at any time arising by death, resignation or any cause, when such vacancy shall occur with respect to any trustee appointed by the shareholders of the said bank, the remaining or surviving trustee or trustees appointed by the said shareholders, shall thereupon appoint any competent person to fill such vacancy, until at a special or other general meeting of the shareholders of the said bank, a majority of the shareholders present in person or by proxy shall appoint the trustee to fill such vacancy and

when such vacancy shall occur with respect to the trustee appointed by the Court of Chancery or a Judge thereof as aforesaid, then it shall be the duty of the remaining or surviving trustees to apply to the said court or a judge thereof for the appointment of a competent person to fill such vacancy, and the procedure upon such application shall be similar to that hereinbefore prescribed with respect to the original appointment of the third trustee. 5

Proceedings
of creditors
in Court of
Chancery.

17. Any creditors over the sum of ten thousand dollars or any number of creditors whose claims jointly exceed the sum of ten thousand dollars, or any stockholder holding shares to the number of two hundred at least, or any number of stockholders holding shares to the number of two hundred, may from time to time apply in a summary manner, to the Court of Chancery, upon notice to the trustees in respect of any matter or thing connected with the management of the said trust, or with the disposition of the proceeds of the said trust estate or in respect of any matter or thing connected therewith, and obtain the order and direction of the court or judge thereupon, and such order may be enforced in the same manner as the decrees or orders of the said court, and any such order may amongst other things, require the said trustee to submit statements and accounts of the said trust estate and the management thereof, and may direct the removal of any one or more of the said trustees, and the appointment of new trustees and may generally be to the purport or effect which in the discretion of the said court or judge shall seem meet. 10 15 20

Trustees may
obtain direc-
tion of Court
of Chancery.

18. The trustees may from time to time apply to the Court of Chancery or a judge thereof, in Chambers, in a summary way, and obtain its direction on any matter connected with the management of the said trust, or the disposition of the said trust estate or in respect of any other matter or thing connected therewith, and such order shall be an effectual protection and authority to the said trustees against any personal liability or further responsibility. But, upon any application the said court or judge may require that one or more of the creditors and one or more of the shareholders, or one or more of either class shall be present on behalf of their respective interests. 25 30

Liability of
shareholders.

19. Nothing in this Act contained respecting the winding up of the said bank, shall in any wise affect or vary the liability of any shareholder in the said bank, to any present creditor thereof, or the rights or remedies of any such creditor. 35

Short title.

20. This Act may be cited and known as "The Royal Canadian Bank Act, 1869." 40

SCHEDULE A.

This indenture made between the Royal Canadian Bank, a corporation of the first part and

the trustees of the Royal Canadian Bank of the second part, witnesseth that under the provisions of the Act of the Parliament of Canada, passed &c., intituled &c. The Royal Canadian Bank doth grant, transfer and assign to the said trustees, their successors and assigns, all the Bank's estate and effects, real and personal, of every nature and kind whatsoever, and wherever situate;

To have and to hold the same according to the respective estates, natures and qualities thereof, unto the use of the said trustees, their successors and assigns, upon the trust and for the purposes, and with the powers and authorities mentioned in the said recited Act.

No. 87.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to amend the Act incorporating the Royal Canadian Bank, by extending if necessary the time for resumption of specie payment, and also to authorize if necessary the amalgamation of the said Bank with any other bank or banks and for other purposes.

PRIVATE BILL.

MR. R. A. HARRISON,

OTTAWA :

PRINTED BY HUNTER, ROSE & CO.

No. 91.]

BILL.

[1869.

An Act to incorporate the Ontario and Erie Ship Canal
Company.

88

*Not
Printed*

the Company hereinafter mentioned, shall be and are hereby ordained.

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*Not
Printed*

or necessary.

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The Institute made this
 the member of the Royal Canadian
 of the first part and the second
 part of the second part, whereas that under the pro-
 vision of the Act of the Parliament of Canada, passed in 1882,
 the first part of the first part do grant, transfer and assign unto the
 first part of the second part, in possession and control, all the rights and
 powers and personal, real estate and personal, and
 every other right, interest or the first estate of the first part.

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An Act to incorporate the Ontario and Erie Ship Canal Company.

WHEREAS the Municipalities of the Town and Township of Niagara, the respective Boards of Trade of the Cities of Chicago, Oswego, Toledo, the Chamber of Commerce of the City of Milwaukee, and others interested in obtaining greater inland navigation facilities than at present exist, have petitioned for the incorporation of a Company to construct a ship canal in accordance with this Act; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows.

1. Hon. Walter Dickson, Henry Paffard, S. S. J. Brown, William Kirby, Angus Smith, John Brown, J. M. Richards, F. J. King, J. S. McMurray, S. H. McRae, Robert F. Sage, Donald Robertson, Cheney Ames, A. G. P. Dodge, D. B. Chambers, Hon. J. B. Robinson, Alexander Kirkland, Duncan Milloy, Edward O'Neill, S. H. Follett, Angus Morrison or either of them, together with all such persons, (subjects of Her Majesty, or others) as shall become stockholders of the Company hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact and by that name they and their successors shall and may have continued succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also, they and their successors by the same name of the Ontario and Erie Ship Canal Company, shall be in law capable of purchasing and holding to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, selling, conveying or otherwise departing therewith for the benefit and on the account of the said Company, from time to time as they shall deem expedient or necessary.

2. The directors of the said Company shall have full power and authority to survey and explore the country lying between the waters of the Niagara river and Lake Erie, and to designate and establish, and for the said Company to take, appropriate, have and hold to and for the use of them and their successors the line and boundaries of a ship canal to commence at some point on the waters of the Niagara river, at or near Fort George in the town of Niagara, and thence to the waters of the Welland Canal at or near the village of Thorold and from thence to the upper Niagara river at or near the village of Chippawa; and to build and erect the same with the necessary locks, dams, tow-paths, branches, feeders, basins and tramways, and also, to select such sites for such warehouses and other erections as may be considered expedient by the said directors, and to purchase and dispose of the same to and for the use and profit of the said Company; Provided that nothing

hereinbefore contained shall be construed to extend to compel the owners of any mill seat which shall be in existence before the construction of the said canal or any of its branches or feeders, to sell or convey the same to the said Company, unless the same shall be in the line of the said Canal, or that the possession of the same shall be necessary to the construction of the said canal or any of its branches and feeders; Provided also, that the owner or owners of any mill seat or mill seats, using any additional supply of water brought thereto by the said canal or its branches or feeders, shall pay a reasonable compensation therefor to the said Company, to be determined as hereinafter provided for determining any damage done to property by the said Company. 5 10

3. It shall and may be lawful for the said Company, and they are hereby authorized and empowered, from and after the passing of this Act, to supply the said canal, whilst making, and when made, with water from all such brooks, springs, streams, water-courses, lakes, hollows or repositories of water as shall be found in making the said canal, or within the distance of two thousand yards of the same or any part thereof, or any reservoir or reservoirs to be made for the supplying of the said canal with water; and the said Company are hereby authorized and empowered to make all such reservoirs, and such and so many feeders, branches, aqueducts, tunnels and channels in connection with and for the use of the said canal, as to them shall seem necessary and proper: and for the purposes aforesaid, the said Company, their agents, servants, and workmen, are hereby authorized and empowered to enter upon and into the lands and grounds of, or belonging to the Queen's Majesty, Her Heirs or Successors, or any other person or persons, bodies corporate or politic, (except as hereinbefore mentioned), and to survey and take lands of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the making of the said canal and its appurtenances, and for the completion of the said water connection and navigation according to the true intent and meaning of this Act, and all such other matters and conveniences as they shall think proper and necessary for making preserving, improving completing and using the said intended navigation, and also to bore, dig, trench, cut, remove, take, carry away, and lay soil, clay, stone, rubbish, trees, roots and stumps of trees, beds of gravel or sand, or any other matter or thing which may be dug or got in the making of the said canal, or in deepening or improving the navigation of any river or rivers, lake or lakes, in connection with, and forming part of the intended navigation, or out of any land of any person or persons adjoining or contiguous thereto, and which may be proper or convenient for carrying on the repairing of the said canal or other the said works, or which may hinder or obstruct the making, completing and using the same, and the same to lay in or upon the boundaries of the said canal or the rivers and lakes forming portions of the said navigation, or in and upon the land of any person or persons adjoining thereto; and also to make, build, erect and set up in and upon the said canal, and at the points of entrance to the same, or any part thereof or of the said intended navigation, or upon the land adjoining or near the same, such and so many wharves, quays, piers, landing places, bridges, tunnels, aqueducts, sluices, rivers, pens for water, tanks, reservoirs, drains, bridges and other ways, roads and works, as the said Company shall think requisite and convenient for the purpose of the said navigation: and also, from time to time to alter, enlarge amend and repair the said works or any of them, for conveying all manner of materials necessary for making, erecting, altering or repairing, widening or enlarging the said works or any part thereof, and also, to place, lay, work and manufacture the said materials, and erect such workshops, forges and other erections as they may deem necessary, upon the lands near the said works; and to make maintain and alter any places 15 20 25 30 35 40 45 50 55 60

or passages over, under or through the said canal or any of its branches or connections, or other part of the said intended navigation; and also to make, purchase, set up and appoint such tug or tow-boats, barges, vessels or rafts, for the use of the said navigation, as they shall see fit; 5 also to erect and keep in repair any piers, arches or other works, in, upon and across, any rivers, brooks or lakes, for making, using, maintaining and repairing the said canal, and other the rivers and navigable waters, forming part of the said intended navigation, and the towing-paths and other conveniences connected therewith; And also 10 to construct, make, and do all other works, matters and things whatsoever, which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said canal and the said intended navigation in pursuance of and within the true meaning of this Act, they, the said Company, doing as little damage as 15 may be in the execution of the powers hereby granted, and making satisfaction, in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of such lands, hereditaments and tenements.

4. After any land or ground shall be set out and ascertained to be 20 necessary for the purposes of the said navigation or other purposes herein mentioned, it shall be lawful for all owners, whether individuals or bodies corporate or politic, or trustees or lessees, or other party or parties holding any right, title, interest or claim to any of such lands or grounds, to contract for, sell and convey to the said Company, all 25 or any part of such land or ground which shall, from time to time, be set out and ascertained as aforesaid; and all such contracts, agreements, sales and conveyance shall be valid and effectual in law, to all intents or purposes, notwithstanding any law, statute or usage to the contrary, and the amount of the purchase moneys to be paid for 30 such lands or grounds respectively, shall be ascertained by arbitration as hereinafter mentioned, unless in such cases as the owner or owners may agree thereupon without the intervention of any third party.

5. The directors of the said Company may contract, compound, compromise, settle and agree with the owners or occupiers respectively, of 35 any land through or upon which they may determine to cut and construct the said canal or other works hereby authorized, either for the purchase of so much of the land, as they shall require for the purposes, uses or profit of the Company, or for damages which he, she or they shall or may be entitled to recover from the said Company, in conse- 40 quence of any of the works hereby authorized, being constructed in or upon his or their respective lands; and in case of any disagreement between the said directors and the owner or owners, occupier or occupiers aforesaid, the amount of the purchase moneys for the land and tenements proposed to be purchased, or the amount of damages to be 45 paid to them as aforesaid, shall be ascertained by arbitration in manner hereinafter mentioned.

6. In each and every case where any dispute shall arise between the said directors or any other person or persons whomsoever, touching any purchase, sale or damage, or the money to be paid in respect thereof, 50 and in each and every case where, under the provisions of this Act, any purchase, sale or damage, or the money to be paid in respect of the same are directed to be ascertained and determined by arbitration, the same shall be referred to, ascertained and determined by three indiffer- 55 ent persons, one of whom shall be chosen by the owner or occupier of the land, or other person or persons interested, who shall disagree with the said directors in respect to the compensation or purchase money to be paid him, her or them respectively, pursuant to the provisions of this Act; one other of the arbitrators shall be chosen by the

the said directors, and the third shall be chosen by the two persons to be so named as aforesaid, and such three persons shall be the arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, and the award of such three persons or any two of them shall be final; and the said arbitrators so appointed are hereby required to attend at some convenient place on or near the line of the said canal, to be appointed by the said directors, within eight days after notice in writing shall be given them by the said directors for that purpose, then and there to arbitrate, award and determine such matters as shall be submitted to their consideration by the parties interested; and each of the said arbitrators shall be sworn before one of Her Majesty's Justices of the Peace for the said District, for that purpose, any of whom who may be required to attend the said meeting, for that purpose, well and truly to assess the damages between the parties according to the best of his judgement; Provided also, that if the owner or owners, or other person or persons interested in any of the land required for carrying out the purposes of this Act, shall neglect or refuse to appoint an arbitrator, upon being notified to do so by the directors aforesaid, by writing a letter to that effect, addressed to him, her or them, at his or their last, or then present residence, and by publication of such notice for one month in one or more local newspapers of the district in which the land is situated, then and in that case, after the expiration of thirty days from the time of such notice being fully completed, the Judge of the County Court within which the lands are situate shall act as arbitrator for such party or parties so refusing or neglecting, and the said Judge shall, with the other two arbitrators, as hereinbefore provided, proceed to adjudge or determine the damages or purchase money, or other matter or thing submitted to their judgement, according to the provisions of this Act; And provided further, that either party dissatisfied with the said award may apply to any of the of the Superior Courts of Law or Equity during the term next after the publication of such award, to set it aside, for any cause for which an award would be set aside as between party and party; and any of the said Courts shall have cognizance thereof, although the submission do not provide for its being made a rule of the Court; and provided further, that in all arbitrations under this Act, the arbitrators shall take into consideration the benefit conferred on the property on which they are arbitrating, as well as the damage done to any particular portion thereof.

7. For the purpose of this Act, the said Company shall and may, by some Provincial Land Surveyor in the Province, and by an Engineer by them appointed, cause to be taken and made, surveys and levels of the said lands through which the said intended canal is to be carried, together with a map or plan of such intended canal, and the course and direction thereof, and of the said lands through which the same is to pass, and also a book of reference of the said canal, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof, so far as the same can be ascertained, and in which shall be contained every thing that is necessary for the right understanding of such map or plan, copies of which said map or plan and book of reference shall, on the completion of such survey, map and book of reference, be deposited by the said Company in the offices of the respective Registrars for the several counties through which the said canal or any part thereof shall pass, and also in the office of the Secretary of this Province; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts from or copies thereof as occasion shall require, paying to the said Secretary of this Province, or to the said respective registrars, at the rate of six pence current money of this Province, for

every one hundred words; and the said copies of the said map or plan and book of reference so deposited, or a true copy or copies thereof, certified by the Secretary of the Province, or by one of the said registrars for the said respective counties, shall severally be, and they are
5 hereby declared to be, good evidence in the Courts of Law and elsewhere.

8. Whenever any highway or public road shall be cut through by the said canal, or any of its branches, the said Company shall, within one month thereafter cause to be constructed a secure and sufficient
10 bridge over the same with proper approaches not exceeding a grade of one foot in twenty feet so as to establish the communication between the several parts of such highway, under a penalty of five pounds per day for every day after the expiring of the said time during which the said Company shall neglect to construct the said bridge: Provided
15 always, that in the mean time some temporary means of passing along the said highway shall be constructed or provided.

9. If any person or persons shall maliciously or wilfully break, injure, throw down or destroy, any bank, lock-gate, sluice, or any other work machine, or other device belonging or pertaining to the said Company,
20 or do any other wilful act, hurt or mischief, to disturb, hinder or prevent the carrying into execution the completing and supporting the said canal and navigation, or any of its branches, feeders, or other connections or works belonging to the said Company, every such person or persons so offending shall forfeit and pay to the said Company the full
25 value of the damage so done, including loss or inconvenience occasioned by such obstruction, proved by the oath of two or more credible witnesses to have been done; such damages, with costs of suit in that behalf incurred, to be recovered in any Court in this Province having competent jurisdiction, and such wilful and malicious act shall be a
30 misdemeanor, and the party or parties committing the same shall, and may be indicted and tried for a misdemeanor in any Court of competent jurisdiction, and on conviction thereof may be committed to the common gaol for any time not exceeding twelve months, at the discretion of the court before whom such offenders shall have been convicted.

35 10. If any person shall obstruct or impede the navigation of the said canal, or other portion of the said intended navigation, by the introduction of any timber or boats, or vessels, contrary to the rules and regulations laid down for the government of the same to be made by the said directors, and shall not immediately, upon notice given to the owner or
40 person in charge of such timber, raft, boat or vessel so obstructing the navigation, remove the same, every such owner or person in charge of such timber, raft, boat or vessel so obstructing or impeding the navigation as aforesaid, shall forfeit and pay a sum not exceeding twenty dollars
45 currency, for every hour during which the said obstruction shall continue; and it shall be lawful for the Company or their servants to cause such obstruction to be removed, and to cause every such boat, vessel or raft as shall be so overladen as to cause obstruction, to be detained and unloaded, so as to prevent or remove such obstruction, and to recover the cost of so doing from the owner or person in charge of
50 the same, and to seize and detain such vessel, boat or raft, and the cargo thereof, or any part of the cargo or furniture of such vessel, boat or raft, until the charges occasioned by such unloading or removal, or both, shall be paid or satisfied: And if any vessel, boat or raft shall be
55 sunk in any part of the said intended navigation, and the owners shall neglect or refuse to weigh and remove the same forthwith, the said Company may cause the same to be weighed and removed, and retain the same until all the charges necessarily incurred in so doing shall be

paid or satisfied, and all such charges may be recovered in any court of competent jurisdiction from the owners or persons in charge of such vessel, boat or raft.

11. In case of any accident requiring immediate repair on the said canal, or any part of the said navigation, the said Company, their agent or workmen, may enter upon the adjoining land (not being an orchard or garden) without any previous treaty with the owners or occupiers thereof; and dig for, work, get and carry away and use, all such gravel stone, earth, clay or other materials as may be necessary for the repair of the accident aforesaid, doing as little damage as may be to such land and making compensation therefor, and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration as hereinbefore provided: Provided however that if any action or suit shall be brought against the said Company for any matter or thing done in pursuance of this Act, such action or suit shall be brought within twelve calendar months after the fact committed, and not afterwards.

12. The said company may open, cut and erect such ponds and basins for the lying up and turning of vessels, boats or rafts, using the said canal or navigation, and at such portions of the navigation as they shall deem expedient, and they may also build and erect such dry docks, slips and machinery connected therewith for the hauling out and repairing such vessels, as they shall think proper, and may let the same on such terms as they shall deem expedient, or carry on the business of the same by their servants or agents, as the said company or the directors thereof shall decide from time to time.

13. The said company in order to entitle themselves to the benefit and privileges conferred upon them by this Act, shall commence the said work within three years, and complete the said canal within six years after the passing of this Act; otherwise this Act and any thing herein contained shall be null and void to all intents and purposes.

14. Every vessel of whatsoever kind using the said canal, shall have her draught of water legibly marked in figures of not less than six inches long, from one foot to her greatest draught, upon the stem and stern posts, and any wilful mistatement of such figures, so as to mislead the officers of the canal as to any vessel's true draught, shall be punishable as a misdemeanor on the part of the owner and master of such vessel, and the said directors may detain any such vessel upon which incorrect figures of draught shall be found, until the same are corrected at the expenses of her owner.

15. And for preventing disputes touching the tonnage of vessels navigating the said canal, every owner or master of every boat, barge, raft or vessel, navigating the said canal, or other part of the said navigation, shall permit the same to be gauged and measured, and for refusing to permit the same, shall forfeit and pay the sum of twenty dollars, and it shall be lawful for the person appointed for that purpose by the said directors, to gauge and measure all vessels using the said navigation, and his decision shall be final in respect to the tolls to be paid thereon, and he may mark the tonnage or measurement on every vessel habitually using the said canal, and such measure so marked by him shall always be evidence respecting the tonnage in all questions respecting the tolls or dues to be paid to the said company by virtue thereof.

16. The said company may hold all such lands and water, hereditaments and tenements as may at any time be granted to them by Her Majesty the Queen, Her Heirs or Successors, necessary for the works.

17. The capital stock of the said company shall be eight millions of dollars to be held in eighty thousand shares of one hundred dollars each; and the shares of the said capital stock shall after the first instalment thereon shall have been paid, be transferable by the respective
5 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.

18. All persons, subjects of Her Majesty, or others, may subscribe
10 for any number of shares, the amount whereof shall be payable to the said company, in the manner hereinafter mentioned, that is to say, five per cent. on each share so subscribed shall be payable to the said company immediately after the stockholders shall have elected the directors as hereinafter mentioned, and the remainder by instalments of
15 not more than twenty per centum, at such period as the President and directors shall, from time to time direct for the payment thereof, provided that no instalment shall be called in at a shorter period than sixty days from the next preceding instalment; Provided always, that if any stockholder or stockholders shall neglect or refuse to pay the said
20 company the instalment due upon any share or shares held by him, her or them, at the time required by law, such share or shares, with the amount previously paid thereon, shall be forfeited, and the said directors shall sell such share or shares by public auction, after having given thirty days' notice of such intended sale to such stockholder or
25 respective stockholders, and the proceeds thereof, with the amount previously paid thereon, shall be accounted for and applied in the same manner as the other funds of the company; Provided always, that such purchaser or purchasers shall pay all instalments which shall be due upon such shares, over and above the purchase money thereof, immediately after the sale, and before they shall be entitled to a certificate of
30 the transfer of such share or shares so to be purchased as aforesaid.

19. The directors of the said company may appoint such and so many agents in this Province, or in any other part of Her Majesty's Dominion or elsewhere, as to them shall seem expedient, and may by
35 any By-law to be made for such purpose empower and authorize any such agent or agents to do and perform any act or thing or to exercise any powers which the directors themselves or any of them may lawfully do, perform or exercise, except the power of making By-laws; and all things done by such agent or agents by virtue of the powers in
40 him vested by any such By-law, shall be as valid and effectual to all intents and purposes as if done by such directors themselves; any thing in any part of this Act to the contrary notwithstanding.

20. Notwithstanding anything contained in the foregoing section, any of the Municipalities interested in the said works may subscribe
45 for any number of shares in the capital stock of, or lend to, or guarantee the payment of any sum of money borrowed by the company from any corporation or person, or endorse or guarantee the payment of any debenture to be issued by the company for the money by them borrowed, and shall have power to assess and levy, from time to time,
50 upon the whole rateable property of the Municipality, a sufficient sum for them to discharge the debt or any engagement so contracted, and for the like purpose to issue debentures payable either in currency or sterling, and at such places either within or without this Province, and at such time and for such sum respectively, not less than twenty dollars cur-
55 rency, and bearing or not bearing interest as such Municipality may think fit; and any such debenture issued, endorsed or guaranteed shall be valid and binding upon such Municipality, if signed or endorsed, and countersigned by such officer or person, and in such manner and form as shall be directed by any By-law of such Municipality, and the

corporation seal thereto shall not be necessary, nor the observance of any other form with regard to the debentures than such as shall be directed in such By-law as aforesaid.

21. No Municipality shall subscribe for stock or incur any debt or liability under this Act, unless and until a By-law to that effect shall have been duly made and adopted with the consent first had of a majority of the qualified rate-payers of the Municipality, to be ascertained in such manner as shall be determined by the said By-law, after public advertisement thereof, containing a copy of such proposed By-law, inserted at least four times in each newspaper printed within the limits of the Municipality, or if none be printed therein, then in some one or more newspapers printed in the nearest city or town thereto and circulated therein, and also put up in at least four of the most public places in each Municipality. 5
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22. The Mayor, Warden or Reeve, being the Head of such Municipality, subscribing for and holding stock in the company to the amount of twenty thousand dollars or upwards, shall be and continue to be *ex officio* one of the directors of the Company, in addition to the number of directors authorized by this Act, and shall have the same rights, powers and duties as any of the directors of the Company. 20

23. So soon as five hundred thousand dollars of the capital stock shall have been subscribed, and ten per cent. thereon shall have been paid into some one or more of the Chartered Banks of this Province, or into some branch or agency or such Bank or banks, it shall and may be lawful for the subscribers or any of them, to call a meeting, pursuant to directions hereinafter contained, for the purpose of proceeding to elect directors as hereinafter mentioned, and such election shall then and there be made by a majority of the subscribers present in person or by proxy, and the persons then chosen shall remain in office as directors, and be capable of serving until the first Wednesday in February succeeding their election, and until the aforesaid five hundred thousand dollars of stock shall have been subscribed, the following persons shall be provisional directors of the said Company: Hon. Walter H. Dickson Henry Paffard, S. S. J. Brown, William Kirby, Angus Smith, John Brown, J. M. Richards, F. J. King, J. S. McMurray, S. H. McCrae, Robert F. Sage, Donald Robertson, Cheney Amos, A. G. P. Dodge, D. B. Chambers, Hon. J. B. Robinson, Alexander Kirkland, Duncan Milloy, Edward O'Neill, S. H. Follett and Angus Morrison; Provided always, that the parties hereinbefore named or a majority of them, shall cause books of subscription to be opened in the town of Niagara and in such other places as they may, from time to time appoint, until the meeting of Shareholders hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose it shall be their duty, and they are hereby required to give public notice in one or more newspapers published in the said town or place, as they or a majority of them may think proper, of the time and places at which such books will be opened and ready for receiving subscriptions as aforesaid, the persons authorized by them to receive such subscriptions, and the Chartered Bank or Banks into which the ten per cent. thereon is to be paid, and the time hereinafter limited for such payment; and every person whose name shall be written in such books as a subscriber to the said undertaking, and who shall have paid, within ten days after the closing of the said books into the bank or banks aforesaid, or any branches or agencies thereof, ten per centum on the amount of stock so subscribed for, to the credit of the said company, shall thereby become a member of the said company and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein 25
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mentioned by name as members of the said company; Provided also, and it is hereby enacted, that such ten per cent. shall not be withdrawn from the said bank or banks, or otherwise applied except for the purposes of the said company.

5 **24.** The chief duties of the directors so chosen shall be, in the first place, to provide for and pay the preliminary expenses, of the under-
 10 taking, procure and provide means for the payment for accurate and detailed surveys, specifications, plans and estimates of the work to be done, in order to complete the intended navigation as contemplated by
 15 this Act; also to ask, advertise for, and receive tenders for the whole or any part of the proposed work, and generally to do all things authorized by the said company to be done by virtue of this Act; also to issue to the parties, persons or bodies who may have contributed towards the payment of the preliminary expenses, stock certificates of
 the company for the amount of the respective contributions.

25. The said company may from time to time lawfully borrow, either in this Province or elsewhere, such sum or sums of money, not exceeding at any time the subscribed and paid up capital of the company, as they may find expedient, and may make the bonds, debentures or other
 20 securities they shall grant for the sums so borrowed, payable either in currency or in sterling, and at such place or places within or without this Province, as they may deem advisable, and may mortgage or pledge the lands, tolls, revenues or other property of the said company, for the due payment of the said sums and the interest thereon; and the
 25 said company may issue debentures in sums of not less than one hundred dollars currency, at not less than twelve months, provided the whole debt, including such debentures, does not at any time exceed the subscribed capital.

26. Each proprietor of shares in the said undertaking shall be en-
 30 titled, on every occasion when, in conformity to the provisions of this Act, the votes of the members of the said Company are to be given, to one vote for each share; Provided always, that all proprietors of shares, whether resident in this Province or not, may vote by proxy, if he, she or they shall see fit, provided that such proxy do produce from his
 35 constituent or constituents a notice in writing in the words or to the effect following, that is to say;

“I, _____, of _____, one of the proprietors of the Ontario and Erie Ship Canal Company, do hereby nominate, constitute and appoint _____, of _____, to be
 40 “my proxy, in my name, and in my absence to vote or give my assent “or dissent to any business, matter or thing relating to the said undertaking, that shall be mentioned or proposed at any meeting of the “proprietors of the said undertaking, or any of them, in such manner “as he the said _____ shall think fit, according to his opinion
 45 “and Judgment for the benefit of the said undertaking, or any thing “appertaining thereto.
 “In witness whereof, I have hereunto set my hand and seal, the “day of _____, in the year one thousand eight
 “hundred and _____.”

50 And such vote or votes, by proxy, shall be as valid as if such principals had voted in person; and whatsoever question, election of proper officers, matters or things, shall be proposed, discussed or considered in any public meeting of the proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then
 55 present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company and be deemed the decision and Acts of the said company.

27. No shareholder in the said company shall be in any manner whatsoever liable or charged for any debt or demand due by the said company, beyond the payment or the extent of his, her or their share in the capital of the said company not paid up.

28. The affairs of the said company shall be managed by a Board of eleven directors, who shall elect from among themselves a President and Vice-President; the said directors may be subjects of Her Majesty or otherwise; the said directors shall be elected on the first Wednesday in February in every year, at a meeting of stockholders, to be held in the town of Niagara, and the said election shall be made by such Stockholders as shall be present at such meeting in person or by proxy, and all elections for directors shall be by ballot, and the eleven persons who shall have the greatest number of votes at any election, shall be Directors, (except as hereinbefore or after provided), and if two or more persons shall have an equal number of votes, in such manner, that more than eleven shall, by a plurality of votes appear to be chosen directors, a second ballot shall be held to determine which of the said persons having an equal number of votes, shall be director or directors.

29. The directors so chosen or those appointed in their stead in case of vacancy, shall remain in office until the first Wednesday in the month of February next following their election, and on the said first Wednesday in February, and on the first Wednesday in February in each year thereafter, or on such other day as shall be appointed by any By-law, an annual general meeting of the said proprietors shall be held at the office of the company, for the time being, to choose eleven directors for the ensuing year; but if at any time it shall appear to any ten or more of such proprietors holding together two hundred shares at least, that for more effectually putting this Act into execution, a special general meeting of proprietors is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the company shall, by any By-law direct or appoint, specifying in the said notice the time and place and the reason and intention of such special meeting respectively; and the proprietors are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the proprietors, or the majority of them, at such special meetings assembled, such majority not having either as principal or proxies less than two hundred shares, shall be as valid to all intents and purposes as if the same were done at annual meetings; Provided always, that it shall and may be lawful for the said directors, in case of the death or absence, resignation or removal of any person elected a director to manage the affairs of the said company, in manner aforesaid, to appoint another or others in the room or stead of those of the directors who may die or be absent, resign or be removed as aforesaid, anything in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors.

30. The directors shall, at their first (or at some other) meeting after the day appointed for the Annual General Meeting in each year, elect one of their members by ballot to be the President of the said company, who shall always (when present) be the chairman of and preside at all meetings of the directors, and shall hold his office until he shall cease to be a director, or until another President shall be elected in his stead, and the said directors may in like manner elect a Vice-President who shall act as chairman in the absence of the President.

31. Any meeting of the said directors, at which not less than six directors shall be present, shall be a *quorum*, and shall be competent to use and exercise all and any of the powers hereby vested in the said directors; Provided always, that no one director, though he may be a proprietor of many shares, shall have more than one vote at any meeting of the directors, except the president or vice-president when acting as chairman, or any temporary chairman, who, in case of the absence of the president or vice-president, may be chosen by the directors present, either of whom, when presiding at a meeting of the directors shall, in case of a division of equal members, have the casting vote, although he may have given one vote before; And provided also, that such directors shall, from time to time be subject to the examination and control of the said annual and special meetings of the said proprietors as aforesaid, and shall pay due obedience to all by-laws of the said Company and to such orders and directions in and about the premises as they shall, from time to time receive from the said proprietors at such annual or special meetings; such orders and directions not being contrary to the special directions or provisions in this Act contained; And provided also, that the act of any majority of a *quorum* of the directors present at any meeting regularly held, shall be deemed the act of the directors.

32. Every such annual meeting shall have power to appoint not exceeding three auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the treasurer, receiver or receivers and other officer or officers to be by the said directors appointed, or by any other person or persons whatsoever, and employed by or concerned for or under them in and about the said undertaking, and to that end the said auditors shall have power to adjourn themselves over from time to time and from place to place, as shall be thought convenient by them; and the said directors chosen under the authority of this Act, shall have power, from time to time to make such call or calls of money from the stockholders of the said canal and other works, to defray the expenses of or to carry on the same as they, from time to time may find wanting and necessary for these purposes, except as before provided; and such directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking, and to affix or authorize any person to affix the common seal of the Company to any act, deed, by-law, notice or other document whatsoever; and any such act, deed, by-law, notice or other document, bearing the common seal of the Company, and signed by the president or vice-president shall be deemed the act of the directors of the said Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign and affix the said seal thereto, be liable to be called in question by any party except the Company,

33. The owner or owners of one or more shares in the said undertaking, 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 thirty days' notice at least shall be given in two newspapers as aforesaid, or in such other manner as the said proprietors or their successors shall by any by-law direct or appoint.

34 The said Company shall always have power and authority at any general meeting assembled as aforesaid, to remove any person or persons chosen upon such board of directors as aforesaid, and to elect others

to be directors in the room of those who shall die, resign or be removed, and to remove any other officer or officers under them, to revoke, alter, amend or change any of the by-laws or orders prescribed with regard to the proceedings amongst themselves (the method of calling general meetings, and their time and place of assembling, and manner of voting 5 and appointing directors only excepted,) and shall have power to make such new rules, by-laws and orders for the good government of the said Company, and their servants, agents or workmen, for the good and orderly making and using the said canal, and all other works connected therewith or belonging thereto, as hereby authorized, and for the well 10 governing of all persons whatever travelling upon or using the said canal and other works, or transporting any goods, wares, merchandise or other commodities thereon, which said by-laws and orders shall be put into writing under the common seal of the said Company, and shall be kept in the office of the Company, and a printed or written copy of so 15 much of them as relates to or affects any party other than the members or servants of the Company, shall be affixed openly in all and every of the places where tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same; and the said by-laws and orders so made and published as aforesaid shall be binding 20 upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same; and any copy of the said by-laws, or any of them, certified as correct by the president, or some other person authorized by the directors to give such certificate, and bearing the common seal of the said Company, shall 25 be deemed authentic, and shall be received as evidence of such by-laws in any court without further proof.

35. All sales of the shares in the said undertaking shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require.

I, A. B., in consideration of the sum of _____ paid by C. D., of _____ do hereby bargain, sell and transfer to the said C. D., _____ share (or shares) of the Stock of the Ontario and Erie Ship Canal Company; to hold to him the said C. D., his executors, administrators and assigns, subject to the same rules and 35 orders, and on the same conditions that I held the same immediately before the execution hereof; and I, the said C. D., do hereby agree to accept the said _____ share (or shares) subject to the rules, orders and conditions.

Witness our hands and seals, this _____ day of _____ 40
in the year one thousand eight _____ : Provided always that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

36. It shall and may be lawful to and for the said directors, and they are hereby authorized from time to time, to nominate and appoint 45 a treasurer or treasurers, and a clerk or clerks to the said company, taking such security for the due execution of their respective offices as the directors shall think proper; and such clerk shall, in a proper book or books, enter and keep a true and perfect account of the names and places of abode of theseveral stockholders of the said company, and of the 50 several persons who shall, from time to time, become owners or proprietors of, or entitled to any share or shares therein, and of the other acts, proceedings and transactions of the said company, and of the directors for the time being, by virtue of and under the authority of this act; And the said directors shall have power by by-law to fix and regulate the tolls to be taken upon the said canal, but no such tolls shall 55 be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof.

37. The said company, or the directors of the said company shall, and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of December in each year, of the money collected and received by
 5 the said company, or by the directors or treasurer of the said company, or otherwise, for the use of the said company by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and of all other receipts and expenditures of the said company or the said directors: And at the general
 10 meetings of the proprietors of the said undertaking to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such meetings shall declare otherwise and such dividend shall be at and after the rate of so much per share upon the several shares held by the proprietors in the joint stock of the said
 15 company, as such meeting or meetings shall think fit to appoint or determine; Provided always, that no dividend shall be made, whereby the capital of the said company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share after a day appointed for payment of any call for money in respect thereof, until
 20 such call shall have been paid.

38. In all cases where there shall be a fraction in the distance which vessels, rafts, goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said navigation, such fraction shall, in ascertaining the said rates, be deemed and considered
 25 as a whole mile; and in all cases where there shall be the fraction of a ton, in the weight of any such goods, wares, merchandize, and other commodities, a proportion of the said rates shall be demanded and taken by the said company of proprietors to the number of quarters of a ton contained therein; and in all cases where there shall be the
 30 fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

39. Every matter or thing which the said company are authorized to do or suffer, shall be interpreted to mean that the said company shall be empowered to do and suffer all such acts, matters and things
 35 by their duly appointed agents, servants and workmen, whether the same be specially mentioned or not; and in all cases wherein the said canal is mentioned in this Act, the same shall apply to all branches, feeders, reservoirs and rivers or parts of rivers which shall be made part or parcel of the navigation thereof, or of the supplying of the same
 40 with water.

40. The said company shall at all times, when thereunto required by the Post Master General of this Province, the Commander of the Forces, or any person having the superintendence or command of any
 45 Police Force, carry Her Majesty's Mails, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others, travelling on Her Majesty's service, on the said canal, on such terms and conditions, and under such regulations as the Governor or Person administering the Government shall, in Council, appoint and declare.
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41. The said company shall and are hereby required and directed to take sufficient security by one or more bond or bonds, in a sufficient penalty or penalties from their treasurer, receiver and collector for the time being, of the moneys to be raised by virtue of this Act, for the
 55 faithful execution, by such treasurer, receiver and collector of his and their office and offices respectively.

42. If any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this
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Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the defendant or defendants in such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her or their action or suit, after the defendant or defendants shall have appeared, or if judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have full costs, and shall have such remedy for the same as any defendant or defendants hath or have for costs of suit in other cases by law. 5 10 15

43. Any contravention of this Act by the said company or any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punished accordingly, but such punishment shall not exempt the said company (if they be the offending party) from the forfeiture of this Act, and the privileges hereby conferred on them, if, by the provisions thereof, or by law, the same be forfeited by such contravention. 20

44. Nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned. 25

45. At any time after the making and completing the said canal it shall be lawful for Her Majesty, Her Heirs and Successors to assume the possession and property of the same and of all and every the works and dependencies thereto belonging, upon paying to the said company; their heirs, executors, administrators and assigns the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards making and completing the said canal, together with such other sums as will amount to ten per centum upon the moneys so advanced and paid, as a full indemnification to such company, and the said canal, shall from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors, who shall thenceforth be substituted in the place and stead of the said company, their heirs and assigns, for all the purposes of this Act in so far as regards the said canal. 30 35 40

No.91.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to incorporate the Ontario and
Erie Ship Canal Company.

PRIVATE BILL.

Mr. MORRISON (Niagara).

OTTAWA:
PRINTED BY HUNTER, ROSE & CO.

An Act to enable William Wagner to obtain Letters Patent for a new and useful Invention called "An improvement on the Ellershausen process for the converting of cast iron into malleable iron."

WHEREAS William Wagner, of the city of Montreal, Land Preamble.
 Surveyor, a British subject and resident in Canada, has by his Petition represented that he has become acquainted with and obtained a knowledge of a new and useful invention called "An improvement
 5 on the Ellershausen process for the converting of cast iron into malleable iron," and is desirous of introducing and operating the same in the Dominion of Canada; and that the working of the said Invention would prove of great public utility; and he hath prayed that an Act may be passed to enable him to obtain a Patent for the said invention;

10 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:

1. Notwithstanding anything to the contrary contained in Chapter
 15 Thirty-four of the Consolidated Statutes of Canada, intituled: An Act respecting Patents of invention, it shall be lawful for the Governor
 General, if he shall see fit, upon satisfactory proof of the truth of the said statements of the said Petitioner, to grant Letters Patent to the said William Wagner for the said invention, in the same manner and
 20 to the same effect as the same might have been granted to him under the said Act if he had been the Inventor of the said Invention.

Governor may grant a Patent notwithstanding Con. Stat. Can. c. 34.

2. Any such Letters Patent to be granted as aforesaid, shall nevertheless be granted on the following conditions;

Conditions upon which a Patent shall be granted. Factory in Canada.

25 1. That the Patentee, his heirs or assigns shall within two years from the date of the Letters Patent, establish or cause to be established within the limits of the Dominion, a Factory in which the said invention shall be used, practised and carried on.

No. 92.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to enable William Wagner to obtain Letters Patent for a new and useful Invention called "An improvement on the Ellershausen process for the converting of Cast Iron into Malleable Iron."

PRIVATE BILL.

Hon. Mr. TUPPER.

OTTAWA:
PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Act of Canada 12 Vict. Cap. 114. "to consolidate the laws relative to the powers and duties of the Trinity House of Quebec, 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:

1. In case any vessel, or wreck, or other thing, sinks, or is lost in the River St. Lawrence, between the basin of Portneuf, inclusively, and an imaginary line drawn from the eastern anchorage ground off Barnaby Island, near the south shore, to the eastern anchorage ground under Cape Columbia on the north shore of the said river so as to obstruct the navigation of the said river, the master of such vessel or the owner or other person for the time being in charge of such wreck or other thing, shall within forty eight hours after the occurrence of such obstruction, if it takes place within the limits of the Harbor of Quebec, that is to say, between St. Patrick's Hole, inclusively, and the mouth of the Cap-Rouge River, inclusively, and as soon as possible after the expiration of forty-eight hours from such occurrence, if it takes place beyond such limits, unless such obstruction have been already removed, send or give to the Trinity House of Quebec a notice in writing, describing the nature, and time, and place of the occurrence, and the situation of such obstruction:—under a penalty of not less than ten dollars and not more than forty dollars.

2. Every such master or owner, or person in charge as aforesaid shall further, as soon as possible after, and at the latest within forty-eight hours after, the occurrence of such obstruction, unless the same have been sooner removed, place some proper and sufficient signal by day, and some sufficient light or lights by night to indicate the place or situation of such obstruction, and shall keep and maintain such signal by day, and light or lights by night continually displayed, to the satisfaction of the Trinity House of Quebec, until such obstruction is wholly removed.

3. Any such master or owner or other person as aforesaid, failing or neglecting to comply with all or any of the provisions of the next preceding section shall be liable to a penalty of not less than five dollars nor more than ten dollars for every day or night during which such failure or neglect shall continue, over and above any sum which the Trinity House of Quebec may have expended, as it is hereby authorized to do, in causing such signal by day or light or lights by night, or both, to be placed as aforesaid and to be kept and maintained continually displayed as aforesaid, or only to be kept and maintained continually displayed as aforesaid, in consequence of the failure or neglect so to do of such master or owner or other person.

4. All suits for penalties incurred under this Act shall be brought before the Trinity House of Quebec; and to all such suits, and the costs thereof, and the penalties recovered therein the rules of law with respect to all other suits for penalties before the said Trinity House, and the costs thereof, and the penalties recovered therein, shall apply.

5. Expenses incurred by the Trinity House of Quebec under the third section of this Act may be recovered by civil suit or action in any Court in Canada having jurisdiction in civil cases to the amount within the limits of whose jurisdiction the defendant is served with process.

6. Any owner of or other person having power to convey or dispose of any vessel, or wreck, or other thing forming such an obstruction as aforesaid, may at any time relieve and discharge himself of all further liability in respect of such obstruction by paying or securing to the Trinity House of Quebec, to its satisfaction, the sum (if any) it may have expended in respect thereof under the provisions of the third section of this Act, and by making and signing a relinquishment in writing of all his interest in such vessel, wreck or other thing to the said Trinity House of Quebec; provided the said Trinity House be willing to accept the same. 5 10

7. After fifteen days have elapsed since the date of the occurrence of any such obstruction as aforesaid, without any compliance on the part of the master of the vessel or owner or other person for the time being in the charge of the wreck, or other thing causing such obstruction, with the requirements of the third section of this Act or since the date of his last compliance with such requirements, without such obstruction having been removed, and without such master or owner or other person having availed himself of the provisions of the next preceding section, the intention of the owner of such vessel, wreck or thing to relinquish all his interest therein to the Trinity House of Quebec shall be presumed. 15 20 25

8. In any case under either of the two next preceding sections, the Trinity House of Quebec may if it sees fit, take possession of a vessel, wreck or other thing forming an obstruction to the navigation of the River St. Lawrence as aforesaid, and remove the same by any means in its power, and may dispose of the same in the same manner, and after the observance of the same formalities as are required by law in the case of things found in the River St. Lawrence within its jurisdiction, and not claimed, and may indemnify itself out of the proceeds of sale for all expenses incurred with respect to such vessel, wreck or other thing. 30

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An Act to incorporate the Dominion Bank.

WHEREAS John Worthington, James Crowther, John Crawford, M. P., The Honorable J. C. Aikens, Walter Sutherland Lee, Joseph Gould, The Honorable John Ross, James Holden and Aaron Ross, and others, have by their Petition prayed that they and their
5 legal representatives might be incorporated for the purpose of establishing a Bank in the city of Toronto; and whereas it would be conducive to the general prosperity of that section of the country and greatly facilitate and promote the agricultural and commercial growth of the
10 said locality; and whereas it is but just that the said persons and others who see fit to associate themselves should be incorporated for the said purpose: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:

1. The several persons hereinabove named, and such other persons
15 as may become Shareholders in the Company to be by this Act created, and their assigns shall be and they are hereby created, constituted and declared to be a Corporation, body corporate and politic by the name of "The Dominion Bank" and shall continue such Corporation, and shall have perpetual succession and a corporate
20 seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law as other corporations may do, and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of ten thousand dollars currency, and may
25 sell, alienate or exchange the same and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such rules, regulations and by-laws as to them shall seem meet and necessary for the due and proper administration of their affairs, and the due management of the said Bank, (such by-laws and regulations
30 not being inconsistent with this Act, or contrary to the laws of Canada): Provided however, that such rules, regulations and by-laws shall be submitted for approval to the Stockholders or Shareholders in the said Bank, at their regular annual meetings,

2. The capital stock of the said Bank shall be one million of dollars of
35 lawful money of Canada, divided into twenty thousand shares of fifty dollars of lawful money aforesaid each, which said shares shall be, and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns.

3. As soon as the sum of three hundred thousand dollars of the said
40 capital stock shall have been subscribed and one hundred thousand dollars actually paid in to some one of the present Chartered Banks in Canada thereupon, it shall and may be lawful for the subscribers, or the majority of them, to call a meeting at some place to be named, in the city of Toronto, for the purpose of proceeding to the
45 election of the number of Directors for the said Bank hereinafter mentioned; and such election shall then and there be made by a majority of shares voted upon in the manner hereinafter prescribed in respect of

the annual election of Directors, and the persons then and there chosen shall be the first Directors, and shall be capable of serving until the first Wednesday of May then next ensuing the said election: Provided always that no such meeting of the said subscribers shall take place until a notice specifying the objects of such meeting is published in one or more newspapers, published in the city of Toronto, at least twenty days previous to such time of meeting. 5

4. The shares of capital stock subscribed for, shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint; and Executors, Administrators and Curators paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same: Provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal at least to ten per centum on the amount subscribed for, be actually paid at the time of subscribing; Provided further, that it shall not be lawful for the subscribers of the capital stock hereby authorized to be raised, to commence the business of Banking, until a sum not less than one hundred thousand dollars shall have been duly paid in to some one of the present Chartered Banks in Canada by such subscribers: Provided further, that the remainder of the said capital stock shall be subscribed and paid up as follows, that is to say, the sum of fifty thousand dollars within eighteen months, the further sum of one hundred thousand dollars within three years, the further sum of one hundred thousand dollars within four years, and the further sum of one hundred and fifty thousand dollars within five years, and the further sum of five hundred thousand dollars within ten years after the said Bank shall have so commenced the business of Banking, under penalty of forfeiture of their charter. 10 15 20 25

5. The stock, property, affairs and concerns of the said Bank shall be managed and conducted by seven Directors, one of whom to be the President, who, excepting as is hereinbefore provided for, shall hold their offices for one year, which Directors shall be stockholders residing in Canada, and be elected on the first Wednesday of May, in every year, at such time of the day and at such place in the city of Toronto aforesaid, as a majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors as hereinbefore provided in the next preceding section, previous to the time of holding the said election, and the said election shall be held and made by such of the said Shareholders of the said Bank as have paid all calls made by the Directors and as shall attend for that purpose in their own proper person, or by proxy, and all elections for Directors shall be by ballot, and the said proxies shall only be capable of being held by and voted upon by Shareholders then present; and no one Shareholder shall be entitled to give upon proxies held by him, more than one hundred votes at such election; and the seven persons who shall have the greatest number of votes at any election shall be the Directors, except as is hereinafter directed; and if it should happen at any election, that two or more persons have an equal number of votes in such a manner that a greater number of persons shall, by a plurality of votes appear to be chosen as Directors, then the Directors who shall have had a greater number of votes, or the majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of seven; and the 30 35 40 45 50 55

said Directors as soon as may be after the said election, shall proceed in like manner to elect by ballot, two of their number to be their President and Vice-President; but Stockholders not residing within the Dominion of Canada shall be ineligible; and if any Director shall
5 move out of Canada, his office shall be considered as vacant, and if any vacancy or vacancies should at any time happen amongst the said Directors, by death, resignation, disqualification, or removal during the current year of office, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by the remain-
10 ing Directors, or the majority of them electing in such place or places a Shareholder or Shareholders eligible for such office: Provided always, that no person shall be eligible to be or continue as Director unless he shall hold in his name and for his own use, stock in the said Bank to the amount of twenty shares.

15 **6.** In case it should at any time happen that an election of Directors of the said Bank should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day, to hold and make an election of Directors in such manner as
20 shall have been regulated by the by-laws of the said Bank.

7. Each Shareholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in the said Bank, in his or her own name at least one month prior to the time of voting according to the following scale that is to say, at the rate of
25 one vote for each share; and all questions proposed for the consideration of the said Shareholders shall be determined by the majority of their votes, the Chairman elected to preside at any such meeting of the said Shareholders shall have the casting vote: Provided always, that no Cashier, Bank Clerk, or other officer of the Bank shall either vote
30 in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose,

8. The books, correspondence, and funds of the Corporation shall at all times be subject to the inspection of the Directors, but no Shareholder not being a Director, shall inspect, or be allowed to inspect, the
35 account or accounts of any person dealing with the Corporation.

9. It shall be the duty of the Directors of the said Bank to make half yearly dividends, of so much of the profits of the said Bank, as to them or to the majority of them shall appear advisable.

10. The Directors for the time being or the major part of them,
40 shall have power to make such by-laws, and regulations not repugnant to the provisions of this Act or of any other Act of the Parliament of Canada as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Bank, and touching the duties and conduct of the officers, clerks and servants
45 employed therein, and all such other matters as appertain to the business of a Bank; provided always, that no By-law or regulation so made by the Directors shall have force or effect until the same shall have been confirmed by the Shareholders at an Annual general meeting, or at a Special general meeting, called for that purpose, and
50 the Directors for the time being, or the major part of them shall also have power to appoint as many officers, clerks and servants for carrying on the said business and with such salaries

and allowances as to them shall seem meet, and shall have power to make such calls of money from the several Shareholders for the time being upon the shares in the said Bank, subscribed for by them respectively, as the said Board find necessary, and in the corporate name of the said Bank to sue for, recover and get in all such calls, or to 5 cause and declare such shares to be forfeited to the said Bank in the case of non-payment of any such call; and an action of debt may be brought to recover any money due on any such call; and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one 10 share or more (as the case may be) in the capital stock of the said Bank and is indebted for calls upon the said share or shares to the said Bank, in the sum to which the call or calls amount (as the case may be, stating the number and amount of such calls), whereby an action hath accrued to the said Corporation, to recover the same from such defendant by 15 virtue of this Act; and it shall be sufficient to maintain such action, to prove by any one witness (a Shareholder being competent), that the defendant at the time of making any such call, was a Shareholder in the number of shares alleged, and to produce the by-law or resolution of the Board making and prescribing such call, and to prove notice 20 thereof given in conformity with such by-law or resolution, and it shall not be necessary to prove the appointment of the said Board of Directors or any other matter whatsoever. Provided that each said call shall be made at intervals of thirty days, and upon notice to be given thirty days at least prior to the day on which such call shall be pay- 25 able and any such calls shall not exceed twenty per cent. of each share subscribed: And provided always that before permitting any cashier, officer, clerk or servant of the Corporation to enter upon the duties of his office, the Directors shall require every such cashier, officer, clerk or servant to give bond, to the satisfaction of the Directors, with con- 30 ditions of good and faithful behaviour,

11. The Directors, including the said President and Vice-President shall be entitled to such emolument for their services as may be fixed by any order or resolution passed at the usual annual meeting of Shareholders; and any five shall constitute a Board for the transaction of 35 business, of whom the President or Vice-President shall be one, except in case of sickness or absence, in which case the Directors present may choose out of their number a chairman for such meeting.

12. No Bill or Note for any sum whatever shall be issued or put into circulation by the said Bank, until one hundred thousand dollars 40 of the capital stock of the said Bank shall have been actually paid in and shall be held by and in the actual possession of the said Bank in gold or silver coin, current in Canada.

13. The chief place or seat of business of the said Bank shall be in the city of Toronto aforesaid, but it shall and may be lawful for the 45 Directors of the said Bank, to open and establish in other cities, towns and places in Canada, branches or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said Directors shall from time to time seem meet, and shall not be repugnant to any law of 50 Canada, to this Act, or to the bylaws of the said Bank.

14. At every annual general meeting of the Shareholders of the said Bank to be held in the city of Toronto in the manner hereinbefore provided, the Directors shall submit a full and clear statement of the

affairs of the said Bank, containing on the one part, the amount of the capital stock paid in, the amount of the notes of the Bank in circulation, and net profits made, and the balance due to other banks and institutions, and the cash deposited in the Bank, distinguishing deposits
5 bearing interest from those not bearing interest, and on the other part, the amount of current coins, the gold and silver bullion in the vaults of the Bank, the balances due to the bank from other banks and institutions, the value of the real and other property of the Bank, and the amount of debts owing to the bank, including and particular-
10 izing the amounts so owing upon bills of exchange, discounted notes mortgages and other securities, thus exhibiting on the one hand the liabilities of or the debts due by the Bank, and on the other hand the assets and resources thereof: and the said statement shall also exhibit the rate and amount of the then last dividend declared by the Direc-
15 tors, the amount of reserved profits at the time of declaring the said dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.

15. The shares of the capital stock of the said Bank shall be held
20 and adjudged to be personal estate, and be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the said Bank or any of its branches which the Directors shall ap-
point for that purpose and according to such form as the Directors shall prescribe: but no assignment or transfer shall be valid or effect-
25 ual unless it be made and registered in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts or liabilities due or con-
tracted and not then due by him, her or them to the Bank, which may exceed in amount the remaining stock, if any, belonging to such per-
30 son or persons; and no fractional part or parts of a share or other than a whole share shall be assignable or transferable: and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed,
35 shall within thirty days after the sale, leave with the Cashier of the said Bank, an attested copy of the writ, with the certificate of such sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all the debts due or liabilities con-
tracted and not then due by the holder or holders of the said shares to the Bank shall have been discharged as aforesaid) the President or
40 Vice-President or the Cashier of the Bank shall execute the transfer of the share or shares so sold, to the purchaser, and such transfer being accepted shall be to all intents and purposes, as valid and effectual in law, as if it had been executed by the holder of such shares; any law or usage to the contrary notwithstanding.

16. The said Bank hereby constituted shall not, either directly or
45 indirectly, hold any lands or tenements, (save and except such as by the first section of this Act they are specially authorized to acquire and hold), or any ships or other vessels or any share or shares in the
50 stock of the Corporation, nor in any bank in Canada, nor shall the said Bank, either directly or indirectly, lend money or make advances upon the security or mortgage of any lands or tenements, or
of any ships or other vessels, nor upon the security or pledge of any share or shares of the capital stock of the said Bank, nor shall the said
55 Bank, either directly or indirectly, raise loans of money, or deal in the buying or selling or bartering of goods, wares and merchandize, or

engage or be engaged in any trade except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes, and negotiable securities, and in all such trade generally, as legitimately appertains to the business of banking; Provided always, that the said Bank may take and hold mortgages and liens, and assignments of mortgages and liens, on real and other property, by way of security for debts contracted to or with the Bank, in the course of its dealings and also for such purpose may purchase any outstanding mortgages, judgments or other charges upon real or personal property of any debtor of the said Bank.

17. The aggregate amount of discounts and advances, made by the said corporation upon commercial paper or securities bearing the name of any Director or officer, or the co-partnership, name or firm of any Director of the said corporation, shall not at any one time exceed one tenth of the total amount of discounts or advances made by the corporation at the same time.

18. It shall and may be lawful for the said corporation to allow and pay interest, (but not exceeding the legal rate of interest in Canada) upon moneys deposited in the Bank: and also, it shall and may be lawful for the Corporation, in discounting promissory notes, or other negotiable securities, to receive or retain the discount thereon at the time of the discounting or negotiating the same; any law or usage to the contrary notwithstanding.

19. The bonds, obligations and bills, obligatory and of credit of the said Bank, under its common seal, and signed by the President or Vice-President, which shall be made payable to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring, on due acceptance, an action or actions thereupon, in his, her or their name or names, and signification of any such assignment by endorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills and notes of the said Bank, signed by the President or Vice-President, and countersigned by the cashier of the said Bank, promising the payment of money to any person or persons his, her or their order or to the bearer, though not under seal of the said Bank, shall be binding and obligatory on the same, with the like force and effect and in the same manner as they would upon any private person or persons if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable or negotiable in the like manner as if they were so issued by such private person or persons; Provided always, that nothing in this Act contained, shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time any officer of the Bank or any Director other than the President or Vice-President, or any cashier, manager or local Director of a branch or office of discount and deposit of the said Bank to sign, and any accountant or book-keeper of the said Bank, or of any branch or office of discount and deposit thereof, to countersign the bills and notes of the said Bank intended for general circulation and payable to order or to bearer on demand.

20. The bills or notes of the said Bank made payable to order or to bearer, and intended for general circulation, whether the same shall

issue from the chief place or seat of business of the said Bank, in the city of Toronto, or from any of the branches, shall bear date at the place of issue and not elsewhere, and shall be payable on demand in specie at the said place of issue, and each and every office of discount and deposit hereafter to be established under the management or direction of a local board of Directors, shall be considered and held to be a branch bank, and subject to the restrictions as to the issuing and redemption of notes provided in this section.

21. A suspension by the said corporation (either at the chief place or seat of business, or at any of their branches or offices of discount and deposit at other places in Canada,) of payment on demand, in specie, of the notes or bills of the said Corporation, payable on demand, shall, if the time of suspension extend to sixty days consecutively or at intervals, within any twelve consecutive months, operate as and be a forfeiture of this Act of Incorporation, and all and every the privileges hereby granted.

22. The total amount of the notes or bills of the said corporation, being for a less sum than four dollars, current money of Canada, each, which shall be or may have been issued or put in circulation, shall not exceed at any one time one fifth of the amount of the capital stock of the corporation then paid in; Provided always, that no notes under the nominal value of one dollar shall at any time be issued or put into circulation by the corporation: Nor shall any further limitation by Parliament of the total amount of notes to be issued or re-issued by the said corporation be held to be any infringement upon the privilege hereby granted.

23. The total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the capital stock paid in, and the deposits made in the Bank, in specie and Government securities for money; and at no one period after the passing of this Act shall the notes or bills payable on demand and to bearer, exceed the amount of the actually paid up capital stock of the corporation, and the amount of Canada Debentures or Municipal Loan Fund Debentures held by the corporation; and in case of excess, the said corporation shall forfeit this Act of Incorporation and all the privileges hereby granted; and the Directors under whose administration the excess shall happen, shall be liable jointly and severally for the same, in their private capacities, as well to the Shareholders as to the holders of the bonds, bills and notes of the corporation; and an action or actions in this behalf may be brought against them, or any of them, and the heirs, executors, administrators or curators of them, or any of them, and be prosecuted to judgment and execution according to law, but such action or actions shall not exempt the corporation, or their lands, tenements, goods or chattels from being also liable for such excess: Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt, do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of proceedings of the corporation, his protest against the same, and do, within eight days thereafter publish such protest in at least one newspaper published in the city of Toronto, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators, from the liability aforesaid, anything herein contained or any law to the contrary notwithstanding; And provided

always, that such publication shall not exonerate any Director from his liability as a Shareholder.

24. In the event of the property and assets of the said Bank hereby constituted, becoming insufficient to liquidate the liabilities and engagements or debts, the Shareholders of the said Bank in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their capital stock, that is to say, the liability and responsibility of each Shareholder shall be limited to the amount of his or her share or shares of the said capital stock, and a sum of money equal in amount thereto; Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the corporation hereinbefore mentioned and declared.

25. Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the Shareholders thereof, at their annual general meetings, the Directors shall make up and publish on the first day of each month in every year, statements of the assets and liabilities of the said Bank, in the form of the Schedule A. hereunto annexed, shewing under the heads specified in the said form, the average of the amount of the notes of the Bank and other liabilities at the termination of each month during the period to which the statement shall refer, and the average amount of specie and other assets that at the said time were available to meet the same; and it shall also be the duty of the Directors to submit to the Governor a copy of each such monthly statements; and if by him required to verify all or any part of the said statements, the said Directors shall verify the same by the production of the weekly or monthly balance-sheets, from which the said statements shall have been compiled, And furthermore, the said Directors shall from time to time, if required, furnish to the said Governor, such further information as such Governor may reasonably see fit to call for; Provided always, that the Directors shall not, nor shall anything herein contained be construed to authorize them or any of them, to make known the private account or accounts of any person or persons whatever having dealings with the said Bank.

26. It shall not be lawful for the corporation hereby constituted, at any time whatever, directly or indirectly, to advance or lend to, or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money or any securities for money: and if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine; anything in this Act to the contrary notwithstanding.

27. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in the city of Toronto, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette for the publication of Official documents and notices, emanating from the Civil Government of Canadae.

28. Books of subscription may be opened and shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively made transfer-

able and payable at the Bank, in the city of Toronto ; and to that end the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agent or agents as they may deem necessary.

5 **29.** If the interest in any share in the said Bank becomes transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, the Directors may require such transmission to be
10 authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require ; and every such declaration or other instrument so signed, made and acknowledged, shall be left at the Bank, with the cashier or other officer or agent of the Bank, who shall thereupon enter the name of
15 the party entitled under such transmission, in the Register of Shareholders, and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any shares of the profits of the Bank nor to vote in respect to any such share or shares as the holder thereof ; Provided
20 always, that every such declaration and instrument, as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further
25 authenticated by the British Consul or Vice Consul, or other the accredited representative of the British Government, in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice Consul, or other accredited representative ; and provided also that nothing in this Act contained shall be held to
30 debar the Directors, cashier or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

35 **30.** If the transmission of any share of the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and if the transmission have taken place by virtue of any
40 testamentary instrument or by intestacy, the probate of the will or the letter of administration or of tutorship or curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the cashier or other officer or agent of the Bank, who shall then enter the name of the party entitled under such transmission in the Register of Shareholders.

45 **31.** Whenever the interest in any share or shares of the capital stock of the said bank, shall be transmitted by the death of any Shareholder or otherwise, or whenever the ownership of, or legal right of possession, in any such share or shares, shall change by any
50 lawful means, other than by transfer according to the provisions of this Act, and the Directors of the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares
of stock, then and in such case it shall be lawful for the said Bank to
05 make and file, in one of the Superior Courts of law [for Ontario,
55 a declaration and petition in writing addressed to the Justices of the Court, setting forth the facts and the number of shares previously

belonging to the party in whose name such shares stand in the books of the Bank, and praying for an order or judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Bank 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 share or 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 analogous cases before the said Superior Courts; Provided also, that 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.

32. The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares in the Bank may be subject, and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust, and the Bank shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

33. It shall be the duty of the Directors of the said Bank to invest as speedily as the Debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Dominion payable within the same, or of the Consolidated Municipal Loan Fund, one tenth part of the whole paid up capital of the said Bank, and to make a return of the numbers and amount of such Debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank, to the Minister of Finance, in the month of January of each year, under the penalty of the forfeiture of the charter of the said Bank, in default of such investment and return: Provided always that the said Directors shall not commence the ordinary business of banking until the sum of forty thousand dollars shall have been invested in such Debentures.

34. This Act shall be and remain in force until the day of in the year of our Lord one thousand eight hundred and

35. The Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's Reign, Chapter eleven, intituled: *An Act respecting Banks*, shall extend to the said "Dominion Bank" and shall be read and taken to be, and form a part of the Charter of the said "Dominion Bank."

36. On Complaint made on the oath of one credible witness to the effect that there is just cause to suspect that any person is or has been concerned in making or counterfeiting any bank notes or bills of the bank, any magistrate may, by warrant under his hand, cause the

dwelling house, room, workshop, out-house, or other building, dary, garden or other place, where such person shall be suspected of carrying on such making or counterfeiting to be searched ; and all such counterfeit bank bills, notes and such plates, dies, rolling-presses, tools, instruments, and materials used in, or apparently adapted to the making or counterfeiting of such bills or notes, as shall be found therein or thereon shall forthwith be carried before the same or any other magistrate, who shall cause them to be returned and produced upon any prosecution in relation thereto, in any Court of Justice ; and the same after being so produced in evidence, shall be defaced or destroyed, or otherwise disposed of at the discretion of the Court.

37. If the cashier, assistant cashier, manager, clerk or servant of the Bank shall secrete, embezzle or abscond with any bond, obligation, bill obligatory, or of credit or other bill or note, or any security for money, or any money or effects entrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank, or belong to any person or persons, body or bodies politic or corporate, or institution or institutions, and be lodged with the said Bank, the said cashier, assistant cashier, manager, clerk or servant, so offending and being thereof convicted in due form of law shall be deemed guilty of felony.

38. Any person guilty of felony under this Act shall be punished by imprisonment at hard labour in the Penitentiary for any term not less than two years or by imprisonment in any other gaol or place of confinement for any term less than two years in the discretion of the Court,

39. The powers and privileges conferred by this Act and the liabilities or obligations of the shareholders of the said Bank, shall be subject to any legislation either of the present or any future session of the Parliament of Canada, which may take place ; and no general Act whereby any privilege hereby conferred may be affected or impaired shall be deemed an infringement of this the Charter of the said Bank.

FORM OF SCHEDULE A.

Referred to in the 25th Section of the foregoing Act.

Return of the average amount of the liabilities and assets of the Dominion Bank during the period from first to one thousand eight hundred and

LIABILITIES.

Promissory Notes in circulation not bearing interest.....	\$
Bills of Exchange in circulation not bearing interest.....	\$
Bills and notes in circulation bearing interest.....	\$
Balances due to other Banks.....	\$
Cash deposits, not bearing interest.....	\$
Cash deposits, bearing interest.....	\$
Total average Liabilities...	\$

ASSETS.

Coin and bullion.....	\$
Landed or other property of the Bank.....	\$
Government Securities.....	\$
Promissary notes or bills of other Banks.....	\$
Balances due from other Banks.....	\$
Notes and bills discounted.....	\$
Other debts due to the Bank, not included under the fore- going heads.....	\$
Total average Assets.....	\$

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27. If the cashier, assistant cashier, manager, clerk or servant of the Bank shall receive, embezzle or abscond with any bond, obligation, bill, promissory note or other bill or note, or any security for money, or any money or effects entrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the Bank or belong to any person or persons, body or bodies, public or private, or institution or institutions, and be lodged with the said Bank, the said cashier, assistant cashier, manager, clerk or servant, as offender, and being thereof convicted in due form of law, shall be deemed guilty of felony.

28. Any person guilty of felony under this Act shall be punished by imprisonment at hard labour in the Penitentiary for any term not less than two years or by imprisonment in any other jail or place of confinement for any term less than two years, in the discretion of the Court.

29. The powers and privileges conferred by this Act and the liabilities or obligations of the shareholders of the said Bank, shall be subject to any legislation either of the present or any future session of the Parliament of Canada, which may take place; and no general Act whereby any privilege hereby conferred may be affected or impaired shall be deemed an infringement of this Charter of the said Bank.

FORM OF SCHEDULE A

Referred to in the 23rd Section of the foregoing Act.
 Return of the average amount of the liabilities and assets of the Dominion Bank during the period from first
 one thousand eight hundred and

LIABILITIES

Promissory Notes in circulation not bearing interest.....	\$
Bills of Exchange in circulation not bearing interest.....	\$
Bills and notes in circulation bearing interest.....	\$
Balances due to other Banks.....	\$
Cash deposits not bearing interest.....	\$
Cash deposits bearing interest.....	\$
Total average Liabilities.....	\$

ASSETS

35

An Act to further amend the Charter of the Gore Bank.

WHEREAS the President, Directors and Company of the Gore Bank have by Petition set forth, that since the passing of the Act of incorporation of the said Bank, and the Acts amending the same, they have suffered losses in their business which have reduced the actual paid up Capital of the said Bank, and the value of the shares into which it has been divided; that the nominal value of each of such shares is forty dollars, but the actual value thereof, as near as can be estimated, somewhat exceeds twenty-four dollars, and the nominal Capital of the said Bank is one million of dollars, but it has been reduced by such losses, as near as can be estimated, to a sum somewhat exceeding the sum of five hundred thousand dollars; and that it will be advantageous, both to the said Bank and to the Public, to have the nominal value made to coincide and agree with the actual value thereof; and that it will also be advantageous to the said Bank and to the Public to empower the said Bank to raise or restore its actual capital to the amount of one million of dollars, which is the amount deemed proper and authorized by the existing Acts in that behalf, and to increase the number of shares of the said Bank necessary for the qualification of the Directors thereof, and to change the day of the annual meeting of the Shareholders of the said Bank, and to authorize the Shareholders, if they see fit, to change the name of the said Banking Corporation to that of "The Bank of Hamilton;"—and have prayed that in order to carry out and effect such purposes the existing Acts affecting the said Bank may be altered, amended and varied as the same are hereinafter altered, amended and varied; and whereas it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. For and notwithstanding anything contained in the Charter of the Gore Bank, being the Acts of Canada, 23 Vict., Cap. 116, and 26 Vict., Cap. 57, or in any other Act or Enactment, each and every now existing Share in the Capital Stock of such Corporation shall, from and after the passing of this Act, be held to represent and be equal to the sum of twenty-four dollars, and not forty dollars as heretofore, and the total amount of the now existing paid up Capital Stock of such Corporation shall be and hereby is reduced in proportion. Provided always, that the Directors of such Corporation may and are hereby empowered, if they deem it advantageous for the interests of such Bank, at any time hereafter, with the consent of a majority of the Shareholders present, or represented by proxy, at the usual annual or any special meeting called for that purpose, (the vote being taken in the same manner as votes for the election of Directors are taken), to consolidate the said reduced Shares of twenty-four dollars each into Shares not exceeding fifty dollars each; provided, that if by means of such consolidation there shall be any fraction of Shares, or a Share of twenty-four dollars, held by any Shareholder or Shareholders, that may be insufficient to constitute one full Share of fifty dollars, such provision may be made in respect thereof by the said By-Laws as

to the majority of the Shareholders present, or represented at the said meeting as aforesaid, shall be deemed just and proper.

2. The said Directors may, with the assent of the majority of the Shareholders present or represented by proxy, at any ordinary annual or special general meeting called for that purpose by By-Law or By-Laws, increase the Capital Stock of the said Bank, but so that it shall not in the whole exceed the amount of One Million Dollars, (\$1,000,000); and such additional Stock shall be subscribed for in Shares of fifty dollars each, and issued otherwise upon the terms set forth in the first, second, third, fourth, fifth, sixth, ninth, tenth, eleventh and twelfth Sections of the Act passed in the Session held in the twenty-sixth year of Her Majesty's Reign, Chapter fifty-seven, authorizing the issue of two hundred thousand dollars to the then existing capital of said Stock; Provided always, that issuing and subscribing for the additional capital authorized by this Act may take place at any time while the Charter of the said Bank remains in force.

3. From and after the passing of this Act no person although otherwise qualified to be a Director of such Bank, shall be capable of being elected or acting as a Director thereof, unless he be the owner or holder in his own name of at least one thousand dollars of the then Shares of the Capital Stock of such Bank all fully paid up.

4. The annual meetings of the Shareholders shall, after the expiration of the year one thousand eight hundred and sixty-nine, notwithstanding any provision in any Act affecting the said Bank heretofore passed, be held on the first Wednesday of the month of July of each and every year.

5. It shall be lawful for the majority of the Shareholders of the said Bank, present, or represented by proxy, at their next or any future annual meeting, or at any special general meeting of the Shareholders, to be called for that purpose, (the vote being taken in the same manner as votes for the election of Directors are taken), and they are hereby empowered, to change the name of the said Bank to that of "The Bank of Hamilton," and the Resolution of the Shareholders effecting such change of name of such Bank shall be entered in the Minutes of the Meeting in the ordinary Minute Book of the said Bank, and shall specify the day on which such change of name shall take place, which day shall not be less than thirty days from the passage of the aforesaid Resolution; and the President of such Bank shall thereupon forthwith sign and seal with the corporate seal of such Bank, a true copy of such Resolution and transmit the same to the Secretary of State for Canada, who shall, upon receipt thereof, duly file the same in his office; and the said Bank shall also forthwith cause such Resolution to be inserted at full length in the "Canada Gazette," and at least one Newspaper published in the City of Hamilton, for the space of one month. And upon, from and after the day mentioned in said Resolution as that on which the change of name of said Bank shall take effect, the name and style of the said Corporation shall, by virtue of such Resolution and this Act, be changed for all purposes whatsoever, unto, and thereafter be "The Bank of Hamilton," which name and style shall then and thenceforth be sufficient and proper to be used in all then pending and future legal and other proceedings, trans-

able and payable at the Bank, in the city of Toronto ; and to that end the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agent or agents as they may deem necessary.

5 **29.** If the interest in any share in the said Bank becomes transmitted
in consequence of the death or bankruptcy or insolvency of any share-
holder, or in consequence of the marriage of a female shareholder,
or by any other lawful means than by a transfer according to the pro-
visions of this Act, the Directors may require such transmission to be
10 authenticated by a declaration in writing, as hereinafter mentioned, or
in such other manner as the Directors of the Bank shall require ; and
every such declaration or other instrument so signed, made and
acknowledged, shall be left at the Bank, with the cashier or other
officer or agent of the Bank, who shall thereupon enter the name of
15 the party entitled under such transmission, in the Register of Share-
holders, and until such transmission shall have been so authenticated,
no party or person claiming by virtue of any such transmission, shall
be entitled to receive any shares of the profits of the Bank nor to vote
in respect to any such share or shares as the holder thereof ; Provided
20 always, that every such declaration and instrument, as by this and the
following section of this Act is required to perfect the transmission of
a share of the Bank, and as shall be made in any other country than
in this or some other of the British Colonies in North America, or in
the United Kingdom of Great Britain and Ireland, shall be further
25 authenticated by the British Consul or Vice Consul, or other the ac-
credited representative of the British Government, in the country
where the declaration shall be made, or shall be made directly before
such British Consul or Vice Consul, or other accredited representative ;
and provided also that nothing in this Act contained shall be held to
30 debar the Directors, cashier or other officer or agent of the Bank from
requiring corroborative evidence of any fact or facts alleged in any
such declaration.

30 **30.** If the transmission of any share of the Bank be by virtue of the
35 marriage of a female shareholder, the declaration shall contain a copy
of the register of such marriage or other particulars of the celebration
thereof, and shall declare the identity of the wife with the holder of
such share, and if the transmission have taken place by virtue of any
testamentary instrument or by intestacy, the probate of the will or
40 the letter of administration or of tutorship or curatorship, or an official
extract therefrom, shall, together with such declaration, be produced
and left with the cashier or other officer or agent of the Bank, who
shall then enter the name of the party entitled under such transmission
in the Register of Shareholders.

45 **31.** Whenever the interest in any share or shares of the capital
stock of the said bank, shall be transmitted by the death of
any Shareholder or otherwise, or whenever the ownership of, or legal
right of possession, in any such share or shares, shall change by any
50 lawful means, other than by transfer according to the provisions of
this Act, and the Directors of the said Bank shall entertain reasonable
doubts as to the legality of any claim to and upon such share or shares
of stock, then and in such case it shall be lawful for the said Bank to
make and file, in one of the Superior Courts of law for Ontario,
55 a declaration and petition in writing addressed to the Justices of the
Court, setting forth the facts and the number of shares previously

belonging to the party in whose name such shares stand in the books of the Bank, and praying for an order or judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Bank 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 share or 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 analogous cases before the said Superior Courts; Provided also, that 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.

32. The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares in the Bank may be subject, and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust, and the Bank shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

33. It shall be the duty of the Directors of the said Bank to invest as speedily as the Debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Dominion payable within the same, or of the Consolidated Municipal Loan Fund, one tenth part of the whole paid up capital of the said Bank, and to make a return of the numbers and amount of such Debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank, to the Minister of Finance, in the month of January of each year, under the penalty of the forfeiture of the charter of the said Bank, in default of such investment and return: Provided always that the said Directors shall not commence the ordinary business of banking until the sum of forty thousand dollars shall have been invested in such Debentures.

34. This Act shall be and remain in force until the day of in the year of our Lord one thousand eight hundred and

35. The Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's Reign, Chapter eleven, intituled: *An Act respecting Banks*, shall extend to the said "Dominion Bank" and shall be read and taken to be, and form a part of the Charter of the said "Dominion Bank."

36. On Complaint made on the oath of one credible witness to the effect that there is just cause to suspect that any person is or has been concerned in making or counterfeiting any bank notes or bills of the bank, any magistrate may, by warrant under his hand, cause the

dwelling house, room, workshop, out-house, or other building, yard, garden or other place, where such person shall be suspected of carrying on such making or counterfeiting to be searched ; and all such counterfeit bank bills, notes and such plates, dies, rolling-presses, tools, instruments, and materials used in, or apparently adapted to the making or counterfeiting of such bills or notes, as shall be found therein or thereon shall forthwith be carried before the same or any other magistrate, who shall cause them to be returned and produced upon any prosecution in relation thereto, in any Court of Justice ; and the same after being so produced in evidence, shall be defaced or destroyed, or otherwise disposed of at the discretion of the Court.

37. If the cashier, assistant cashier, manager, clerk or servant of the Bank shall secrete, embezzle or abscond with any bond, obligation, bill obligatory, or of credit or other bill or note, or any security for money, or any money or effects entrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank, or belong to any person or persons, body or bodies politic or corporate, or institution or institutions, and be lodged with the said Bank, the said cashier, assistant cashier, manager, clerk or servant, so offending and being thereof convicted in due form of law shall be deemed guilty of felony.

38. Any person guilty of felony under this Act shall be punished by imprisonment at hard labour in the Penitentiary for any term not less than two years or by imprisonment in any other gaol or place of confinement for any term less than two years in the discretion of the Court,

39. The powers and privileges conferred by this Act and the liabilities or obligations of the shareholders of the said Bank, shall be subject to any legislation either of the present or any future session of the Parliament of Canada, which may take place ; and no general Act whereby any privilege hereby conferred may be affected or impaired shall be deemed an infringement of this the Charter of the said Bank.

FORM OF SCHEDULE A.

Referred to in the 25th Section of the foregoing Act.

Return of the average amount of the liabilities and assets of the Dominion Bank during the period from first to one thousand eight hundred and

LIABILITIES.

Promissory Notes in circulation not bearing interest.....	\$
Bills of Exchange in circulation not bearing interest.....	\$\$
Bills and notes in circulation bearing interest.....	\$\$
Balances due to other Banks.....	\$\$
Cash deposits, not bearing interest.....	\$\$
Cash deposits, bearing interest.....	\$\$
Total average Liabilities...	\$\$

ASSETS.

Coin and bullion.....	\$
Landed or other property of the Bank.....	\$
Government Securities.....	\$
Promissary notes or bills of other Banks.....	\$
Balances due from other Banks.....	\$
Notes and bills discounted.....	\$
Other debts due to the Bank, not included under the fore- going heads.....	\$
Total average Assets.....	\$

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The assets of the Bank shall be held in trust for the benefit of the depositors and the Bank shall be liable for the same in the same manner as if it were a trustee. The assets shall be held in trust for the benefit of the depositors and the Bank shall be liable for the same in the same manner as if it were a trustee.

Any person who is guilty of a breach of the provisions of this Act shall be liable to imprisonment for any term not exceeding two years or to a fine not exceeding five hundred dollars or to both such imprisonment and fine at the discretion of the Court.

The powers and privileges conferred by this Act and the liabilities and obligations of the shareholders of the said Bank shall be subject to any alteration of the present or any future session of the Parliament of Canada which may take place; and no general law which may be passed or may be amended or repealed shall be deemed an amendment of the Charter of the said Bank.

FORM OF SCHEDULE A

Returned to in the 21st Section of the foregoing Act
 Balance of the average amount of the liabilities and assets of the
 Dominion Bank during the period from the
 1st day of January 1871 to the 31st day of December 1871

LIABILITIES

Provision for interest on bills and notes in circulation not bearing interest.....	\$
Bills of Exchange in circulation not bearing interest.....	\$
Bills and notes in circulation bearing interest.....	\$
Deposits due to other Banks.....	\$
Cash due to and bearing interest.....	\$
Contingencies bearing interest.....	\$
Total average liabilities.....	\$

ASSETS

Coin and bullion.....	\$
Landed or other property of the Bank.....	\$
Government Securities.....	\$
Promissary notes or bills of other Banks.....	\$
Balances due from other Banks.....	\$
Notes and bills discounted.....	\$
Other debts due to the Bank, not included under the fore- going heads.....	\$
Total average Assets.....	\$

actions and affairs of the said Bank, or in any wise concerning the same.

6. The said change of name of such Bank, when and after it shall be so effected, shall be considered for all purposes and by all
5 Courts and Tribunals to be sufficiently proved by the production of a copy of such Resolution, under the corporate seal of such Bank, or by a copy thereof, certified by the Secretary of State, or by the production of any of the issues of the "Canada Gazette," containing the aforesaid advertisement thereof.

10 7. The said change of name of such Bank, shall not nor shall anything contained in this Act, or authorized by it, be construed to release or in any wise affect the liability of any surety or sureties or other person or persons bound or liable to said Bank; and the said Bank shall by the name of "The Bank of Hamilton"
15 possess and exercise all the property, rights, powers and privileges, and be bound by and discharge all the liabilities, debts, contracts and obligations which the said Bank held, possessed, or was liable for under the name of "The Gore Bank," or "The President, Directors and Company of the Gore Bank."

20 8. This Act shall be a Public Act, and may be referred to and cited in pleadings, and upon all other occasions and in all Courts and elsewhere, as The Gore Bank Act, 1869.

and elsewhere as The Gore Bank Act 1869.

90 § This Act shall be a Public Act and may be cited to and
called in pleadings and upon all other occasions and in all Courts
and elsewhere as The Gore Bank Act 1869.

91 The Directors and Company of the Gore Bank
may make by order the name of "The Gore Bank" or "The First
Company and variations which the said bank held, possessed, or
used, and be bound by and discharge all the liabilities, debts,
liabilities and contracts all the property rights, powers and duties
the said bank shall by the name of "The Bank of Hamilton"
the said bank or persons bound or liable to said bank, and
to release or to not take effect the liability of any surety or sure-
ties contained in this Act or authorized by it, be construed
as if the name of such bank shall not be so construed.

92 The said change of name of such bank shall not affect
the production of any of the returns of the "Canada Gazette"
by the production of any of the returns of the Secretary of State or
bank or by a copy thereof certified by the Secretary of State or
of a copy of such resolution under the corporate seal of such
Court and Tribunal to be sufficiently proved by the production
of the said certificate, shall be considered for all purposes and by all
persons as if the said change of name of such bank when and after it
was made and before of the said bank, or in any case concerning the
same.

BILL.

An Act respecting inquiries and investigations into shipwrecks, and other matters.

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

1. In any of the cases following, that is to say, whenever any ship is lost, abandoned or materially damaged on or near the coast of Canada, or any island or place adjacent thereto ;
5 Whenever any ship causes loss or material damage to any other ship on or near such coasts, island or place ;

Inquiries to be instituted in cases of wreck and casualty.

Whenever by reason of any casualty happening to or on board of any ship on or near such coasts, island or place, loss of life ensues ;
10 Whenever any such loss, abandonment, damage or casualty happens elsewhere, and any competent witnesses thereof arrive or are found at any place in Canada ;

The principal officer of Customs residing at or near the place where such loss, abandonment, damage or casualty occurred, if the same occurred on or near the coasts of Canada, or any island or place adjacent thereto, but if elsewhere, at or near the place where such witnesses as aforesaid arrive, or are found, or can be conveniently examined, or any other person appointed for the purpose by the Minister of Marine and Fisheries, may make enquiry respecting such loss, abandonment,
15 damage or casualty.
20

2. Every such officer or person as aforesaid shall have the following powers, that is to say :

(1.) He may go on board any ship, and may inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, the boarding or inspection of which appears to him to be requisite for the purpose of the inquiry he is required to make, not unnecessarily detaining any such ship from proceeding on any voyage.
25

Powers of Officers making inquiries.

(2.) He may enter and inspect any premises, the entry and inspection of which appears to him to be requisite for the purpose of the inquiry he is to make.
30

(3.) He may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make.
35

(4.) He may require and enforce the production of all books, papers or documents which he considers important for such purpose,

(5.) He may administer oaths, or may, in lieu of requiring and administering an oath, require every person examined by him to make and subscribe a solemn affirmation or declaration of the truth of the statement made by him in his examination.
40

And any wilfully false statement made by any such witness on oath or solemn affirmation, or in any such declaration shall be a misdemeanor, punishable in the same manner as wilful and corrupt perjury, and every witness so summoned
45

Wilfully false statements, perjury. Witness to be allowed expenses.

shall be allowed such expenses as would be allowed to any witness attending on subpoena to give evidence before any Court of Record in the same Province of Canada, and in case of any dispute as to the amount of such expenses, the same shall be referred by such officer or person to the nearest Prothonotary, or clerk, or master, or other taxing officer of any Court of Record within the jurisdiction of which the attendance is required, who, on a request made to him for that purpose under the hand of such officer or person shall ascertain and certify the proper amount of such expenses; and every person who refuses to attend as a witness before any such officer or person, after having been required so to do in the manner hereby directed, and after having had a tender made to him of the expenses, if any, to which he is entitled as aforesaid, or who refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any solemn affirmation or declaration which any such officer or person is hereby empowered to require, shall for each such offence incur a penalty not exceeding *forty dollars*; but no such witness shall be compelled to answer, or suffer any penalty for refusing to answer, any question by his answer to which he might render himself liable to a criminal prosecution.

Penalty for refusing to give evidence

Proviso.

Penalty for obstructing officers in the execution of their duty.

Officer to report to the Minister of Marine and Fisheries.

Formal investigations in certain cases.

Powers of Court or Tribunal making investigation.

3. Every person who wilfully impedes any such officer or person in the execution of his duty, whether on board any ship or elsewhere, shall incur a penalty not exceeding *forty dollars*, and may be seized and detained by such officer or person, or by any person whom he may call to his assistance, until such offender can be conveniently taken before some Justice of the Peace or other officer having proper jurisdiction.

4. Upon the conclusion of any such inquiry the officer or person who made the same shall send to the Minister of Marine and Fisheries for the information of the Governor General in Council, a report containing a full statement of the case, and of his opinion thereon, accompanied by such report of or extracts from the evidence and such observations, if any, as he may think fit.

5. If it appears to the Governor in Council in any such case as aforesaid, either upon or without any such preliminary inquiry as aforesaid, or in any case of a charge of misconduct or incapacity brought by any person against any master or mate of any ship, that a formal investigation is requisite or expedient, the Governor in Council may nominate and appoint any competent person or persons to be a court or tribunal for the purpose of such investigation and such person or persons shall thereupon be such court or tribunal accordingly.

6. Such court or tribunal shall have the power of summoning before them any persons, and of requiring them to give evidence on oath, orally or in writing (or on solemn affirmation, if they be parties entitled to affirm in civil matters), and to produce such documents and things as such court or tribunal may deem requisite to the full investigation of the matters into which they are appointed to examine; and such court or tribunal shall have the same power to enforce the attendance of witnesses and to compel them to give evidence, as is vested in any Court of Law in civil cases; and any wilfully false statement made by any such witness on oath or solemn affirmation, shall be a misdemeanor punishable in the same manner as wilful and corrupt perjury; but no such witness shall be compelled to answer any question by his answer to which he might render himself liable to a criminal prosecution; and the proceedings of such Court shall be assimilated as far as possible to those of ordinary Courts of Justice, with the like publicity.

7. And whereas it is enacted by the two hundred and forty-second section of the Act of the Imperial Parliament, passed in the session thereof held in the seventeenth and eighteenth years of Her Majesty's reign, chapter one hundred and four, intituled, "*An Act to amend and consolidate the Acts relating to Merchant Shipping*," that the Board of Trade may suspend or cancel the certificate (whether of competency or service) of any master or mate of the Merchant Service, in certain cases, one of which cases, set forth in sub-section five of the said section, is as follows,—“If upon any investigation made by any court or tribunal authorized or hereafter to be authorized by the legislative authority of any British possession, to make inquiry into charges of incompetency or misconduct on the part of masters or mates of ships, or as to shipwrecks or other casualties affecting ships, a report is made by such court or tribunal to the effect that he has been guilty of any gross act of misconduct, drunkenness or tyranny, or 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, and such report is confirmed by the Governor or person administering the government of such possession;” and whereas it is further in effect enacted by the twenty-third section of the Act of the Imperial Parliament, passed in the session thereof held in the twenty-fifth and twenty-sixth years of Her Majesty's reign, Chapter sixty-three, that the power of cancelling or suspending the certificate of a master or mate conferred by the above cited two hundred and forty-second section on the Board of Trade, shall in future vest in and be exercised by the court or tribunal by which the case is investigated or tried: Be it hereby further enacted, that such court or tribunal authorized to be appointed by this Act, shall be held to be in all respects a court or tribunal under the hereinbefore cited sub-section of the Imperial Act hereinbefore first cited.
8. Every member of such court or tribunal so appointed as aforesaid, before entering upon his duties as such, shall take and subscribe an oath before one of Her Majesty's Justices of the Peace, well, faithfully and impartially, to execute the duties assigned to him by this Act.
9. Upon the conclusion of every such investigation or as soon afterwards as possible, the court or tribunal shall send to the Governor a full report upon the case investigated, together with the evidence, and their judgment and opinion thereon, and such observations, if any, as the court or tribunal may think fit to make, and shall state in open court the decision to which they have come with respect to any recommendation to cancel or suspend any certificate, or to cancelling or suspending any certificate.
10. Any such court or tribunal may, if they think proper, require any master or mate possessing a certificate of competency or service, whose conduct is called in question, or appears to them to be likely to be called in question in the course of any investigation before them, to deliver such certificate to them, and they shall hold the certificate so delivered until the conclusion of the investigation, and shall then either return the same to such master or mate, or, if their report is to the effect that they have cancelled or suspended any certificate, or is such as to enable the Board of Trade to cancel or suspend such certificate, shall forward the same to the Governor; and if any master or mate fails so to deliver his certificate when so required, he shall incur a penalty not exceeding *two hundred dollars*.
11. [The Governor in Council may from time to time by warrant, order and direct that any expenses incurred, or to be incurred under the provisions of this Act be defrayed out of any moneys appropriated by Parliament for that purpose, or for the purpose of defraying unforeseen expenses.]

Section 242 of
Imp. Act, 17
and 18 V., c.
104 recited.

Section 23 of
Imp. Act 25
and 26 V., c.
63 recited.

Such Court
to be a Court
under said
Imp. Acts.

Members to
take oath of
office.

Report to
Governor.
Decision as to
cancelling
certificates
to be stated
in open
Court.

Masters or
Mates may be
required to
deliver up
certificates to
be held until
close of in-
vestigation.

Expenses how
to be defrayed

Repeal of Acts.

Canada 27 and 28 V. c., 14 and 28 and

30 V. c., 58 s. 1, 2, 3 and 6.

R. S. of N. S. cap. 76.

12. The following Act and parts of an Act are hereby repealed, namely the Act passed by the legislature of the late Province of Canada, in the session thereof held in the twenty-seventh and twenty-eight years of Her Majesty's reign, Chapter fourteen "*respecting investigations into Shipwrecks*" and the first, second, third and sixth sections of the Act of the same Legislature passed in the session thereof held in the twenty-ninth and thirtieth years of Her Majesty's reign, Chapter fifty-eight "*to extend the powers of the Trinity House of Quebec*;" and Chapter seventy-six of the Revised Statutes of Nova Scotia (third series) "*Of marine courts of inquiry*" is also repealed.

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10

Saving of jurisdiction of Courts of Vice Admiralty.

13. Nothing in this Act contained shall be taken to affect in any way the jurisdiction of any Vice Admiralty Court in Canada, howsoever the same may be acquired.

2nd Session, 1st Parliament, 32 Victoria, 1869.



BILL.

An Act respecting inquiries and investigations into shipwrecks and other matters.

Received and read, first time, Monday, 17th April, 1869.

Second reading, Wednesday, 19th May, 1869.

HON. MR. MITCHELL,

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Act of the late Province of Canada 12 Vict. Cap. 114, "to consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes."

The clauses inclosed in brackets thus [] are intended 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. In case any vessel, or wreck, or other thing, sinks, or is lost in the River St. Lawrence, between the basin of Portneuf, inclusively, and an imaginary line drawn from the eastern anchorage ground off Barnaby Island, near the south shore, to the eastern anchorage ground under Cape Columbia on the north shore of the said river so as to obstruct the navigation of the said river, the master of such vessel or the owner or other person for the time being in charge of such wreck or other thing, shall within forty eight hours after the occurrence of such obstruction, if it takes place within the limits of the Harbor of Quebec, that is to say, between St. Patrick's Hole, inclusively, and the mouth of the Cap-Rouge River, inclusively, and as soon as possible after the expiration of forty-eight hours from such occurrence, if it takes place beyond such limits, unless such obstruction have been already removed, send or give to the Trinity House of Quebec a notice in writing, describing the nature, and time, and place of the occurrence, and the situation of such obstruction:—under a penalty of not less than ten dollars and not more than forty dollars.
2. Every such master or owner, or person in charge as aforesaid shall further, as soon as possible after, and at the latest within forty-eight hours after, the occurrence of such obstruction, unless the same have been sooner removed, place some proper and sufficient signal by day, and some sufficient light or lights by night to indicate the place or situation of such obstruction, and shall keep and maintain such signal by day, and light, or lights by night continually displayed, to the satisfaction of the Trinity House of Quebec, until such obstruction is wholly removed.
3. [Any such master or owner or other person as aforesaid, failing or neglecting to comply with all or any of the provisions of the next preceding section shall be liable to a penalty of not less than five dollars nor more than ten dollars for every day or night during which such failure or neglect shall continue, over and above any sum which the Trinity House of Quebec may have expended, as it is hereby authorized to do, in causing such signal by day or light or lights by night, or both, to be placed as aforesaid and to be kept and maintained continually displayed as aforesaid, or only to be kept and maintained continually displayed as aforesaid, in consequence of the failure or neglect so to do of such master or owner or other person.]

Notices of any obstruction to the navigation of River St. Lawrence in Port of Quebec to be given to Trinity House of Quebec.

Penalty.

Situation of obstruction to be indicated, and how.

Penalty for failure to keep situation of obstruction properly indicated.

Suits for penalties to be brought before Trinity House.

4. All suits for penalties incurred under this Act shall be brought before the Trinity House of Quebec; and to all such suits, and the costs thereof, and the penalties recovered therein the rules of law with respect to all other suits for penalties before the said Trinity House, and the costs thereof, and the penalties recovered therein, shall apply.

5

Certain other suits, where to be brought

5. Expenses incurred by the Trinity House of Quebec under the third section of this Act may be recovered by civil suit or action in any Court in Canada having jurisdiction in civil cases to the amount within the limits of whose jurisdiction the defendant is served with process.

Owner of thing causing obstruction may relinquish same to Trinity House

6. Any owner of or other person having power to convey or dispose of any vessel, or wreck, or other thing forming such an obstruction as aforesaid, may at any time relieve and discharge himself of all further liability in respect of such obstruction by paying or securing to the Trinity House of Quebec, to its satisfaction, the sum (if any) it may have expended in respect thereof under the provisions of the third section of this Act, and by making and signing a relinquishment in writing of all his interest in such vessel, wreck or other thing to the said Trinity House of Quebec; provided the said Trinity House be willing to accept the same.

15

Relinquishment to be presumed after fifteen days of neglect to comply with section 2.

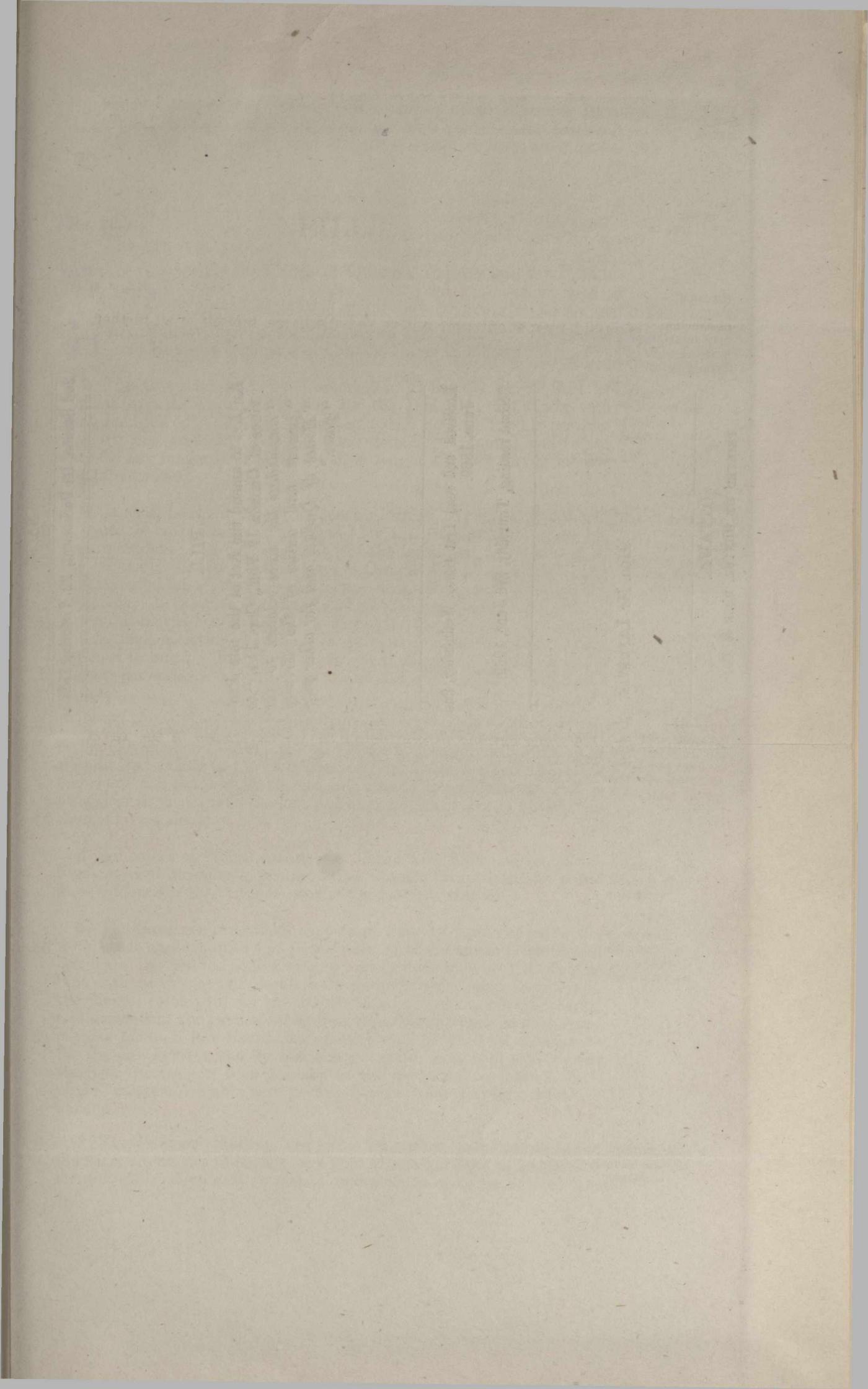
7. After fifteen days have elapsed since the date of the occurrence of any such obstruction as aforesaid, without any compliance on the part of the master of the vessel or owner or other person for the time being in the charge of the wreck, or other thing causing such obstruction, with the requirements of the third section of this Act or since the date of his last compliance with such requirements, without such obstruction having been removed, and without such master or owner or other person having availed himself of the provisions of the next preceding section, the intention of the owner of such vessel, wreck or thing to relinquish all his interest therein to the Trinity House of Quebec shall be presumed.

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Trinity House may take possession of obstruction and remove and dispose of the same.

8. [In any case under either of the two next preceding sections, the Trinity House of Quebec may if it sees fit, take possession of a vessel, wreck or other thing forming an obstruction to the navigation of the River St. Lawrence as aforesaid, and remove the same by any means in its power, and may dispose of the same in the same manner, and after the observance of the same formalities as are required by law in the case of things found in the River St. Lawrence within its jurisdiction, and not claimed, and may indemnify itself out of the proceeds of sale for all expenses incurred with respect to such vessel, wreck or other thing.]

35



BILL.

An Act to amend the Act of the late Province of Canada 12 Vict., Cap. 114, "*to consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes.*"

Received and read first time, Wednesday, 2nd June, 1869.

Second reading, Thursday, 3rd June, 1869.

Hon. Mr. LANGEVIN.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the Office of Queen's Printer and the Public Printing.

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 may by Commission under the Great Seal of Canada, appoint a Queen's Printer for the Dominion of Canada, who shall hold his office during pleasure, and shall receive for his services a salary not exceeding two thousand dollars per annum, and so *pro rata* for any longer or shorter period, in lieu of all other fees or emoluments whatever. Queen's Printer to be appointed: Salary.
2. It shall be the duty of the Queen's Printer to print and publish, or cause to be printed and published for the Government, under his superintendence, the Official Gazette of the Dominion, to be known as the "Canada Gazette," the Statutes of Canada, and all such official and departmental and other reports, forms, documents, and other papers, as he may be required to print and publish, or cause to be printed and published by, or under the authority of the Governor in Council, and he shall perform all such other duties as shall be from time to time assigned to him by Order in Council: and whatever is printed under his superintendence, by authority of this Act, shall be held to be printed by him. His duties, &c.
3. All Proclamations issued by the Governor or under the authority of the Governor in Council, and all official notices, advertisements and documents relating to the Dominion of Canada, or matters under the control of the Parliament thereof, and requiring publication, shall be published in the Canada Gazette, unless some other mode of publication thereof be required by law. Certain documents to be printed in the Canada Gazette.
4. All copies of Proclamations and official and other notices, advertisements and documents, printed in the Canada Gazette shall be *prima facie* evidence of the originals, and of the contents thereof. Copies in the Gazette to be evidence.
5. The Governor in Council may from time to time prescribe the form, mode and conditions of publication of the Canada Gazette, and designate the public bodies, officers and persons to whom it shall be sent without charge, and regulate the price of subscription thereto, and the charges to be paid for the publication of notices, advertisements and documents, for parties other than the Government, and all sums payable for such last mentioned charges shall be paid in advance to the Queen's Printer, and by him accounted for, and paid over to the Receiver General, in such manner as the Governor in Council shall direct, and shall make part of the Consolidated Revenue Fund of Canada. Powers of Governor in Council as to the Gazette.
6. The printing, binding, and other like work to be done under the superintendence of the Queen's Printer, shall, except as hereinafter mentioned, be done and furnished under contracts to be entered into Printing, &c., to be done by contract.

under the authority of the Governor in Council, in such form and for such time as he shall appoint, after such public notice or advertisement for tenders as he may deem advisable, and the lowest tenders received from parties of whose skill, resources, and of the sufficiency of whose sureties for the due performance of the contract the Governor in Council shall be satisfied, shall be accepted. 5

Exception

7. The Governor may, from time to time, by orders in Council authorize for reasons to be stated in such orders, cause printing and binding for the public service to be done without tender; and such orders in Council and the expenditure under them shall be laid before Parliament at its then next Session. 10

Expenses under this Act.

8. The expenses to be incurred under the provisions of this Act, shall be paid out of such moneys as may be appropriated for the purpose by Parliament, and accounted for in like manner as other moneys expended for the public service. 15

No. 98.

2nd Session, 1st Parliament, 22 Victoria, 1869.

BILL.

An Act for the appointment of a Queen's Printer, and for the management of Public Printing.

Received and read first time, Wednesday, 2nd June, 1869.

Second reading, Thursday, 3rd June, 1869.

Hon. Sir J. A. MACDONALD.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to provide means for improving the Harbors and Channels at certain Ports in the Provinces of New Brunswick Nova Scotia and Quebec.

WHEREAS it is expedient to provide means for improving the Harbors and Channels and rendering the navigation more easy and safe, at the several Ports of Bathurst, Shippegan and Richebucto in the Province of New Brunswick, Mabou, Port Hood, Margaree and Chetécamp, in the Province of Nova Scotia, Amherst Harbor and House Harbor in the Magdalen Islands, and the several Ports and Harbors between Cross Point and Cape Chat, both Ports inclusive, in the Bay of Chaleurs and the coast of Gaspé ; 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, being satisfied that it is expedient to raise funds for the purposes mentioned in the preamble as regards any one or more of the Ports therein mentioned or referred to, may from time to time by a Proclamation issued under an order in Council and inserted in the "Canada Gazette," impose on each vessel entering any such Port named for the purpose in such Proclamation, such tonnage duty not exceeding ten cents per ton of the registered measurement of such vessel, as he may deem expedient ; and may from time to time in like manner increase or decrease, repeal or re-impose such duty, within the limits aforesaid, with respect to any such Port or Ports ; and any copy of the "Canada Gazette" purporting to be printed by the Queen's Printer, shall be *prima facie* evidence of such Proclamation, and of its being duly issued and published under an order in Council made in pursuance of this Act.

Governor in Council may impose tonnage duties on vessels entering the ports mentioned in the preamble for the purposes therein also mentioned.

2. Any duty so imposed as aforesaid, shall be collected by the Collector of Customs at the Port at which it is payable, at the time of the entry of the vessel, which shall contain on the face of it the register tonnage thereof ; and no vessel shall be entered, or if entered shall be allowed to clear or to leave such Port without payment of such duty, and may be detained by the Collector until it is paid : But such duty shall only be payable once in each fiscal year, (commencing on the first day of July in each calendar year) on any vessel not exceeding one hundred tons register, and not more than twice in each fiscal year on any vessel exceeding one hundred tons, registered measurement ; that is to say, on any vessel not exceeding one hundred tons register, the duty shall be payable on her first entry at such Port in any fiscal year, but not on any subsequent entry during the same ; and on any vessel exceeding one hundred tons register, the duty shall be payable on her first, and on her second entry in any fiscal year, but not on any subsequent entry during the same.

How collected.

Proviso : as to payment of such duty.

3. The monies received for such duties shall be accounted for and paid over by the Collector receiving them, to the Receiver-

How to be accounted

and paid
over.

General, to form part of the Consolidated Revenue Fund, towards making good any sums which may be appropriated by Parliament for any of the works mentioned in the preamble, at the Port where such duties have been collected.

Accounts to
Minister of
Marine and
Fisheries.

4. Every such Collector, shall at the close of each quarter of the fiscal year, furnish the Minister of Marine and Fisheries, with an account of the monies collected by him under this Act during such quarter; and at the end of each fiscal year the said Minister shall make a report and statement of the sums collected at each Port, and those appropriated and expended (if any) for improvements thereat, during such year, and such report and statement shall be laid before Parliament, at its then next Session.

No. 99.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to provide means for improving the Harbors and Channels at certain Ports in the Provinces of New Brunswick Nova Scotia and Quebec.

Received and read, first time, Wednesday, 2nd June, 1869.

Second reading, Thursday, 3rd June, 1869.

Hon. Mr. TILLEY.

OTTAWA:

PRINTED BY HUNTER, ROSE & COMPANY,

101

An Act to unite the Beaver and the Toronto Mutual Fire Insurance Companies.

WHEREAS, the Toronto Mutual Fire Insurance Company and the Beaver Mutual Fire Insurance Association have by their petitions set forth that they are respectively incorporated under the provisions of the Mutual Insurance Companies Act, chapter fifty-two of the Consolidated Statutes for Upper Canada, and have carried on business as such Insurance Companies for some years past at their head offices in the City of Toronto, and have prayed that for the more economical management of the business of the said Companies they may be united under one common name, with power to divide their

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subject to the obligations, responsibilities and duties thereby imposed upon such Companies, excepting in so far as the same may be inconsistent with the special Act 27 and 28 Victoria, chapter 99, hereinafter mentioned and with this Act.

3. The said "The Beaver and Toronto Mutual Fire Insurance Company" may also exercise all the powers conferred upon the said The Beaver Mutual Fire Insurance Association by the Act 27 and 28 Victoria, chapter 99.

4. The President, Vice President and Directors for the time being of The Beaver Mutual Fire Insurance Association, may be the President, Vice President and Directors of the said "The Beaver and Toronto Mutual Fire Insurance Company," of whom one third shall retire annually, according to the practice of the said The Beaver Mutual Fire Insurance Association.

5. From and after the first meeting of the said Board of Directors of the Beaver Mutual Fire Insurance Association, as the Directors of the said united Company, the Board of Directors of the said The Toronto Mutual Fire Insurance Company shall cease to exist, and all the obligations, powers and rights of the said two Companies respectively, shall attach to and be vested in the said The Beaver and Toronto Mutual Fire Insurance Company, which may sue and be sued, plead and be impleaded by virtue thereof in its own name, as though the contracts made by and with each of them respectively, had been origi-

and paid
over.

General, to form part of the Consolidated Revenue Fund, towards making good any sums which may be appropriated by Parliament for any of the works mentioned in the preamble, at the Port where such duties have been collected.

Accounts to
Minister of
Marine and
Fisheries.

4. Every such Collector, shall at the close of each quarter of the fiscal year, furnish the Minister of Marine and Fisheries, with an account of the monies collected by him under this Act during such quarter; and at the end of each fiscal year the said Minister shall make a report and statement of the sums collected at each Port, and those appropriated and expended (if any) for improvements thereat, during such year, and such report and statement shall be laid before Parliament, at its then next Session. 5 10

No. 99.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to provide means for improving the Harbors and Channels at certain Ports in the Provinces of New Brunswick Nova Scotia and Quebec.

Received and read, first time, Wednesday, 2nd June, 1869.

Second reading, Thursday, 3rd June, 1869.

Hon. Mr. TILLEY.

OTTAWA:

PRINTED BY HUNTER, ROSE & COMPANY,

An Act to unite the Beaver and the Toronto Mutual Fire Insurance Companies.

WHEREAS, the Toronto Mutual Fire Insurance Company and the Beaver Mutual Fire Insurance Association have by their petitions set forth that they are respectively incorporated under the provisions of the Mutual Insurance Companies Act, chapter fifty-two of the Consolidated Statutes for Upper Canada, and have carried on business as such Insurance Companies for some years past at their head offices in the City of Toronto, and have prayed that for the more economical management of the business of the said Companies they may be united under one common name, with power to divide their business into three branches, and it is expedient that the prayer of the said Companies 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. On and after the passing of this Act the said The Beaver Mutual Fire Insurance Association may be united with the said The Toronto Mutual Fire Insurance Company, and thenceforward the said Companies shall form one united Company under the name and style of "The Beaver and Toronto Mutual Fire Insurance Company."

2. The said united Company under the name aforesaid shall be a body corporate and politic, having throughout Canada all the powers, rights and privileges conferred upon Mutual Insurance Companies by the general Act, chapter fifty-two of the Consolidated Statutes for Upper Canada, and the several amendments thereof, and under, and subject to the obligations, responsibilities and duties thereby imposed upon such Companies, excepting in so far as the same may be inconsistent with the special Act 27 and 28 Victoria, chapter 99, hereinafter mentioned and with this Act.

3. The said "The Beaver and Toronto Mutual Fire Insurance Company" may also exercise all the powers conferred upon the said The Beaver Mutual Fire Insurance Association by the Act 27 and 28 Victoria, chapter 99.

4. The President, Vice President and Directors for the time being of The Beaver Mutual Fire Insurance Association, may be the President, Vice President and Directors of the said "The Beaver and Toronto Mutual Fire Insurance Company," of whom one third shall retire annually, according to the practice of the said The Beaver Mutual Fire Insurance Association.

5. From and after the first meeting of the said Board of Directors of the Beaver Mutual Fire Insurance Association, as the Directors of the said united Company, the Board of Directors of the said The Toronto Mutual Fire Insurance Company shall cease to exist, and all the obligations, powers and rights of the said two Companies respectively, shall attach to and be vested in the said The Beaver and Toronto Mutual Fire Insurance Company, which may sue and be sued, plead and be impleaded by virtue thereof in its own name, as though the contracts made by and with each of them respectively, had been origi-

nally made by and with the said united Company, and it shall not be necessary to plead this Act as authority therefor.

6. The said united Company may take up the Guarantee Stock of the said two Companies respectively, and issue new stock therefor upon such terms as the holders of the said existing stock may agree to. 5

7. The said united Company shall henceforth have power and authority to make and effect contracts of Insurance with any person or persons, body or bodies corporate or politic, against loss or damage by fire on any house or houses, store or stores, or other building or buildings whatsoever, situate within the Dominion of Canada, and in 10 like manner on any goods, chattels or personal estate whatsoever within the said Dominion, for such term or terms, period or periods, and for such consideration and subject to such conditions and restrictions as may be agreed upon between the said Company and the person or persons, body or bodies agreeing with them for Insurance, and gen- 15 erally to do and perform all matters and things connected with or requisite to promote those objects.

8. The said united Company may divide its business into three branches to be called

1. The Farmer's Branch, comprising all the now existing risks of the 20 said The Beaver Mutual Life Insurance Association.

2. The Household Branch.

3. The Mercantile Branch,—which two last named branches shall comprise all the now existing risks of the said "The Toronto Mutual Fire Insurance Company." 25

9. Each officer of the said United Company who is by law required to give a bond to the Company with two sufficient sureties conditioned for the faithful discharge of his duties, may, in lieu thereof, give such bond with the sole security of any Guarantee Society, approved of by 30 the Board of Directors of the said United Company, and the said Board of Directors may accept the sole security of such Guarantee Society instead of the two sureties now required by law,

10. Policies already issued for one year only by said two Companies respectively, and all such policies which may henceforth be issued by 35 the said United Company, may be extended from year to year by renewal receipts signed by the President, Vice-President or Managing Director of the said United Company, and countersigned by the Secretary, whereupon the original premium note of the assured, and all liabilities thereon, shall be and continue in full force and effect for the 40 the term so extended.

11. Wilful and corrupt false swearing or affirming, either oral or written, concerning any matter or thing relating to Fire Insurance in the said United Company, before any one having lawful authority to administer an oath or affirmation, shall be wilful and corrupt perjury; 45 and notice to the defendant to produce any document in his possession, power, or control, shall in all actions, suits or prosecutions by the said United Company, let in secondary evidence thereof if the same be not produced pursuant to the said notice.

An Act for the temporary Government of Rupert's Land and the North-Western Territory when united with Canada.

WHEREAS it is probable that Her Majesty the Queen may, Preamble.
pursuant to "The British North America Act 1867," be pleased to admit Rupert's Land and the North-Western Territory into the Union or Dominion of Canada, before the next Session of the Canadian Parliament: And whereas it is expedient to prepare for the transfer of the said Territories from the Local Authorities to the Government of Canada, at the time appointed by the Queen for such admission, and to make some temporary provision for the Civil Government of such Territories until more permanent arrangements can be made by the Government and Legislature of Canada; 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 Territories when admitted as aforesaid, shall be styled and known as "The North-West Territories." Name of territories.
2. It shall be lawful for the Governor, by any Order or Orders, to be by him from time to time made, with the advice of the Privy Council, (and subject to such conditions and restrictions as to him shall seem meet) to authorize and empower such Officer as he may from time to time appoint as Lieutenant-Governor of The North-West Territories, to make provision for the administration of Justice therein, and generally to make, ordain, and establish all such Laws, Institutions and Ordinances as may be necessary for the Peace, Order and good Government of Her Majesty's subjects and others therein; provided that all such Orders in Council, and all Laws and 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. Appointment and functions of Lieutenant Governor.
Power to him to make laws.
Proviso.
3. The Lieutenant-Governor shall administer the Government under instructions from time to time given him by Order in Council. Instructions to Lieutenant Governor.
4. The Governor may, with the advice of the Privy Council, constitute and appoint, by Warrant under his Sign Manual, a Council of not exceeding fifteen nor less than seven persons, to aid the Lieutenant-Governor in the administration of affairs, with such powers as may be from time to time conferred upon them by Order in Council. Appointment of Council to Lieutenant Governor.
5. All the Laws in force in Rupert's Land and the North-Western Territory, at the time of their admission into the Union, shall so far as they are consistent with "The British North America Act 1867,"—with the terms and conditions of such admission approved of by the Queen under the 146th clause thereof,—and with this Act,—remain in force until altered by the Parliament of Canada, or by the Lieutenant Governor under the authority of this Act. Existing laws to remain in force.
6. All Public Officers and Functionaries holding office in Rupert's Land and the North-Western Territory, at the time of their admission Public officers &c., to retain office.

into the Union, excepting the Public Officer or Functionary at the head of the administration of affairs, shall continue to be Public Officers and Functionaries of the North-West Territories with the same duties and powers as before, until otherwise ordered by the Lieutenant Governor, under the authority of this Act.

Duration of this Act. **7.** This Act shall continue in force until the end of the next Session of Parliament.

No. 102.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act for the temporary Government of Rupert's Land and the North-Western Territory when united with Canada.

Received and read, first time, Friday, 4th June, 1869.

Second reading, Tuesday, 8th June, 1869.

Hon. SIR J. A. MACDONALD.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to detach the Township of Doncaster from the County of Montcalm, and to attach it to the County of Terrebonne for electoral purposes.

WHEREAS it is expedient, in so far as relates to the election of Preamble.
members of the House of Commons of Canada, to detach the
Township of Doncaster from the County of Montcalm, and attach the
same to the County of Terrebonne; Therefore, Her Majesty, by and
5 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, the sixteenth subsection
of section one of chapter seventy-five of the Consolidated Statutes for
Lower Canada, entitled: *An Act respecting the division of Lower*
10 *Canada into Counties, and the boundaries of certain cities and towns*
for the purpose of representation in the Legislature, shall be read and
construed, in so far as relates to the election of members of the House
of Commons of Canada, as if the Township of Doncaster therein men-
tioned had never formed part of the County of Montcalm, and the said
15 township, so detached from the County of Montcalm, shall be attached
to the County of Terrebonne, for the electoral purposes hereinbefore set
forth.

Doncaster
detached
from Mont-
calm and
annexed to
Terrebonne.

No. 103.

2nd Session, 1st Parliament, 22 Victoria, 1869.

BILL.

An Act to detach the Township of Donca ter
from the County of Montcalm, and to
attach it to the County of Terrebonne, or
election purposes.

Received and read first time, Monday 7th
June, 1869.

Second reading, Tuesday, 8th June, 1869.

Mr. MASSON, (Terrebonne.)

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting Juvenile Offenders within the Province of Quebec.

WHEREAS the Legislature of the Province of Quebec, during its Preamble.
now last Session, passed an Act making certain provisions for the
establishment of Certified Reformatory Schools, and the law respecting
prisons for young offenders, requires to be amended so as to meet the
5 provisions of the said Act; Therefore, Her Majesty by and with the
advice and consent of the Senate and House of Commons of Canada,
enacts as follows:

1. In so far as respects the Province of Quebec, the sections five, Part Cap.
six, seven, eight, nine, ten, eleven and twelve, of the chapter one 107, of Con.
10 hundred and seven of the Consolidated Statutes of Canada, intituled: Stat. Can. re-
An Act respecting Prisons for young Offenders, are hereby repealed, pealed.
except as respects persons under sentence when this Act comes into
force.

2. Whenever after the passing of this Act, any person appa- Offenders un-
15 rently under the age of sixteen years, is convicted before any Court of der 16 years
Criminal Jurisdiction or before any Judge of the Sessions of the may be sent
Peace, Recorder, District or Police Magistrate, of any offence for to Reforma-
which he would be liable to imprisonment, he may be sentenced on tory schools.
such conviction, to be detained in a Certified Reformatory School for
20 any term not less than two years, nor more than five years, or he may
be sentenced to be first imprisoned in the Common Gaol for a period
not in any case exceeding three months, and at the expiration of his
sentence to be sent to a Certified Reformatory School, and to be there
detained for a period of not less than two years, and not more than five
25 years.

3. The Lieutenant-Governor may at any time, in his discretion, Power to dis-
order that any offender detained in such reformatory school under a charge.
summary conviction be discharged.

4. The Lieutenant-Governor may at any time, on the report of one Removal of
30 of the Inspectors of Prisons for the Province of Quebec, order any incurrigibles.
offender undergoing sentence in any Certified Reformatory School, on a
conviction for felony, to be removed as incurrigible; and in any such
case the offender shall be imprisoned in the Penitentiary for the
remainder of the term of his sentence.

5. Any person apparently under the age of sixteen years, arrested Detention of
35 on a charge of having committed any offence not capital, shall not offenders un-
while awaiting trial for such offence, be detained in any common der 16 years
Gaol, if there be a Certified Reformatory School within three miles of previous to
such Gaol, but shall be detained in such Reformatory School while trial.
40 awaiting trial; and if there be more than one such School within such
distance, the person so charged shall be detained in that one of them
which is conducted the most nearly in accordance with the religious
belief to which his parents belong, or in which he has been educated.

Punishment
of persons
breaking the
rules of
Reformatory
Schools.

6. If any Offender detained in a Certified Reformatory School, wilfully neglects or wilfully refuses to conform to the rules thereof, he shall, upon summary conviction before a Justice or Magistrate having jurisdiction in the place or district where the school is situate, be imprisoned with hard labor, for any term not exceeding three months; and at the expiration of the term of his imprisonment, he shall, by and at the expense of the managers of the school, be brought back to the school from which he was taken, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his being sent to the prison. 5 10

Apprehen-
sion of offend-
ers escaping
from such
Schools.

7. If any offender sentenced to be detained in a Certified Reformatory School, escapes therefrom, he may at any time before the expiration of his period of detention, be apprehended without warrant, and if the managers of the school think fit, but not otherwise, may (any other Act to the contrary notwithstanding) be then brought before a Justice or Magistrate having jurisdiction in the place or district where he is found, or in the place or district where the school from which he escaped is situate; and he shall thereupon be liable, on summary conviction before such a Justice or Magistrate, to be imprisoned with hard labor, for any term not exceeding three months; and at the expiration of such term he shall, by and at the expense of the managers of the school, be brought back to the school from which he escaped, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his escaping. 15 20 25

Punishment
of persons
aiding in
escape, &c.

8. Every person who commits any of the following offences, that is to say :

First—Knowingly assists directly, or indirectly, any offender detained in a Certified Reformatory School, to escape from the school;

Second—Directly or indirectly induces such an offender to escape from the school; 30

Harbouring
persons
escaping.

Third—Knowingly harbours, conceals or prevents from returning to the school, or assists in harbouring, concealing or preventing from returning to the school any offender who has escaped from a Certified Reformatory School, shall, on summary conviction before two Justices, or any Judge of the Sessions of the Peace, Recorder, Police or District Magistrate, be liable to a penalty not exceeding eighty dollars, or at the discretion of the Justices or other functionary before whom he is convicted, to be imprisoned for any term not exceeding two months, with or without hard labor. 35 40

A certain
school recog-
nized.

9. The Reformatory Prison at present in use in the Province of Quebec, shall, so long as it is used for that purpose, be held to be a Certified Reformatory School for the purposes of this Act.

Act to apply
only to Que-
bec, &c.

10. This Act shall apply only to the Province of Quebec, and any Act relating to criminal law or procedure passed during the present or the now last Session of Parliament, shall be construed subject to this Act, and so much thereof as may be inconsistent with this Act, shall have no effect as respects the Province of Quebec. 45

THE STATE OF NEW YORK, in SENATE,

January 15, 1884.

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE,

IN ANSWER TO A RESOLUTION

PASSED

APRIL 11, 1883, BY THE SENATE,

AND PRINTED BY THE STATE PRINTING OFFICE, ALBANY, 1884.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act respecting Juvenile Offenders
within the Province of Quebec.

Received and read first time, Monday, 7th
June, 1869.

Second reading, Tuesday, 8th June, 1869.

Hon. Mr. IRVINE.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

105-

An Act respecting the admeasurement and registration of
Vessels.

WHEREAS the rule of admeasurement of vessels contained in the Act "*respecting the registration of inland vessels*," forming chapter forty-one of the Consolidated Statutes of the late Province of Canada, being the same as that contained in the Acts of the Imperial Parliament in force on the 17th day of March, 1845, differs from that
5 contained in the Act of the Imperial Parliament known as "*The Merchant Shipping Act, 1854*," and Acts amending the same; and whereas it is desirable that but one rule of admeasurement of vessels should prevail in Canada, and that inland vessels in Canada should
10 not be subject to provisions of law in some other respects different from those to which other Canadian vessels are subject: 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 Act "*respecting the registration of inland vessels*," forming
15 chapter forty-one of the Consolidated Statutes of the late Province of Canada, is hereby repealed; but all things done under the provisions of the said Act, and all rights acquired by virtue of such provisions, shall remain good and valid, and all penalties and forfeitures incurred under the said Act may be sued for and enforced, and all prosecutions
20 for any such penalty or forfeiture incurred may be continued and completed as if the said Act had not been repealed.

2. And whereas, by the five hundred and forty-seventh section of "*The Merchant Shipping Act, 1854*," it is enacted and provided that
25 by any Act or Ordinance confirmed by Her Majesty in Council to repeal, wholly or in part, any provisions of the said Act relating to ships registered in such possession; so much of the said Act and of any other Act amending the said Act and forming part of the same, as is inconsistent with this Act, or as prevents, or may be construed to prevent
30 the said Acts, or any of them, from applying to vessels navigating the inland waters of Canada and not proceeding to sea, is hereby repealed with respect to ships registered in Canada.

3. The Governor in Council shall, with regard to the performance of any Act or thing relating to the registry of a ship or of any interest
35 therein in Canada under the authority of "*The Merchant Shipping Act, 1854*," as amended by subsequent Acts, be considered in all respects as occupying the place of the Commissioners of Customs.

4. In cases where it appears to the Lieutenant-Governor of any Province in Canada, that by reason of special circumstances it
40 would be desirable that permission should be granted to any British ship to pass, without being previously registered from any port or place within the Province of which he is Lieutenant-Governor to any other port or place in Her Majesty's Dominions, such Lieutenant-Governor may grant a pass accordingly, and such pass shall for the time and
45 within the limits therein mentioned have the same effect as a Certifi-

cate of Registry ; and each Lieutenant-Governor shall forward, without delay, to the Governor in Council a copy of each pass granted by him.

5. The Governor in Council may appoint at and for every port at which he deems it expedient to authorize the registry of ships the Collector or other principal officer of Customs, who shall be the Registrar for all the purposes of "*The Merchant Shipping Act, 1854*," and the Acts amending the same, and of this Act.

6. The Governor in Council may appoint at every such port, and at any other port in Canada, an officer to superintend the survey and admeasurement of ships in conformity with the said Acts and this Act ; and the same person may be appointed both the Registrar and Surveyor at any such Registry Port.

7. No new Certificate of Registry of a ship registered in Canada shall be granted in Canada, under section forty-eight of "*The Merchant Shipping Act, 1854*," without surrender of the certificate or proof on oath before the Registrar of the port of Registry of such ship, of the Certificate of Registry of such ship having been lost, mislaid, or destroyed.

8. Collectors of Customs in Canada, not being Registrars of Shipping as aforesaid, shall have the same power to endorse from time to time on the Certificate of Registry of any ship at any port in Canada, where the said ship may be, any change of Master which takes place at that port, as is given to Registrars of Shipping under "*The Merchant Shipping Act, 1854*."

9. No Registrar of Shipping or Collector of Customs at any port or place in Canada shall be required to endorse a notice of the change of master on the Certificate of Registry of any ship registered in Canada, unless or until he receives a declaration according to the form in the Schedule to this Act, or as near thereto as circumstances permit, from the registered owner or owners, representing a majority of shares in such ship, or from his or their duly appointed agent, setting forth the name of the person appointed in lieu of the former master, who shall be named in such declaration ; the said declaration shall be made and subscribed in the presence of the Registrar or Collector of Customs if the declarant or declarants reside within five miles of the Custom House of the port of Registry, but if beyond that distance, in the presence of any Registrar or Collector of Customs in Her Majesty's Dominions or of any Justice of the Peace ; and in addition to such declaration, the Registrar of Shipping or Collector of Customs at the port where the change is requested to be endorsed may require to be produced a certified copy of the register, or such other evidence as he may deem necessary, as proof of the ownership of the ship.

10. In any case where two or more persons claim to be builder of any ship, or present the builder's certificate to the Registrar of Shipping at any port in Canada for the purpose of obtaining Registry for such ship under the provisions of section forty of "*The Merchant Shipping Act, 1854*," and are not agreed as to who is the builder of the same, such Registrar may refuse to grant registry for such ship, and is hereby empowered to summon witnesses, administer

oaths, demand any books or papers, and receive any evidence relating to any ship; and a copy of such evidence taken, and a report thereon, shall be submitted by him to the Governor in Council, who shall issue such directions in the case as he may deem necessary; and Registry shall be granted in pursuance of such directions, and not otherwise.

11. If any British or foreign registered ship is either actually or constructively wrecked, and the Register thereof is closed, and the Certificate of Registry is delivered up to the proper officer and cancelled; or if any ship, sailing under a pass from a Lieutenant-Governor, under the fourth section of this Act, is either actually or constructively wrecked on the voyage, and during the time and within the limits mentioned in such pass, the Governor in Council may direct that such ship be registered as a British ship in any port in Canada at and for which there is a Registrar of Shipping, on proof being adduced, to the satisfaction of the Governor in Council, that such ship has been thoroughly repaired and made seaworthy, and also that all the transactions connected with the wreck, condemnation and sale of such ship, were in good faith, and that all the requirements of the law have been complied with; but no Registrar of Shipping shall register any such ship without the authority of the Governor in Council.

12. No vessel duly registered under the provisions of the said Act "*respecting the registration of inland Vessels,*" forming chapter forty-one of the Consolidated Statutes of the late Province of Canada before the day on which this Act takes effect, need be registered after that day in pursuance of the provisions of this Act, except for the purpose of enabling her to proceed to sea as a British ship.

2. But no vessel required by the said Act to be registered shall unless duly registered under the provisions of the said Act before the said day, and no vessel required to be registered in Canada, under the provisions of "*The Merchant Shipping Act, 1854,*" as amended as aforesaid, shall, unless so registered before or after the said day, be recognized in Canada, as a British ship; and no officer of Customs shall grant a clearance to any vessel required to be registered under the provisions of either of the said Acts, for the purpose of enabling her to proceed on a voyage unless the master of such vessel, upon being required so to do, produces to him the proper certificate of registry; and if any such vessel attempts to proceed on a voyage as a British ship without a clearance, any officer of Customs may detain such vessel until such certificate is produced to him

13. In this Act the word "vessel" and the word "ship" mean equally any vessel used in navigation, save and except—

1. Vessels not exceeding fifteen tons burthen, employed solely in navigation on the rivers or coasts of Canada, and the managing owners whereof are resident within Canada.

2. Vessels not exceeding thirty tons burthen, and not having a whole or fixed deck, and employed solely in fishing or trading, coastwise, on the shores of Newfoundland or parts adjacent thereto, or in the Gulf of St. Lawrence, or on such portions of the coasts of Quebec, Nova Scotia or New Brunswick as lie bordering on such gulf.

14. This Act shall take effect upon, from and after the day not being earlier than the first day of January, one thousand eight hundred and seventy, named for that purpose in any published Proclamation by the Governor to the effect that the same has been confirmed and approved by Her Majesty in Council.

SCHEDULE.

FORM OF DECLARATION OF OWNER OR OWNERS FOR CHANGE OF MASTERS.

I (or We) _____ of _____ (occupation) being registered owner (or owners) of _____ sixty-fourth shares of the ship of _____ official number _____ tons register, hereby declare that I (or We) have appointed A. B., master of the ship above mentioned in the place of C. D.

Declared before me _____ this _____ day of _____

w-4

6

An Act respecting the prompt and summary administration of
Criminal Justice in certain cases.

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

1. In this Act the expression “a competent Magistrate” shall as
5 respects the Province of Quebec and the Province of Ontario, mean
and include any Recorder, Police Magistrate, District Magistrate or
other functionary or tribunal invested at the time of the passing of this
Act with the powers vested in a Recorder by chapter one hundred
and five of the Consolidated Statutes of Canada, intituled “*An Act*
10 *respecting the prompt and summary administration of Criminal Jus-*
tices in certain cases;” and acting within the local limits of his or of its
jurisdiction, and any functionary or tribunal invested by the proper
legislative authority with power to do alone such acts as are usually
required to be done by two or more Justices of the Peace; and as
15 respects the Province of Nova Scotia or the Province of New Bruns-
wick, the said expression shall mean and include any functionary,
tribunal or person invested by the proper legislative authority with
power to do alone such acts as are usually required to be done by
two or more Justices of the Peace, and the expression “the Magistrate”
shall mean a competent Magistrate as above defined.

20 And the expression “the Common Gaol or other place of confine-
ment,” shall in the case of any offender whose age at the time of his con-
viction does not in the opinion of the Magistrate exceed *sixteen* years,
include any Reformatory Prison provided for the reception of juvenile
offenders in the Province in which the conviction referred to takes
25 place, and to which by the law of that Province the offender can be
sent.

2. Where any person is charged before a competent Magistrate
with having committed—

1. Simple larceny, embezzlement, or obtaining money or property by
30 false pretences, or feloniously receiving stolen property, and the value
of the whole of the property alleged to have been stolen, embezzled,
obtained, or received does not in the judgment of the Magistrate
exceed *ten* dollars; or,

2. With having committed or attempted to commit larceny from
35 the person or simple larceny, or,

3. With having committed an aggravated assault, by unlawfully
and maliciously inflicting upon any other person, either with or with-
out a weapon or instrument, any grievous bodily harm, or by unlaw-
lawfully and maliciously cutting, stabbing or wounding any other
40 person; or,

4. With having committed an assault upon any female whatever,
or upon any male child whose age does not in the opinion of the
Magistrate exceed fourteen years, such assault being of a nature

which cannot in the opinion of the Magistrate be sufficiently punished by a summary conviction before him under any other Act, and such assault, if upon a female, not amounting in his opinion to an assault with intent to commit a rape; or,

5. With having assaulted, obstructed, molested or hindered any magistrate, bailiff, or constable or officer of customs or excise or other officer in the lawful performance of his duty, or with intent to prevent the performance thereof; or, 5

6. With keeping or being an inmate, or habitual frequenter of any disorderly house, house of ill-fame or bawdy house;— 10

The Magistrate may, subject to the provision hereinafter made, hear and determine the charge in a summary way.

3. Whenever the Magistrate before whom any person is charged as aforesaid proposes to dispose of the case summarily under the provisions of this Act, such Magistrate, after ascertaining the nature and extent of the charge, but before the formal examination of the witnesses for the prosecution, and before calling on the party charged for any statement which he may wish to make, shall state to such person the substance of the charge against him, and (if the charge is not one that can be tried summarily without the consent of the accused), shall then say to him, these words, or words to the like effect: "Do you consent that the charge against you shall be tried by me, or do you desire that it shall be sent for trial by a jury at the (*naming the Court at which it could soonest be tried*);" and if the person charged consents to the charge being summarily tried and determined as aforesaid, or if the power of the Magistrate to try it does not depend on the consent of the accused, the Magistrate shall reduce the charge into writing, and read the same to such person, and shall then ask him whether he is guilty or not of such charge. 15 20 25

4. If the person charged confesses the charge, the Magistrate shall then proceed to pass such sentence upon him as may by law be passed, (subject to the provisions of this Act,) in respect to such offence; but if the person charged says that he is not guilty, the Magistrate shall then examine the witnesses for the prosecution, and when the examination has been completed, the Magistrate shall inquire of the person charged whether he has any defence to make to such charge, and if he states that he has a defence, the Magistrates shall hear such defence, and shall then proceed to dispose of the case summarily. 30 35

5. In the case of larceny, feloniously receiving stolen property or attempt to commit larceny from the person, or simple larceny, charged under the first or second sub-sections of the second section of this Act, if the Magistrate after hearing the whole case for the prosecution and for the defence, finds the charge proved, then he shall convict the person charged and commit him to the Common Gaol or other place of confinement, there to be imprisoned, with or without hard labour, for any period not exceeding six months. 40 45

6. If in any case the Magistrate finds the offence not proved, he shall dismiss the charge, and make out and deliver to the person charged a certificate under his hand stating the fact of such dismissal. 50

7. Every such conviction and certificate respectively may be in the forms A and B, in this Act, or to the like effect.

5 8. If (when his consent is necessary) the person charged does not consent to have the case heard and determined by the Magistrate, or in any case if it appears to the Magistrate that the offence is one which, owing to a previous conviction of the person charged, or from any other circumstance, ought to be made the subject of prosecution by indictment rather than to be disposed of summarily, such Magistrate shall deal with the case in all respects as if this Act had not been
10 passed; but a previous conviction shall not prevent the Magistrate from trying the offender summarily, if he thinks fit so to do.

9. If upon the hearing of the charge the Magistrate is of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, he may dismiss the person charged without
15 proceeding to a conviction.

10. Where any person is charged before a competent Magistrate with simple larceny of property exceeding in value *ten* dollars, or with having obtained such property by false pretences, or with having embezzled or having feloniously received stolen property or with
20 committing or attempting to commit larceny from the person, or with larceny as a clerk or servant, and the evidence in support of the prosecution is in the opinion of the Magistrate sufficient to put the person on his trial for the offence charged, such Magistrate, if the case appear to him to be one which may properly be disposed of in a summary way,
25 and may be adequately punished by virtue of the powers of this Act, shall reduce the charge into writing and shall read it to the said person, and (unless such person is one who can be tried summarily without his consent) shall then put to him the question mentioned in section three, and shall explain to him that he is not obliged to plead
30 or answer before such Magistrate at all, and that if he do not plead or answer before him, he will be committed for trial in the usual course.

11. If the person so charged consents to be tried by the Magistrate, the Magistrate shall then ask him whether he is guilty or not of the
35 charge, and if such person says that he is guilty, the Magistrate shall thereupon cause a plea of guilty to be entered upon the proceedings, and shall convict him of the offence, and commit him to the Common Gaol or other place of confinement, there to be imprisoned, with or without hard labour, for any term not exceeding twelve months, and
40 every such conviction may be in the form C, or to the like effect.

12. In every case of summary proceedings under this Act, the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined, by counsel or attorney.

45 13 The Magistrate before whom any person is charged under this Act, may by summons require the attendance of any person as a witness upon the hearing of the case at a time and place to be named in such summons; and such Magistrate may bind by recognizance all persons whom he may consider necessary to be examined touching the
50 matter of such charge, to attend at the time and place to be appointed by him, and then and there to give evidence upon the hearing of

such charge; And in case any person, so summoned or required or bound as aforesaid, neglects or refuses to attend in pursuance of such summons or recognizance, then upon proof being first made of such person's having been duly summoned as hereinafter mentioned, or bound by recognizance as aforesaid, the Magistrate before whom 5 such person ought to have attended may issue a warrant to compel his appearance as a witness.

14. Every summons issued under this Act may be served by delivering a copy of the summons to the party summoned, or by delivering a copy of the summons to some inmate of such party's usual place of 10 abode; and every person so required by any writing under the hand of any competent Magistrate to attend and give evidence as aforesaid, shall be deemed to have been duly summoned.

15. The jurisdiction of the Magistrate in the case of any person charged within the Police limits of any City in Canada, with therein 15 keeping or being an inmate or an habitual frequenter of any disorderly house, house of ill-fame or bawdy house, shall be absolute, and shall not depend on the consent of the party charged to be tried by such Magistrate, nor shall such party be asked whether he consents to be so 20 tried; nor shall this Act affect the absolute summary jurisdiction given to any Justice or Justices of the Peace in any case, by any other Act.

16. The jurisdiction of the Magistrate shall also be absolute in the case of any person, being a seafaring person and only transiently in Canada, and having no permanent domicile therein, charged, either 25 within the City of Quebec as limited for the purpose of the Police Ordinance, or within the City of Montreal as so limited, or in any other Seaport, City or Town in Canada, where there is a competent Magistrate, with the commission therein of any of the offences mentioned in the second section of this Act, and also in the case of any other person charged with any such offence on the complaint of any such sea-faring 30 person whose testimony is essential to the proof of the offence, and such jurisdiction shall not depend on the consent of any such party to be tried by the Magistrate, nor shall such party be asked whether he consents to be so tried.

17. In any case summarily tried under the *third, fourth, fifth, or sixth* 35 sub-section of the second section of this Act, if the Magistrate finds the charge proved, he may convict the person charged and commit him to the Common Gaol or other place of confinement, there to be imprisoned with or without hard labour for any period not exceeding six months, or may condemn him to pay a fine not exceeding, 40 with the costs in the case, one hundred dollars, or to both fine and imprisonment, not exceeding the said period and sum; and such fine may be levied by warrant of distress under the hand and seal of the Magistrate, or the party convicted may be condemned (in addition to any other imprisonment on the same conviction) to be committed to the 45 Common Gaol or other place of confinement, for a further period not exceeding six months, unless such fine be sooner paid.

18. Whenever the nature of the case requires it, the forms given at the end of this Act shall be altered by omitting the words stating the consent of the party to be tried before the Magistrate, and by adding 50 the requisite words stating the fine imposed (if any) and the imprison-

ment (if any) to which the party convicted is to be subjected if the fine be not sooner paid.

19. Where any person is charged before any Justice or Justices of the Peace, with any offence mentioned in this Act, and in the opinion
5 of such Justice or Justices, the case is proper to be disposed of by a competent Magistrate, as herein provided, the Justice or Justices before whom such person is so charged may, if he or they see fit, remand such person for further examination before the nearest competent Magistrate, in like manner in all respects as a Justice or Justices are authorized to
10 remand a party accused for trial at any Court, under any general Act respecting the duties of Justices of the Peace out of Sessions, in like cases.

20. No Justice or Justices of the Peace in any Province, shall so remand any person for further examination or trial before any such
15 Magistrate in any other Province.

21. Any person so remanded for further examination before a competent Magistrate in any City, may be examined and dealt with by any other competent Magistrate in the same City.

22. If any person suffered to go at large upon entering into such recognizance as the Justice or Justices are authorized under any such Act
20 as last mentioned to take, on the remand of a party accused, conditioned for his appearance before a competent Magistrate under the preceding sections of this Act, does not afterwards appear pursuant to such recognizance, then the Magistrate before whom he ought to have
25 appeared shall certify (under his hand on the back of the recognizance,) to the Clerk of the Peace of the District, County or place (as the case may be) the fact of such non-appearance, and such recognizance shall be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *primâ facie*
30 evidence of such non-appearance

23. The Magistrate adjudicating under this Act shall transmit the conviction, or a duplicate of a certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, to the next Court of General
35 or Quarter Sessions of the Peace, or to the Court discharging the functions of a Court of General or Quarter Sessions of the Peace, for the District, County or Place, there to be kept by the proper Officer among the Records of the Court.

24. A copy of such conviction, or of such certificate of dismissal,
40 certified by the proper Officer of the Court, or proved to be a true copy, shall be sufficient evidence to prove a conviction or dismissal for the offence mentioned therein, in any legal proceedings whatever.

25. The Magistrate, by whom any person has been convicted under this Act, may order restitution of the property stolen, or taken or obtained
45 by false pretences, in those cases in which the Court before whom the person convicted would have been tried but for this Act, might by law order restitution.

26. Every Court, held by a competent Magistrate for the

purposes of this Act, shall be an open public Court, and a written or printed notice of the day and hour for holding such Court, shall be posted or affixed by the Clerk of the Court upon the outside of some conspicuous part of the building or place where the same is held.

5

27. The provisions of the *Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders*, and the provisions of the *Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences*, shall not be construed as applying to any proceedings under this Act except as mentioned in section *nineteen*.

10

28. Every conviction by a competent Magistrate under this Act shall have the same 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.

15

29. Every person who obtains a certificate of dismissal or is convicted under this Act, shall be released from all further or other criminal proceedings for the same cause.

30. 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 has been convicted, and there be a good and valid conviction to sustain the same.

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31. Nothing in this Act shall affect the provisions of the *Act respecting the Trial and Punishment of Juvenile Offenders*; and this Act shall not extend to persons punishable under that Act, so far as regards offences for which such persons may be punished thereunder.

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32. Every fine imposed under the authority of this Act shall be paid to the Magistrate, who has imposed the same, or to the Clerk of the Court or Clerk of the Peace, as the case may be, and shall be by him paid over to the County Treasurer for county purposes if it has been imposed in the Province of Ontario,—and if it been imposed in any new district in the Province of Quebec, constituted by any Act of the Legislature of the late Province of Canada passed in or after the year one thousand eight hundred and fifty-seven, then to the Sheriff of such District as Treasurer of the Building and Jury Fund for such District, to form part of the said Fund,—and if it has been imposed in any other District in the said Province, then to the Prothonotary of such District, to be by him applied under the direction of the Lieutenant Governor in Council, towards the keeping in repair of the Court House in such District, or to be by him added to the moneys and fees collected by him for the erection of a Court House and Gaol in such District, so long as such fees shall be collected to defray the cost of such erection. And in the Province of Nova Scotia

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and in the Province of New Brunswick

33. In the interpretation of this Act the word "property" shall be construed to include everything included under the same word or the expression "valuable security," as used in the *Act respecting Larceny and other similar offences*; and in the case of any "valuable security,"
 5 the value thereof shall be reckoned in the manner prescribed in the said Act.

34. The Act cited in the first section of this Act chapter one hundred and five of the Consolidated Statutes of Canada is hereby repealed, except as to cases pending under it at the time of the coming into
 10 force of this Act and as to all sentences pronounced and punishments awarded under it, as regards all which this Act shall be construed as a re-enactment of the said Act, with amendments, and not as a new law.

35. This Act shall commence and take effect on the
 15 day of _____ in the year of our Lord, one thousand eight hundred and _____

FORM (A) See s. 7.

CONVICTION.

Province of _____ City or _____ }
 as the case may be of, to wit: }
 Be it remembered that on the _____ day of _____, in the
 year of our Lord _____, at _____, A. B., being charged
 before me the undersigned _____, of the said (City,) (and consenting to my deciding upon the charge summarily,) is convicted before me, for that he the said A. B., &c., (stating the offence, and the time and place when and where committed,) and I adjudge the said A. B., for his said offence, to be imprisoned in the _____ (and there kept to hard labour) for the space of _____.
 Given under my hand and seal, the day and year first above mentioned, at _____ aforesaid.

J. S. [L. S.]

FORM (B) See s. 6.

CERTIFICATE OF DISMISSAL.

Province of _____ City or _____ }
 as, the case may be of, to wit: }
 I, the undersigned, _____, of the City or as the
 case may be, of _____, certify that on the _____ day of _____ in
 the year of our Lord _____, at _____ aforesaid, A. B., being charged before me (and consenting to my deciding upon the charge summarily), for that he the said A. B., &c., (stating the offence charged, and the time and place when and where alleged to have been committed,) I did, after having summarily adjudicated thereon, dismiss the said charge.
 Given under my hand and seal, this _____ day of _____, at _____ aforesaid.

J. S. [L. S.]

FORM (C) See s 11.

CONVICTION UPON A PLEA OF GUILTY.

Province of _____ City or _____, }
as the case may be of, to wit: }

Be it remembered that on the _____ day of _____, in the year of our Lord _____, at _____ A. B., being charged before me the undersigned _____, of the said City, (and consenting to my deciding upon the charge summarily) for that he the said A.B., &c., (*stating the offence, and the time and place when and where committed,*) and pleading guilty to such charge, he is thereupon convicted before me of the said offence; and I adjudge him the said A. B. for his said offence, to be imprisoned in the _____ (and there kept to hard labour) for the space of _____

Given under my hand and seal, the day and year first above mentioned, at _____ aforesaid.

J. S. [L S.]

An Act to remove doubts as to Legislation in Canada regarding offences not wholly committed within its limits.

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

- 5 1. The words "or without" in the first line of the second section of the sixty-ninth chapter of the Statutes of Canada passed in the thirty-first year of Her Majesty's Reign, and the same words in the second line of the fifth section of the same Act, and any other words in the said chapter assuming a jurisdiction over offences not wholly committed in Canada are repealed.
- 10 2. So much of the eighth section of the seventy-second chapter of the Statutes of the same year, as relates to felonies which shall not have been wholly committed within Canada, and to persons who shall be accessories to such felonies, is hereby repealed.

4 This Act shall be a Public Act

Public Act

last preceding annual meeting

28 of the said Bank, in the place and stead of the Directors elected at the
held office until the next annual meeting for the election of Directors
election of directors of the said Bank, and the directors so elected shall
meeting immediately after such change of place is declared, as now
if the place of the said Head Office is changed, there shall be at such
29 29 At any such meeting as in the preceding section mentioned, a new election
and rected acts mentioned

to be the Head Office of the said Bank for all the purposes in the

such place so named at such meeting shall be and shall be construed
and other place in either of the Provinces of Ontario or Quebec, and
to change the place where the Head Office of the said Bank shall be, to
meetings are called under the said rected acts shall have power to the bank
for that purpose, by the notice and in the manner in which special meeting
person or by proxy at any annual meeting or any special meeting called under the

30 The majority of the shareholders of the said Bank, present in person or
by proxy, shall have power to change the place of the Head Office of the said Bank
in the year of our
31 The said Act shall be and remain in force until the
incorporating the said Bank and amending the Act of incorporation of same.

32 The several Acts of the Parliament of the late Province of Canada, Chapter one-
hundred and thirty-two, intituled "An Act to amend the Charter of the Bank of
Montreal," and the several Acts of the late Province of Ontario, Chapter one-
hundred and thirty-two, intituled "An Act to amend the Charter of the Bank of
Montreal," shall be and remain in force until the

33 House of Commons of Canada, enact as follows:

Enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Senate and
of the House of Commons of Canada, in the year of our

WHEREAS the Ontario Bank, have by their petition prayed Preamble.

Bank

An Act to amend and extend the Charter of the Ontario

No. 1081

BILL

1899

An Act to amend and extend the Charter of the Ontario Bank.

WHEREAS the Ontario Bank, have by their petition prayed **Preamble.**
that their charter may be amended and extended, and it is
advisable that the prayer of the said petition be granted:—Therefore,
Her Majesty, by and with the advice and consent of the Senate and
5 House of Commons of Canada, enacts as follows:

1. The several Acts of the Parliament of the late Province of Canada, **Charter con-**
incorporating the said Bank, and amending the Act of incorporation of **tinued.**
the said Bank, and this Act, shall be and remain in force until the
day of _____ in the year of our
10 Lord, one thousand eight hundred and _____

2. The majority of the shareholders of the said Bank, present in **Power to**
person or by proxy, at any annual meeting or any special meeting called **change the**
for that purpose, by the notice and in the manner in which special **place of the**
meetings are called under the said recited acts, shall have power to **Head Office of**
15 change the place where the Head Office of the said Bank shall be, to **the Bank.**
any other place in either of the Provinces of Ontario or Quebec, and
such place so named at such meeting shall be and shall be construed
to be, the Head Office of the said Bank for all the purposes in the
said recited acts mentioned.

20 3. At any such meeting as in the preceding section mentioned, **New election**
if the place of the said Head Office is changed, there shall be at such **of Directors**
meeting, immediately after such change of place is declared, a new **if such place**
election of directors of the said Bank, and the directors so elected shall **be changed.**
hold office until the next annual meeting for the election of Directors
25 of the said Bank, in the place and stead of the Directors elected at the
last preceding annual meeting.

4. This Act shall be a Public Act.

Public Act.

3 This Act shall be a Public Act

Public Act

may consider most advisable.

40 The either in sterling or currency, or in England or Canada, as they by the 1st of 1869 held by the said bank in Government securities in such securities by the 1st of 1869.

41 The directors may, in case the ten per cent redimmed by law to be as to foreign bank in his own name and right.

42 The directors may, in case the ten per cent redimmed by law to be as to foreign bank in his own name and right.

43 The annual general meeting of the shareholders of the said bank shall be held on the third Wednesday in June, instead of the third Wednesday in July; and each director of the said bank shall be redimmed by the directors of the said bank.

44 The annual general meeting of the shareholders of the said bank shall be held on the third Wednesday in June, instead of the third Wednesday in July; and each director of the said bank shall be redimmed by the directors of the said bank.

45 The premium received on any such increased stock shall be paid to the directors of the said bank in such manner as they may think fit.

46 The directors may, in case the ten per cent redimmed by law to be as to foreign bank in his own name and right.

BILL.

An Act to amend and extend the charter of the Ontario Bank.

PRIVATE BILL.

Hon. Mr. CAMERON, of Peel.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

No 108]

BILL.

[1869

An Act to amend and extend the charter of the Bank of

Toronto.

WHEREAS the Bank of Toronto have by their petition prayed that their charter may be amended and extended; and it is sh-

An Act to amend and extend the charter of the Bank of Toronto.

WHEREAS the bank of Toronto have by their petition prayed that their charter may be amended and extended, and it is advisable that the prayer of the said petition be granted: Therefore Her Majesty, by and with the advise and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

1. The several Acts of the Parliament of the late Province of Canada, incorporating the said bank, and amending the Act of incorporation of the said bank, and this Act, shall be and remain in force until the day of _____ in the year of our Lord one thousand and eight hundred and _____

Charter continued.

2. The capital stock of the said bank may be increased to the sum of two millions of dollars, but it shall not be obligatory to increase it to more than one million of dollars, and such increase may be agreed upon by the shareholders at any annual general meetings, or at any meetings specially called from time to time for that purpose, by the usual notice for special meetings, at any time within five years from the passing of this Act; and such increase may be agreed upon by such proportions at a time as the shareholders shall determine, and shall be decided by a majority of the shareholders present at such meetings, either in person or by proxy.

Increase of capital.

3. Any new stock of the said bank to be issued on any such increase of the capital stock, shall be allotted to the then shareholders of the said bank, *pro rata*, and at such rate of premium as shall be fixed by the directors: provided always, that any of such increased stock which shall not be taken up by any shareholder, within three months from the time when notice of the allotment has been mailed to his address by post from Toronto, may be opened for subscription to the public in and on such terms as the directors shall determine.

Allotment of new stock to shareholders.

Proviso as to stock not taken by shareholders.

4. The premium received on any such increased stock shall be in such manner carried to the rest or reserved fund of the bank.

Premium how to be dealt with.

5. The annual general meeting of the shareholders of the said bank shall be held on the third Wednesday in June, instead of the third Wednesday in July; and each director of the said bank shall be required to hold two thousand dollars of the capital stock of the said bank in his own name and right, and the President of the said bank shall be required to hold ten thousand dollars of the capital stock of the said bank in his own name and right.

Increased qualification of directors and president.

6. The directors may invest the ten per cent required by law to be held by the said bank in government securities, in such securities payable either in sterling or currency, or in England or Canada, as they may consider most advisable.

As to government securities to be held by the bank.

7. This Act shall be a Public Act.

Public Act.

No. 109.

2nd Session, 1st Parliament, 22 Victoria, 1869.

BILL.

An Act to amend and extend the Act of incorporation of the Bank of Toronto.

PRIVATE BILL.

Hon. Mr. CAMERON, (Peel.)

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the trial and punishment of Juvenile Offenders.

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

1. In this Act the expression "any two or more Justices," shall as respects the Province of Quebec, include any two or more Justices of the Peace, the Sheriff of any District except Montreal and Quebec, the Deputy Sheriff of Gaspé, Recorder, Judge of the Sessions of the Peace, Police Magistrate, District Magistrate or Stipendiary Magistrate, acting within the limits of their respective jurisdictions, and as respects the Province of Ontario, any Judge of the County Court being a Justice of the Peace, Police Magistrate or Stipendiary Magistrate, or any two Justices of the Peace, acting within their respective jurisdictions ; and as respects the Province of Nova Scotia or the Province of New Brunswick, the said expression shall mean and include any functionary or tribunal invested or to be invested by the proper legislative authority with power to do acts usually required to be done by two or more Justices of the Peace :—and the expression "the Justices" shall have the same meaning as the expression "two or more Justices of the Peace" as above defined : and the expression "the Common Gaol or other place of confinement" shall include any Reformatory Prison provided for the reception of juvenile offenders in the Province in which the conviction referred to takes place, and to which by the law of that Province the offender can be sent.

2. Every person charged with having committed or having attempted to commit, or with having been an aider, abettor, counsellor or procurer in the commission of any offence which is simple larceny, or punishable as simple larceny, and whose age at the period of the commission or attempted commission of such offence does not, in the opinion of the Justice before whom he is brought or appears as mentioned in section seven, exceed the age of sixteen years, shall, upon conviction thereof, in open Court, upon his own confession or upon proof, before any two or more Justices be committed to the common gaol or other place of confinement within the jurisdiction of such Justices, there to be imprisoned with or without hard labour, for any term not exceeding three months, or, in the discretion of such Justices, shall forfeit and pay such sum, not exceeding twenty dollars, as the said Justices may adjudge.

3. The Justices before whom any person is charged and proceeded against under this Act, before such person is asked whether he has any cause to shew why he should not be convicted, shall say to the person so charged, these words, or words to the like effect :

"We shall have to hear what you wish to say in answer to the charge against you ; but if you wish to be tried by a Jury, you must object now to our deciding upon it at once."

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OTTAWA

And if such person, or a parent or guardian of such person, then objects, such person shall be dealt with as if this Act had not been passed; but nothing in this Act shall prevent the summary conviction of any such person before one or more Justices of the Peace, for any offence for which he is liable to be so convicted under any other Act. 5

4. If the Justices, upon the hearing of any such case, deem the offence not proved, or that it is not expedient to inflict any punishment, they shall dismiss the party charged, in the latter case on his finding sureties for his future good behaviour, and in the former case without sureties, and then make out and deliver to the party charged, a certificate under the hands of such Justices stating the fact of such dismissal. 10

Such certificate shall be in the form or to the effect set forth in the form following: 15

To wit: } We, _____ of Her Majesty's Justices of the
Recorder, &c.,) I, a _____, of _____, (or if a
of _____, as the case may be) do hereby certify,
that on the _____ day of _____, in the year of our
Lord, _____ at _____, in the said _____ of
_____ M. N., was brought before us the said Justices (or
me the said _____) charged with the following offence, that is
to say (here state briefly the particulars of the charge), and that we
the said Justices (or I the said _____) thereupon dismissed 25
the said charge.

Given under our hands (or my hand) this _____ day of _____

5. If the Justices are of opinion, before the person charged has made his defence, that the charge is from any circumstance a fit subject for prosecution by indictment, or if the person charged, upon being called upon to answer the charge, objects to the case being summarily disposed of under the provisions of this Act such Justices shall, instead of summarily adjudicating thereupon deal with the case in all respects as if this Act had not been passed; but this shall not prevent his being afterwards tried summarily by his own consent by the Judge of a County Court in the Province of Ontario, under any Act then in force for that purpose. 30

6. Every person obtaining such certificate of dismissal as afore said, and every person convicted under the authority of this Act, shall be released from all further or other criminal proceedings for the same cause. 40

7. In case any person whose age is alleged not to exceed sixteen years be charged with any offence mentioned in section two, on the oath of a credible witness before any Justice of the Peace, such Justice may issue his summons or warrant, to summon or to apprehend the person so charged, to appear before any two Justices of the Peace, at a time and place to be named in such summons or warrant. 45

8. Any Justice or Justices of the Peace, if he or they think fit, may remand for further examination or for trial, or suffer to go at large upon his finding sufficient sureties, any such person charged before him or them with any such offence as aforesaid. 50

9. Every such surety shall be bound by recognizance to be conditioned for the appearance of such person before the same or some other Justice or Justices of the Peace for further examination, or for trial before two or more Justices of the Peace as aforesaid, or for trial by indictment at the proper Court of Criminal Jurisdiction, as the case may be.

10. Every such recognizance may be enlarged from time to time by any such Justice or Justices or Court to such further time as he or they appoint; and every such recognizance not so enlarged shall be discharged without fee or reward when the party has appeared according to the condition thereof.

11. Any Justice of the Peace may, by summons, require the attendance of any person as a witness upon the hearing of any case before two Justices under the authority of this Act, at a time and place to be named in such summons.

12. Any such Justice may require and bind by recognizance all persons whom he considers necessary to be examined touching the matter of such charge, to attend at the time and place appointed by him, and then and there to give evidence upon the hearing of such charge.

13. In case any person so summoned or required or bound as aforesaid, neglects or refuses to attend in pursuance of such summons or recognizance, then upon proof being first given of such person having been duly summoned as hereinafter mentioned, or bound by recognizance as aforesaid, either of the Justices before whom any such person ought to have attended, may issue a warrant to compel his appearance as a witness.

14. Every summons issued under the authority of this Act, may be served by delivering a copy thereof to the party, or to some inmate at such party's usual place of abode, and every person so required by any writing under the hand or hands of any Justice or Justices to attend and give evidence as aforesaid, shall be deemed to have been duly summoned.

15. The Justices before whom any person is summarily convicted of any such offence as hereinbefore mentioned, may cause the conviction to be drawn up in the following form, or in any other form of words to the same effect, (varying the wording to suit the case,) that is to say:

To wit: , } Be it remembered that on the day of
 , } , in the year of our Lord one thousand
40 eight hundred and , at , in the District of ,
(County or United Counties, &c., or as the case may be) A. O. is convicted before us J. P. and J.R., two of Her Majesty's Justices of the Peace for the said District (or City, &c.,) or me, S. J., Recorder, &c.
 , of the of , or as the case may be) for that
45 he the said A. O. did (specify the offence and the time and place when
and where the same was committed, as the case may be, but without setting forth the evidence), and we the said J. P. and J. R. (or I the said S. J.) adjudge the said A. O. for his said offence to be imprisoned in the (or to be imprisoned in the
and there kept at hard labour, for the space of , (or we

(or I) adjudge the said A. O. for his said offence to forfeit and pay
,) (*here state the penalty actually imposed,*) and in
default of immediate payment of the said sum, to be imprisoned in
the (or to be imprisoned in the , and
kept to hard labour) for the space of , unless the said 5
sum shall be sooner paid.

Given under our hands and seals (or my hand and seal) the day and
year first above mentioned.

And the conviction shall be good and effectual to all intents and
purposes. 10

16. No such conviction 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 shall be
held void by reason of any defect therein, provided it be therein
alleged that the party has been convicted, and there is a good and 15
valid conviction to sustain the same.

17. The Justices before whom any person is convicted under
the provisions of this Act, shall forthwith transmit the conviction
and recognizances to the Clerk of the Peace for the district,
city, county or union of counties wherein the offence was committed, 20
there to be kept by the proper officer among the records of the Court
of General or Quarter Sessions of the Peace, or of any other Court
discharging the functions of a Court of General or Quarter Sessions
of the Peace.

18. Each such Clerk of the Peace shall transmit to the 25
Secretary of State of Canada, a quarterly return of the names,
offences and punishments mentioned in the convictions, with such
other particulars as may from time to time be required.

19. No conviction under the authority of this Act shall be attended
with any forfeiture, except such penalty as may be imposed by 30
the sentence, but whenever any person is adjudged guilty under
the provisions of this Act, the presiding Justices may order restitution
of the property in respect of which the offence was committed, to
the owner thereof or his representatives.

20. If such property be not then forthcoming, the Justices, 35
whether they award punishment or dismiss the complaint, may in-
quire into and ascertain the value thereof in money, and if they
think proper, order payment of such sum of money to the true owner,
by the person convicted, either at one time or by instalments, at such
periods as the Court deems reasonable. 40

21. The party so ordered to pay may be sued for the same as a
debt in any Court in which debts of the like amount may be by law
recovered, with costs of suit, according to the practice of such Court.

22. Whenever the Justices adjudge any offender to forfeit
and pay a pecuniary penalty under the authority of this Act, 45
and such penalty is not forthwith paid, they may if they deem it
expedient, appoint some future day for the payment thereof, and
order the offender to be detained in safe custody until the day so to
be appointed, unless such offender gives security to the satisfaction of
the Justices for his appearance on such day, and the Justices may 50

take such security by way of recognizance or otherwise at their discretion.

23. If at any time so appointed such penalty has not been paid, the same or any other Justices of the Peace may, by Warrant under
5 their hands and seals, commit the offender to the Common Gaol or other place of confinement within their jurisdiction, there to remain for any time not exceeding three months, reckoned from the day of such adjudication; such imprisonment to cease on payment of the said penalty.

10 24. The Justices before whom any person is prosecuted or tried for any offence cognizable under this Act, may, in their discretion, at the request of the prosecutor or of any other person who appears on recognizance or summons to prosecute or give evidence against such person, order payment to the prosecutor and
15 witnesses for the prosecution, of such sums of money as to them seem reasonable and sufficient, to reimburse such prosecutor and witnesses for the expenses they have severally incurred in attending before them, and in otherwise carrying on such prosecution, and also to compensate them for their trouble and loss of time therein, and may order payment
20 to the Constables and other Peace Officers for the apprehension and detention of any person so charged.

25. And although no conviction takes place, the said Justices may order all or any of the payments aforesaid, when they are of opinion that the parties or any of them have acted *bonâ fide*.

25 26. Every fine imposed under the authority of this Act, shall be paid to the Justices who impose the same, or to the Clerk of the Recorder's Court, or the Clerk of the County Court, or the Clerk of the Peace, or other proper officer

as the case may be, and shall be by him or them paid over to the County Treasurer
30 for County purposes, if the same was imposed in the Province of Ontario; and if it was imposed in any new district in the Province of Quebec, then to the Sheriff of such district as Treasurer of the Building and Jury Fund for such district, to form part of the said Fund, and if it was imposed in any other district in the Province
35 of Quebec, then to the Prothonotary of such district, to be by him applied, under the direction of the Lieutenant Governor in Council, towards the keeping in repair of the Court House in such district, or to be by him added to the moneys or fees collected by him, for the erection of a Court House or Gaol in such district, so
40 long as such fees are collected to defray the cost of such erection, and if it was imposed in the Province of Nova Scotia it shall be paid over to the County Treasurer, for County purposes, and if it was imposed in the Province of New Brunswick, it shall be paid over to the County Treasurer, for County purposes.

45 27. The amount of expenses of attending before the Justices and the compensation for trouble and loss of time therein, and the allowances to the Constables and other Peace Officers for the apprehension and detention of the offender, and the allowances to be paid to the prosecutor, witnesses and constables for attending at the trial or examination of the offender, shall be ascertained by and certified
50 under the hands of such Justices, but the amount of the costs,

charges and expenses attending any such prosecution, to be allowed and paid as aforesaid, shall not in any one case exceed the sum of eight dollars.

28. Every such order of payment to any prosecutor or other person, after the amount thereof has been certified by the proper Justices of the Peace as aforesaid, shall be forthwith made out and delivered by the said Justices or one of them, or by the Clerk of the Recorder's Court, Clerk of the County Court or Clerk of the Peace, as the case may be, unto such prosecutor or other person, upon such Clerk being paid his lawful fee for the same, and shall be made upon the officer to whom fines imposed under the authority of this Act are required to be paid over in the district, city, county or union of counties in which the offence was committed, or was supposed to have been committed, who upon sight of every such order, shall forthwith pay to the person named therein, or to any other person duly authorized to receive the same on his behalf, out of any monies received by him under this Act, the money in such order mentioned, and shall be allowed the same in his accounts of such moneys.

29. The Act chapter one hundred and six of the Consolidated Statutes of Canada is hereby repealed, except as to cases pending under it at the time of the coming into force of this Act, and as to all sentences pronounced and punishments awarded under it, as regards all which this Act shall be construed as a re-enactment of the said Act with the amendments hereby made and not as a new law.

30. This Act shall commence and take effect on the first day of January, in the year of Our Lord one thousand eight hundred and seventy.

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An Act respecting Nova Scotia.

WHEREAS it appears by Messages from His Excellency the Governor General, and the Report of a Committee of the Queen's Privy Council for Canada approved by His Excellency on the twenty-fifth day of January now last, and other documents accompanying the said Message, that it is just and expedient to add to the sums payable to the Province of Nova Scotia under the British North America Act 1867, the sum of Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

10. If Nova Scotia shall be liable to Canada for the amount (if any) by which its public debt at the Union exceeded nine million one hundred and eighty-six thousand seven hundred and fifty-six dollars, and shall be chargeable with interest on such excess only, and shall be entitled to interest on any amount by which its public debt then fell short of that sum, as if the said sum were mentioned in Sections one hundred and fourteen and one hundred and sixteen of the British North America Act, 1867, instead of that of eight million dollars.

11. Nova Scotia shall receive from Canada, for the period of ten years from the first day of July, 1867, an allowance of eighty-two thousand six hundred and ninety-eight dollars per annum, in addition to all other sums payable to the said Province under the British North America Act, 1867; and such allowance shall hereafter be paid by half-yearly payments in advance from the first day of July, one thousand eight hundred and sixty-nine, the arrears thereof up to the day last mentioned being capitalized either in whole or in part as the Governor in Council may determine, and the interest on the part capitalized being payable until the end of the said ten years, when the principal shall be paid.

12. Nova Scotia shall, from the date of the completion of the new Province Building, be debited in account with Canada, with interest at the rate of five per cent per annum, on the cost of that Building until it shall have been placed at the disposal of the Dominion.

13. All sums mentioned in this Act shall be currency of the former Province of Canada, and shall be a charge upon and payable out of the Consolidated Revenue Fund of Canada.

Additional annual allowance to Nova Scotia for ten years.
How payable.
As to the cost of the Province Building.
Currency and how chargeable.

An Act respecting Nova Scotia.

WHEREAS it appears by Message from His Excellency the Governor General, and the Report of a Committee of the Queen's Privy Council for Canada, approved by His Excellency on the twenty-fifth day of January now last, and other documents accompanying the said Message, that it is just and expedient to add to the sums payable to the Province of Nova Scotia, under the British North America Act, 1867; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

- 10 **1.** Nova Scotia shall be liable to Canada for the amount (if any) by which its public debt at the Union exceeded nine million one hundred and eighty-six thousand seven hundred and fifty-six dollars, and shall be chargeable with interest on such excess only, and shall be entitled to interest on any amount by which its public
15 debt then fall short of that sum, as if the said sum were mentioned in Sections one hundred and fourteen and one hundred and sixteen, of the British North America Act, 1867, instead of that of eight million dollars.
- 20 **2.** Nova Scotia shall receive from Canada, for the period of ten years from the first day of July, 1867, an allowance of eighty-two thousand six hundred and ninety-eight dollars per annum, in addition to all other sums payable to the said Province under the British North America Act, 1867; and such allowance shall hereafter be paid by half-yearly payments in advance from the first day of July,
25 one thousand eight hundred and sixty-nine, the arrears thereof up to the day last mentioned, being capitalized either in whole or in part as the Governor in Council may determine, and the interest on the part capitalized being payable until the end of the said ten years, when the principal shall be paid.
- 30 **3.** Nova Scotia shall, from the date of the completion of the new Province Building, be debited in account with Canada, with interest at the rate of five per cent. per annum, on the cost of that Building, until it shall have been placed at the disposal of the Dominion.
- 35 **4.** All sums mentioned in this Act shall be currency of the former Province of Canada, and shall be a charge upon and payable out of the Consolidated Revenue Fund of Canada.

Preamble.

On what amount of debt Nova Scotia shall receive or be chargeable with interest.

Additional annual allowance to Nova Scotia for ten years.

How payable.

As to the cost of the Province Building.

Currency: and how chargeable.

2nd Session, 1st Parliament, 22 Victoria, 1869.

BILL.

An Act respecting Nova Scotia.

Received and read first time, Saturday, 12th June,
1869.

Second Reading, Tuesday, 15th June, 1869.

Hon. Mr. ROSE.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend chapter 67 of the Consolidated Statutes of Canada, intituled "An Act respecting Electric Telegraph Companies."

WHEREAS it is expedient to amend chapter 67 of the Consoli- Preamble.
dated Statutes of Canada, intituled "An Act respecting Electric
Telegraph Companies," so as to enable any Electric Telegraph Com-
pany, incorporated under that Act, to alter the route or routes of their
5 lines of Telegraph, when that may be found expedient; Therefore
Her Majesty by and with the advice and consent of the Senate and
House of Commons of Canada, enacts as follows :

1. Any Electric Telegraph Company incorporated under the chapter, How route of
67 of the Consolidated Statutes of Canada, may alter the route or routes telegraph
10 designated in the certificate mentioned in the said Act, and may devi- may be
ate therefrom, as may be found necessary or expedient; provided changed.
always, that the Directors of the said Company shall first under their
hands and the seal of the said Company, execute an amended certifi-
15 cate designating the new route or routes to be substituted for any
part of the route or routes mentioned in the original certificate ; such
amended certificate shall be acknowledged before a Notary, and the
original or a copy thereof certified by such Notary, shall be filed in the
office of the Secretary of State of Canada, and the fifth section of the
said Act shall apply to this amended certificate as well as to the origi-
20 nal certificate.

BILL.

An Act to amend Chapter 67 of the Consolidated Statutes of Canada, intituled "An Act respecting Electric Telegraph Companies."

Received and read first time Monday 14th,
June, 1869.

Second reading Tuesday, 15th June, 1868.

Hon. MR. LANGEVIN.

OTTAWA :

PRINTED BY MUNTER, ROSE & CO.

115

An Act respecting the duties of Justices of the Peace, out of Sessions, in relation to persons charged with Indictable Offences.

WHEREAS it is expedient to assimilate, amend and consolidate the Statute Laws of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, respecting the duties of Justices of the Peace out of sessions in relation to persons charged with indictable offences, and to extend the same as so consolidated to all Canada ; therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. In all cases where a charge or complaint (A) is made before any one or more of Her Majesty's Justices of the Peace for any Territorial Division in Canada, that any person has committed, or is suspected to have committed, any treason or felony, or any indictable misdemeanor or offence within the limits of the jurisdiction of such Justice or Justices of the Peace, or that any person guilty or suspected to be guilty of having committed any such crime or offence elsewhere out of the jurisdiction of such Justice or Justices, is residing or being, or is suspected to reside or be within the limits of the jurisdiction of such Justice or Justices, then, and in every such case, if the person so charged or complained against is not in custody, such Justice or Justices of the Peace may issue his or their Warrant (B) to apprehend such person, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same Territorial Division.

2. In all cases the Justice or Justices to whom the charge or complaint is preferred, instead of issuing in the first instance his or their Warrant to apprehend the person charged or complained against, may, if he or they think fit, issue his or their Summons (C) directed to such person, requiring him to appear before the Justice or Justices, at the time and place to be therein mentioned, or before such other Justice or Justices of the same Territorial Division as may then be there, and if, after being served with the Summons in manner hereinafter mentioned, he fails to appear at such time and place, in obedience to such Summons, the Justice or Justices, or any other Justice or Justices of the Peace for the same Territorial Division, may issue his or their Warrant (D) to apprehend the person so charged or complained against, and cause such person to be brought before him or them, or before some other Justice or Justices of the Peace for the same Territorial Division, to answer to the charge or complaint, and to be further dealt with according to law ; But any Justice or Justices of the Peace may, if he or they see fit, issue the Warrant hereinbefore first mentioned, at any time before or after the time mentioned in the Summons for the appearance of the accused party.

3. In all cases of indictable offences committed on the high seas, or in any creek, harbour, haven or other place, in which the Admiralty of England have or claim to have jurisdiction, and in all cases of offences committed on land beyond the seas for which an indict

ment may be preferred or the offender may be arrested in Canada, any one or more Justice or Justices for any territorial division in which any person charged with having committed, or being suspected to have committed any such offence, shall be or be suspected to be, may issue his or their warrant (D 2) to apprehend such person, to be 5 dealt with as therein and hereby directed.

4. In case an indictment be found by the Grand Jury in any Court of Criminal jurisdiction, against any person then at large, and whether such person has been bound by any Recognizance to appear to answer to any such charge or not, and in case such 10 person has not appeared and pleaded to the indictment, the person who acts as Clerk of the Crown or Chief Clerk of such Court shall, at any time at the end of the term or sittings of the Court, at which the indictment has been found, upon application of the Prosecutor, or of any person on his behalf, and on payment of a fee of *twenty* 15 *cents*, grant to such Prosecutor or person a Certificate (F) of such indictment having been found; and upon production of such Certificate to any Justice or Justices of the Peace for the Territorial Division in which the offence is in the indictment alleged to have been committed, or in which the person indicted resides, or is supposed or 20 suspected to reside or be, such Justice or Justices shall issue his or their Warrant (G) to apprehend the person so indicted, and to cause him to be brought before such Justice or Justices or any other Justice or Justices for the same Territorial Division, to be dealt with according to law. 25

5. If the person be thereupon apprehended and brought before any such Justice or Justices, such Justice or Justices, upon its being proved upon oath or affirmation before him or them that the person so apprehended is the person charged and named in the indictment, shall, without further inquiry or examination, commit (H) him for 30 trial or admit him to bail in manner hereinafter mentioned.

6. If the person so indicted is confined in any gaol or prison for any other offence than that charged in the indictment at the time of such application and production of such Certificate to the Justice or Justices, such Justice or Justices, upon its being proved before him 35 or them upon oath or affirmation, that the person so indicted and the person so confined in prison are one and the same person, shall issue his or their Warrant (I) directed to the Gaoler or Keeper of the gaol or prison in which the person so indicted is then confined, commanding him to detain such person in his custody, until, *by Her* 40 *Majesty's Writ of Habeas Corpus, or by order of the proper Court* he be removed therefrom for the purpose of being tried upon the said indictment, or until he be otherwise removed or discharged out of his custody by due course of law. 45

7. Nothing in this Act contained shall prevent the issuing or execution of Bench Warrants, whenever any Court of competent jurisdiction thinks proper to order the issuing of any such Warrant.

8. Any Justice or Justices of the Peace may grant or issue any Warrant as aforesaid, or any Search Warrant, on a Sunday as well as 50 on any other day.

9. In all cases when a charge or complaint for an indictable offence is made before any Justice or Justices, if it be intended to

issue a Warrant in the first instance against the party charged, an information and complaint thereof (A) in writing, on the oath or affirmation of the informant, or of some witness or witnesses in that behalf, shall be laid before such Justice or Justices.

5 **10.** When it is intended to issue a Summons instead of a Warrant in the first instance, the information and complaint shall also be in writing, and be sworn to or affirmed in manner aforesaid except only in cases where by some Act or Law it is specially provided that the information and complaint may be by parole merely, and without
10 any oath or affirmation to support or substantiate the same.

11. No objection shall be taken or allowed to any information and complaint for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution, before the Justice or Justices who take the examina-
15 tion of the witnesses in that behalf.

12. If a credible witness proves upon oath (E 1) before a Justice of the Peace, that there is reasonable cause to suspect that any property whatsoever, on or with respect to which any larceny or felony has been committed, is in any dwelling house, outhouse, garden,
20 yard, croft or other place or places, the Justice may grant a Warrant (E2) to search such dwelling house, garden, yard, croft or other place or places, for such property, and if the same, or any part thereof be then found, to bring the same and the person or persons in whose possession such house or other place then is, before the Justice grant-
25 ing the warrant, or some other Justice for the same Territorial Division.

13. Upon information and complaint as aforesaid, the Justice or Justices receiving the same may, if he or they think fit, issue his or their Summons or Warrant as hereinbefore directed, to cause the person
30 charged to be and appear as therein and thereby directed; and every Summons (C) shall be directed to the party so charged by the information, and shall state shortly the matter of such information, and shall require the party to whom it is directed to be and appear at a certain time and place therein mentioned, before the Justice who
35 issues the Summons, or before such other Justice or Justices of the Peace for the same territorial Division as may then be there, to answer to the charge, and to be further dealt with according to law.

14. Every such Summons shall be served by a Constable or other Peace officer upon the person to whom it is directed, by delivering
40 the same to the party personally, or if he cannot conveniently be met with, then by leaving the same for him with some person at his last or usual place of abode.

15. The Constable or other Peace Officer who serves the same shall attend at the time and place, and before the Justice or Justices
45 in the Summons mentioned, to depose, if necessary, to the service of the Summons.

16. If the person served does not appear before the Justice or Justices, at the time and place mentioned in the Summons, in obedience to the same, the Justice or Justices may issue his or their
50 Warrant (D) for apprehending the party so summoned, and bringing him before him or them, or before some other Justice or Justices for

the same Territorial Division to answer the charge in the information and complaint mentioned, and to be further dealt with according to law.

17. Every Warrant (B) hereafter issued by any Justice or Justices of the Peace to apprehend any person charged with any indictable offence, shall be under the hand and seal, or hands and seals, of the Justice or Justices issuing the same, and may be directed to all or any of the Constables or other Peace Officers of the Territorial Division within which the same is to be executed, or to any such Constable and all other Constables or Peace Officers in the Territorial Division within which the Justice or Justices issuing the same has jurisdiction, or generally to all the Constables or Peace Officers within such last mentioned Territorial Division ; and it shall state shortly the offence on which it is founded, and shall name or otherwise describe the offender, and it shall order the person or persons to whom it is directed to apprehend the offender, and bring him before the Justice or Justices issuing the Warrant, or before some other Justice or Justices of the Peace for the same Territorial Division, to answer to the charge contained in the information, and to be further dealt with according to law.

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18. It shall not be necessary to make the warrant returnable at any particular time, but the same may remain in force until executed.

19. Such Warrant may be executed by apprehending the offender at any place in the Territorial Division within which the Justice or Justices issuing the same have jurisdiction, or in case of fresh pursuit, at any place in the next adjoining Territorial Division, and within seven miles of the border of the first mentioned Territorial Division, without having the Warrant backed, as hereinafter mentioned.

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20. In case any Warrant be directed to all Constables or other Peace Officers in the Territorial Division within which the Justice or Justices have jurisdiction, any Constable or other Peace Officer for any place within such Territorial Division may execute the Warrant at any place within the jurisdiction for which the Justice or Justices acted when he or they granted such Warrant, in like manner as if the Warrant had been directed specially to such Constable by name, and notwithstanding the place within which such Warrant is executed be not within the place for which he is Constable or Peace Officer.

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21. No objection shall be taken or allowed to any Summons or Warrant for any defect therein, in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution, before the Justice or Justices who takes the examination of the Witnesses in that behalf as hereinafter mentioned.

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22. But if it appears to the Justice or Justices that the party charged has been deceived or misled by any such variance, such Justice or Justices, at the request of the party charged, may adjourn the hearing of the case to some future day, and in the meantime may remand the party, or admit him to bail as hereinafter mentioned.

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23. If the person against whom any Warrant has been issued, cannot be found within the jurisdiction of the Justice or Justices by whom the same was issued, or if he escapes into, or is supposed or suspected to be, in any place within Canada, out of the jurisdiction

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of the Justice or Justices issuing the Warrant, any Justice of the Peace within the jurisdiction of whom the person so escapes, or in which he is or is suspected to be, upon proof alone being made on oath or affirmation of the handwriting of the Justice who issued the same, without any security being given, shall make an endorsement (K) on the Warrant, signed with his name, authorizing the execution of the Warrant within the jurisdiction of the Justice making the endorsement, and such endorsement shall be sufficient authority to the person bringing such Warrant, and to all other persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the Territorial Division where the Warrant has been so endorsed, to execute the same in such other Territorial Division, and to carry the person against whom the Warrant issued, when apprehended, before the Justice or Justices of the Peace who first issued the Warrant, or before some other Justice or Justices of the Peace for the same Territorial Division, or before some Justice or Justices of the Territorial Division, in which the offence mentioned in the Warrant appears therein to have been committed.

20 **24.** If the Prosecutor or any of the witnesses for the prosecution be then in the Territorial Division where such person has been apprehended, the Constable, or other person or persons who have apprehended him may, if so directed by the Justice backing the warrant, take him before the Justice who backed the warrant, or before some other Justice or Justices for the same Territorial Division or place; and the said Justice or Justices may thereupon take the examination of such prosecutor or witnesses, and proceed in every respect in manner hereinafter directed with respect to persons charged before a Justice or Justices of the Peace, with an offence alleged to have been committed in another Territorial Division than that in which such persons have been apprehended.

25. If it be made to appear to any Justice of the Peace, by the oath or affirmation of any creditable person, that any person *within the Dominion*, is likely to give material evidence for the prosecution and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the examination of the witnesses against the accused, such Justice shall issue his summons (L 1) to such person, requiring him to be and appear at a time and place therein mentioned, before the said Justice, or before such other Justice or Justices of the Peace for the same Territorial Division as may then be there, to testify what he knows concerning the charge made against the accused party.

26. If any person so summoned neglects or refuses to appear at the time and place appointed by the Summons, and no just excuse be offered for such neglect or refusal, (after proof upon oath or affirmation of the summons having been served upon such person, either personally or with some person for him at his last or usual place of abode,) the Justice or Justices before whom such person should have appeared, may issue a Warrant (L 2), to bring such person, at a time and place to be therein mentioned, before the Justice who issued the Summons, or before such other Justice or Justices of the Peace for the same Territorial Division as may then be there, to testify as aforesaid, and the said Warrant may, if necessary, be backed as hereinbefore mentioned, in order to its being executed out of the jurisdiction of the Justice who issued the same.

27. If the Justice be satisfied by evidence upon oath or affirmation that it is probable the person will not attend to give evidence unless compelled so to do, then, instead of issuing such Summons, the Justice may issue his Warrant (L 3) in the first instance, and the Warrant, if necessary, may be backed as aforesaid. 5

28. If on the appearance of the person so summoned, either in obedience to the Summons or by virtue of the Warrant, he refuses to be examined upon oath or affirmation concerning the premises, or refuses to take such oath or affirmation, or having taken such oath or affirmation, refuses to answer the questions concerning the premises then 10 put to him without giving any just excuse for such refusal, any Justice of the Peace then present and there having jurisdiction, may, by Warrant (L 4), commit the person so refusing to the Common Gaol or other place of confinement, for the Territorial Division where the person so refusing then is, there to remain and be imprisoned for any 15 time not exceeding ten days, unless he in the meantime consents to be examined and to answer concerning the premises.

29. In all cases where any person appears or is brought before any Justice or Justices of the Peace charged with any indictable offence, whether committed in Canada or upon the high seas, or on 20 land beyond the sea, and whether such person appears voluntarily upon Summons or has been apprehended, with or without Warrant, or is in custody for the same or any other offence, such Justice or Justices before he or they commit such accused person to prison for trial, or before he or they admit him to bail, shall, in the presence of the 25 accused person, (who shall be at liberty to put questions to any witness produced against him,) take the statement (M) on oath or affirmation of those who know the facts and circumstances of the case, and shall put the same in writing, and such depositions shall be read over to and signed respectively by the witnesses so examined, and shall 30 be signed also by the Justice or Justices taking the same.

30. The Justice or Justices shall, before any witness is examined, administer to such witness the usual oath or affirmation, which such Justice or Justice or Justices are hereby empowered to do; and if upon the trial of the person accused, it be proved upon the oath or 35 affirmation of any credible witness, that any person whose deposition has been taken as aforesaid, is dead, or is so ill as not to be able to travel, or is absent from Canada, and if it be also proved that such deposition was taken in presence of the person accused, and that he, his Counsel or Attorney, had a full opportunity of cross-examining 40 the witness, then if the deposition purports to be signed by the Justice by or before whom the same purports to have been taken, it shall be read as evidence in the prosecution without further proof thereof, unless it be proved that such deposition was not in fact signed by the Justice purporting to have signed the same. 45

31. After the examinations of all the witnesses for the prosecution have been completed, the Justice, or one of the Justices by or before whom the examinations have been completed, shall, without requiring the attendance of the witnesses, read or cause to be read to the accused, the depositions taken against him, and shall say to him 50 these words, or words to the like effect: "Having heard the evidence, "do you wish to say any thing in answer to the charge? You are "not obliged to say any thing unless you desire to do so, but what- "ever you say will be taken down in writing, and may be given

“ in evidence against you upon your trial ;” and whatever the prisoner then says in answer thereto shall be taken down in writing (N) and read over to him, and shall be signed by the Justice or Justices, and kept with the depositions of the witnesses, and shall be
5 transmitted with them as hereinafter mentioned.

32. The Justice or Justices shall, before the accused person makes any statement, state to him and give him clearly to understand that he has nothing to hope from any promise of favor, and nothing to fear from any threat which may have been held out to him to induce
10 him to make any admission or confession of his guilt, but that whatever he then says may be given in evidence against him upon his trial, notwithstanding such promise or threat.

33. Nothing herein contained shall prevent any prosecutor from giving in evidence any admission or confession, or other statement
15 made at any time by the person accused or charged, which by law would be admissible as evidence against him.

34. Upon the trial of the accused person, the examinations may if necessary be given in evidence against him without further proof thereof, unless it be proved that the Justice or Justices purporting
20 to have signed the same, did not in fact sign the same.

35. The room or building in which the Justice or Justices take the examination and statement shall not be deemed an open Court for that purpose ; and the Justice or Justices, in his or their discretion, may order that no person, save the Counsel for the accused, shall
25 have access to or be or remain in such room or building without the consent or permission of such Justice or Justices, if it appear to him or them that the ends of justice will be best answered by so doing.

36. Any Justice or Justices, before whom any witness is examined, may bind by Recognizance (O 1) the Prosecutor, and every such
30 Witness, (except married women and infants who shall find security for their appearance if the Justice or Justices see fit, to appear at the next Court of competent Criminal Jurisdiction at which the accused is to be tried, then and there to prosecute or prosecute and give evidence, or to give evidence, as the case may be, against
35 the party accused, which Recognizance shall particularly specify the place of residence and the addition or occupation of each person entering into the same.

37. The Recognizance, being duly acknowledged by the person entering into the same, shall be subscribed by the Justice or Jus-
40 tices before whom the same is acknowledged, and a notice (O 2) thereof, signed by the said Justice or Justices, shall at the same time be given to the person bound thereby.

38. The several Recognizances so taken, together with the written information (if any), the depositions, the statement of the
45 accused, and the Recognizance of Bail (if any) shall be delivered by the said Justice or Justices, or he or they shall cause the same to be delivered to the proper Officer of the Court in which the trial is to be had, before or at the opening of the Court on the first day of the sitting thereof, or at such other time as the Judge,
50 Justice or person who is to preside at such Court, or at the trial orders and appoints.

39. If any witness refuses to enter into Recognizance, the Justice or Justices of the Peace by his or their Warrant (P 1,) may commit him to the common gaol for the Territorial Division in which the accused party is to be tried, there to be imprisoned and safely kept until after the trial of such accused party, unless 5 in the meantime such witness duly enters into a Recognizance before some one Justice of the Peace for the Territorial Division in which such Gaol is situate.

40. If afterwards, for want of sufficient evidence in that behalf or other cause, the Justice or Justices before whom the accused 10 party has been brought, do not commit him or hold him to bail for the offence charged, such Justice or Justices or any other Justice or Justices for the same Territorial Division, by his or their Order (P 2) in that behalf, may order and direct the Keeper of the gaol where the witness is in custody, to discharge him from the same, 15 and such Keeper shall thereupon forthwith discharge him accordingly.

41. If from the absence of witnesses, or from any other reasonable cause, it becomes necessary or advisable to defer the examination or further examination of the witnesses for any time, 20 the Justice or Justices before whom the accused appears or has been brought, may, by his or their Warrant (Q 1) from time to time, remand the party accused for such time as by such Justice or Justices in his or their discretion may be deemed reasonable, not exceeding eight clear days at any one time, to the common gaol in 25 the Territorial Division for which such Justice or Justices are then acting.

42. If the remand be for a time not exceeding three clear days, the Justice or Justices may verbally order the Constable or other person in whose custody the accused party may then be, or any 30 other Constable or person to be named by the Justice or Justices in that behalf, to keep the accused party in his custody, and to bring him before the same or such other Justice or Justices as may be there acting, at the time appointed for continuing the examination. 35

43. Any such Justice or Justices may order the accused party to be brought before him or them, or before any other Justice or Justices of the Peace for the same Territorial Division, at any time before the expiration of the time for which such party has been remanded, and the Gaoler or Officer in whose custody he 40 then is, shall duly obey such order.

44. Instead of detaining the accused party in custody during the period for which he has been so remanded, any one Justice of the Peace before whom such party has appeared or been brought, may discharge him, upon his entering into a Recognizance (Q 2, 3) 45 with or without a surety or sureties, at the discretion of the Justice, conditioned for his appearance at the time and place appointed for the continuance of the examination.

45. If the accused party does not afterwards appear at the time and place mentioned in the Recognizance, the said Justice or any 50 other Justice of the Peace who may then and there be present,

having certified (Q 4) upon the back of the Recognizance the non-appearance of such accused party, may transmit the Recognizance to the Clerk of the Court where the accused person is to be tried, or other proper officer appointed by law, to be proceeded upon in
5 like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of the non-appearance of the accused party.

46. Whenever a person appears or is brought before a Justice or Justices of the Peace in the Territorial Division wherein such Justice
10 or Justices have jurisdiction, charged with an offence alleged to have been committed by him within any Territorial Division in Canada wherein such Justice or Justices have not jurisdiction, such Justice or Justices shall examine such witnesses and receive such evidence
15 in proof of the charge as may be produced before him or them within his or their jurisdiction; and if in his or their opinion, such testimony and evidence be sufficient proof of the charge made against the accused party, the Justice or Justices shall thereupon commit
20 him to the Common Gaol for the Territorial Division where the offence is alleged to have been committed, or shall admit him to bail as hereinafter mentioned, and shall bind over the prosecutor (if he has appeared before him or them) and the witnesses, by Recognizance as hereinbefore mentioned.

47. If the testimony and evidence be not, in the opinion of the Justice or Justices, sufficient to put the accused party upon his trial
25 for the offence with which he is charged, then the Justice or Justices shall by recognizance bind over the witness or witnesses whom he has examined to give evidence as hereinbefore mentioned; and such Justice or Justices shall, by Warrant (R 1), order the accused party to be taken before some Justice or Justices of the Peace in and for
30 the Territorial Division where the offence is alleged to have been committed, and shall at the same time deliver up the information and complaint, and also the depositions and recognizances so taken by him or them to the Constable who has the execution of the last mentioned Warrant, to be by him delivered to the Justice or Justices
35 before whom he takes the accused, in obedience to the Warrant, and the depositions and recognizances shall be deemed to be taken in the case, and shall be treated to all intents and purposes as if they had been taken by or before the last mentioned Justice or Justices, and shall,
40 mentioned Justice or Justices in the matter of the charge against the accused party, be transmitted to the Clerk of the Court or other proper Officer where the accused party ought to be tried, in the manner and at the time hereinbefore mentioned, if the accused party should be committed for trial upon the charge, or be admitted to bail.

48. In case such accused party be taken before the Justice or Justices last aforesaid, by virtue of the said last mentioned Warrant, the Constable or other person or persons to whom the said Warrant is directed, and who has conveyed such accused party before such last mentioned Justice or Justices, shall upon producing the said accused party
50 before such Justice or Justices and delivering him into the custody of such person as the said Justice or Justices direct or name in that behalf, be entitled to be paid his costs and expenses of conveying the said accused party before the said Justice or Justices.

49. Upon the Constable delivering to the Justice or Justices the

Warrant, information (if any), depositions and recognizances, and proving on oath or affirmation the hand-writing of the Justice or Justices who has subscribed the same, such Justice or Justices before whom the accused party is produced, shall thereupon furnish such Constable with a Receipt or Certificate (R 2), of his or their having received from him the body of the accused party, together with the Warrant, information (if any), depositions and recognizances, and of his having proved to him or them, upon oath, or affirmation the hand-writing of the Justice who issued the Warrant. 5

50. The said Constable, on producing such receipt or certificate to the proper Officer for paying such charges, shall be entitled to be paid all his reasonable charges, costs and expenses of conveying such accused party into such other Territorial Division, and of returning from the same. 10

51. If such Justice or Justices do not commit the accused party for trial, or hold him to bail, then the recognizances taken before the first mentioned Justice or Justices shall be void. 15

52. When any person appears before any Justice of the Peace charged with a felony, or suspicion of felony, other than treason or felony punishable with death, or felony under the Act for the better protection of the Crown and of the Government, and the evidence adduced is in the opinion of such Justice, sufficient to put such accused party on his trial, but does not furnish such a strong presumption of guilt as to warrant his committal for trial, the Justice, jointly with some other Justice of the Peace, may admit such person to bail upon his procuring and producing such surety or sureties as in the opinion of the two Justices will be sufficient to ensure the appearance of the person charged, at the time and place when and where he ought to be tried for the offence; and thereupon the two Justices shall take the Recognizances (S 1, 2,) of the accused person and his sureties, conditioned for his appearance at the time and place of trial, and that he will then surrender and take his trial and not depart the Court without leave; and when the offence committed or suspected to have been committed is a misdemeanor, any one Justice before whom the accused party appears may admit to bail in manner aforesaid;—And such Justice may in his discretion require such bail to justify upon oath as to their sufficiency, which oath the said Justice may administer, and in default of such person procuring sufficient bail, then such Justice may commit him to prison, there to be kept until delivered according to law. 20 25 30 35 40

53. In all cases of felony, or suspicion of felony, other than treason or felony punishable with death or felony under the Act for the better protection of the Crown and of the Government, and in all cases of misdemeanor, where the party accused has been finally committed as hereinafter provided, any Judge of any Superior or County Court, having jurisdiction in the District or County, within the limits of which such accused party is confined, may, in his discretion, on application made to him for that purpose, order such accused party or person to be admitted to bail on entering into Recognizance with sufficient sureties before two Justices of the Peace, in such amount as the Judge directs, and thereupon the Justice shall issue a warrant of deliverance (S 3,) as hereinafter provided, and shall attach thereto the order of the Judge directing the admitting of such party to bail. 45 50

54. No Justices of the Peace, or County Judge shall admit any person to bail accused of treason or felony punishable with death, or felony under the Act for the better protection of the Crown and of the Government, nor shall any such person be admitted to bail, except by order of Superior Court of Criminal Jurisdiction for the Province in which the accused person stands committed, or of one of the Judges thereof, or in the Province of Quebec, by order of a Judge of the Court of Queen's Bench or Superior Court; and nothing herein contained, shall prevent such Courts or Judges admitting any person accused of misdemeanor or felony to bail when they may think it right so to do.

55. In all cases where a Justice or Justices of the Peace admit to bail any person who is then in any prison charged with the offence for which he is so admitted to bail, the Justice or Justices shall send to or cause to be lodged with the keeper of such Prison, a Warrant of Deliverance (S 3,) under his or their hand and seal or hands and seals, requiring the said Keeper to discharge the person so admitted to bail if he be detained for no other offence, and upon such Warrant of Deliverance being delivered to or lodged with such Keeper, he shall forthwith obey the same.

56. When all the evidence offered upon the part of the prosecution against the accused party has been heard, if the Justice or Justices of the Peace then present are of opinion that it is not sufficient to put the accused party upon his trial for any indictable offence, such Justice or Justices shall forthwith order the accused party, if in custody, to be discharged as to the Information then under inquiry, but if in the opinion of such Justice or Justices the evidence is sufficient to put the accused party upon his trial for an indictable offence, although it may not raise such a strong presumption of guilt as would induce them to commit the accused for trial without bail, or if the offence with which the party is accused is a misdemeanor, then the Justices shall admit the party to bail as hereinbefore provided, but if the offence be a felony, and the evidence given is such as to raise a strong presumption of guilt, then the Justice or Justices shall by his or their warrant (T 1,) commit him to the Common Gaol for the Territorial Division to which he may by Law be committed, or in the case of an indictable offence committed on the high seas or on land beyond the sea, to the Common Gaol of the Territorial Division within which such Justice or Justices have jurisdiction, to be there safely kept until delivered by due course of law; Provided that in cases of misdemeanor the Justice or Justices who have committed the offender for trial, may at any time before the first day of the sitting of the Court at which he is to be tried, bail such offender in manner aforesaid, or may certify on the back of the Warrant of committal the amount of bail to be required, in which case any other Justice of the peace for the same Territorial Division may admit such person to bail in such amount, at any time before such first day of the sitting of the Court aforesaid.

57. The Constable or any of the Constables, or other persons to whom any Warrant of Commitment authorized by this or any other Act or law is directed, shall convey the accused person therein named or described to the gaol or other prison mentioned in such warrant, and there deliver him, together with the Warrant, to the Keeper of such gaol or prison, who shall thereupon give the Constable or other person delivering the prisoner into his custody a Receipt (T 2,) for

the prisoner, setting forth the state and condition of the prisoner when delivered into his custody.

58. At any time after all the examinations have been completed, and before the first sitting of the Court at which any person so committed to prison or admitted to bail is to be tried, such person may require and shall be entitled to have, from the Officer or person having the custody of the same, copies of the depositions on which he has been committed or bailed, on payment of a reasonable sum for the same, not exceeding the rate of *five cents* for each folio of one hundred words.

59. Any Judge of the Sessions of the Peace for the city of Quebec or for the city of Montreal, or any Police Magistrate, District Magistrate or Stipendiary Magistrate, appointed for any Territorial Division, or any Magistrate authorized by the law of the Province in which he acts, to perform acts usually required to be done by two or more Justices of the peace, may do alone whatever is authorised by this Act to be done by any two or more Justices of the Peace, and the several forms in this Act contained, may be varied so far as necessary to render them applicable to such case.

60. Every Coroner, upon any inquisition taken before him, where by any person is indicted for manslaughter or murder, or as an accessory to murder before the fact, shall, in presence of the party accused, if he can be apprehended, put in writing the evidence given to the jury before him, or as much thereof as may be material, giving the party accused full opportunity of cross-examination; and the Coroner shall have authority to bind by recognizance all such persons as know or declare any thing material touching the manslaughter or murder, or the offence of being accessory to murder, to appear at the next Court of Oyer and Terminer, or Gaol Delivery, or other Court or term or sitting of a Court, at which the trial is to be, then and there to prosecute or give evidence against the party charged; and every such Coroner shall certify and subscribe the evidence, and all the recognizances, and also the inquisition before him taken, and shall deliver the same to the proper Officer of the Court at the time and in the manner specified in the *thirty-eighth* section of this Act.

61. When any person has been committed for trial by any Justice or Justices, or Coroner, the prisoner, his Counsel, Attorney or Agent, may notify the committing Justice or Justices, or Coroner, that he will so soon as counsel can be heard, move one of Her Majesty's Courts of Superior Criminal jurisdiction for the Province in which such person stands committed, or one of the Judges thereof, or in the Province of Quebec, a Judge of the Court of Queen's Bench, or of the Superior Court, or in the Provinces of Ontario or New Brunswick, the Judge of the County Court if it is intended to apply to such Judge under the *fifty-third* section of this Act, for an order to the Justices of the Peace, or Coroner for the Territorial Division where such Prisoner is confined, to admit such Prisoner to bail, whereupon such committing Justice or Justices, or Coroner, shall with all convenient expedition, transmit to the office of the Clerk of the Crown, or the Chief Clerk of the Court, or the Clerk of the County Court or other proper officer (as the case may be,) close under the hand and seal of one of them, a certified copy of all informations, examinations, and other evidences, touching the offence wherewith the Prisoner has been charged, together with a copy of the warrant of com-

mitment and inquest, if any such there be, and the packet containing the same shall be handed to the person applying therefor, in order to its transmission, and it shall be certified on the outside thereof to contain the information touching the case in question.

5 **62.** Upon such application to any such Court or Judge as in the last preceding section mentioned, the same order touching the prisoner being bailed or continued in custody, shall be made as if the party were brought up upon a Habeas Corpus.

10 **63.** If any Justice or Coroner neglects or offends in any thing contrary to the true intent and meaning of any of the provisions of the *sixtieth* and following sections of this Act, the Court to whose Officer any such examination, information, evidence, bailment, recognizance, or inquisition ought to have been delivered, shall, upon examination and proof of the offence, in a summary manner, set such fine upon every
15 such Justice or Coroner as the Court thinks meet.

64. The provisions of this Act relating to Justices and Coroners shall apply to the Justices and Coroners not only of District and Counties at large, but also of all other Territorial Divisions and Jurisdictions.

20 **65.** The words "Territorial Division" whenever used in this Act shall mean County, Union of Counties, Township, City, Town, Parish or other Juridical Division or place to which the context may apply.

66. The several forms in the Schedule to this Act contained, or forms to the like effect, shall be good, valid and sufficient in law.

25 **67.** This Act shall commence and take effect on the _____ day of _____, in the year of our Lord, one thousand eight hundred and _____

SCHEDULES.

(A) *Vide* ss. 1 and 9.

INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be, }
of }

The information and complaint of C. D. of _____ (yeoman),
taken _____ day of _____, in the year of our Lord _____,
before the undersigned, (one) of Her Majesty's Justices of the Peace,
in and for the said District (or County, or as the case may be,) of _____
who saith that (*&c.*, stating the offence.)

Sworn (or affirmed) before (me) the day and year first above mentioned, at _____

J. S.

(B) See ss. 1, 17.

WARRANT TO APPREHEND A PERSON CHARGED WITH AN INDICTABLE OFFENCE.

Canada,
Province of
District (or County,
United Counties, or
as the case may be,)
of

To all or any of the Constables or other Peace Officers in the District (or County, United Counties, or as the case may be,) of :

Whereas A. B., of (laborer), hath this day , been charged upon oath before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) of , for that he, on , at , did (&c., stating shortly the offence); These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before (me) or some other of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) of , to answer unto the said charge, and to be further dealt with according to law.

Given under (my) Hand and Seal, this day of , at , in the District (County, &c.,) aforesaid.

J. S. [L. s.]

(C) See ss. 2, 13.

SUMMONS TO A PERSON CHARGED WITH AN INDICTABLE OFFENCE.

Canada,
District (or County,
United Counties, or
as the case may be,)
of

To A. B. of , (laborer) :

Whereas you have this day been charged before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said District (or) County, United Counties, or as the case may be,) of for that you on , at , (&c., stating shortly the offence); These are therefore to command you, in Her Majesty's name, to be and appear before (me) on , at o'clock in the (fore) noon, at , or before such other Justice or Justices of the Peace of the same District (or County, United Counties, or as the case may be,) of , as may then be there, to answer to the said charge, and to be further dealt with according to law. Herein fail not.

Given under (my) Hand and Seal, this day of , in the year of Our Lord , at , in the District (or County, &c.,) aforesaid.

J. S. [L. s.]

(D) See ss. 2, 16.

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Canada,
Province of }
District (or County, }
United Counties, or }
as the case may be,) }
of }

To all or any of the Constables, or other Peace Officers in the said District (or County, United Counties, or as the case may be,) of :

Whereas on the _____ day of _____ (instant or last past A. B. of the _____, was charged before (me or us,) the undersigned, (or name the Magistrate or Magistrates, or as the case may be) (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, as the case may be) of _____ for that (i.e., as in the Summons); And whereas (I, or he, the said Justice of the Peace, or we or they, the said Justices of the Peace) did then issue (my, our, his or their) Summons to the said A. B., commanding him, in Her Majesty's name, to be and appear before (me) on

at _____, o'clock in the (fore) noon, at _____, or before such other Justice or Justices of the Peace as should then be there, to answer to the said charge, and to be further dealt with according to law; And whereas the said A. B. hath neglected to be or appear at the time and place appointed in and by the said Summons, although it hath now been proved to (me) upon oath, that the said Summons was duly served upon the said A. B.; These are therefore to command you in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before (me) or some other of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) of _____, to answer the said charge, and to be further dealt with according to law.

Given under (my) Hand and Seal, this _____ day of _____, in the year of Our Lord _____, at _____, in the District or County, &c.,) of _____ aforesaid.

(D 2) See s. 3.

WARRANT TO APPREHEND A PERSON CHARGED WITH AN INDICTABLE OFFENCE COMMITTED ON THE HIGH SEAS OR ABROAD.

For offences committed on the high seas the warrant may be the same as in ordinary cases, but describing the offence to have been committed "on the high seas, out of the body of any District or County of Canada and within the jurisdiction of the Admiralty of England."

For offences committed aboard, for which the parties may be indicted in Canada, the warrant also may be the same as in ordinary cases, but describing the offence to have been committed "on land out of Canada, to wit: at _____, in the Kingdom of _____, or at _____, in the Island of _____, in the West Indies, or at _____, in the East Indies," or as the case may be.

(E 1) See s. 12.

INFORMATION TO OBTAIN A SEARCH WARRANT.

Canada,
Province of _____,
District (or County,
United Counties, or
as the case may be,
of _____)

The information of A. B., of the _____, of _____, in the
said District (or County, &c.) (yeoman), taken this _____ day
of _____, in the year of Our Lord _____, before me, W. S.,
Esquire, one of Her Majesty's Justices of the Peace, in and for the
District (or County, United Counties, or as the case may be,) of
_____, who saith that on the _____ day of _____ (insert
the description of articles stolen) of the goods and chattels of Deponent,
were feloniously stolen, taken and carried away, from and out of the
(Dwelling House, &c.) of this Deponent, at the (Township, &c.) afore-
said, by (some person or persons unknown, or name the person,) and
that he hath just and reasonable cause to suspect, and doth suspect
that the said goods and chattels, or some part of them, are concealed
in the (Dwelling House, &c., of C. D.) of _____, in the said
District, (or County,) (here add the causes of suspicion, whatever
they may be.) Wherefore, (he) prays that a Search Warrant may be
granted to him to search (the Dwelling House, &c.) of the said C. D.
as aforesaid, for the said goods and chattels so feloniously stolen,
taken and carried away as aforesaid.

Sworn (or affirmed) before me the day and year first above men-
tioned, at _____ in the said District, (or County) of _____

W. S.
J. P.

(E 2) See s. 12.

SEARCH WARRANT.

Canada,
Province of _____,
District (or County,
United Counties, or
as the case may be,
of _____)

To all or any of the Constables, or other Peace Officers, in the District
(or County, United Counties, or as the case may be,) of _____:

Whereas A. B. of the _____, of _____, in the said District,
(or County, &c.) hath this day made oath before me the undersigned,
one of Her Majesty's Justices of the Peace, in and for the said District,
or County, United Counties, or as the case may be,) of _____,
that on the _____ day of _____, (copy information as far as
place of supposed concealment); These are therefore in the name of
our Sovereign Lady the Queen, to authorize and require you, and each
and every of you, with necessary and proper assistance, to enter in

the day time into the said (*Dwelling House, &c.*, of the said, *&c.*, and there diligently search for the said goods and chattels, and if the same, or any part thereof, shall be found upon such search, that you bring the goods so found, and also the body of the said C. D. before me, or some other Justice of the Peace, in and for the said District (*or County, United Counties, or as the case may be*) of _____, to be disposed of and dealt with according to law.

Given under my Hand and Seal, at _____, in the said District *or County, &c.*) this _____ day of _____, in the year of (Our Lord, one thousand eight hundred and

W. S., J. P. (*Seal.*)

(F) See s. 4.

CERTIFICATE OF INDICTMENT BEING FOUND.

I hereby certify that a Court of (Oyer and Terminer, *or General Gaol Delivery, or General Sessions of the Peace*) holden in and for the District (*or County, United Counties, or as the case may be*, of _____, at _____, in the said District, *County, &c.*, on _____, a Bill of Indictment was found by the Grand Jury against A. B., therein described as A. B., late of _____ (*laborer,*) for that he (*&c., stating shortly the offence,*) and that the said A. B. hath not appeared or pleaded to the said indictment.

Dated this _____, day of _____, one thousand eight hundred and

Z. X.

Clerk of the Crown, *or Deputy Clerk of the Crown for the District (or County, United Counties, or as the case may be,*)

or

Clerk of the Peace of and for the said District (*or County, Un Counties, or as the case may be.*)

(G) See s. 4.

WARRANT TO APPREHEND A PERSON INDICTED.

Canada, }
Province of }
District (*or County,* }
United Counties, *or* }
as the case may be) }
of }

To all or any of the Constables, or other Peace Officers, in the said District (*or County, United Counties, or as the case may be*) of _____:

Whereas it hath been duly certified by J. D., Clerk of the Crown of (*name the Court*) (*or E. G. Deputy Clerk of the Crown, or Clerk of the Peace, as the case may be*) in and for the District (*or County, United Counties, or as the case may be*) of _____ that (*&c., stating the certificate*); These are therefore to command you in Her Majesty's name forthwith to apprehend the said A. B., and to bring him before (*me,*) or

some other Justice or Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) to be dealt with according to law.

Given under my Hand and Seal, this _____ day of _____, in the year of Our Lord _____, at _____ in the District (or County, &c.,) aforesaid.

J. S. [L. s.]

(H) See s. 5.

WARRANT OF COMMITMENT OF A PERSON INDICTED.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be) }
of }

To all or any of the Constables, or other Peace Officers in the said District (or County, &c.) of _____ and the Keeper of the Common Gaol, at _____, in the said District (or County, United Counties, or as the case may be) of _____ :

Whereas by a Warrant under the Hand and Seal of _____ (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of _____ under Hand and Seal dated _____, after reciting that it had been certified by J. D. (&c., as in the certificate,) (_____) the said Justice of the Peace commanded all or any of the Constables, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (him) the said Justice of the Peace in and for the said District (or County, United Counties, or as the case may be) of _____ or before some other Justice or Justices in and for the said District (or County, United Counties, or as the case may be,) to be dealt with according to law; And whereas the said A. B. hath been apprehended under and by virtue of the said Warrant, and being now brought before (me) it is hereupon duly proved to (me) upon oath that the said A. B. is the same person who is named and charged by _____, in the said indictment; These are therefore to command you the said Constables and Peace Officers, or any of you, in Her Majesty's name, forthwith to take and convey the said A. B. to the said Common Gaol at _____, in the said District (or County, United Counties, or as the case may be,) of _____, and there to deliver him to the Keeper thereof, together with this Precept; and (I) hereby command you the said Keeper to receive the said A. B. into your custody in the said Gaol, and him there safely to keep until he shall thence be delivered by due course of law.

Given under (my) Hand Seal, this _____ day of _____, in the year of Our Lord _____, at _____, in the District (or County, &c.,) aforesaid.

J. S. [L. s.]

(I) See s. 6.

WARRANT TO DETAIN A PERSON INDICTED WHO IS ALREADY IN CUSTODY
FOR ANOTHER OFFENCE.

Canada,
Province of ,
District (or County,
United Counties, or
as the case may be)
of }

To the Keeper of the Common Gaol at _____ in the said District
(or County, United Counties, or as the case may be,) of _____ :

Whereas it hath been duly certified by J. D., Clerk of the Crown of
(name the Court) or Deputy Clerk of the Crown, or Clerk of the Peace
of and for the District (or County, United Counties, or as the case may
be) of _____ that (&c., stating the Certificate); And whereas (I am)
informed that the said A. B. is in your custody in the said Common
Gaol at _____ aforesaid, charged with some offence, or other matter ;
and it being now duly proved upon oath before (me) that the said A. B.
so indicted as aforesaid, and the said A. B., in your custody as aforesaid,
are one and the same person ; These are therefore to command you, in
Her Majesty's name, to detain the said A. B. in your custody in the
Common Gaol aforesaid, until by Her Majesty's Writ of *Habeas
Corpus* he shall be removed therefrom for the purpose of being tried
upon the said indictment, or until he shall otherwise be removed or
discharged out of your custody by due course of law.

Given under (my) Hand and Seal, this _____ day of _____ ,
in the year of Our Lord _____ at _____ , in the District (or
County, &c.,) aforesaid.

J. S. [L. s.]

(K) See s. 23.

ENDORSEMENT IN BACKING A WARRANT.

Canada,
Province of ,
District (or County,
United Counties, or
as the case may be)
of }

Whereas proof upon oath hath this day been made before me, one
of Her Majesty's Justices of the Peace in and for the said District (or
County, United Counties, or as the case may be) of _____ ,
that the name of J. S., to the within Warrant subscribed, is of the
hand-writing of the Justice of the Peace within mentioned ; I do there-
fore hereby authorize W. T. who bringeth to me this Warrant and all
other persons to whom this warrant was originally directed, or by whom
it may be lawfully executed, and also all Constables and other Peace
Officers of the said District (or County, United Counties, or as the case
may be) of _____ , to execute the same within the said last men-
tioned District (or County, United Counties, or as the case may be).

Given under my Hand, this _____ day of _____, in the year
of Our Lord _____, at _____, in the District (or County,
&c.,) aforesaid.

J. L.

(L 1) See s. 25.

SUMMONS TO A WITNESS.

Canada, }
Province of _____, }
District (or County, }
United Counties, or }
as the case may be) }
of _____ }

To E. F. of _____, (laborer):

Whereas information hath been laid before the undersigned, one of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) of _____, that A. B. (&c., as in the Summons or Warrant against the accused,) and it hath been made to appear to me upon (oath,) that you are likely to give material evidence for (prosecution); These are therefore to require you to be and to appear before me on _____ next, at _____ o'clock in the (fore) noon, at _____, or before such other Justice or Justices of the Peace of the same District (or County, United Counties, or as the case may be,) of _____, as may then be there to testify what you shall know concerning the said charge so made against the said A. B. as aforesaid. Herein fail not.

Given under my Hand and Seal, this _____ day of _____ in the year of Our Lord _____, at _____, in the District (or County, &c.,) aforesaid.

J. S. [L. s.]

(L 2) See s. 26.

WARRANT WHEN A WITNESS HAS NOT OBEYED THE SUMMONS.

Canada, }
Province of _____, }
District (or County, }
United Counties, or }
as the case may be), }
of _____ }

To all or any of the Constables or other Peace Officers, in the said District (or County, United Counties, or as the case may be) of _____

Whereas information having been laid before _____, (one) of Her Majesty's Justices of the Peace, in and for the said District (or County, &c.,) of _____, that A. B., (&c., as in the Summons;) And it having been made to appear to (me) upon oath that E. F. of _____, (laborer,) was likely to give material evidence for the prosecution, (I) did duly issue (my) summons to the said E. F., requiring him to be and appear before (me) on _____, at _____, or before such other Justice or

Justices of the Peace for the same District (or County, United Counties or as the case may be,) as might then be there, to testify what he should know respecting the said charge so made against the said A. B. as aforesaid; And whereas proof has this day been made upon oath before (me) of such summons having been duly served upon the said E. F.; and whereas the said E. F. hath neglected to appear at the time and place appointed by the said Summons, and no just excuse has been offered for such neglect; These are therefore to command you to bring and have the said E. F. before (me) on at o'clock in the (fore) noon, at , or before such other Justice or Justices for the same District (or County, United Counties, or as the case may be,) as may then be there, to testify what he shall know concerning the said charge so made against the said A. B. as aforesaid.

Given under (my) Hand and Seal, this day of in the year of Our Lord , at in the District (or County, &c.,) aforesaid.

J. S. [L. s.]

(L 3) See s. 27.

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Canada, }
 Province of , }
 District (or County, }
 United Counties, or }
 as the case may be, }
 of }

To all or any of the Constables, or other Peace Officers in the said District (or County, United Counties, or as the case may be) of

Whereas information has been laid before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the said District (or County, United Counties, or as the case may be,) of that (s.c., as in the summons); and it having been made to appear to (me) upon oath, that E. F. of , (laborer,) is likely to give material evidence for the prosecution, and that it is probable that the said E. F. will not attend to give evidence unless compelled to do so; These are therefore to command you to bring and have the said E. F. before (me) on at o'clock in the (fore) noon, at , or before such other Justice or Justices of the Peace for the same District (or County, United Counties, or as the case may be,) as may then be there, to testify what he shall know concerning the said charge so made against the said A. B. as aforesaid.

Given under my Hand and Seal, this day of in the year of Our Lord , at in the District (or County, &c.,) aforesaid.

J. S. [L. s.]

(L 4) See s. 28.

WARRANT OF COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN,
OR TO GIVE EVIDDNC.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be }
of }

To all or any of the Constables, or other Peace Officers, in the District
(or County, United Counties, or as the case may be) of _____, and to
the keeper of the Common Gaol at _____, in the said District (or
County, United Counties, or as the case may be,) of _____ :

Whereas A. B. was lately charged before _____ (one)
of Her Majesty's Justices of the Peace in and for the said District
(or County, United Counties, or as the case may be) of _____,
for that (i.e., as in the Summons) ; And it having been made to appear
to (me) upon oath that E. F. of _____ was likely to give material
evidence for the prosecution, (I) duly issued (my) Summons to the said
E. F. requiring him to be and appear before me on _____, at
_____, or before such other Justice or Justices of the Peace for the
same District (or County, United Counties, or as the case may be) as
should then be there, to testify what he should know concerning the
said charge so made against the said A. B. as aforesaid; And the said
E. F. now appearing before (me) (or being brought before (me) by virtue
of a Warrant in that behalf, to testify as aforesaid,) and being required
to make oath or affirmation as a witness in that behalf, hath now refused
so to do, (or being duly sworn as a witness doth now refuse to answer
certain questions concerning the premises which are now here put to
him, and more particularly the following)
without offering any just excuse for such refusal ; These are therefore
to command you, the said Constables, Peace Officers, or any one of you,
to take the said E. F. and him safely convey to the Common Gaol at
_____, in the District (or County, &c.) aforesaid,
and there to deliver him to the Keeper thereof, together with this
Precept; And (I) do hereby command you, the said Keeper of the said
Common Gaol to receive the said E. F. into your custody in the said
Common Gaol, and him there safely keep for the space of _____ days,
for his said contempt, unless he shall in the meantime consent to be ex-
amined, and to answer concerning the premises ; and for your so doing,
this shall be your sufficient Warrant.

Given under (my) Hand and Seal, this _____ day of _____
in the year of Our Lord _____, at _____, in the District
(County, &c.) aforesaid.

J. S. [L. S.]

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(M) See s. 29.

DEPOSITIONS OF WITNESSES.

Canada,
Province of
District (or County,
United Counties, or
as the case may be,)
of

The examination of C. W. of _____, (*farmer*), and E. F. of _____, (*laborer*), taken on (*oath*) this _____ day of _____, in the year of our Lord _____, at _____, in the District (or County, &c., or as the case may be) aforesaid, before the undersigned, (*one*) of Her Majesty's Justices of the Peace for the said District (or County, United Counties, or as the case may be,) in the presence and hearing of A. B. who is charged this day before (*me*) for that he, the said A. B. at _____, (*&c.*, describe the offence as in a Warrant of Commitment.)

This Deponent, C. D., upon his (*oath*) saith as follows : (*&c.*, stating the deposition of the witness as nearly as possible in the words he uses. When his deposition is completed, let him signit.)

And this Deponent, E. F. upon his (*oath*) saith as follows : (*&c.*)

The above depositions of C. D. and E. F. were taken and (*sworn*) before me, at _____, on the day and year first above mentio ned.

J. S.

(N) See s. 31.

STATEMENT OF THE ACCUSED.

Canada,
Province of
District (or County,
United Counties, or
as the case may be,)
of

A. B. stands charged before the undersigned, (*one*) of Her Majesty's Justices of the Peace, in and for the District (or County, United Counties, or as the case may be) aforesaid, this _____ day of _____, in the year of our Lord _____, for that the said A. B., on _____, at _____, (*&c.*, as in the captions of the depositions ;) And the said charge being read to the said A. B., and the witnesses for the prosecution, C. D. and E. F., being severally examined in his presence, the said A. B. is now addressed by me as follows : " Having heard the evidence, do you wish to say anything in answer to the charge ? You are not obliged to say anything, unless you desire to do so ; but whatever you say will be taken down in writing, and may be given in evidence against you at your trial." Whereupon the said A. B. saith as follows : (*Here state whatever the prisoner may say, and in his very words as nearly as possible. Get him to sign it if he will.*)

A. B.

Taken before me, at _____, the day and year first above mentioned.

J. S.

RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be,) }
of }

Be it remembered, That on the _____ day of _____, in the year of our Lord _____, C. D. of _____, in the _____ of _____, in the (Township) of _____, in the said District (or County, &c.,) of _____, (farmer,) personally came before me, one of Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) of _____, and acknowledge himself to owe to our Sovereign Lady the Queen, Her Heirs and Successors, the sum of _____ of good and lawful current money of Canada, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Sovereign Lady the Queen, Her Heirs and Successors, if he said C. D. shall fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at, _____ before me.

J. S.

CONDITION TO PROSECUTE.

The condition of the within (or above) written recognizance is such that whereas one A. B. was this day charged before me, J. S., Justice of the Peace within mentioned, for that (&c., as in the caption of the depositions;) if therefore, he the said C. D. shall appear at the next Court of Oyer and Terminer or General Gaol Delivery, (or at the next Court of General or Quarter Sessions of the Peace,) to be holden in and for the District (or County, United Counties, or as the case may be) of * _____, and there prefer or cause to be preferred a Bill of Indictment for the offence aforesaid, against the said A. B. and there also duly prosecute such indictment, then the said Recognizance to be void or else to stand in full force and virtue.

CONDITION TO PROSECUTE AND GIVE EVIDENCE.

(Same as the last form, to the asterisk,* and then thus:)—“And there prefer or cause to be preferred a Bill of Indictment against the said A. B. for the offence aforesaid, and duly prosecute such Indictment, and give evidence thereon, as well to the Jurors who shall then enquire into the said offence, as also to them who shall pass upon the trial of the said A. B., then the said Recognizance to be void, or else to stand in full force and virtue.”

CONDITION TO GIVE EVIDENCE.

(Same as the last form but one, to the asterisk,* and then thus:)—“And there give such evidence as he knoweth upon a Bill of Indict-

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“ment to be then and there preferred against the said A. B. for the
“offence aforesaid, as well to the Jurors who shall there enquire of the
“said offence, as also to the Jurors who shall pass upon the trial of the
“said A. B. if the said Bill shall be found a True Bill, then the said
“Recognizance to be void, otherwise to remain in full force and virtue.”

(O 2) See s. 37.

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE PROSECUTOR AND
HIS WITNESSES.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be,)
of }

Take notice that you C. D. of _____, are bound in the sum of _____
to appear at the next Court of Oyer and Terminer and
General Gaol Delivery, (or at the next Court of General Quarter Ses-
sions of the Peace, in and for the District (or County, United Counties,
or as the case may be) of _____ to be holden at _____, in the
said District (County &c.) and then and there (prosecute and) give
evidence against A. B., and unless you then appear there, (prosecute
and give evidence accordingly, the Recognizance entered into by you
will be forthwith levied on you.

Dated this _____ day of _____ one thousand eight
hundred and _____

J. S.

(P 1) See s. 39.

COMMITMENT OF A WITNESS FOR REFUSING TO ENTER INTO THE
RECOGNIZANCE.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be,)
of }

To all or any of the Constables or other Peace Officers in the said
District (or County, &c.) of _____, and to the Keeper of the
Common Gaol of the said District, (or County, &c., or as the case
may be,) at _____, in the said District (or County, &c., or as the
case may be) of _____:

Whereas A. B. was lately charged before the undersigned, (or name
of Justice of the Peace) (one) of Her Majesty's Justices of the Peace in
and for the said District (or County, &c.) of _____, for that
(&c., as in the Summons to the Witness,) and it having been made to
appear to (me) upon oath that E. F., of _____, was likely to give

material evidence for the prosecution, (I) duly issued (my) Summons to the said E. F., requiring him to be and appear before (me) on at or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said charge so made against the said A. B. as aforesaid; and the said E. F. now appearing before (me) (or being brought before (me) by virtue of a Warrant in that behalf to testify as aforesaid,) hath been now examined before (me) touching the premises, but being by (me) required to enter into a Recognizance conditioned to give evidence against the said A. B. hath now refused so to do; These are therefore to command you the said Constables or Peace Officers, or any one of you, to take the said E. F. and him safely convey to the Common Gaol at

in the District (or County, &c.,) aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of the said Common Gaol, to receive the said E. F. into your custody in the said Common Gaol, there to imprison and safely keep him until after the trial of the said A. B. for the offence aforesaid, unless in the meantime the said E. F. shall duly enter into such Recognizance as aforesaid, in the sum of , before some one Justice of the Peace for the said District, (or County, United Counties, or as the case may be,) conditioned in the usual form to appear at the next Court of (Oyer and Terminer, or General Gaol Delivery, or General or Quarter Sessions of the Peace,) to be holden in and for the said District (or County, United Counties, or as the case may be,) of , and there to give evidence before the Grand Jury upon any Bill of Indictment which may then and there be preferred against the said A. B. for the offence aforesaid, and also to give evidence upon the trial of the said A. B. for the said offence, if a True Bill should be found against him for the same.

Given under my Hand and Seal, this , day of , in the year of Our Lord , at aforesaid. J. S. [L. s.]

(P. 2) See s. 40.

SUBSEQUENT ORDER TO DISCHARGE THE WITNESS.

Canada, }
Province of , }
District (or County, }
United Counties, or }
as the case may be, }
of }

To the Keeper of the Common Gaol, at , in the District (or County, &c.,) of aforesaid :

Whereas by (my) order dated the day of (instant) reciting that A. B. was lately before then charged before (me) for a certain offence therein mentioned, and that E. F. having appeared before (me,) and being examined as a witness for the prosecution on that behalf, refused to enter into Recognizance to give evidence against the said A. B., and I therefore thereby committed the said E. F. to your custody, and required you safely to keep him until after the trial of the said A. B. for the offence aforesaid, unless in the meantime he

should enter into such Recognizance as aforesaid; and whereas for want of sufficient evidence against the said A. B., the said A. B. has not been committed or holden to bail for the said offence, but on the contrary thereof has been since discharged, and it is therefore not necessary that the said E. F. should be detained longer in your custody; These are therefore to order and direct you the said Keeper to discharge the said E. F. out of your custody, as to the said commitment, and suffer him to go at large.

Given under my Hand and Seal, this _____ day of _____, in the year of Our Lord _____, at _____, in the District (or County, &c.,) _____, aforeſaid.

J. S. [L. s.]

(Q 1) See s. 41.

WARRANT REMANDING A PRISONER.

Canada, }
Province of _____, }
District (or County, }
United Counties, or }
as the case may be), }
of _____ }

To all or any of the Constables and other Peace Officers in the said District (or County, United Counties, or as the case may be,) of _____, and to the Keeper of the (Common Gaol or Lock-up House) _____, in the said District (or County, &c.,) of _____

Whereas A. B. was this day charged before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) of _____, for that (ſc., as in the Warrant to apprehend) and it appears to (me) to be necessary to remand the said A. B.: These are therefore to command you, in Her Majesty's name, forthwith to convey the said A. B. to the (Common Gaol or Lock-up House,) at _____, in the said District (or County &c.,) and there to deliver him to the Keeper thereof, together with this Precept; and I hereby command you the said Keeper to receive the said A. B. into your custody in the said (Common Gaol or Lock-up House,) and there safely keep him until the _____ day of _____, (instant) whom I hereby command you to have him at _____, at _____ o'clock in the (fore) noon of the same day before (me) or before some other Justice or Justices of the Peace for the said District (or County, United Counties, or as the case may be,) as may then be there, to answer further to the said charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the meantime.

Given under my hand and seal, this _____ day of _____, in the year of our Lord _____, at _____ in the District (or County, &c.,) of _____ aforeſaid.

J. S. [L. s.]

(Q 2) See s. 44.

RECOGNIZANCE OF BAIL INSTEAD OF REMAND ON AN ADJOURNMENT OF EXAMINATION.

Canada,
Province of
District (or County,
United Counties, or
as the case may be,)
of

Be it remembered, That on the _____ day of _____, in the year of our Lord _____, A. B. of _____ (laborer) L. M. of _____ (grocer), and N. O. of _____ (butcher) personally came before me, (one) of Her Majesty's Justices of the Peace for the said District (or County, United Counties, or as the case may be), and severally acknowledged themselves to owe to our Sovereign Lady the Queen, her Heirs and Successors, the several sums following, that is to say: the said A. B. the sum of _____ and the said L. M. and N. O. the sum of _____, each, of good and lawful current money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he, the said A. B., fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at _____ before me.

J. S.

CONDITION.

The condition of the within written recognizance is such, that whereas the within bounden A. B. was this day (or on _____ last past) charged before me for that (i.e. as in the Warrant:) And whereas the examination of the Witnesses for the prosecution in this behalf is adjourned until the _____ day of _____ (instant;) If therefore the said A. B. shall appear before me on the said _____ day of _____ (instant), at _____ o'clock in the (fore) noon, or before such other Justice or Justices of the Peace for the said District (or County or United Counties, of _____ or as the case may be), as may then be there, to answer (further) to the said charge, and to be further dealt with according to law, the said recognizance to be void, or else to stand in full force and virtue.

(Q 3) See s. 44.

NOTICE OF RECOGNIZANCE TO BE GIVEN TO THE ACCUSED AND HIS SURETIES.

Canada,
Province of
District (or County,
United Counties, or
as the case may be)
of

Take notice that you A. B. of _____, are bound in the sum of _____, and your Sureties L. M. and N. O. in the sum of _____, each, that you A. B. appear before me J. S., one of

Her Majesty's Justices of the Peace for the District (*or County, United Counties, or as the case may be*), of _____, on _____, the _____ day of _____ (*instant,*) at _____ o'clock in the (*fore*) noon, at _____, or before such other Justice or Justices of the same District, (*or County, United Counties, or as the case may be*) as may then be there, to answer (*further*) to the charge made against you by C. D. and to be further dealt with according to law; and unless you A. B. personally appear accordingly, the Recognizance entered into by yourself and Sureties will be forthwith levied on you and them.

Dated this _____ day of _____, one thousand eight hundred and _____

J. S.

(Q 4) See s. 45.

CERTIFICATE OF NON-APPEARANCE TO BE ENDORSED ON THE RECOGNIZANCE.

I hereby certify that the said A. B. hath not appeared at the time and place, in the above condition mentioned, but therein hath made default, by reason whereof the within written Recognizance is forfeited.

J. S.

(R 1) See s. 47.

WARRANT TO CONVEY THE ACCUSED BEFORE A JUSTICE OF THE COUNTY IN WHICH THE OFFENCE WAS COMMITTED.

Canada, }
 Province of _____, }
 District (*or County,* }
 United Counties, *or* }
as the case may be,) }
 of _____

To all or any of the Constables, or other Peace Officers in the said District (*or County, United Counties, or as the case may be*) of _____

Whereas A. B. of _____ (*laborer*), hath this day been charged before the undersigned (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or County, United Counties, or as the case may be*) of _____, for that (*ſc. as in the Warrant to apprehend*); And whereas (*I*) have taken the deposition of C. D. a witness examined by (*me*) in this behalf, but inasmuch as (*I*) am informed that the principal witnesses to prove the said offence against the said A. B. reside in the District (*or County, United Counties, or as the case may be,*) of _____ where the said offence is alleged to have been committed; These are therefore to command you, in Her Majesty's name, forthwith to take and convey the said A. B. to the said District (*or County, United Counties, or as the case may be*) of _____ and there carry him before some Justice or Justices of the Peace in and for that District (*or County, United Counties, or as the case may be,*) and near unto the (*Township of* _____) where the offence is alleged to have been committed, to answer further to the said charge before him or them, and to be further dealt with according to law; and (*I*) hereby

further command you to deliver to the said Justice or Justices the information in this behalf, and also the said deposition of C. D. now given into your possession for that purpose, together with this Precept.

Given under my hand and seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District (or County, &c.,) of aforesaid.

J. S. [L. s.]

(R 2) See s. 49.

RECEIPT TO BE GIVEN TO THE CONSTABLE BY THE JUSTICE FOR THE COUNTY IN WHICH THE OFFENCE WAS COMMITTED.

Canada, _____, }
Province of _____, }
District (or County, }
United Counties, or }
as the case may be }
of _____

I, J. P. one of Her Majesty's Justices of the Peace, in and for the District (or County, &c.) of _____, hereby certify that W. T. Constable, or Peace Officer, of the District (or County, United Counties, or as the case may be) of _____, has on this _____ day of _____, one thousand eight hundred and _____, by virtue of and in obedience to a Warrant of J. S., Esquire, one of Her Majesty's Justices of the Peace in and for the District (or County, United Counties, or as the case may be) of _____, produced before me, one A. B. charged before the said J. S. with having (*&c.*, stating shortly the offence,) and delivered him into the custody of _____ by my direction, to answer to the said charge, and further to be dealt with according to law, and has also delivered unto me the said warrant, together with the information (*if any*) in that behalf, and the deposition (s) of C. D. (*and of _____*) in the said warrant mentioned, and that he has also proved to me upon oath, the hand-writing of the said J. S. subscribed to the same.

Dated the day and year first above mentioned, at _____, in the said District (or County, &c.) of _____.

J. P.

(S 1) See s. 52.

RECOGNIZANCE OF BAIL.

Canada, _____, }
Province of _____, }
District (or County, }
United Counties, or }
as the case may be }
of _____

Be it remembered, that on the _____ day of _____ in the year of Our Lord _____, A. B. of _____, (*laborer,*) L. M. of _____ (*grocer,*) and N. O. of _____, (*butcher,*) personally came before (us) the under-

signed, (*two*) of Her Majesty's Justices of the Peace for the District (*or* County, United Counties, *or as the case may be,*) of _____ and severally acknowledged themselves to owe to our Sovereign Lady the Queen, Her Heirs and successors, the several sums following, that is to say: the said A. B. the sum of _____, and the said L. M. and N. O. the sum of _____, each, of good and lawful current money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Sovereign Lady the Queen, Her Heirs and Successors, if he, the said A. B., fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at before us.

J. S.

J. N.

CONDITION.

The condition of the within written Recognizance is such, that whereas the said A. B. was this day charged before (*us,*) the Justices within mentioned for that (*&c., as in the Warrant*); if therefore the said A. B. will appear at the next Court of Oyer and Terminer (*or* General Gaol Delivery (*or* Court of General or Quarter Sessions of the Peace) to be holden in and for the District (*or* County, United Counties, *or as the case may be*) of _____, and there surrender himself into the custody of the Keeper of the *Common Gaol or Lock-up House*) there, and plead to such indictment as may be found against him by the Grand Jury, for and in respect to the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said Recognizance to be void, or else to stand in full force and virtue.

(S 2) See s. 52.

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE ACCUSED AND HIS BAIL.

Take notice that you A. B., of _____, are bound in the sum of _____, and your sureties (L. M. and N. O.) in the sum of _____ each, that you A. B. appear (*&c., as in the condition of the Recognizance,*) and not depart the said Court without leave; and unless you, the said A. B., personally appear and plead, and take your trial accordingly, the Recognizance entered into by you and your Sureties shall be forthwith levied on you and them.

Dated this _____ day of _____, one thousand eight hundred and _____

J. S.

(S 3) See ss. 53, 55.

WARRANT OF DELIVERANCE ON BAIL BEING GIVEN FOR A PRISONER ALREADY COMMITTED.

Canada, }
 Province of _____, }
 District (*or* County, }
 United Counties, *or* }
as the case may be) }
 of _____ }

To the Keeper of the Common Gaol of the District (*or* County, United

Counties, or as the case may be) of _____ at _____, in the said District (or County, United Counties, or as the case may be)
 Whereas A. B. late of _____, (laborer,) hath before (us) (two) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of _____, entered into his own Recognizance, and found sufficient sureties for his appearance at the next Court of Oyer and Terminer or General Gaol Delivery (or Court of General or Quarter Sessions of the Peace) to be holden in and for the District (or County, United Counties, or as the case may be) of _____, to answer Our Sovereign Lady the Queen, for that (&c., as in the commitment), for which he was taken and committed to your said Common Gaol; These are therefore to command you, in Her said Majesty's name, that if the said A. B. do remain in your custody in the said Common Gaol for the said cause, and for no other, you shall forthwith suffer him to go at large.

Given under our Hands and Seals, this _____ day of _____, in the year of our Lord _____, at _____, in the District (or County, &c.,) aforesaid.

J. S. [L. s.]

J. N. [L. s.]

(T 1) See s. 56.

WARRANT OF COMMITMENT.

Canada, }
 Province of _____, }
 District (or County, }
 United Counties, or }
 as the case may be) }
 of _____ }

To all or any of the Constables, or other Peace Officers, in the District (or County, United Counties, or as the case may be) of _____, and to the Keeper of the Common Gaol of the District (or County, United Counties, or as the case may be) at _____, in the said District (or County, &c.,) of _____

Whereas A. B. was this day charged before (me) J. S. (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of _____ on the oath of C. D., of _____ (farmer,) and others, for that, (&c., stating shortly the offence); These are therefore to command you the said Constables or Peace Officers, or any of you, to take the said A. B., and him safely convey to the Common Gaol at _____ aforesaid, and there deliver him to the Keeper thereof, together with this Precept; And I do hereby command you the said Keeper of the said Common Gaol to receive the said A. B., into your custody in the said Common Gaol, and there safely to keep him until he shall be thence delivered by due course of law.

Given under my Hand and Seal, this _____ day of _____, in the year of Our Lord _____, at _____, in the District (or County, &c.,) of _____ aforesaid.

(T 2) See s. 57.

GAOLER'S RECEIPT TO THE CONSTABLE FOR THE PRISONER.

I hereby certify that I have received from W. T. Constable, of the District (or County, &c.) of _____, the body of A. B., together with a Warrant under the Hand and Seal of J. S., Esquire, one of Her Majesty's Justices of the Peace for the said District (or County, United Counties, or as the case may be,) of _____, and that the said A. B. was (sober, or as the case may be,) at the time he was delivered into my custody.

P. K.

Keeper of the Common Gaol of the said District (or County, &c.)

151

(1 N) 1000 W

over the ...

I hereby certify that ...

Keoper of the Common ...

114

An Act respecting the duties of Justices of the Peace, out of Sessions, in relation to summary convictions and orders.

WHEREAS it is expedient to assimilate, amend and consolidate the statute law of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders, and to extend the same as so amended to all Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. In all cases where an information is laid before one or more of Her Majesty's Justices of the Peace for any Territorial Division of Canada, that any person being within the jurisdiction of such Justice or Justices, has committed or is suspected to have committed any offence or act over which the Parliament of Canada has jurisdiction, and for which he is liable by law, upon a Summary Conviction for the same before a Justice or Justices of the Peace, to be imprisoned or fined, or otherwise punished, and also in all cases where a complaint is made to any such Justice or Justices in relation to any matter over which the Parliament of Canada has jurisdiction, and upon which he or they have authority by law to make any order for the payment of money or otherwise, such Justice or Justices of the Peace may issue his or their Summons (A), directed to such person, stating shortly the matter of the information or complaint, and requiring him to appear at a certain time and place, before the same Justice or Justices, or before such other Justice or Justices of the same Territorial Division as may then be there, to answer to the said information or complaint, and to be further dealt with according to law.

2. Every such Summons shall be served by a Constable or other Peace Officer, or other person to whom the same may be delivered, upon the person to whom it is directed, by delivering the same to the party personally, or by leaving it with some person for him at his last or most usual place of abode.

3. The Constable, Peace Officer, or person who serves the same, shall attend at the time and place, and before the Justice or Justices in the Summons mentioned, to depose, if necessary, to the service thereof.

4. But nothing hereinbefore contained shall oblige any Justice or Justices of the Peace to issue any such Summons in any case where the application for any order of Justices is by law to be made *ex parte*.

5. No objection shall be allowed to any information, complaint or summons, for any alleged defect therein, in substance or in form, or for any variance between such information, complaint or summons, and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint; but if any such variance appears to the Justice or Justices present and acting at such hearing

to be such, that the person summoned and appearing has been thereby deceived or misled, such Justice or Justices, may, upon such terms as he or they think fit, adjourn the hearing of the case to a future day.

6. If the person served with a Summons does not appear before the Justice or Justices at the time and place mentioned in the Summons, 5 and it be made to appear to the Justice or Justices, by oath or affirmation, that the Summons was duly served what the Justice or Justices deem a reasonable time before the time therein appointed for appearing to the same, then the Justice or Justices, upon oath or affirmation being made before him or them, substantiating the matter of the infor- 10 mation or complaint to his or their satisfaction, may, if he or they think fit, issue his or their Warrant (B) to apprehend the party so summoned, and to bring him before the same Justice or Justices or before some other Justice or Justices of the Peace in and for the same Territorial Division, to answer to the said information or complaint, and to be 15 further dealt with according to law; or the Justice or Justices before whom any such information is laid, for any such offence as aforesaid, punishable on conviction, upon oath or affirmation being made before him or them substantiating the matter of the information to his or their satisfaction, may, if he or they think fit, instead of issuing a Summons, 20 issue in the first instance his or their Warrant (C) for apprehending the person against whom the information has been laid, and bringing him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same Territorial Division, to answer to the information and to be further dealt with according to law. 25

7. If where a summons has been issued, and upon the day and at the place therein appointed for the appearance of the party summoned, the party fails to appear in obedience to the Summons, then, if it be proved upon oath or affirmation to the Justice or Justices present, that a Summons was duly served upon the party a reasonable time before 30 the time appointed for his appearance, the Justice or Justices of the Peace may proceed *ex parte* to the hearing of the information or complaint, and adjudicate thereon, as fully and effectually to all intents and purposes as if the party had personally appeared before him or them in obedience to the Summons. 35

8. Every Warrant to apprehend a Defendant that he may answer to an information or complaint shall be under the hand and seal or hands and seals of the Justice or Justices issuing the same, and may be directed to any one or more or to all of the Constables (or other Peace Officers of the Territorial Division within which it is to be 40 executed, or to such Constable and all other Constables in the Territorial Division within which the Justice or Justices who issued the Warrant hath or have jurisdiction, or generally to all the Constables (or Peace Officers) within such Territorial Division, and it shall state shortly the matter of the information or complaint 45 on which it is founded, and shall name or otherwise describe the person against whom it has been issued, and it shall order the Constables (or other Peace Officers) to whom it is directed, to apprehend the Defendant, and to bring him before one or more Justice or Justices of the Peace, of the same Territorial Division, as the case may require, 50 to answer to the information or complaint and to be further dealt with according to law.

9. It shall not be necessary to make the Warrant returnable at any

particular time, but the same may remain in full force until executed; and the Warrant may be executed by apprehending the Defendant at any place in the Territorial Division within which the Justices who issued the same have jurisdiction, or, in case of fresh pursuit, at any
5 place in the next adjoining Territorial Division, within seven miles of the border of the first mentioned Territorial Division, without having the Warrant backed as hereinafter mentioned.

10. In all cases where the Warrant is directed to all Constables or Peace Officers in the Territorial Division within which the Justice or
10 Justices who issued the same have jurisdiction, any Constable or Peace Officer for any place within the limits of the jurisdiction may execute the Warrant in like manner as if the Warrant was directed specially to him by name, and notwithstanding that the place in which the Warrant is executed be not within the place for which he is a
15 Constable or Peace Officer.

11. If any person against whom any Warrant has been issued be not found within the jurisdiction of the Justice or Justices by whom it was issued, or, if he escapes into, or is, or is suspected to be in any place within Canada, out of the jurisdiction of the Justice or Justices who
20 issued the Warrant, any Justice of the Peace, within whose jurisdiction such person may be or be suspected to be, upon proof upon oath or affirmation of the handwriting of the Justice or Justices issuing the Warrant, may make an endorsement upon it, signed with his name, authorizing the execution of the Warrant within his jurisdiction; and such endorsement
25 shall be a sufficient authority to the person bringing the Warrant, and to all other persons to whom it was originally directed, and to all Constables or other Peace Officers of the Territorial Division wherein the endorsement has been made, to execute the same in any place within the jurisdiction of the Justice of the Peace endorsing the same,
30 and to carry the offender, when apprehended, before the Justice or Justices who first issued the Warrant or some other Justice having the same jurisdiction.

12. No objection shall be taken or allowed to any Warrant issued as aforesaid, for any alleged defect therein in substance or in form,
35 or for any variance between it and the evidence adduced on the part of the Informant or Complainant, but if it appears to the Justice or Justices present and acting at the hearing, that the party apprehended under the Warrant has been deceived or misled by any such variance, such Justice or Justices may, upon such terms as he or they think fit,
40 adjourn the hearing of the case to some future day, and in the meantime commit (D) the Defendant to the Common Gaol, or other prison, or place of security within the Territorial Division or place wherein the Justice or Justices may be acting, or to such other custody as the Justice or Justices think fit, or may discharge him upon his entering
45 into a Recognizance (E), with or without surety or sureties, at the discretion of the Justice or Justices, conditioned for his appearance at the time and place to which the hearing is so adjourned.

13. In all cases where a Defendant is discharged upon Recognizance and does not afterwards appear at the time and place in the Recogniz-
50 ance mentioned, the Justice who took the Recognizance, or any Justice or Justices who may then be present, having certified (F) upon the back of the Recognizance the non-appearance of the Defendant, may

transmits such Recognizance to the proper Officer in the Province appointed by law to receive the same, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of the non-appearance of the said Defendaut, and the Justice or Justices may issue his or their Warrant for the apprehension of the Defendant on the information or complaint. 5

14. In any information or complaint or proceedings thereon, in which it is necessary to state the ownership of any property belonging to or in possession of partners, joint tenants, parceners or tenants in common, or *par indivis*, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named and another, or others, as the case may be; and whenever in any information or complaint or the proceedings thereon, it is necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners or tenants in common, or *par indivis*, it shall be sufficient to describe them in the manner aforesaid; and whenever in any information or complaint, or the proceedings thereon, it is necessary to describe the ownership of any work or building made, maintained or repaired at the expense of the Corporation or inhabitants of any Territorial Division or place, or of any materials for the making, altering or repairing the same, they may be therein described as the property of the inhabitants of such Territorial Division or place. 10 15 20

15. Every person who aids, abets, counsels or procures the commission of any offence which is punishable on summary conviction, shall be liable to be proceeded against and convicted for the same, either together with the principal offender, or before or after his conviction, and shall be liable, on conviction, to the same forfeiture and punishment as the principal offender, and may be proceeded against and convicted either in the Territorial Division or place where the principal offender may be convicted, or in that in which the offence of aiding, abetting, counselling or procuring was committed. 25 30

16. If it be made to appear to any Justice of the Peace, by the oath or affirmation of any credible person, that any person within the jurisdiction of such Justice is likely to give material evidence on behalf of the Prosecutor or complainant or Defendant, and will not voluntarily appear as a witness at the time and place appointed for the hearing of the information or complaint, the Justice shall issue his Summons (G 1) to such person, requiring him to be and appear at a time and place mentioned in the summons, before the said Justice, or any other Justice or Justices of the Peace for the Territorial Division, who may then be there, to testify what he knows concerning the information or complaint. 35 40

17. If any person so summoned neglects or refuses to appear at the time and place appointed by the Summons, and no just excuse be offered for such neglect or refusal, then (after proof upon oath or affirmation of the Summons having been served upon him, either personally or by leaving the same for him with some person at his last or most usual place of abode) the Justice or Justices before whom such person should have appeared may issue a Warrant (G 2) to bring and have such person, at a time and place to be therein mentioned, before the Justice who issued the Summons, or before any other Justice or Justices of the Peace for the same Territorial Division who may be then there, 45 50

to testify as aforesaid, and the said Warrant may, if necessary, be backed as hereinbefore mentioned, in order to its being executed out of the jurisdiction of the Justice who issued the same.

18. If the Justice is satisfied, by evidence upon oath or affirmation, 5 that it is probable that the person will not attend to give evidence without being compelled so to do, then instead of issuing a Summons he may issue his Warrant (G 3) in the first instance, and the warrant may, if necessary, be backed as aforesaid.

19. If on the appearance of the person so summoned before the last 10 mentioned Justice or Justices, either in obedience to the Summons, or upon being brought before him or them, by virtue of the Warrant, such person refuses to be examined upon oath or affirmation concerning the premises, or refuses to take an oath or affirmation, or having taken the oath or affirmation refuses to answer such questions concerning the 15 premises as are then put to him, without offering any just excuse for his refusal, any Justice of the Peace then present, and having jurisdiction, may, by Warrant (G 4), commit the person so refusing to the Common Gaol or other prison for the Territorial Division where the person then is, there to remain and be imprisoned for any time not exceeding ten 20 days, unless in the meantime, he consents to be examined and to answer concerning the premises.

20. In all cases of complaint upon which a Justice or Justices of the Peace may make an order for the payment of money or otherwise, it shall not be necessary that such complaint be in writing unless it be 25 required to be so by some particular Act or Law upon which such complaint is framed.

21. In all cases of informations for offences or acts punishable upon summary conviction, any variance between the information and the evidence adduced in support thereof as to the time at which such 30 offence or act is alleged to have been committed, shall not be deemed material, if it be proved that such information was in fact laid within the time limited by law for laying the same; and any variance between the information and the evidence adduced in support thereof, as to the place in which the offence or act is alleged to have been 35 committed, shall not be deemed material, if the offence or act be proved to have been committed within the jurisdiction of the Justice or Justices by whom the information is heard and determined.

22. If any such variance, or any other variance between the information and the evidence adduced in support thereof, appears to the 40 Justice or Justices present, and acting at the hearing, to be such that the party charged by the information has been thereby deceived or misled, the Justice or Justices, upon such terms as he or they think fit, may adjourn the hearing of the case to some future day, and in the meantime commit (D) the Defendant to the Common Gaol, or other prison, 45 or to such other custody as the Justice or Justices think fit, or may discharge him upon his entering into a Recognizance (E), with or without Surety or Sureties, at the discretion of the Justice or Justices, conditioned for his appearance at the time and place to which the hearing is adjourned.

50 23. In all cases where a Defendant has been discharged upon Recognizance as aforesaid, and does not afterwards appear at the time

and place in the Recognizance mentioned, the Justice who took the Recognizance, or any other Justice or Justices who may then be there present, having certified (F) upon the back of the Recognizance the non-appearance of the Defendant, may transmit the Recognizance to the proper Officer in the Province appointed by law to receive the same, to be proceeded upon in like manner as other Recognizances, and the Certificate shall be deemed sufficient *prima facie* evidence of the non-appearance of the Defendant. 5

24. All complaints upon which a Justice or Justices of the Peace are authorized by law to make an order, and all informations for any offence or act punishable upon summary conviction, unless some particular Act or Law otherwise requires, and except in cases where it is herein otherwise provided, may respectively be made or laid without any oath or affirmation as to the truth thereof. 10

25. But in all cases of informations, where the Justice or Justices receiving the same, thereupon issue his or their Warrant in the first instance, to apprehend the Defendant, and in every case where the Justice or Justices issue his or their Warrant in the first instance, the matter of the information shall be substantiated by the oath or affirmation of the informant, or by some witness or witnesses on his behalf, before the Warrant shall be issued; and every complaint shall be for one matter of complaint only and not for two or more matters of complaint, and every information shall be for one offence only, and not for two or more offences, and every complaint or information may be laid or made by the complainant or informant in person, or by his Counsel or Attorney, or other person authorized in that behalf. 25

26. In all cases where no time is specially limited for making any complaint or laying any information in the Act or Law relating to the particular case, the complaint shall be made and the information shall be laid within three months from the time when the matter of the complaint of information arose. 30

27. Every complaint and information shall be heard, tried, determined and adjudged by one Justice or two or more Justices of the Peace, as may be directed by the Act or Law upon which the complaint or information is framed, or by any other Act or Law in that behalf. 35

28. If there be no such direction in any Act or Law, then the complaint or information may be heard, tried, determined and adjudged by any one Justice for the Territorial Division where the matter of the complaint or information arose. 40

29. The room or place in which the Justice or Justices sit to hear and try any complaint or information, shall be deemed an open and public Court to which the public generally may have access, so far as the same can conveniently contain them.

30. The party against whom the complaint is made or information laid, shall be admitted to make his full answer and defence thereto, and to have the witnesses examined and cross-examined by Counsel or Attorney on his behalf. 45

31. Every Complainant or Informant in any such case shall be at liberty to conduct the complaint or information, and to have the witnesses examined and cross-examined by Counsel or Attorney on his behalf.

5 **32.** If on the day and at the place appointed by the summons for hearing and determining the complaint or information, the Defendant against whom the same has been made or laid does not appear when called, the Constable, or other person who served him with the summons, shall declare upon oath in what manner he served the summons;
10 and if it appear to the satisfaction of the Justice or Justices that he duly served the summons, then the Justice or Justices may proceed to hear and determine the case in the absence of the Defendant, or the Justice or Justices, upon the non-appearance of the Defendant, may, if he or they think fit, issue his or their warrant in manner hereinbefore directed,
15 and shall adjourn the hearing of the complaint or information until the Defendant is apprehended.

33. When the Defendant has been apprehended under the warrant, he shall be brought before the same Justice or Justices, or some other Justice or Justices of the Peace for the same Territorial Division, who
20 shall thereupon, either by his or their warrant (H) commit the Defendant to the Common Gaol, [or other prison, or if he or they think fit, verbally to the custody of the Constable or other person who apprehended him, or to such other safe custody as he or they deem fit, and may order the Defendant to be brought up at a certain time and place
25 before him or them, of which order the Complainant or Informant shall have due notice.

34. If upon the day and at the place so appointed, the Defendant appears voluntarily in obedience to the summons in that behalf served upon him, or is brought before the Justice or Justices by virtue of a
30 warrant, then, if the Complainant or Informant, having had due notice, does not appear by himself, his Counsel or Attorney, the Justice or Justices shall dismiss the complaint or information unless for some reason he or they think proper to adjourn the hearing of the same until some other day, upon such terms as he or they think fit, in
35 which case the Justice or Justices may commit (D) the Defendant in the meantime to the Common Gaol, or other prison, or to such other custody as he or they think fit, or may discharge him upon his entering into a recognizance (E) with or without surety or sureties, at the discretion of the Justice or Justices, conditioned for his appearance at
40 the time and place to which such hearing may be adjourned.

35. If the Defendant does not afterwards appear at the time and place mentioned in his Recognizance, then the Justice who took the Recognizance, or any Justice or Justices then and there present, having certified (F) on the back of the recognizance the non-appearance of
45 the Defendant, may transmit the recognizance to the proper officer appointed to receive the same, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of the non-appearance of the Defendant.

36. If both parties appear, either personally or by their respective
50 Counsel or Attorneys, before the Justice or Justices who are to hear and determine the complaint or information, then the said Justice or Justices shall proceed to hear and determine the same.

37. In case the Defendant be present at the hearing, the substance of the information or complaint shall be stated to him, and he shall be asked if he has any cause to shew why he should not be convicted, or why an order should not be made against him, as the case may be.

38. If he thereupon admits the truth of the information or complaint, and shews no sufficient cause why he should not be convicted, or why an order should not be made against him, as the case may be, the Justice or Justices present at the hearing, shall convict him or make an order against him accordingly.

39. If he does not admit the truth of the information or complaint, the Justice or Justices shall proceed to hear the Prosecutor or Complainant and such witnesses as he may examine, and such other evidence as he may adduce in support of his information or complaint, and shall also hear the Defendant and such witnesses as he may examine, and such other evidence as he may adduce in his defence, and also hear such witnesses as the Prosecutor or Complainant may examine in reply, if such Defendant has examined any witnesses or given any evidence other than as to his (the Defendant's) general character.

40. The Prosecutor or Complainant shall not be entitled to make any observations in reply, upon the evidence given by the Defendant, nor shall the Defendant be entitled to make any observations in reply upon the evidence given by the Prosecutor or Complainant in reply.

41. The Justice or Justices, having heard what each party has to say, and the witnesses and evidence adduced, shall consider the whole matter and, unless otherwise provided, determine the same, and convict or make an Order upon the Defendant, or dismiss the information or complaint as the case may be.

42. If he or they convict or make an order against the Defendant, a minute or memorandum thereof shall then be made, for which no fee shall be paid, and the conviction (I 1, 3) or order (K 1, 3) shall afterwards be drawn up by the Justice or Justices in proper form, under his or their hand and seal or hands and seals.

43. If the Justice or Justices dismiss the information or complaint, he or they may, when required so to do, make an order of dismissal of the same (L), and shall give the Defendant a Certificate thereof, which Certificate upon being afterwards produced, shall without further proof, be a bar to any subsequent information or complaint for the same matter, against the same party.

44. If the information or complaint in any case negatives an exemption, exception, proviso, or condition in the Statute on which the same is framed, it shall not be necessary for the Prosecutor or Complainant to prove such negative, but the Defendant may prove the affirmative thereof in his defence, if he would have advantage of the same.

45. Every prosecutor of any information not having any pecuniary interest in the result, and every complainant in any complaint whatever his interest may be in the result of the same, shall be a competent witness to support such information or complaint; and every witness

at any hearing shall be examined upon oath or affirmation, and the Justice or Justices before whom any witness appears for the purpose of being examined, shall have full power and authority to administer to every witness the usual oath or affirmation; provided that no prosecutor shall be deemed incompetent as a witness on the ground only that he may be liable to costs.

46. Before or during the hearing of any information or complaint, any one Justice or the Justices present, may in his or their discretion, adjourn the hearing of the same to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties, or of their respective Attorneys or Agents then present, and in the meantime the Justice or Justices may suffer the Defendant to go at large or may commit (D) him to the Common Gaol or other prison, within the Territorial Division for which the Justice or Justices are then acting, or to such other safe custody as the Justice or Justices think fit, or may discharge the Defendant upon his recognizance (E), with or without sureties, at the discretion of the Justice or Justices, conditioned for his appearance at the time and place to which such hearing or further hearing is adjourned.

47. If, at the time and place to which the hearing or further hearing has been adjourned, either or both of the parties do not appear, personally or by his or their Counsel or Attorneys respectively, before the Justice or Justices or such other Justice or Justices as may then be there, the Justice or Justices then there present may proceed to the hearing or further hearing as if the party or parties were present.

48. If the Prosecutor or Complainant do not appear, the Justice or Justices may dismiss the information with or without costs, as to him or them seems fit.

49. In all cases when a Defendant is discharged upon his recognizance, and does not afterwards appear at the time and place mentioned in the recognizance, the Justice or Justices who took the recognizance, or any other Justice or Justices who may then be there present, having certified (F) on the back of the recognizance the non-appearance of the accused party, may transmit such recognizance to the proper officer appointed to receive the same by the laws of the Province in which the recognizance was taken, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of the non-appearance of the Defendant.

50. In all cases of conviction where no particular form of conviction is given by the Act or Law creating the offence or regulating the prosecution for the same, and in all cases of conviction upon Acts or Laws hitherto passed, whether any particular form of conviction has been therein given or not, the Justice or Justices who convict, may draw up his or their conviction, on parchment or on paper, in such one of the forms of conviction (I 1, 3) as may be applicable to the case, or to the like effect.

51. In case an order be made, and no particular form of order is given by the Act or Law giving authority to make such order, and in all cases of orders made under the authority of any Acts or Laws

hitherto passed, whether any particular form of order is therein given or not, the Justice or Justices by whom the order is made, may draw up the same in such one of the forms of orders (K 1, 3) as may be applicable to the case, or to the like effect.

52. In all cases when by any Act or Law authority is given to 5
commit a person to prison, or to levy any sum upon his goods or
chattels by distress, for not obeying an order of a Justice or Justices,
the Defendant shall be served with a copy of the Minute of the Order
before any warrant of commitment or of distress is issued in that
behalf, and the Order or Minute shall not form any part of the warrant 10
of commitment or of distress.

53. In all cases of Summary Conviction, or of Orders made by a
Justice or Justices of the Peace, the Justice or Justices making the
same, may in his or their discretion, award and order in and by the
conviction or order, that the Defendant shall pay to the Prosecutor or 15
Complainant such costs as to the said Justice or Justices seem reason-
able in that behalf, and not inconsistent with the fees established by
law to be taken on proceedings had by and before Justices of the
Peace.

54. In cases where the Justice or Justices, instead of convicting or 20
making an order, dismiss the information or complaint, he or they, in
his or their discretion, may, in and by his or their order of dismissal,
award and order that the Prosecutor or Complainant shall pay to the
Defendant such costs as to the said Justice or Justices seem reasonable
and consistent with law. 25

55. The sums so allowed for costs shall in all cases be specified in
the conviction or order, or order of dismissal, and the same shall be re-
coverable in the same manner and under the same Warrants as any penalty
adjudged to be paid by the conviction or order is to be recovered.

56. In cases where there is no such penalty to be recovered, such 30
costs shall be recoverable by distress and sale of the goods and chattels
of the party, and in default of distress, by imprisonment, with or without
hard labour, for any time not exceeding one month, unless the costs be
sooner paid.

57. Where a conviction adjudges a pecuniary penalty or compensa- 35
tion to be paid, or where an order requires the payment of a sum of
money, and by the Act or Law authorizing such conviction or order,
the penalty, compensation, or sum of money is to be levied upon the
goods and chattels of the Defendant, by distress and sale thereof; and
also in cases where, by the Act or Law in that behalf, no mode of 40
raising or levying the penalty, compensation or sum of money, or of
enforcing the payment of the same, is stated or provided, the Justice or
any one of the Justices making such conviction or order, or any Jus-
tice of the Peace for the same Territorial Division, may issue his
Warrant of Distress (N 1, 2) for the purpose of levying the same, which 45
Warrant of Distress shall be in writing, under the hand and seal of the
Justice making the same.

58. If, after delivery of the warrant of distress to the Constable
or Constables to whom the same has been directed to be executed, suffi-
cient distress cannot be found within the limits of the jurisdiction of the 50

Justice granting the warrant, then upon proof being made upon oath or affirmation of the handwriting of the Justice granting the warrant, before any Justice of any other Territorial Division, such Justice shall thereupon make an endorsement (N 3) on the warrant, signed with his hand, 5 authorizing the execution of the warrant within the limits of his jurisdiction, by virtue of which warrant and endorsement the penalty or sum, and costs, or so much thereof as may not have been before levied or paid, shall be levied by the person bringing the warrant, or by the person or persons to whom the warrant was originally directed, or by 10 any Constable or other Peace Officer of the last mentioned Territorial Division, by distress and sale of the goods and chattels of the Defendant therein.

59. Whenever it appears to any Justice of the Peace to whom application is made for any warrant of distress, that the issuing thereof 15 would be ruinous to the Defendant and his family, or whenever it appears to the Justice, by the confession of the Defendant or otherwise, that he hath no goods and chattels whereon to levy such distress, then the Justice, if he deems it fit, instead of issuing a warrant of distress, may (O 1, 2) commit the Defendant to the Common Gaol, or other 20 prison in the Territorial Division, there to be imprisoned with or without hard labour, for the time and in the manner the Defendant could by law be committed in case such warrant of distress had issued, and no goods or chattels had been found whereon to levy the penalty or sum and costs.

60. In all cases where a Justice of the Peace issues any warrant of distress, he may suffer the Defendant to go at large, or verbally, or by a written warrant in that behalf, may order the Defendant to be kept and detained in safe custody, until return has been made to the warrant of distress, unless the Defendant gives sufficient security, by 30 recognizance or otherwise, to the satisfaction of the Justice, for his appearance before him at the time and place appointed for the return of the warrant of distress, or before such other Justice or Justices for the same Territorial Division, as may then be there.

61. In all such cases where a Defendant gives security by recognizance, 35 and does not afterwards appear at the time and place in the said recognizance mentioned, the Justice who hath the same, or any Justice or Justices who may then be there present, upon certifying (F) on the back of the recognizance the non-appearance of the Defendant, may, transmit the recognizance to the proper officer appointed by law to 40 receive the same, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of the non-appearance of the Defendant.

62. If at the time and place appointed for the return of any warrant of distress, the Constable, who has had execution of the same returns 45 (N 4) that he could find no goods or chattels whereon he could levy the sum or sums therein mentioned, together with the costs of, or occasioned by the levy of the same, the Justice of the Peace before whom the same is returned may issue his warrant of commitment (N 5) directed to the same or any other Constable, reciting the conviction or order shortly, the issuing of the warrant of distress, 50 and the return thereto, and requiring the Constable to convey the Defendant to the Common Gaol, or other prison of the Territorial Division for which the Justice is then acting, and there to deliver him

to the Keeper thereof, and requiring the Keeper to receive the Defendant into such gaol or prison, and there to imprison him, or to imprison him and keep him to hard labour, in the manner and for the time directed by the Act or Law on which the conviction or order mentioned in the warrant of distress is founded, unless the sum or sums adjudged 5 to be paid, and all costs and charges of the distress, and also the costs and charges of the commitment and conveying of the Defendant to prison, if such Justice thinks fit so to order (the amount thereof being ascertained and stated in such commitment,) be sooner paid; but if no term of imprisonment be specified in the Act or Law, the period for 10 which the Justice shall order the Defendant to be so imprisoned shall not exceed three months.

63. Where a Justice or Justices of the Peace, upon any information or complaint adjudges or adjudge the Defendant to be imprisoned, and the Defendant is then in prison undergoing imprisonment upon conviction for any other offence, the warrant of commitment for the subsequent offence shall be forthwith delivered to the gaoler or other Officer to whom it is directed, and the Justice or Justices who issued the same, if he or they think fit, may award and order therein, that the imprisonment for the subsequent offence shall commence at the expiration of the 20 imprisonment to which the Defendant was previously sentenced.

64. When any information or complaint is dismissed with costs, the sum awarded for costs in the Order for Dismissal may be levied by distress [Q 1] on the goods and chattels of the Prosecutor or Complainant in the manner aforesaid; and in default of distress or payment, the 25 Prosecutor or Complainant may be committed [Q 2] to the common gaol or other prison, in manner aforesaid, for any time not exceeding one month, unless such sum, and all costs and charges of the distress, and of the commitment and conveying of the prosecutor or complainant to prison (the amount thereof being ascertained and stated in the com- 30 mitment), be sooner paid.

65. In all cases where the sum adjudged to be paid on any summary conviction or order exceeds ten dollars, or the imprisonment adjudged exceeds one month, or the conviction has taken place before, or the order has been made by one Justice only, any person who thinks him- 35 self aggrieved by any such conviction or order, may appeal in the Province of Quebec or Ontario, to the next Court of General or Quarter Sessions of the Peace, which shall be holden not less than twelve days after the day of such conviction or order, for the district, county or place wherein the cause of the complaint has arisen, or, in the Province 40 of Quebec, to any other Court for the time being discharging the functions of such Court of General or Quarter Sessions, in and for such district, in the Province of Nova Scotia to the next term or sitting of the Supreme Court in the County, and in the Province of New Brunswick to a Judge of the Supreme Court or of the County Court of the County 45 where the cause of the information or complaint has arisen; Provided that such person shall give to the prosecutor or complainant a notice in writing of such appeal, and of the cause and matter thereof, within four days after such conviction or order, and eight days, at the least, before the holding of such Court, and shall also either remain in custody until 50 the holding of the Court, or shall enter into a recognizance, with two sufficient sureties, before a Justice or Justices of the Peace, conditioned personally to appear at the said Court and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as

shall be by the Court awarded ; or if such appeal is against any conviction or order whereby only a penalty or sum of money is adjudged to be paid, shall deposit with the Justice or Justices convicting or making the order such a sum of money as such Justice or Justices deem to be
5 sufficient to cover the sum so adjudged to be paid, together with the costs of the conviction or order and the costs of the appeal ; and upon such notice being given and such recognizance being entered into, or such deposit being made, the Justice or Justices before whom such recognizance is entered into, or such deposit has been made, shall
10 liberate such person, if in custody ; and the said Court shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court seems meet ; and in case of the dismissal of the appeal, or the affirmance of the conviction or order, shall order and adjudge the offender to be punished according to
15 the conviction, or the defendant to pay the amount adjudged by the said order and to pay such costs as may be awarded, and shall, if necessary, issue process for enforcing such judgment ; and in any case where, after any such deposit has been made as aforesaid, the conviction or order is affirmed, the Court may order the sum thereby adjudged
20 to be paid, together with the costs of the conviction or order, and the costs of the appeal, to be paid out of the money deposited, and the residue thereof, if any, to be repaid to the defendant ; and in any case where, after any such deposit, the conviction or order is quashed, the Court shall order the money deposited to be repaid to the defendant,
25 and in every case where any conviction or order is quashed on appeal as aforesaid, the Clerk of the Peace or other proper officer shall forthwith endorse on the conviction or order a memorandum that the same has been quashed ; and whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added
30 thereto, and shall be sufficient evidence that the conviction or order has been quashed in every case where such copy or certificate would be sufficient evidence of such conviction or order.

66. When an appeal has been lodged in due form and in compliance with the requirements of this Act, against any summary conviction or
35 decision, the Court of General or Quarter Sessions of the Peace or Court appealed to, may at the request of either appellant or respondent, empanel a Jury to try the facts of the case, and shall administer to such Jury the following oath :

“ You shall well and truly try the facts in dispute in the matter of
40 A. B., (*the informant*) against C. D., (*the defendant*), and a true verdict give according to the evidence : So help you God.”

And the Court, on the finding of the Jury, shall give such judgment as the law requires, and if a Jury be not so demanded, the Court shall try and be the absolute judges as of the law in respect to such conviction
45 or decision ; but no witness shall in either case be examined who was not examined before the Justice or Justices at the hearing of the case.

67. No judgment shall be given in favor of the appellant if the appeal is based on an objection to any information, complaint or summons,
50 or to any warrant to apprehend a defendant, issued upon any such in-

formation, complaint or summons, for any alleged defect therein in substance or in form, or for any variance between such information, complaint, summons or warrant and the evidence adduced in support thereof at the hearing of such information or complaint,—unless it shall be proved before the Court hearing the appeal that such objection was 5 made before the Justice or Justices of the Peace before whom the case was tried and by whom such conviction, judgment or decision was given, —nor unless it is proved that notwithstanding it was shewn to such Justice or Justices of the Peace that by such variance the person summoned and appearing or apprehended, had been deceived or misled, such 10 Justice or Justices refused to adjourn the hearing of the case to some further day, as provided by this Act.

68. In all cases of appeal from any summary conviction or order had or made had before any Justice or Justices of the Peace, the Court to which such appeal is made shall hear and determine the charge or com- 15 plaint on which such conviction or order has been had or made upon the merits, notwithstanding any defect of form or otherwise in such conviction or order ; and if the person charged or complained against is found guilty the conviction or order shall be affirmed and the Court shall amend the same if necessary, and any conviction or order so affirmed 20 or affirmed and amended shall be enforced in the same manner as convictions or orders affirmed in appeal.

69. And for the more effectual prevention of frivolous appeals, the Court of General or Quarter Sessions of the Peace or other Court or Judge to whom an appeal is made, upon proof of notice of the appeal 25 to such Court having been given to the person entitled to receive the same, though such appeal was not afterwards prosecuted or entered, may, if such appeal has not been abandoned according to law, at the same Court for which such notice was given, order to the party or parties receiving the same such costs and charges as by the said Court or 30 Judge may be thought reasonable and just, to be paid by the party or parties giving such notice, such costs to be recoverable in the manner provided by this Act for the recovery of costs upon an appeal against an order or conviction.

70. In case an appeal against any conviction or order be decided in 35 favor of the Respondents, the Justice or Justices who made the conviction or order, or any other Justice of the Peace for the same Territorial Division, may issue the warrant of distress or commitment for execution of the same, as if no Appeal had been brought.

71. No conviction, or order or adjudication made in appeal there- 40 from shall be quashed for want of form, or be removed for want of form by *certiorari* into any of Her Majesty's Superior Courts of record ; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same. 45

72. Every Justice of the Peace before whom any person shall be summarily convicted of any offence by virtue of this Act, shall transmit the conviction to the Court of General or Quarter Sessions or to the Court discharging the functions of the Court of General or Quarter Sessions as aforesaid, or to any other Court or Judge to which the right 50 to appeal is given by section *sixty-five* of this Act, as the case may be,

in and for the District, County or place wherein the offence has been committed, before the time when an appeal from such conviction could be heard, there to be kept by the proper officer among the records of the Court; and if such conviction has been appealed against, and a
5 deposit of money made, shall return the deposit into the said Court; and upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the Court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction
10 shall be presumed to have been unappealed against, until the contrary be shown.

73. In all cases where it appears by the conviction, that the defendant has appeared and pleaded, and the merits have been tried, and that the defendant has not appealed against the conviction where an
15 appeal is allowed, or if appealed against, the conviction has been affirmed, such conviction shall not afterwards be set aside or vacated in consequence of any defect of form whatever, but the construction shall be such a fair and liberal construction as will be agreeable to the justice of the case.

74. If upon any Appeal the Court trying the Appeal, orders either party to pay costs, the order shall direct the costs to be paid to the Clerk of the Peace or other proper officer of the Court, to be by him paid over to the party entitled to the same, and shall state within what
20 time the costs shall be paid.

75. If the same be not paid within the time so limited, and the party ordered to pay the same has not been bound by any recognizance conditioned to pay such costs, the Clerk of the Peace or his Deputy, on application of the party entitled to the costs, or of any person on his behalf and on payment of any fee to which he may be entitled, shall grant
25 to the party so applying, a Certificate [R] that the costs have not been paid, and upon production of the Certificate to any Justice or Justices of the Peace for the same Territorial Division, he or they may enforce the payment of the costs by Warrant of Distress [S 1] in manner aforesaid, and in default of distress he or they may commit [S 2] the party
30 against whom the warrant has issued in manner hereinbefore mentioned, for any time not exceeding two months, unless the amount of the the costs and all costs and charges of the distress and also the costs of the commitment and conveying of the party to prison, if the Justice or
35 Justices think fit so to order (the amount thereof being ascertained and stated in the commitment), be sooner paid.
40

76. Every Justice of the Peace, shall make a return in writing under his hand of all convictions made by him to the next ensuing General or Quarter Sessions of the Peace, or to the next term or sitting of any Court having jurisdiction in appeal as hereinbefore provided, for the
45 District or County or place in which such conviction takes place, and of the receipt and application by him of the moneys received from the Defendants (and in the case of any convictions before two or more Justices, such Justices, being present and joining therein, shall make a joint Return thereof,) in the following form :—

RETURN of Convictions made by me (or us, as the case may be) in the month of _____ 18__

Name of the Prosecutor.	Name of the Defendant.	Nature of the charge.	Date of Conviction.	Name of Convicting Justice.	Amount of penalty, fine or damage.	Time when paid or to be paid to said Justice.	To whom paid over by said Justice.	If not paid, why not, and general observations, if any.

A. B., Convicting Justice,
or

A. B. and C. D., Convicting Justices, (as the case may be.) 5

77. And any Justice or Justices to whom any such moneys may be afterwards paid, shall make a Return of the receipts and application thereof, to the next General or Quarter Sessions of the Peace, or other Court as aforesaid, which return shall be filed by the Clerk of the Peace, with the records of his office. 10

78. In case the Justice or Justices, before whom any such conviction takes place or who receives any such moneys, neglect or refuse to make such return thereof, or in case any such Justice or Justices wilfully make a false, partial or incorrect return, or wilfully receive a larger amount of fees than by law they are authorized to receive, such Justice or Justices, so neglecting, or refusing, or wilfully making such false, partial or incorrect return, or wilfully receiving a larger amount of fees as aforesaid, shall forfeit and pay the sum of *eighty dollars*, together with full costs of suit, to be recovered by any person suing for the same by action of debt or information in any Court of Record in the Province in which such Return ought to have been or is made, one moiety whereof shall be paid to the party suing, and the other moiety into the hands of Her Majesty's Receiver General to and for the public uses of the Dominion. 15 20

79. All prosecutions for penalties arising under the provisions of the next preceding section shall be commenced within six months next after the cause of action accrues, and the same shall be tried in the District, County or place wherein such penalties have been incurred, and if a verdict or judgment passes for the defendant, or the plaintiff becomes non-suit, or discontinues the action after issue joined, or if upon demurrer, or otherwise, judgment be given against the plaintiff, the defendant shall recover his full costs of suit, as between Attorney and Client, and shall have the like remedy for the same, as any defendant hath by law in other cases. 25 30

80. The Clerk of the Peace of the District or County in which any such returns are made shall, within seven days after the adjournment of the next ensuing General or Quarter Sessions, or of the term or sitting of such other Court as aforesaid, cause the said returns to be published in one public newspaper, in the District or County, or if there be no such newspaper, then in a newspaper of an adjoining District or County, and shall also fix up in the Court House of the District or County and also in a conspicuous place in the Office of such Clerk of the Peace, for public inspection, a Schedule of the returns so made by such Justices; and the same shall continue to be so fixed up, and exhibited until the end of the next ensuing General or Quarter Sessions of the Peace or of the term or sitting of such other Court as aforesaid, and for every Schedule so made and exhibited by the said Clerk of the Peace, he shall be allowed the expense of publication, and such fee as may be fixed by competent authority.

81. The Clerk of the Peace of each District or County within twenty days after the end of each General or Quarter Sessions of the Peace, or the sitting of such Court as aforesaid, shall transmit to the Minister of Finance a true copy of all such returns made within his District or County.

82. Nothing in the six next preceding sections shall have the effect of preventing any person aggrieved, from prosecuting by indictment, a Justice of the Peace, for any offence, the commission of which would subject him to indictment at the time of the coming into force of this Act.

83. In all cases where a Warrant of Distress has issued against any person, and such person pays or tenders to the Constable having the execution of the same, the sum or sums in the warrant mentioned, together with the amount of the expenses of the distress up to the time of payment or tender, the Constable shall cease to execute the same.

84. In all cases in which any person is imprisoned for non-payment of any penalty or other sum, he may pay or cause to be paid to the keeper of the prison in which he is imprisoned, the sum in the Warrant of Commitment mentioned, together with the amount of the costs, charges and expenses (if any) therein also mentioned, and the keeper shall receive the same, and shall thereupon discharge the person, if he be in his custody for no other matter.

85. In all cases of summary proceedings before a Justice or Justices of the Peace out of Sessions, upon any information or complaint, one Justice may receive the information or complaint, and grant a summons or warrant thereon, and issue his summons or warrant to compel the attendance of any witnesses for either party, and do all other acts and matters necessary, preliminary to the hearing, even in cases where by the statute in that behalf the information or complaint must be heard and determined by two or more Justices.

86. After a case has been heard and determined, one Justice may issue all warrants of distress or commitment thereon.

87. It shall not be necessary that the Justice who acts before or after the hearing, be the Justice or one of the Justices by whom the case is or was heard and determined.

88. In all cases where by any Act or Law it is required that an information or complaint shall be heard and determined by two or more Justices, or that a conviction or order shall be made by two or more Justices, such Justices must be present and acting together during the whole of the hearing and determination of the case. 5

89. When several persons join in the commission of the same offence and upon conviction thereof, each is adjudged to forfeit a sum equivalent to the value of the property, or to the amount of the injury done, no further sum shall be paid to the party aggrieved than the amount forfeited by one of such offenders only, and the corresponding sum, forfeited by the other offender, shall be applied in the same manner as other penalties imposed by a Justice or Justices of the Peace are directed to be applied. 10

90. The evidence of the party aggrieved and also the evidence of any inhabitant of the District, County or place in which any offence has been committed, shall be admitted in proof of the offence notwithstanding any forfeiture or penalty incurred by the offence, may be payable to any public fund of such District, County or place. 15

91. Any one Judge of Sessions of the Peace, Recorder, Police Magistrate, District Magistrate, or Stipendiary Magistrate, appointed for any District, County, City, Borough, Town, or Place and sitting at a Police Court or other place appointed in that behalf, shall have full power to do alone whatever is authorized by this Act to be done by two or more Justices of the Peace; and the several forms hereinafter contained may be varied so far as it may be necessary to render them applicable to Police Courts, or to the Court or other place of sitting of such functionary as aforesaid. 25

92. Any Judge of Sessions of the Peace, Police Magistrate or Stipendiary Magistrate, sitting at any Police Court or other place appointed in that behalf, shall have such and like powers and authority to preserve order in the said Courts during the holding thereof, and by the like ways and means as now by law are or may be exercised and used in like cases and for the like purposes by any Courts of Law in Canada, or by the Judges thereof respectively, during the sittings thereof. 35

93. Any Judge of the Sessions of the Peace, Police Magistrate, District Magistrate, or Stipendiary Magistrate, in all cases where any resistance is offered to the execution of any Summons, Warrant of Execution or other Process issued by him, may enforce the due execution of the same by the means provided by the law or enforcing the execution of the Process of other Courts in like cases. 40

94. The expression "Territorial Division" whenever used in this Act, shall mean—District, County, Union of Counties, Township, City, Town, Parish or other judicial division or place to which the context may apply, and the words "District or County" shall include any territorial or judicial division or place, in and for which there is such Judge, Justice, Justice's Court, officer or prison, as is mentioned in the context and to which the context may apply. 45

95. The words "Common Gaol" or "Prison," whenever they occur in this Act, shall be held to mean any place other than a Penitentiary 50

where parties charged with offences against the law are usually kept and detained in custody.

96. The several forms in the Schedule to this Act contained, varied to suit the case, or forms to the like effect, shall be deemed good, valid and sufficient in law.

97. This Act shall commence and take effect on the first day of _____, in the year of our Lord, one thousand eight hundred and _____

SCHEDULE.

(A) See s. 1.

SUMMONS THE DEFENDANT UPON AN INFORMATION OR COMPLAINT.

Canada, }
Province of _____, }
District (or County, }
United Counties, or }
as the case may be, }
of _____ }

To A. B., of _____ (laborer):
Whereas information hath this day been laid (or complaint hath this day been made) before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, City, Town, &c., as the case may be) of _____, for that you (here state shortly the matter of the information or complaint): These are therefore to command you, in Her Majesty's name, to be and appear on _____, at _____ o'clock in the forenoon, at _____, before me, or such Justice or Justices of the Peace for the said District (or County, United Counties, or as the case may be), as may then be there, to answer to the said information (or complaint), and to be further dealt with according to law.

Given under (my) hand and seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District (or County, or as the case may be) aforesaid.

J. S. [L. s.]

(B). See s. 6.

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Canada, }
Province of _____, }
District (or County, }
United Counties, or }
as the case may be, }
of _____ }

To all or any of the Constables or other Peace Officers in the District (or County, United Counties, or as the case may be) of _____

Whereas on _____ last past, information was laid (or complaint was made) before _____, (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) of _____, for that A. B. (&c., as in the Summons): And whereas (I) the said Justice of the Peace then issued (my) Summons unto the said A. B., commanding him, in Her Majesty's name, to be and appear on _____, at _____ o'clock in the (fore) noon, at _____, before (me) or such Justice or Justices of the Peace as might then be there, to answer unto the said information (or complaint), and to be further dealt with according to law; And whereas the said A. B. hath neglected to be and appear at the time and place so appointed in and by the said Summons, although it hath now been proved to me upon oath that the said Summons hath been duly served upon the said A. B.: These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (me) or some one or more of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) to answer to the said information (or complaint); and to be further dealt with according to law.

Given under my hand and seal, this _____ day of _____, in the year of our Lord _____ at _____, in the District (or County, United Counties, or as the case may be) aforesaid.
 J. S. [L. S.]

(C) See s. 6.

WARRANT IN THE FIRST INSTANCE.

Canada, }
 Province of }
 District (or County, }
 United Counties or }
 as the case may be, }
 of }

To all or any of the Constables or other Peace Officers in the said District (or County, United Counties, or as the case may be,) of _____

Whereas information hath this day been laid before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) of _____ for that A. B. (here state shortly the matter of information); and oath being now made before me substantiating the matter of such information: These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (me) or some one or more of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) to answer to the said information, and to be further dealt with according to law.

Given under my Hand and Seal, this _____ day of _____ in the year of our Lord _____, at _____, in the District (County, &c., as the case may be) aforesaid.

J. S. [L. S.]

(D) See ss. 12, 22, 34, 46.

WARRANT OF COMMITTAL FOR SAFE CUSTODY DURING AN ADJOURNMENT OF THE HEARING.

Canada,
Province of
District (or County,
United Counties, or
as the case may be)
of

To all or any of the Constables or Peace Officers in the District (or County, United Counties, or as the case may be) of and to the Keeper of the Common Gaol (or Lock-up House) at

Whereas on last past, information was laid (or complaint made) before (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of for that (sc., as in the Summons); And whereas the hearing of the same is adjourned to the of (instant o'clock in the (fore) noon, at and it is necessary that the said A. B. should in the meantime be kept in safe custody: These are therefore to command you, or any one of the said Constables or Peace Officers, in Her Majesty's name, forthwith to convey the said A. B. to the Common Gaol (or Lock-up House,) at and there deliver him into the custody of the Keeper thereof, together with this Precept: And I hereby require you, the said Keeper, to receive the said A. B. into your custody in the said Common Gaol (or Lock-up House) and there safely keep him until the day of (instant) when you are hereby required to convey and have him, the said A. B., at the time and place to which the said hearing is so adjourned as aforesaid, before such Justices of the Peace for the said District (or County, United Counties, as the case may be) as may then be there, to answer further to the said information (or, complaint), and to be further dealt with according to law.

Given under my hand and seal, this day of in the year of our Lord , at , in the District (or County, &c., as the as may[be] aforesaid.

J. S. [L. s.]

(E) See ss. 12, 22, 34, 46.

RECOGNIZANCE FOR THE APPEARANCE OF THE DEFENDANT WHEN THE CASE IS ADJOURNED, OR NOT AT ONCE PROCEEDED WITH.

Canada,
Province of
District (or County,
United Counties, or
as the case may be)
of

Be it remembered, That on , A. B. of (laborer,) and L. M. of , (grocer,) and O. P. of

(*yeoman,*) personally came and appeared before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of _____, and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following, that is to say: the said A. B. the sum of _____ and the said L. M. and O. P. the sum of _____, each, of good and lawful current money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said A. B. shall fail in the condition endorsed (*or* hereunder written).

Taken and acknowledged the day and year first above mentioned at _____ before me.

J. S. [L. S.]

The condition of the within *or* the above) written recognizance is such that if the said A. B. shall personally appear on the day of _____, (*instant,*) at _____ o'clock in the (*forenoon,*) at _____, before me or such Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be*) as may then be there, to answer further to the information (*or* complaint) of C. D. exhibited against the said A. B. and to be further dealt with according to law, then the said recognizance to be void, or else to stand in full force and virtue.

NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO THE DEFENDANT AND HIS SURETIES.

Take notice that you, A. B., are bound in the sum of _____ and you L. M. and O. P., in the sum of _____, each, that you, A. B., appear personally on _____ at _____ o'clock in the (*forenoon*) at _____, before me or such Justices of the Peace for the District (*or* County, United Counties, *or as the case may be*) of _____ as shall then be there, to answer further to a certain information (*or* complaint) of C. D. the further hearing of which was adjourned to the said time and place, and unless you appear accordingly, the recognizance entered into by you, A. B., and by L. M. and O. P. as your sureties, will forthwith be levied on you and them.

Dated this _____ day of _____, one thousand eight hundred and _____.

J. S. [L. S.]

(F) See ss. 13, 23, 35, 49, 61.

CERTIFICATE OF NON-APPEARANCE TO BE ENDORSED ON THE DEFENDANT'S RECOGNIZANCE.

I hereby certify, that the said A. B. hath not appeared at the time and place in the said condition mentioned, but therein hath made default, by reason whereof the within written recognizance is forfeited.

J. S. [L. S.]

(G 1) See s. 16.)

SUMMONS TO A WITNESS.

Canada, }
Province of , }
District (or County, }
United Counties, or }
as the case may be, }
of , }

To E. F. of , in the said District (or County, United Counties, or as the case may be) of

Whereas information was laid (or complaint was made) before (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of , for that (&c., as in the Summons,) and it hath been made to appear to me upon oath that you are likely to give material evidence on behalf of the Prosecutor (or Complainant or Defendant) in this behalf; These are therefore to require you to be and appear on , at o'clock in the (fore) noon, at before me or such Justice or Justices of the Peace for the said District (or County, United Counties, or as the case may be) as may then be there, to testify what you shall know concerning the matter of the said information (or complaint).

Given under my hand and seal, this day of in the year of our Lord , at in the District (or County, or as the case may be) aforesaid.

J. S. [L. s.]

(G 2) See s. 17.

WARRANT WHERE A WITNESS HAS NOT OBEYED A SUMMONS.

Canada, }
Province of , }
District (or County, }
United Counties, or }
as the case may be, }
of , }

To all or any of the Constables and other Peace officers in the said District (or County, United Counties, or as the case may be) of

Whereas information was laid (or complaint was made) before (one) of Her Majesty's Justices of the Peace, in and for the said District (or County, United Counties, or as the case may be) of for that (&c., as in the Summons,) and it having been made to appear to (me) upon oath, that E. F., of in the said District (or County, United Counties, or as the case may be, (laborer) was likely to give material evidence on behalf of the (prosecutor or as the case may be) (I) did duly issue (my) Summons to the said E. F., requiring him to be and appear on , at o'clock in the (fore) noon of the same day, at before me or such Justice or Justices of the Peace for the said District (or County, United Counties, or

as the case may be) as might then be there, to testify what he should know concerning the said A. B., or the matter of the said information (or complaint): And whereas proof hath this day been made before me, upon oath, of such Summons having been duly served upon the said E. F.; And whereas the said E. F. hath neglected to appear at the time and place appointed by the said Summons, and no just excuse has been offered for such neglect; These are therefore to command you to take the said E. F., and to bring and have him on _____, at _____ o'clock in the _____ noon, at _____ before me or such Justice or Justices of the Peace for the District (or County, United Counties, or as the case may be) as may then be there to testify what he shall know concerning the said information (or complaint).

Given under my hand and seal, this _____ day of _____ in the year of our Lord _____, at _____ in the District (or County, or as the case may be) aforesaid.

J. S. [L. s.]

(G 3) See s. 18.

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Canada, }
Province of _____, }
District (or County, }
United Counties, or }
as the case may be,) }
of _____, }

To all or any of the Constables, or other Peace Officers in the said District (or County, United Counties, or as the case may be) of _____
Whereas information was laid (or complaint was made) before the undersigned (one) of Her Majesty's Justice of the Peace in and for the said District (or County, United Counties, or as the case may be) of _____, for that (&c., as in the Summons,) and it being made to appear before me upon oath, that E. F., of _____ (laborer,) is likely to give material evidence on behalf of the (prosecutor, or as the case may be) in this matter, and it is probable that the said E. F., will not attend to give evidence without being compelled so to do; These are therefore to command you to bring and have the said E. F., on _____, at _____ o'clock in the (fore) noon, at _____, before me or such other Justice or Justices of the Peace, for the District (or County, United Counties, or as the case may be) as may then be there, to testify what he shall know concerning the matter of the said information (or complaint).

Given under (my) hand and seal, this _____ day of _____, in the year of Our Lord _____, at _____, in the District (or County, or as the case may be,) aforesaid.

J. S. [L. s.]

(G 4) See s. 19.

COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN OR GIVE EVIDENCE.

Canada,
Province of ,
District, (or County,
United Counties, or
as the case may be,) }
of ,

To all or any of the Constables or other Peace Officers in the said District (or County, United Counties, or as the case may be) of and to the Keeper of the Common Gaol of the said district (or County, United Counties, or as the case may be) at

Whereas information was laid (or complaint was made) before (me) (one) of Her Majesty's Justices of the Peace, in and for the said District (or County, United Counties, or as the case may be) of

for that (&c., as in the Summons,) and one E. F., now appearing before me such Justice as aforesaid, on , at , and being required by me to make oath (or affirmation) as a witness in that behalf, hath now refused so to do, (or being now here duly sworn as a witness in the matter of the said information or complaint) doth refuse to answer a certain question concerning the premises which is now here put to him, and more particularly the following question (here insert the exact words of the question,) without offering any just excuse for such his refusal; These are therefore to command you, or any one of the said Constables or Peace officers to take the said E. F., and him safely to convey to the Common Gaol at aforesaid, and there deliver him to the said Keeper thereof, together with this precept; and I do hereby command you the said Keeper of the said Common Gaol, to receive the said E. F., into your custody in the said Common Gaol and there imprison him for such his contempt for the space of days, unless he shall in the meantime consent to be examined and to answer concerning the premises, and for so doing, this shall be your sufficient warrant.

Given under my hand and seal, this day of in the year of our Lord. , at , in the District (or County, or as the case may be) aforesaid.

J. S. [L. s.]

(H) See s. 33.

WARRANT TO REMAND A DEFENDANT WHEN APPREHENDED.

Canada,
Province of ,
District (or County,
United Counties, or
as the case may be,) }
of ,

To all or any of the Constables, or other Peace officers in the said District (or County, United Counties, or as the case may be) of

, and to the Keeper of the Common Gaol (or Lock-up House)

at

Whereas information was laid (or complaint was made) before (one) of Her Majesty's Justices of the Peace in and for the District (or County, United Counties, or as the case may be) of , for that (i.e., as in the summons or warrant); And whereas the said A. B. hath been apprehended under and by virtue of a warrant, upon such information (or complaint) and is now brought before me as such Justice as aforesaid; These are therefore to command you, or any one of the said Constables, or Peace officers, in Her Majesty's name, forthwith to convey the said A. B. to the Common Gaol (or Lock-up House) at , and there to deliver him to the said Keeper thereof, together with this Precept; And I do hereby command you the said Keeper to receive the said A. B. into your custody in the said Common Gaol (or Lock-up House,) and there safely keep him until next, the day of (instant), when you are hereby commanded to convey and have him at , at o'clock in the noon of the same day, before me, or such Justice or Justices of the Peace of the said District (or County, United Counties, or as the case may be) as may then be there, to answer to the said information (or complaint,) and to be further dealt with according to law.

Given under my hand and seal, this day of , in the year of our Lord, , at , in the district (or County, as the case may be) aforesaid.

J. S. [L. s.]

(I 1) See ss. 42, 50.

CONVICTION FOR A PENALTY TO BE LEVIED BY DISTRESS, AND IN DEFAULT OF SUFFICIENT DISTRESS, BY IMPRISONMENT.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be, }
of . }

Be it remembered, That on the day of , in the year of our Lord, , at , in the said District (or County, United Counties, or as the case may be), A. B. is convicted before the undersigned, (one) of Her Majesty's Justices of the Peace for the said District (or County, United Counties, or as the case may be,) for that the said A. B., (i.e., stating the offence, and the time and place when and where committed,) and I adjudge the said A. B. for his said offence to forfeit and pay the sum of (stating the penalty, and also the compensation, if any,) to be paid and applied according to law, and also to pay to the said C. D. the sum of , for his costs in this behalf; and if the said several sums be not paid forthwith or on or before the of next,) * I order that the same be levied by distress and sale of the goods and chattels of the said A. B., and in default of sufficient distress, * I adjudge the said A. B., to be imprisoned in the Common Gaol of the said District (or County, United Counties, or as the case may be,) at in the said District

(or County) of (there to be kept to hard labour if such be the sentence) for the space of unless the said several sums and all costs and charges of the said distress (and of the commitment and conveying of the said A. B. to the said Gaol) be sooner paid.

Given under (my) hand and seal, the day and year first above mentioned, at in the District (or County, United Counties, or as the case may be) aforesaid.

J. S. [L. S.]

* Or when the issuing of a Distress Warrant would be ruinous to the Defendant or his family, or it appears he has no goods whereon to levy a distress, then instead of the words between the asterisks * * say, "inasmuch as it hath now been made to appear to me that the issuing of a Warrant of Distress in this behalf would be ruinous to the said A. B. or his family," (or, "that the said A. B. hath no goods or chattels whereon to levy the said sums by distress.") I adjudge, &c., (as above, to the end.)

(I 2)

CONVICTION FOR A PENALTY, AND IN DEFAULT OF PAYMENT,
IMPRISONMENT.

Canada,
Province of
District (or County,
United Counties, or
as the case may be,)
of

Be it remembered, That on the day of , in the year of our Lord, , at , in the said District (or County, United Counties, or as the case may be,) A. B., is convicted before the undersigned, (one) of Her Majesty's Justices of the Peace for the said District (or County, United Counties, or as the case may be,) for that he the said A. B., (s.c., stating the offence, and the time and place when and where it was committed,) and I adjudge the said A. B. for his said offence to forfeit and pay the sum of (stating the penalty and the compensation, if any), to be paid and applied according to law; and also to pay to the said C. D. the sum of for his costs in this behalf; and if the said several sums be not paid forthwith (or, on or before next,) I adjudge the said A. B. to be imprisoned in the Common Gaol of the said District (or County, United Counties, or as the case may be,) at in the said District (or County) of (and there to be kept at hard labour) for the space of , unless the said sums and the costs and charges of conveying the said A. B. to the said Common Gaol, shall be sooner paid.

Given under my hand and seal, the day and year first above mentioned, at in the District (or County, United Counties, or as the case may be,) aforesaid.

J. S. [L. S.]

(I 3) See ss. 42, 50.

CONVICTION WHEN THE PUNISHMENT IS BY IMPRISONMENT, &C.

Canada, }
Province of , }
District (or County, }
United Counties, (or }
as the case may be,) }
of , }

Be it remembered, That on the _____ day of _____, in the year of our Lord _____, in the said District (or County, United Counties, or as the case may be,) A. B. is convicted before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be), for that he the said A. B. (&c., stating the offence and the time and place when and where it was committed); and I adjudge the said A. B. for his said offence to be imprisoned in the Common Gaol of the said District (or County, United Counties, or as the case may be,) at _____ in the County of _____ (and there to be kept at hard labour) for the space of _____; and I also adjudge the said A. B. to pay to the said C. D. the sum of _____ for his costs in this behalf, and if the said sum for costs be not paid forthwith, (or on or before next,) then * I order that the said sum be levied by distress and sale of the goods and chattels of the said A. B.; and in default of sufficient distress in that behalf, * I adjudge the said A. B. to be imprisoned in the said Common Gaol, (and kept there at hard labour) for the space of _____, to commence at and from the term of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under my hand and seal, the day and year first above mentioned at _____ in the District (or County, United Counties, or as the case may be) aforesaid.

J. S. [L. s.]

* Or, when the issuing of a distress warrant would be ruinous to the Defendant and his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks ** say, "inasmuch as it hath now been made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said A. B., and his family," (or, "that the said A. B. hath no goods or chattels whereon to levy the said sum for costs by distress") I adjudge. &c.

(K 1) See ss. 42, 51.

ORDER FOR PAYMENT OF MONEY TO BE LEVIED BY DISTRESS, AND IN DEFAULT OF DISTRESS, IMPRISONMENT.

Canada, }
Province of , }
District (or County, }
United Counties, (or }
as the case may be,) }
of , }

Be it remembered, That on _____ complaint was made before

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the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of _____ for that (stating the facts entitling the Complainant to the order, with the time and place when and where they occurred,) and now at this day, to wit, on _____, at _____, the parties aforesaid appear before me the said Justice, (or, the said C. D. appears before me the said Justice, but the said A. B. although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me on oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here on this day before me or such Justice or Justices of the Peace for the said District (or County, United Counties, or as the case may be) as should now be here, to answer the said complaint, and to be further dealt with according to law); and now having heard the matter of the said complaint, I do adjudge the said A. B. (to pay to the said C. D. the said sum of _____ forthwith, (or on or before _____ next, or as the Act or Law may require), and also to pay to the said C. D. the sum of _____ for his costs in this behalf; and if the said several sums be not paid forthwith (or on or before _____ next) then,* I hereby order that the same be levied by distress, and sale of the goods and chattels of the said A. B.) and in default of sufficient distress in that behalf,* I adjudge the said A. B. to be imprisoned in the Common Gaol of the said District (or County, United Counties, or as the case may be) at _____ in the said District (or County) of _____, (and there kept to hard labour) for the space of _____ unless the said several sums and all costs and charges of the said distress (and of the commitment and conveying of the said A. B. to the said Common Gaol) shall be sooner paid.

Given under my hand and seal, this _____ day of _____ in the year of our Lord _____, at _____ in the District (or County, or as the case may be,) aforesaid.

J. S. [L. S.]

* Or, when the issuing of a distress warrant would be ruinous to the Defendant or his family, or it appears he has no goods whereon to levy a distress, then, instead of the words between the asterisks ** say, "inasmuch as it hath now been made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said A. B. and his family," (or, "that the said A. B. hath no goods or chattels whereon to levy the said sums by distress.")

(K 2)

ORDER FOR PAYMENT OF MONEY, AND IN DEFAULT OF PAYMENT, IMPRISONMENT.

Canada, }
 Province of _____, }
 District (or County, }
 United Counties, or }
 as the case may be,) }
 of _____ }

Be it remembered, That on _____ complaint was made before the undersigned, (one) of Her Majesty's Justices of the Peace in and

for the said District (or County, United Counties, or as the case may be,) of _____, for that (stating the facts entitling the complainant to the order, with the time and place when and where they occurred,) and now on this day, to wit, on _____, at _____, the parties aforesaid appear before me the said Justice, (or the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me upon oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here this day before me, or such Justice or Justices of the Peace for the said District (or County, United Counties, or as the case may be,) as should now be here, to answer to the said complaint, and to be further dealt with according to law,) and now having heard the matter of the said complaint, I do adjudge the said A. B. (to pay to the said C. D. the sum of _____ forthwith, (or on or before _____ next, or as the Act or Law may require,) and also to pay to the said C. D. the sum of _____ for his costs in this behalf; and if the said several sums be not paid forthwith, (or on or before _____ next), then I adjudge the said A. B. to be imprisoned in the Common Gaol of the said District (or County, United Counties, or as the case may be,) at _____, in the said District (or County of _____ (there to be kept at hard labour if the Act or Law authorize this) for the space of _____, unless the said several sums (and costs and charges of commitment and conveying the said A. B. to the said Common Gaol) shall be sooner paid.

Given under (my) hand and seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District (or County, United Counties, or as the case may be) aforesaid.

J. S. [L. s.]

(K 3) See ss. 42, 51.

ORDER FOR ANY OTHER MATTER WHERE THE DISOBEYING OF IT IS PUNISHABLE WITH IMPRISONMENT.

Canada, }
 Province of }
 District (or County, }
 United Counties, or }
 as the case may be, }
 of . }

Be it remembered, That on _____ complaint was made before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) of _____, for that (stating the facts entitling the Complainant to the order, with the time and place where and when they occurred,) and now on this day, to wit, on _____, at _____, the parties aforesaid appear before me the said Justice, (or the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me upon oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear

here this day before me, or such Justice or Justices of the Peace for the said District (or County, United Counties, or as the case may be,) as should now be here, to answer to the said complaint, and to be further dealt with according to law,) and now having heard the matter of the said complaint, I do therefore adjudge the said A. B. to (here state the matter required to be done), and if upon a copy of the Minute of this Order being served upon the said A. B. either personally or by leaving the same for him at his last or most usual place of abode, he shall neglect or refuse to obey the same, in that case I adjudge the said A. B. for such his disobedience to be imprisoned in the Common Gaol or the said District (or County, United Counties, or as the case may be,) at _____, in the said County of _____ (there to be kept at hard labour if the Statute authorize this); for the space of _____ unless the said order be sooner obeyed, and I do also adjudge the said A. B. to pay to the said C. D. the sum of _____ for his costs in this behalf, and if the said sum for costs be not paid forthwith, (or, on or before _____ next,) I order the same to be levied by distress and sale of the goods and chattels of the said A. B., and in default of sufficient distress in that behalf, I adjudge the said A. B. to be imprisoned in the said Common Gaol (there to be kept at hard labour) for the space of _____ to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under (my) hand and seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District (or County, United Counties, or as the case may be) aforesaid.
 J. S. [L. s.]

(L) See s. 43.

ORDER OF DISMISSAL OF AN INFORMATION OR COMPLAINT.

Canada, }
 Province of }
 District (or County, }
 United Counties, or }
 as the case may be }
 of . }

Be it remembered, That on _____ information was laid (or complaint was made) before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of _____, for that (i.e., as in the Summons to the Defendant,) and now at this day, to wit, on _____, at _____, both the said parties appear before me in order that I should hear and determine the said information (or complaint) (or the said A. B. appeareth before me, [but the said C. D. although duly called doth not appear,*) whereupon the matter of the said information (or complaint) being by me duly considered (it manifestly appears to me that the said information (or complaint) is not proved,) I do therefore dismiss the same, and do adjudge that the said C. D. do pay to the said A. B. the sum of _____ for his costs incurred by him in his defence in this behalf: and if the said sum for costs be not paid forthwith, (or on or before _____,) I order that the same be levied by distress and sale of the goods and chattels of the said C. D., and in default of sufficient distress in that behalf, I adjudge the said C. D. to

be imprisoned in the Common Gaol of the said District (or County, United Counties, or as the case may be) at _____ in the said County of _____ (and there to be kept at hard labour) for the space of _____, unless the said sum for costs and all costs and charges of the said distress (and of the commitment of the said C. D. to the said Common Gaol,) shall be sooner paid.

Given under my hand and seal, this _____ day of _____ in the year of our Lord _____, at _____, in the District (or County, United Counties, or as the case may be) aforesaid.

J. S. [L. s.]

* If the Informant (or Complainant) do not appear, these words may be omitted.

(M) See s. 43.

CERTIFICATE OF DISMISSAL.

I hereby certify that an information (or complaint preferred by C. D. against A. B. for that (or as in the summons,) was this day considered by me, one of Her Majesty's Justices of the Peace in and for the District (or County, United Counties, or as the case may be) of _____, and was by (me) dismissed (with costs.)

Dated this _____ day of _____, one thousand eight hundred and _____

J. S. [L. s.]

(N 1) See s. 57.

WARRANT OF DISTRESS UPON A CONVICTION FOR A PENALTY.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be }
of }

To all or any of the Constables, or other Peace Officers in the said District (or County, United Counties, or as the case may be) of _____

Whereas A. B., late of _____, (labourer) was on this day (or on _____ last past) duly convicted before _____ (one) of Her Majesty's Justices of the Peace, in and for the said District (or County, United Counties, or as the case may be) of _____ for that (stating the offence as in the conviction) and it was thereby adjudged that the said A. B., should for such his offence forfeit and pay, (f.c., as in the conviction), and should also pay to the said C. D. the sum of _____ for his costs in that behalf; and it was thereby ordered that if the said several sums should not be paid (forthwith) the same should be levied by distress and sale of the goods and chattels of the said A. B.; and it was thereby also adjudged that the said A. B., in default of sufficient distress, should be imprisoned in the Common Gaol of the said District (or County, United Counties, or as the case may be) at _____ in the said County of _____ (and there to be kept at hard labour) for the space of _____ unless the said several sums and all costs and charges of the said distress, and of the commitment and conveying of

the said A. B., to the said Common Gaol should be sooner paid; *And whereas the said A. B., being so convicted as aforesaid, and being (now) required to pay the said sums of _____ and _____ hath not paid the same or any part thereof, but therein hath made default. These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B.; and if within _____ days next after the making of such distress, the said sums, together with the reasonable charges of taking and keeping the distress, shall not be paid, then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale unto me (the convicting Justice or one of the convicting Justices) that I may pay and apply the same as by law is directed, and may render the overplus, if any, on demand, to the said A. B.; and if no such distress can be found, then, that you certify the same unto me, to the end that such further proceedings may be had thereon as to law doth appertain.

Given under my hand and seal, this _____ day of _____ in the year of our Lord _____, at _____ in the District (or County, or as the case may be) aforesaid.

J. S. [L. S.]

(N 2) See s. 57.

WARRANT OF DISTRESS UPON AN ORDER FOR THE PAYMENT OF MONEY.

Canada, }
 Province of }
 District (or County, }
 United Counties, or }
 as the case may be) }
 of . }

To all or any of the Constables, or other Peace Officers, in the said District (or County, United Counties, or as the case may be) of _____
 Whereas on _____ last past, a complaint was made before (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) for that (s.c., as in the order,) and afterwards, to wit, on _____, at _____, the said parties appeared before _____ (as in the order,) and thereupon the matter of the said complaint having been considered, the said A. B. was adjudged (to pay to the said C. D. the sum of _____ on or before _____ then next,) and also to pay to the said C. D. the sum of _____ for his costs in that behalf; and it was ordered that if the said several sums should not be paid on or before the said _____ then next, the same should be levied by distress and sale of the goods and chattels of the said A. B.; and it was adjudged that in default of sufficient distress in that behalf, the said A. B., should be imprisoned in the Common Gaol of the said District (or County, or United Counties, or as the case may be) at _____, in the said County of _____ (and there kept at hard labour) for the space of _____, unless the said several sums and all costs and charges of the distress (and of the commitment and conveying of the said A. B. to the said Common Gaol) should be sooner paid; And* whereas the time in and by the said order appointed for the payment of the said several sums of _____ and _____ hath elapsed, but the

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said A. B. hath not paid the same, or any part thereof, but herein hath made default; These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of _____ days after the making of such distress, the said last mentioned sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale unto me, (or some other of the convicting Justices, as the case may be) that I (or he) may pay and apply the same as by law directed, and may render the overplus, if any, on demand to the said A. B.; and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under my hand and seal, this _____ day of _____ in the year of our Lord _____, at _____, in the District (or County, or as the case may be) aforesaid.

J. S. [L. S.]

(N 3) See s. 58.)

ENDORSEMENT IN BACKING A WARRANT OF DISTRESS.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be }
of . }

Whereas proof upon oath hath this day been made before me, one of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) that the name of J. S. to the within Warrant subscribed, is of the hand-writing of the Justice of the Peace within mentioned, I do therefore authorize U. T. who bringeth me this warrant, and all other persons to whom this Warrant was originally directed, or by whom the same may be lawfully executed, and also all Constables and other Peace Officers in the said District (or County, United Counties, or as the case may be,) of to execute the same within the said District (or County, United Counties, or as the case may be)

Given under my hand, this _____ day of _____, one thousand eight hundred and _____

O. K.

(N 4) See s. 62.

CONSTABLE'S RETURN TO A WARRANT OF DISTRESS.

I, W. T., Constable of _____, in the District (or County, United Counties, or as the case may be) of _____, hereby certify to J. S., Esquire, one of Her Majesty's Justices of the Peace for the District (or County, United Counties, or as the case may be) that by virtue of this warrant, I have made diligent search for the goods and chattels of the within mentioned A. B., and that I can find no sufficient goods or chattels of the said A. B. whereon to levy the sums within mentioned.

Witness my hand, this day of , one thousand eight
hundred and

(N 5) See s. 62.

WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

Canada,
Province of }
District (or County,
United Counties, or
as the case may be,) }
of }

To all or any of the Constables and other Peace Officers in the District,
(or County, United Counties, or as the case may be,) of , and
to the Keeper of the Common Gaol of the said District (or County,
United Counties, or as the case may be,) of , at , in the
said District (or County) of :

Whereas (i.e., as in either of the foregoing distress warrants, N 1, 2,
to the asterisks,* and then thus): And whereas afterwards on the
day of , in the year aforesaid, I, the said Justice
issued a warrant to all or any of the Constables or other Peace Officers
of the District (or County, United Counties, or as the case may be,) of
 commanding them, or any of them, to levy the said sums
of and by distress and sale of the goods and chattels
of the said A. B.; And whereas it appears to me, as well by the return
to the said warrant of distress, by the Constable who had the execution
of the same, as otherwise, that the said Constable hath made diligent
search for the goods and chattels of the said A. B., but that no suffi-
cient distress whereon to levy the sums above mentioned could be found;
These are therefore to command you, the said Constables or Peace Offi-
cers, or any one of you, to take the said A. B., and him safely to convey
to the Common Gaol at aforesaid, and there deliver him to the
said Keeper, together with this Precept; and I do hereby command
you, the said Keeper of the said Common Gaol, to receive the said A.
B. into your custody, in the said Common Gaol, there to imprison him
(and keep him at hard labour) for the space of , unless
the said several sums, and all the costs and charges of the said distress,
(and of the commitment and conveying of the said A. B. to the said
Common Gaol) amounting to the further sum of , shall be
sooner paid unto you, the said Keeper; and for so doing, this shall be
your sufficient warrant.

Given under my hand and seal, this day of , in the
year of our Lord , at in the District (or County, or as the
case may be) aforesaid.

J. E. [L. s.]

WARRANT OF COMMITMENT UPON A CONVICTION FOR A PENALTY IN THE FIRST INSTANCE.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be,) }
of }

To all or any of the Constables and other Peace Officers, in the said District (or County, United Counties, or as the case may be,) of , and to the Keeper of the Common Gaol of the said District (or County, United Counties, or as the case may be,) of , at , in the said District (or County of :

Whereas A. B., late of (labourer,) was on this day convicted before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the said District (or County, United Counties, or as the case may be) for that (stating the offence as in the conviction,) and it was thereby adjudged that the said A. B., for his offence should forfeit and pay the sum of (s.c., as in the conviction,) and should pay to the said C. D. the sum of for his costs in that behalf ; and it was thereby further adjudged that if the said several sums should not be paid (forthwith) the said A. B. should be imprisoned in the Common Gaol of the said District (or County, United Counties, or as the case may be) at in the said District (or County) of and there kept at hard labour) for the space of , unless the said several sums and the costs and charges of conveying the said A. B. to the said Common Gaol) should be sooner paid ; And whereas the time in and by the said conviction appointed for the payment of the said several sums hath elapsed, but the said A. B. hath not paid the same or any part thereof, but therein hath made default ; These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said A. B., and him safely to convey to the Common Gaol at aforesaid, and there to deliver him to the said Keeper thereof, together with this Precept ; and I do hereby command you, the said Keeper of the said Common Gaol, to receive the said A. B. into your custody in the said Common Gaol, there to imprison him (and keep him at hard labour) for the space of , unless the said several sums (and costs and charges of carrying him to the said Common Gaol, amounting to the further sum of), shall be sooner paid unto you, the said Keeper ; and for your so doing, this shall be your sufficient warrant.

Given under (my) hand and seal, this day of in the year of our Lord , at , in the District (or County, or as the case may be) aforesaid.

J. S. [L. s.]

(O 2) See s. 59.

WARRANT OF COMMITMENT ON AN ORDER IN THE FIRST INSTANCE.

Canada,
Province of
District (or County,
United Counties, or
as the case may be)
of

To all or any of the Constables and other Peace Officers in the said District, (or County, United Counties, or as the case may be) of , and to the Keeper of the Common Gaol of the District (or County, United Counties, or as the case may be) of at in the said District (or County) of

Whereas on last past, complaint was made before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of for that (&c., as in the order), and afterwards, to wit, on the day of , at the parties appeared before me, the said Justice (or as it may be in the order), and thereupon having considered the matter of the complaint, I adjudged the said A. B. to pay the said C. D. the sum of , on or before the day of then next, and also to pay to the said C. D. the sum of for his costs in that behalf; and I also thereby adjudged that if the said several sums should not be paid on or before the day of then next, the said A. B. should be imprisoned in the Common Gaol of the District (or County, United Counties, or as the case may be) of at in the said County of (and there be kept at hard labour) for the space of unless the said several sums (and the costs and charges of conveying, the said A. B. to the said Common Gaol, as the case may be) should be sooner paid; And whereas the time in and by the said order appointed for the payment of the said several sums of money hath elapsed, but the said A. B. hath not paid the same or any part thereof, but therein hath made default; These are therefore to command you, the said Constables and Peace Officers, or any of you, to take the said A. B. and him safely to convey to the said Common Gaol, at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of the said Common Gaol, to receive the said A. B. into your custody in the said Common Gaol, there to imprison him (and keep him at hard labour) for the space of , unless the said several sums (and the costs and charges of conveying him to the said Common Gaol, amounting to the further sum of), shall be sooner paid unto you the said Keeper; and for your so doing, this shall be your sufficient Warrant.

Given under my hand and seal, this day of in the year of our Lord at , in the District (or County, or as the case may be) aforesaid.

J. S [L. s.]

(Q 1)—See s. 64.

WARRANT OF DISTRESS FOR COSTS UPON AN ORDER FOR DISMISSAL OF AN INFORMATION OR COMPLAINT.

Canada, }
Province of , }
District (or County, }
United Counties, or }
as the case may be) }
of

To all or any of the Constables or other Peace Officers, in the said District (or County, United County, or as the case may be,) of
Whereas on last past, information was laid (or complaint was made) before (one of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of for that (i.e., as in the order of dismissal,) and afterwards, to wit, on at , both parties appearing before in order that (I) should hear and determine the same, and the several proofs adduced to (me) in that behalf being by (me) duly heard and considered, and it manifestly appearing to (me) that the said information (or complaint) was not proved, (I) therefore dismissed the same and adjudged that the said C. D. should pay to the said A. B. the sum of for his costs incurred by him in his defence in that behalf; and (I) ordered that if the said sum for costs should not be paid (forthwith) the same should be levied on the goods and chattels of the said C. D., and (I) adjudged that in default of sufficient distress in that behalf the said C. D. should be imprisoned in the Common Gaol of the said District (or County, United Counties, or as the case may be) of at in the said District or County of (and there kept at hard labour) for the space of , unless the said sum for costs, and all costs and charges of the said distress, and of the commitment and conveying of the said A. B. to the said Common Gaol should be sooner paid; * And whereas the said C. D. being now required to pay to the said A. B. the said sum for costs, hath not paid the same, or any part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said C. D., and if within the space of days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, then that you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to me (the Justice who made such order or dismissal as the case may be) that (I) may pay and apply the same as by law directed, and may render the overplus (if any) on demand to the said C. D., and if no such distress can be found, then that you certify the same unto me, (or to any other Justice of the Peace for the same District (or County, United Counties, or as the case may be) to the end that such proceedings may be had therein as to law doth appertain.

Given under (my) hand and seal, this day of , in the year of our Lord , at in the District (or County, or as the case may be) aforesaid.

J. S. [L. S.]

PRINTED BY MUNTZ, ROSE & CO.

(Q 2) See s. 64.

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE
LAST CASE.

Canada,
Province of }
District (or County,
United Counties, or
as the case may be)
of }

To all or any of the Constables or Peace Officers in the said District (or County, United Counties, or as the case may be) of _____, and to the Keeper of the Common Gaol of the said District (or County, United Counties, or as the case may be) of _____ at _____ in the said District (or County) of _____

Whereas (&c., as in the last form, to the asterisk, * and then thus :) And whereas afterwards, on the _____ day of _____, in the year aforesaid, I, the said Justice, issued a warrant to all or any of the Constables or other Peace Officers of the said District (or County, United Counties, or as the case may be) commanding them, or any one of them to levy the said sum of _____ for costs, by distress and sale of the goods and chattels of the said C. D.; And whereas it appears to me, as well by the return to the said warrant of distress of the Constable (or Peace Officer) charged with the execution of the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said C. D., but that no sufficient distress whereon to levy the sum above mentioned could be found; These are therefore to command you, the said Constables and Peace Officers, or any one of you, to take the said C. D. and him safely convey to the Common Gaol of the said District (or County, United Counties, or as the case may be,) at _____ aforesaid, and there deliver him to the Keeper thereof, together with this Precept; and I hereby command you, the said Keeper of the said Common Gaol, to receive the said C. D. into your custody in the said Common Gaol, there to imprison him (and keep him at hard labour) for the space of _____ unless the said sum, and all the costs and charges of the said distress (and of the commitment and conveying of the said C. D. to the said Common Gaol amounting to the furthar sum of _____,) shall be sooner paid up unto you the said Keeper; and for your so doing, this shall be your sufficient warrant.

Given under my hand and seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District (or County, or as the case may be) aforesaid.

J. S. [L. S.]

(R) See s. 75.

CERTIFICATE OF CLERK OF THE PEACE THAT THE COSTS OF AN APPEAL
ARE NOT PAID.

Office of the Clerk of the Peace for the District (or County, United Counties, or as the case may be) of _____

TITLE OF THE APPEAL.

I hereby certify, that at a Court of General or Quarter Sessions of the Peace, (or other Court discharging the functions of the Court of General or Quarter Sessions, as the case may be) holden at _____, in and for the said District (or County, United Counties, or as the case may be) on _____ last past, an appeal by A. B. against a conviction (or order) of J. S., Esquire, one of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) came on to be tried, and was there heard and determined, and the said Court of General or Quarter Sessions (or other Court, as the case may be), thereupon ordered that the said conviction (or order) should be confirmed (or quashed) and that the said (Appellant) should pay to the said (Respondent) the sum of _____ for his costs incurred by him in the said appeal, and which sum was thereby ordered to be paid to the Clerk of the Peace for the said District (or County, United Counties, or as the case may be) on or before the _____ day of _____ instant, to be by him handed over to the said (Respondent), and I further certify that the said sum for costs has not, nor has any part thereof, been paid in obedience to the said order.

Dated this _____ day of _____, one thousand eight hundred and _____

G. H.
Clerk of the Peace.

(S 1) See s. 75.

WARRANT OF DISTRESS FOR COSTS OF AN APPEAL AGAINST A
CONVICTION OR ORDER.

Canada, }
Province of }
District (or County, }
United Counties, or }
as the case may be, }
of }

To all or any of the Constables or other Peace Officers in the said District (or County, United Counties, or as the case may be) of _____

Whereas (&c., as in the warrants of distress, N 1, 2, ante, and to the end of the Statement of the Conviction or Order, and then thus): And whereas the said A. B. appealed to the Court of General Quarter Sessions of the Peace (or other Court discharging the functions of the Court of General or Quarter Sessions, as the case may be) for the said District (or County, United Counties, or as the case may be) against the said Conviction or Order, in which appeal the said A. B. was the Appellant, and the said C. D., (or J. S. Esquire, the Justice of the Peace who made the said Conviction or Order) was the Respondent, and which said appeal came on to be tried and was heard and determined at the last General Quarter Sessions of the Peace (or other Court, as the case may be) for the said District (or County, United Counties, or as the case may be) holden at _____, on _____, and the said Court thereupon

ordered that the said Conviction (or Order) should be confirmed (or quashed) and that the said (*Appellant*) should pay to the said (*Respondent*) the sum of _____ for his costs incurred by him in the said appeal, which said sum was to be paid to the Clerk of the Peace for the said District (or County, United Counties, or as the case may be) on or before the day of _____, one thousand eight hundred and _____, to be by him handed over to the said C. D.; and whereas the Clerk of the Peace of the said District (or County, United Counties, or as the case may be) hath, on the _____ day of _____ instant, duly certified that the said sum for costs had not been paid;* These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B., and if within the space of _____ days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to the Clerk of the Peace for the said District (or County, United Counties, or as the case may be) of _____, that he may pay and apply the same as by law directed; and if no such distress can be found, then that you certify the same unto me or any other Justice or the Peace for the same District (or County, United Counties, or as the case may be) to the end that such proceedings may be had therein, as to law doth appertain.

Given under my hand and seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District (or County or as the case may be) aforesaid.

O. K. [L. S.]

(S 2) See s. 75.

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE LAST CASE

Canada, }
 Province of _____, }
 District (or County, }
 United Counties, or }
 as the case may be) }
 of _____ }

To all or any of the Constables, or other Peace Officers, in the said District (or County, United Counties, or as the case may be) of _____ and to the Keeper of the Common Gaol of the said District (or County, United Counties, or as the case may be) of _____, at _____, in the said County of _____:

Whereas (*&c.*, as in the last form, to the asterisk, * and then thus): And whereas, afterwards, on the _____ day of _____, in the year aforesaid, I, the undersigned, issued a warrant to all or any of the Constables and other Peace Officers in the said District (or County, United Counties, or as the case may be) of _____, commanding them, or any of them, to levy the said sum of _____, for costs, by distress and sale of the goods and chattels of the said A. B.; And where as it appears to me, as well by the return to the said Warrant of Distress to the Constable (or Peace Officer), who was charged with the execution of the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said A. B., but that

no sufficient distress whereon to levy the said sum above mentioned could be found; These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said A. B., and him safely to convey to the Common Gaol of the said District (or County, United Counties of _____ as the case may be,) at _____ aforesaid, and there deliver him to the said keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of the said Common Gaol, to receive the said A. B. into your custody in the said Common Gaol, there to imprison him (and keep him at hard labour) for the space of _____, unless the same sum and all costs and charges of the said distress (and for the commitment and conveying of the said A. B. to the said Common Gaol, amounting to the further sum of _____) shall be sooner paid unto you, the said Keeper, and for so doing, this shall be your sufficient Warrant.

Given under my hand and seal, this _____ day of _____ in the year of our Lord _____, at _____, in the District (County, United Counties, or as the case may be) aforesaid.

J. N. [L. S.]

GENERAL FORM OF INFORMATION OR OF COMPLAINT ON OATH.

Canada, }
 Province of _____, }
 District (or County, }
 United Counties, or }
 as the case may be }
 of _____

The information (or complaint) of C. D., of the township of _____ in the said District (or County, United Counties, or as the case may be,) of _____ (laborer). (If preferred by an Attorney or Agent, say:) "D. E.) his duly authorized Agent (or Attorney), in this behalf, taken upon oath, before me, the undersigned, one of Her Majesty's Justices of the Peace, in and for the said District (or County, United Counties, or as the case may be) of _____, at N., in the said District, County, or as the case may be) of _____, this _____ day of _____, in the year of our Lord, one thousand eight hundred and _____, who saith* that (he hath just cause to suspect and believe, and doth suspect and believed that) A. B., of the (township) of _____, in the said District (or County, as the case may be) of _____, within the space of _____, (the time within which the information (or complaint) must be laid,) last past, to wit, on the _____ day of _____ instant, at the (township) of _____ in the District (County, or as the case may be) aforesaid, did (here set out the offence, &c.,) contrary to the form of Statute in such case made and provided.

C. D. (or D. E.)

Taken and sworn before me, the day and year and at the place above mentioned.

J. S.

FORM OF ORDER OF DISMISSAL OF AN INFORMATION OR COMPLAINT.

Canada, }
 Province of , }
 District (or County }
 United Counties, or }
 as the case may be }
 of }

Be it remembered, that on _____, information was laid (or complaint was made) before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of _____, for that (i.e., as in the Summons of the Defendant) and now at this day, to wit, on _____, at _____, (if at any adjournment insert here: "To which day the hearing of this case hath been duly adjourned, of which the said C. D. had due notice," both the said parties appear before me in order that I should hear and determine the said information, (or complaint) (or the said A. B. appeareth before me, but the said C. D., although duly called, doth not appear); whereupon the matter of the said information (or complaint) being by me duly considered, (it manifestly appears to me that the said information (or complaint) is not proved, and (If the Informant (or Complainant) do not appear these words may be omitted) I do therefore dismiss the same, (and do adjudge that the said C. D. do pay to the said A. B. the sum of _____ for his costs incurred by him in defence in his behalf; and if the said sum for costs be not paid forthwith. (or on before _____), I order that the same be levied by distress and sale of the goods and chattels of the said C. D. and in default of sufficient distress in that behalf, I adjudge the said C. D. to be imprisoned in the Common Gaol of the said District (or County, United Counties, as the case may be) of _____ at _____ in the said (County) of _____ (and there kept at hard labor for the space of _____, unless the said sum for costs, and all costs and charges of the said distress (and of the commitment and conveying of the said C. D. to the said Common Gaol) shall be sooner paid.

Given under my hand and seal, this _____ day of _____ in the year of our Lord, _____ at _____ in the District (or County, or as the case may be) aforesaid.

J. S. [L. S.]

FORM OF CERTIFICATE OF DISMISSAL.

I hereby certify, that an information (or complaint) preferred by C. D. against A. B. for that (i.e., as in the Summons) was this day considered by me, one of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of _____, and was by me dismissed (with costs),

Dated this _____ day of _____, one thousand

J. S.

GENERAL FORM OF NOTICE OF APPEAL AGAINST A CONVICTION OR ORDER.

To C. D. of, &c., and _____ (the names and additions of the parties to whom the notice of appeal is required to be given.)

Take notice, that I, the undersigned A. B., of &c., do intend to enter and prosecute an appeal at the next General Quarter Sessions of the Peace, (or in any other Court discharging the functions of the Court of General or Quarter Sessions, as the case may be,) to be holden at _____, in and for the District (or County, United Counties, or as the case may be,) _____, against a certain conviction (or order) bearing date on or about the _____ day of _____ instant, and made by (you) C. D., Esquire, (one) of Her Majesty's Justices of the Peace for the said District (or County, United Counties, or as the case may be,) of _____, whereby the said A. B., was convicted of having (or was ordered) _____, (here state the offence as in the conviction, order, information or summons, as correctly as possible:) And further, take notice that the grounds of my appeal are, first, that (I am not guilty of the said offence; secondly, that the formal conviction drawn up and returned to the Sessions is not in law sufficient to support the said conviction of me, the said A. B.,) (together with any other grounds, care being taken that all are stated, as the appellant will be precluded from going into any other than those stated.)

Dated this _____ day of _____, one thousand eight hundred and _____

A. B.

MEM.—If this notice be given by several Defendants, or by an Attorney, it can easily be adapted to the special case.

FORM OF RECOGNIZANCE TO TRY THE APPEAL, &c.

Be it remembered, that on _____, A. B., of _____ (labourer,) and L. M., of _____ (grocer) and N. O., of _____ (yeoman,) personally came before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be,) of _____, and severally acknowledged themselves to owe to our Sovereign Lady the Queen, the several sums following, that is to say, the said A. B. the sum of _____, and the said L. M. and N. O. the sum of _____, each, of good and lawful money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said A. B. shall fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned at _____, before me.

J. S.

The condition of the within written Recognizance is such, that if the said A. B. shall, at the (next) General or Quarter Sessions of the Peace, (or other Court discharging the functions of the Court of General or Quarter Sessions, as the case may be) to be holden at _____, on the _____ day of _____ next, in and for the said District (or County, United Counties, or as the case may be,) of _____, enter and prosecute an appeal against a certain conviction bearing date the _____ day of _____ instant, and made by (me) the said Justice, whereby he the said A. B. was convicted, for that he the said A. B. did on the _____ day of _____, at the township of _____, in the said District (or County, United Counties, or as the case may be,) of _____, (here set out the offence as stated in the conviction;) And further, that if the said A. B. shall abide by and duly perform the order of the Court to be made upon the trial of such appeal, then

the said Recognizance to be void, or else to remain in full force and virtue.

FORM OF NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO THE DEFENDANT (APPELLANT) AND HIS SURETIES.

Take notice, that you, A. B., are bound in the sum of _____, and you, L. M. and N. O. in the sum of _____ each, that you the said A. B. at the next General or Quarter Sessions of the Peace to be holden at _____, in and for the said District, (or County, United Counties, or as the case may be,) of _____, enter and prosecute an Appeal against a conviction (or order) dated the _____ day of _____ (instant,) whereby you, A. B. were convicted of (or ordered &c.,) (stating offence or the subject of the order shortly), and abide by and perform the Order of the Court to be made upon the trial of such Appeal; and unless you the said A. B. prosecute such Appeal accordingly, the Recognizance entered into by you will forthwith be levied on you, and each of you.

Dated this _____ day of _____ one thousand eight hundred and _____

SURETIES.

COMPLAINT BY THE PARTY THREATENED FOR SURETIES FOR THE PEACE.

Proceed as in the Form (T) to the asterisk *, then: that a A. B. of the (Township) of _____, in the District (County, or as the case may be,) of _____; did, on the _____ day of _____ (instant or last past, as the case may be), threaten the said C. D. in the words or to the effect following, that is to say, (set them out, with the circumstances under which they were used:) and that from the above and other threats used by the said A. B. towards the said C. D., he the said C. D. is afraid that the said A. B. will do him some bodily injury, and therefore prays that the said A. B. may be required to find sufficient Sureties to keep the peace and be of good behaviour towards him the said C. D.; and the said C. D. also saith that he doth not make this complaint against nor require such Sureties from the said A. B. from any malice or ill-will, but merely for the preservation of his person from injury.

FORM OF RECOGNIZANCE FOR THE SESSIONS.

Be it remembered, that on the _____ day of _____, in the year of our Lord _____, A. B. of _____ (labourer), L. M. of _____ (grocer), and N. O. of _____ (butcher), personally came before (us) the undersigned, (two) of Her Majesty's Justices of the Peace for said District (or County, United Counties, or as the case may be,) of _____ and severally acknowledged themselves to owe to our Lady the Queen the several sums following, that is to say: the said A. B. the sum of _____, and the said L. M. and N. O. the sum of _____, each, of good and lawful money of Canada, to be made and levied of their goods and chattels, lands and tenements

respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said A. B. fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at
, before us.

J. S.

J. T.

The condition of the within written Recognizance is such, that if the within bounded A. B. (of, &c.) shall appear at the next Court of General or Quarter Sessions of the Peace (or other Court discharging the functions of the Court of General Quarter Sessions, as the case may be,) to be holden in and for the said District (or County, United Counties, or as the case may be) of

, to do and receive what shall be then and there enjoined him by the Court, and in the meantime shall keep the peace and be of good behaviour towards Her Majesty and all Her liege people, and specially towards C. D. (of &c.) for the term of now next ensuing, then the said Recognizance to be void, or else to stand in full force and virtue.

FORM OF COMMITMENT IN DEFAULT OF SURETIES.

Canada,
Province of
District (or County,
United Counties, or
as the case may be)
of

To all or any of the Constable or other Peace Officers in the District (or County) (or one of the United Counties, or as the case may be) of and to the Keeper of the Common Gaol of the said District, (County or United Counties, or as the case may be) at in the said District (or County, &c.,)

Whereas on the day of instant, complaint on oath was made before the undersigned (or J. L., Esquire,) (one) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of , by C. D. of the township of , in the said District (County, or as the case may be) (labourer,) that A. B. of, &c., on the day of , at the township of aforesaid, did threaten (&c., follow to end of complaint, as in form above, in the past tense, then): And whereas the said A. B. was this day brought and appeared before the said Justice (or J. S., Esquire, one of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, or as the case may be) of , to answer unto the said complaint: And* having been required by me to enter into his own Recognizance in the sum of with two sufficient sureties in the sum of

each, as well for his appearance at the next General Quarter Sessions of the Peace, (or other Court discharging the functions of the Court of General or Quarter Sessions, as the case may be,) to be held in and for the said District (or County, United Counties, or as the case may be,) of , to do what shall be then and there enjoined him by the Court, as also in the meantime to keep the Peace and be of good behaviour towards Her Majesty and Her liege people, and especially towards the said C. D., hath refused and neglected, and still refuses and neglects to find such sureties); These are therefore to com-

mand you and each of you to take the said A. B., and him safely to convey to the (*Common Gaol*) at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; And I do hereby command you the said Keeper of the (*Common Gaol*) to receive the said A. B. into your custody, in the said (*Common Gaol*), there to imprison him until the said next General or Quarter Sessions of the Peace (*or the next term or sitting, the said Court discharging the functions of the Court of General or Quarter Sessions, as the case may be,*) unless he, in the meantime, find sufficient sureties as well for his appearance at the said Sessions (*or Court*), as in the meantime to keep the peace as aforesaid.

Given under my hand and seal, this day of in the year of
Our Lord , at in the District (*or County, or as the case
may be*) aforesaid

J. S. [L. S.]

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An Act respecting Contagious Diseases affecting Animals.

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

1. The Governor may, from time to time, by Order in Council, prohibit the importation or introduction into Canada, or any part thereof, or into any particular port or ports thereof, of cattle, sheep, horses, swine or other animals, either generally or from any place or places that may be named in such order, for such period or periods as he may deem to be necessary for the purpose of preventing the introduction of any contagious or infectious disorder among animals in Canada.

2. The Governor may, from time to time, by Order in Council, make such regulations for subjecting sheep, cattle, horses, swine or other animals to quarantine, or for causing the same to be destroyed upon their arrival in Canada, or for destroying any hay, straw, fodder or other article whereby it appears to him that contagion or infection may be conveyed, and generally may make such regulations with respect to the importation or introduction into Canada of animals, as he may consider to be necessary in order to prevent the introduction of any contagious or infectious disorders into Canada ; and the Governor may also, by Order in Council, make such regulations as he may deem necessary for the keeping separate, treatment and disposal of and dealing generally with animals affected with contagious diseases, or suspected of being so affected, and for the prevention of the spread of contagious diseases.

3. If any sheep, cattle, horse, swine or other animal, be imported or introduced, or attempted to be imported or introduced into Canada, contrary to the provisions of any Order made in pursuance of this Act, the same shall be forfeited and forthwith destroyed ; and every person importing or introducing, or attempting to import or introduce any animal into Canada, contrary to the provisions of any such Order or regulation, shall be liable to a penalty of two hundred dollars for every animal so imported or introduced, or attempted to be imported or introduced by him.

4. The Governor may, from time to time, by Order in Council, make such regulations as to him may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts of or places in Canada as he may designate in such order or regulations, of sheep, cattle, horses, swine or other animals, or of meat, skins, hides, horns, hoofs or other parts of any animals, or of hay, straw, fodder or other articles likely to propagate infection ; and also for the purpose of purifying any yard, stable, outhouse or other place, or any waggons, carts, carriages, cars or other vehicles, or any vessels ; and also for the purpose of directing how any animals dying in a diseased state, or any animals, parts of animals, or other things seized under the provisions of this Act, are to be destroyed or otherwise disposed of, and also for the purpose of causing notices to be given of the appearance of any disorder among sheep, cattle, horses,

swine or other animals, and to make any other orders or regulations for the purpose of giving effect to the provisions of this Act, and again to revoke, alter or vary any such orders or regulations; and all provisions for any of the purposes aforesaid in any such Order in Council, contained shall have the like force and effect as if the same had been 5 inserted in this Act; and every person offending against the same, shall for each and every offence, forfeit and pay such sum, not exceeding one hundred dollars as the Governor may, in any case, direct to be forfeited and paid for contravention thereof.

5. Every Order in Council made under the authority of this Act, 10 shall, within fourteen days after the issuing thereof, be twice published in the *Canada Gazette*; and in case any such Order in Council, or any order or regulation in it applies to any particular part of or place in Canada, then such Order in Council shall also be twice published 15 within fourteen days after the issuing thereof, in some newspaper or newspapers circulating in the county or counties within which each of such parts or places, or any portion or portions thereof respectively, is or are situated.

6. In case any animal infected with or laboring under any contagious 20 or infectious disorder, be exposed or offered for sale, or be brought or attempted to be brought for the purpose of being exposed or offered for sale in any market, fair or other open or public place where other animals are commonly exposed for sale, then, and in any such case, it shall be lawful for any clerk or inspector or other officer of such fair or market, or for any constable or policeman, or for any other person 25 authorized by the mayor or reeve, or by any Justice of the Peace having jurisdiction in the place, or for any person authorized or appointed by the Governor, to seize the same, and to report the seizure to the mayor or reeve, or to any Justice of the Peace having jurisdiction in the place; and it shall be lawful for such mayor, reeve or justice, either 30 to restore the same or to cause the same together with any pens, hurdles, troughs, litter, hay, straw or other articles which he may judge likely to have been infected thereby, to be forthwith destroyed or otherwise disposed of, in such manner as he shall deem proper, or as may be directed, as hereinbefore provided; and any person bringing, or 35 attempting to bring, any animal, into any such market, fair or open or public place as aforesaid, knowing such animal to be infected with or laboring under any contagious or infectious disorder shall, upon conviction thereof, forfeit and pay for each and every such offence a sum not exceeding one hundred dollars. 40

7. If any person turn out, keep or depasture any animal infected with or laboring under any contagious or infectious disorder, in or upon any forest, wood, moor, beach, marsh, common, waste land, open field, roadside or other undivided or unenclosed land, such person shall, on conviction thereof, forfeit and pay a sum not exceeding one hundred 45 dollars.

8. The Governor in Council, may, from time to time, by order, define the limits of ports for the purposes of this Act, and appoint inspectors and other officers when deemed necessary.

9. Inspectors or other officers appointed as aforesaid, on receiv- 50 ing information of the supposed existence of any contagious disease among animals, shall proceed to the place mentioned, with all prac-

licable speed and execute and discharge the duties relevant to their functions pursuant to the regulations before mentioned and the instructions received by them

10 5 **10.** Any inspector or other officer appointed as aforesaid may, at any time, enter any common, common field, field, stable, coach-shed or other premises within his district where he has reasonable ground for supposing that any animal affected with contagious disease is to be found, for the purpose of this Act, but shall, if required, state in writing, the grounds on which he has so entered.

10 2. If any person refuses admission to such inspector or officer acting under this Act, or regulations or orders passed in conformity with this Act, he shall be deemed guilty of an offence against this Act.

15 **11.** The certificate of an inspector or an officer as aforesaid, to the effect that an animal is affected with a contagious disease shall, for the purposes of this Act, be *prima facie* evidence in all courts of justice and elsewhere of the matter certified.

20 **12.** Where an inspector finds contagious disease of animals to exist within his district, he shall forthwith make a declaration thereof under his hand, and shall deliver a notice under his hand of such declaration to the occupier of the common, common field, field, stable, cowshed, or other premises where the disease is found, and thereupon the same, with all lands and buildings contiguous thereto in the same occupation, shall become and be an infected place, and the same shall be an infected place until the determination and declaration of the Governor relative thereto in this Act provided for.

30 2. Where an inspector makes such a declaration of the existence of contagious disease of animals, he shall with all practicable speed send a copy thereof to the Minister of Agriculture, and if it appears that contagious disease exists as declared by the inspector, the Governor on the Report of the Minister of Agriculture shall so determine and declare, and shall prescribe the limits of the infected place, but if it appears that it did not exist as declared by the inspector, the Governor shall so determine and declare, and thereupon the place comprised in the inspector's declaration, or affected thereby shall cease to be an infected place.

40 **13.** The area of an infected place may in all cases of a declaration by the Governor, include with the common, common field, field, stable, cowshed, or other premises in which contagious disease has been found to exist, such an area as to the Governor seems requisite. With respect to the cities, the Governor may from time to time, by order, extend the limits of an infected place beyond the boundaries of the common, common field, field, stable, cowshed, farm, or premises where cattle plague is declared or found to exist.

45 **14.** The area of an infected place may in any case be described by reference to a map or plan deposited at some specified place, or by reference to townships, parishes, farms, or otherwise.

50 **15.** An order of the Governor, declaring a place to be an infected place shall be conclusive evidence in all courts of justice and elsewhere of the existence of disease and other matters in which the order proceeds.

16. Regulations and orders may be issued by the Governor, which shall have effect with respect to infected places to the following and such like purposes :

2. To prevent the removal of live animals, hide, skin, hair, offal of any animal, or any part thereof; the carcase or any remains of any animal; any dung of animal, and any hay, straw, litter, or other thing commonly used for or about animals, out of an infected place, without a licence signed by an inspector or other officer appointed as aforesaid. 5

17. If any animal, hide, skin, hair, wool, horn, hoof, offal, carcase, meat, dung, hay, straw, litter, or other thing is moved in contravention of the rules of this Act with respect to infected places, any person moving the same, or causing the same to be moved, shall be deemed guilty of an offence against this Act. 10

18. The provisions of this Act with respect to infected places shall not restrict the moving of any animal or thing by railway through an infected place, such animal or thing not being detained within the infected place. 15

19. Any constable may proceed as follows : He may apprehend any person found committing an offence against the provisions of this Act with respect to infected places, and he shall take any person so apprehended, as soon as conveniently may be, before a Justice of the Peace to be examined and dealt with according to law ; and a person so apprehended shall not be detained in custody by any constable without the order of a justice longer than is necessary for bringing him before a justice, or than twenty-four hours at longest. He may require that any animals or thing moved out of an infected place in contravention of those provisions be forthwith taken back within the limits of that place, and may enforce and execute such requisition. 20 25

20. The Governor may, at any time, by order, declare any place to be free from contagious disease ; and thereupon, as from the time specified in this behalf in the order of the Governor, the place shall cease to be an infected place. 30

21. An order of the Governor relative to an infected place shall supersede any order of a local authority inconsistent with it.

22. Where, under this Act, an inspector makes a declaration which constitutes a place an infected place, he may also, if the circumstances of the case appear to him so to require, deliver a notice under his hand of such declaration to the occupiers of all lands and buildings adjoining thereto, any part whereof respectively lies within one mile of the boundaries of the infected place in any direction, and thereupon the provisions of this Act with respect to infected places shall, apply and have effect to and in respect of those lands and buildings as if the same were actually within the limits of the infected place. 35 40

23. Where a person having cattle in his possession or keeping within the district wherein contagious disease exists, affixes at the entrance to a building or enclosed place in which such cattle are kept, a notice forbidding persons to enter into that building or place without his permission, then, if any person not having a right of entry or way into that building or place, enters into the 45

same, or any part thereof, in contravention to the notice, he shall for every such offence be liable to a penalty not exceeding twenty dollars.

24. Every steamboat company, railway company and other company, and every person carrying animals for hire to or in Canada, shall 5 thoroughly cleanse and disinfect, in such manner as the Governor may from time to time by order in Council direct, all steamers, vessels, boats, pens, carriages, trucks, horse-boxes, and vehicles used by such company or person for the carrying of animals.

2. If any company or person on any occasion fails to comply with the 10 requirements of any such order, in Council, such company or person shall, on every such occasion, be deemed guilty of an offence against this Act.

25. An inspector, or any officer authorized to execute this Act, may at all times enter on board any steamer, vessel or boat in respect 15 whereof he has reasonable grounds for supposing that any company or person has failed to comply with the requirements of any such order, and on premises where he has reasonable grounds for supposing that any pen, carriage, car, vessel, truck, horse-box, or vehicle in respect whereof any company or person has on any occasion so failed is to 20 be found, and if any company or person refuses admission to an inspector or other officer acting under this section, such company or person shall be deemed guilty of an offence against this Act.

26. The Governor in Council may, notwithstanding any thing in this Act, reserve for experimental treatment, any animal ordered to 25 be slaughtered under this Act.

27. The Governor in Council may from time to time make such orders as they think expedient for all or any of the following purposes :

For requiring notice of the appearance of any such disease among animals :

30 For prohibiting or regulating the holding of markets, fairs, exhibitions, or sales of animals :

For requiring proof of the fact that animals imported into or passing through Canada shall not, at the time of their embarkation, have been brought from any place or locality where any contagious or infectious 35 disease may at the said time be in existence.

And generally, any orders whatsoever which they think it expedient to make for the better execution of this Act, or for the purpose of in any manner preventing the spreading of contagious or infectious disease among animals (whether any such orders are of the same kind 40 as the kinds enumerated in this section or not.)

28. Every such order shall have the like force and effect as if it had been enacted by this Act.

29. Any order, license, regulation, or other instrument made under this Act, or under any order of the Governor in Council thereunder, may 45 be in writing or print, or partly in writing and partly in print.

30. An order or regulation made or issued under this Act, or under any order of the Governor in Council, may be proved as follows :

By the production of a copy of a newspaper containing a copy of such order or regulation ; or

By the production of a printed or other copy of such order or regulation issued to an Inspector or other Officer as aforesaid:

And any such order or regulation shall, until the contrary is proved, be deemed to have been duly made and issued at the term at which it bears date.

31. If any person obstructs or impedes an inspector or other officer acting in execution of this Act, or of any order of the Governor in Council thereunder, he, and every person aiding and assisting him therein, shall be guilty of an offence against this Act, and the inspector or other officer, or any person whom he calls to his assistance, may seize 10 the offender and detain him until he can be conveniently taken before a justice, to be dealt with according to law.

32. For the purposes of proceedings under this Act, or any order of regulation of the Governor in Council, every offence against this Act, or any such order or regulation, shall be deemed to have been com- 15 mitted, and every cause of complaint under this Act, or any such order or regulation, shall be deemed to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the person charged or complained against happens to be.

33. The Act of the Legislature of the Late Province of Canada, 20 passed in the twenty-ninth year of Her Majesty's Reign, Chapter fifteen, intituled "*An Act to provide against the introduction and spreading of disorders affecting certain animals,*" is hereby repealed.

34. When citing this Act it shall be sufficient to call it "The Animal 25 Contagious Diseases Act 1869."

THE HISTORY OF THE UNITED STATES

CHAPTER I
THE EARLY HISTORY OF THE UNITED STATES
The first European settlement in North America was established by the English in 1607 at Jamestown, Virginia. This was followed by the Pilgrims in 1620 at Plymouth, Massachusetts. The French established settlements in the St. Lawrence Valley and the Mississippi River region. The Spanish established settlements in the Southwest and Florida. The Dutch established settlements in the Hudson River Valley. The Swedish established settlements in the Delaware River Valley. The Quakers established settlements in the Pennsylvania region. The German immigrants established settlements in the Pennsylvania and New York regions. The Irish immigrants established settlements in the New York and Pennsylvania regions. The Scotch-Irish immigrants established settlements in the Appalachian region. The English immigrants established settlements in the Southern region. The American Revolution was fought between 1775 and 1783. The United States Declaration of Independence was signed on July 4, 1776. The United States Constitution was signed on September 17, 1787. The United States became a nation on September 3, 1783.

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116

An Act respecting the Ocean Mail Service.

WHEREAS under the authority of an Order in Council dated the eighteenth day of March, one thousand eight hundred and sixty-nine, a provisional contract has been entered by and between Hugh Allan, Esquire, of the first part, and the Postmaster General of this Dominion, of the second part, for a weekly line of Ocean Mail Steamers, on certain terms and subject to certain conditions therein set forth: and whereas the said agreement is subject to a proviso that the same is to go into effect, if sanctioned and authorized by the Parliament of Canada, at the then next session thereof and not otherwise; and
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whereas it is expedient to sanction and confirm the said agreement; 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 contract and all the matters and things therein contained are hereby sanctioned and confirmed, and declared to be effectual to
15 all intents and purposes.

An Act to amend the Act passed by the Legislature of the late Province of Upper Canada, intituled an Act to incorporate a Company under the style and title of the British American Fire and Life Assurance Company.

WHEREAS the British American Assurance Company, have by their petition prayed that their Act of Incorporation may be amended, and it is expedient that the prayer of the said petition be granted, therefore Her Majesty by and with the advise and consent of the Senate and House of Commons of Canada, enacts as follows :

1. It shall not be compulsory upon the Managing Director to reside at the house of business of the said Corporation.

2. The Directors of the said Company may, from time to time appoint an officer to be called the Assistant Managing Director, he shall act in the absence of the Managing Director of the said Corporation, and fulfil all the duties appertaining to his office under the Act of Incorporation of the said Company, and the several Acts amending the same, and such Assistant Managing Director shall hold office at the will and pleasure of the majority of the Directors.

3. If at any time after the passing of this Act, the Board of Directors shall think it expedient so to do, they may at any annual or general meeting of the stockholders of the said Company, submit a By-Law providing for the appointment of a Manager and Assistant Manager of the said Company, in the place and stead of the Managing Director, and Assistant Managing Director, as by the said Act of Incorporation and the amendments thereof is provided, and from and after the approval and adoption of such By-Law by the said stockholders or a majority of them, present in person or by proxy at any annual or general meeting, the said offices of Managing Director and Assistant Managing Director shall cease, and the Manager and Assistant Manager appointed from time to time under the said By-law, shall perform and fulfil all the duties theretofore appertaining to the offices of Managing Director and Assistant Managing Director, under the said Act of Incorporation, and the several amendments thereof, and shall hold their several offices at the will and pleasure of the said Directors or a majority thereof, and shall give security to the satisfaction of the said Directors for the due and faithful performance of the duties of the said several offices.

An Act to continue for a limited time, the Charters of certain Banks.

WHEREAS the several incorporated Banks mentioned in the Schedule of this Act, have prayed for the continuance of their respective charters, beyond the period at which they would otherwise expire, and it is expedient by one Act to continue their said charters, until the period hereinafter mentioned; Therefore Her Majesty, by and with the advise and consent of the Senate and House of Commons of Canada, enacts as follows;

1. The charters or Acts of incorporation of the several banks mentioned in the said Schedule to this Act, as amended by any subsequent Act or Acts of the Parliament of Canada, passed in the present or in the now last session, or by any Act of the Legislature of the late Province of Canada, or of either of the late Provinces of Upper Canada or Lower Canada, or of either of the Provinces of Nova Scotia or New Brunswick, before the first day of July, 1867, and such amending Acts,—are hereby continued and shall remain in force until the first day of June, in the year of our Lord, one thousand eight hundred and seventy, and thence until the end of the session of the Parliament of Canada, commencing next after the said day.

SCHEDULE.

The Quebec Bank.
The City Bank of Montreal.
La Banque du Peuple.
The Bank of Toronto.
The Commercial Bank of Canada.
The Ontario Bank.
The Bank of Brantford.
The Canadian Bank of Commerce.
The Royal Bank of Canada.
La Banque Nationale.
The Gore Bank.
The Bank of Nova Scotia.

2nd Session, 1st Parliament, 22 Victoria, 1869.

BILL.

An Act to continue for a limited time the Charters of certain Banks.

Received and read first time, Thursday, 17th June, 1869.

Second reading, Second Sitting, same day.

Hon. Mr. ROSE.

OTTAWA :

PRINTED BY HUNTER, ROSE & CO,

- The Bank of Nova Scotia.
- The City Bank.
- The Bank of Montreal.
- The Bank of Toronto.
- The Commercial Bank of Canada.
- The Ontario Bank.
- The Bank of Hamilton.
- The Canadian Bank of Commerce.
- The Royal Bank of Canada.
- The Bank of Montreal.
- The Bank of Toronto.
- The Bank of Montreal.
- The City Bank.

An Act to continue for a limited time the Charters of certain Banks.
 No 118.
 B.I.T.
 1869

An Act to amend the Act thirty-first Victoria, Chapter thirty-three, and to make further provision with respect to the salaries, and travelling allowances of the Judges.

WHEREAS it is expedient that the allowances for travelling expenses to the Judges of the Superior Courts in the Dominion, should be fixed by Statute instead of being fixed by Order in Council, as provided in the Act of the now last Session, thirty-first Victoria, chapter thirty-three; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The following shall be the scale of Circuit allowances to the Judges hereinafter mentioned:

10 In the Province of Ontario,—

To each of the Judges of any of the Superior Courts of Law or Equity, one hundred dollars for each time he holds any Court for the trial of causes, in any County except the County of York and the City of Toronto.

15 In the Province of Quebec,—

To each of the Judges of the Court of Queen's Bench, for each Term [Appeal side and Criminal side], attended by him elsewhere than at his place of residence, one hundred dollars.

20 To each of the Judges of the said Court of Queen's Bench, for attending any other Court, for each day he is absent from his place of residence, six dollars.

To each of the Judges of the Superior Court, attending any other Court, for each day he is absent from his place of residence, six dollars: except that any Judge of the Superior Court required to attend the Court of Queen's Bench, Appeal Side, during the whole of a term, shall receive the same allowance as a Judge of the Court of Queen's Bench performing the like duty; but this provision shall not apply to the attendance of a Judge of the Superior Court at the Court of Queen's Bench, Appeal Side, for a part only of a term, or for the purpose of disposing of cases already heard.

30 And that in the two last mentioned cases three day absence at least shall always be allowed for.

In the Province of Nova Scotia,—

35 To each of the Judges of the Supreme Court of that Province, and to the Judge in Equity, one hundred dollars for each time he holds any Court for the trial of causes [not being an adjourned Court,] in any County except the County of Halifax.

In the Province of New Brunswick:—

40 To each of the Judges of the Supreme Court of that Province, one hundred dollars, for each time he holds any Court for the trial of causes [not being an adjourned Court], in any County except the County of York.

45 The application for payment of such allowance shall be accompanied by a certificate of the Judge applying for it, of the number of days for which he is entitled to claim it.

2. The foregoing scale of allowances shall take effect from the twenty-second day of May, one thousand eight hundred and sixty-

SEARCHED BY HERRICK, 1894 & CO.

eight, the day of the passing of the said Act, thirty-first Victoria, chapter thirty-three.

3. Any retired Judge of any of the Superior Courts of the Province of Ontario, appointed or to be hereafter appointed Presiding Judge of the Court of Error and Appeal for that Province, and entitled, under the said Act thirty-first Victoria, chapter thirty-three, to a retiring allowance of two-thirds of the salary annexed to the office he held at the time of his resignation, shall, while he continues to hold the office of Presiding Judge, be entitled to receive a further allowance equal to one-third of his said salary. 5 10

4. The salaries and retiring allowances or annuities of the Judges are hereby declared to be free and clear of all taxes and deductions whatsoever imposed under any Act of the Parliament of Canada.

5. And whereas it is expedient to fix definitely the salaries of the County Judges in the Provinces of Ontario and New Brunswick, instead of leaving the same to be assigned within certain limits by the Governor in Council, as provided by the said Act, thirty-first Victoria, chapter thirty-three: therefore, except in the County of York in the Province of Ontario, and the County of St. John in the Province of New Brunswick, the salary of each County Judge to be hereafter appointed, shall be two thousand dollars per annum, with two hundred dollars for travelling expenses; and the salary of any County Judge now holding that office and receiving a lower salary, shall be raised to the said sum with the same allowances; and in each of the said Counties of York in Ontario, and St. John in New Brunswick, the salary of the County Judge hereafter to be appointed, shall be two thousand four hundred dollars, with two hundred dollars for travelling expenses; and the salary of the present Judge of the County Court of the County of St. John, shall be the sum last aforesaid, the salary of the present Judge of the County Court, of the said County of York remaining as it now is. 15 20 25 30

6. And whereas it is expedient in view of the Act of the Legislature of Quebec, declaring the expediency of the appointment of an additional Judge of the Superior Court for Lower Canada, to reside in the District of Montreal, to provide for the payment of the salary of such Judge, therefore, the salary of such Judge shall be at the rate of four thousand dollars per annum. 35

7. An allowance at the rate of six hundred dollars per annum shall be paid to the Judge of the Court of Vice-Admiralty for the Province of Nova Scotia, and a like allowance to the Judge of the like Court for the Province of New Brunswick. 40

8. All the sums mentioned in the foregoing sections are hereby granted to Her Majesty, for the purposes therein mentioned, and shall be payable out of any moneys forming part of the Consolidated Revenue Fund of Canada. 45

9. So much of the said Act, thirty-first, Victoria, chapter thirty-three, as may be inconsistent with the foregoing provisions is hereby repealed.

HON. GEO. JOHN A. HAYDEN

Presented to the Senate of the United States

1887

Received of the Senate of the United States

the sum of one hundred dollars for the purchase of a copy of the report of the Commission on the subject of the proposed amendment to the Constitution of the United States, as proposed by the Senate of the United States, in the year 1869.

1887

Printed by the Government Printing Office

Nc. 119.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to amend the Act thirty-first Victoria, chapter 33, and to make further provisions with respect to the Salaries and travelling allowances of the Judges.

Received and read first time, Monday, 21st June,
1869.

Second reading, next sitting, same day.

Hon: SIR JOHN A. MACDONALD.

OTTAWA.

PRINTED BY HUNTER, ROSE & COMPANY.

An Act for granting to Her Majesty certain sums of money required to defray certain expenses of the public service, for financial years ending respectively the 30th June, 1869, and the 30th June 1870, and for other purposes relating to the public services

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Excellency Sir John Young, Governor General of the Dominion of Canada, and the Estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of the Dominion not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and sixty nine, and the thirtieth day of June, one thousand eight hundred and seventy, and for other purposes connected with the public service : May it therefore please your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that :—

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be applied a sum not exceeding in the whole three hundred and eighty thousand nine hundred and four dollars and twelve cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and sixty-eight, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and sixty-nine, not otherwise provided for, and set forth in the Schedule to this Act, and for the other purposes in the said Schedule mentioned.

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole fourteen million two hundred and five thousand and sixteen dollars and sixty eight cents, towards defraying the several charges and expenses of the Public service of the Dominion, from the first day of July, in the year of our Lord, one thousand eight hundred and sixty-nine, to the thirtieth day of June, in the year of our Lord, one thousand eight hundred and seventy, not otherwise provided for, and set forth in the said schedule to this Act, and for the other purposes in the said schedule mentioned.

3. The Governor in Council may authorize the raising of a sum of money, not exceeding three hundred thousand pounds sterling, or one million four hundred and sixty thousand dollars, by way of loan, with the guarantee of the Government of the United Kingdom, for the purpose of meeting a like sum, payable out of the Consolidated Revenue Fund, to the Hudson's Bay Company, as provided in the proposed agreement with the said Company, laid before the Parliament of Canada, with other documents on the same subject, by His Excellency the Governor General, on the seventeenth of May, in the present year, and embodied in the Address to Her Most Gracious Majesty adopted by the Senate and House of Commons of Canada

And such loan may be raised either in currency or sterling money, on such terms, for such period, in such form, at such rate of interest and with such sinking fund and subject to such conditions as the Governor in Council may think most advisable, with the approval of the Commissioners of Her Majesty's Treasury; and such loan, interest and sinking fund shall be a charge upon the Consolidated Revenue Fund of Canada.

4. The Governor in Council may authorize the raising, by way of loan, of a further sum not exceeding in the whole, three hundred thousand pounds sterling, or one million four hundred and sixty thousand dollars, on the credit of the Dominion of Canada, for the purpose of defraying the expense of opening up communication with and of the settlement and administration of the Government of the said Territory; and such loan may be raised either in currency or sterling money, on such terms, for such period, in such form, at such rate of interest, with such sinking fund and subject to such conditions as the Governor in Council may think most advisable; and such loan shall be a charge upon the Consolidated Revenue Fund of Canada.

5. And whereas it appears by the Public Accounts of the Dominion laid before Parliament during the present Session, that on the thirtieth day of June, one thousand eight hundred and sixty-eight, there remained unborrowed and negotiable, of the sums which the Governor in Council had then by virtue of divers Acts authority to cause to be raised by Loan on the credit of the Consolidated Revenue Fund of Canada, the sum of eight million three hundred and eighty thousand nine hundred and twenty-five dollars and fifty-five cents, exclusive of the balance of the loan authorized for the Intercolonial Railway, the loan for certain works of fortification, the issue of Dominion Stock to Insurance Companies under the Act in that behalf, and the balance unissued of the amount of Dominion Notes authorized to be issued under the Acts in that behalf; And whereas since the day last aforesaid, and up to *the time of the passing of this Act*, Debentures of the Dominion, or for which the Dominion was liable, have been redeemed to the amount of one million five hundred and seventy-three thousand eight hundred dollars, making together the sum of nine million nine hundred and fifty-four thousand five hundred and twenty-five dollars and fifty-four cents, for which debentures might be lawfully issued; And whereas it is desirable that the authority to issue such debentures should be cancelled and repealed, and that in lieu thereof the Governor in Council should be authorized to raise by way of loan on the credit of Consolidated Revenue Fund a sum not exceeding seven million dollars, over and above the special loans and issues hereinabove mentioned: therefore it is declared and enacted, that the Governor in Council may authorize the raising of the said sum of seven million dollars, as well as the said special loans and issues mentioned in this section, and the loans authorized by the foregoing sections of this Act, in such sums either in currency or in sterling money, as he thinks best, and by any of the methods following, or partly by one and partly by another or others of such methods, that is to say: by the issue, or issue and sale of Dominion Stock, or of Debentures or of Exchequer Bills, or Exchequer Bonds, or by the granting of Terminable Annuities; any of which said securities shall be in such form and be made payable for such sums and bearing such rate of interest and for or redeemable at such periods of time respectively, as the Governor in Council may deem expedient; and such provisions may be made for the creation of a sinking fund for the repayment of the said loans and for the management thereof as the Governor in Council may think proper to make, subject always as respects the loan mentioned in section three, to the approval of the Commissioners of Her Majesty's Treasury; and all sums of money so raised shall form part of the Consolidated Revenue Fund of Canada, out

of which the sums mentioned in the foregoing sections and in the said Schedules are made payable as aforesaid.

6. Provided always that if at any time the Governor in Council deems it advisable to change the form of any part of the existing Funded Debt by substituting one class of securities for another, the restriction as to the above total sum of seven million dollars which by the preceding section may not be exceeded in the financial year ending on the thirtieth day of June, eighteen hundred and seventy, shall not prevent the issue of new securities in place of old ones called in and redeemed, provided neither the capital of the debt nor the annual charge for interest be thereby increased.

7. A detailed account of the sums raised under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

SCHEDULE.

SUMS granted to Her Majesty by this Act, for the Financial Year, ending 30th June, 1870, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CIVIL GOVERNMENT.		
	\$ cts.	\$ cts.
The Salaries of the Staff of the several Departments at Ottawa, viz. :—		
The Governor General's Secretary's Office.....	8,955 00	
The Department of the Privy Council.....	10,550 00	
The Department of Justice.....	7,000 00	
The Department of Militia and Defence.....	15,000 00	
The Department of the Secretary of State.....	25,290 00	
The Department of the Secretary of State for the Provinces.....	5,200 00	
The Department of the Receiver General.....	15,850 00	
The Finance Department—Accounting Branch.....	12,650 00	
Do Audit Branch.....	19,200 00	
The Customs Department.....	23,400 00	
The Inland Revenue Department.....	13,350 00	
The Department of Public Works.....	40,190 00	
The Post Office Department.....	57,650 00	
The Department of Agriculture.....	16,950 00	
The Department of Marine and Fisheries.....	12,250 00	
Departmental Contingencies.....	216,500 00	
To meet the possible amount beyond the average salaries voted, which may be required to cover the sums payable in each individual case, after the final reorganization of the Civil Service, or any extension of the staff or other change which such reorganization may require.....	40,000 00	
	539,985 00	
The Dominion Offices, Nova Scotia.....	11,000 00	
Do New Brunswick.....	4,000 00	
Total Civil Government.....	554,985 00	
ADMINISTRATION OF JUSTICE.		
Circuit Allowances, Ontario.....	13,300 00	
Circuit Allowances, Quebec.....	13,000 00	
Circuit Allowances, Nova Scotia.....	4,000 00	
Circuit Allowances, New Brunswick.....	4,000 00	
Travelling Expenses, Judges, County Courts, Ontario.....	7,800 00	
Travelling Expenses, Judges, District of Algoma.....	200 00	
Miscellaneous.....	10,000 00	
Total.....	52,000 00	
<i>Carried forward</i>	606,985 00	

SCHEDULE.—Continued.

SERVICE.	Amount-	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		606,985 00
POLICE.		
Police of the Dominion.....	20,000 00	
Harbour Police, Montreal.....	11,628 00	
River Police, Quebec.....	11,812 00	
Total.....		43,440 00
PENITENTIARIES.		
Penitentiary, Kingston, Ontario.....	119,387 00	
Criminal Lunatic Asylum, do.....	55,699 00	
Penitentiary, Halifax, Nova Scotia.....	16,000 00	
Do St. John, New Brunswick.....	41,180 00	
Directors of Penitentiaries.....	9,000 00	
Total.....		241,266 00
LEGISLATION.		
<i>Senate.</i>		
Salaries and Contingent Expenses of the Senate.....	45,634 18	
<i>House of Commons.</i>		
Salaries and Contingencies, per Clerk's Estimate.....	79,265 00	
Salaries and Contingencies, per Sergeant-at-Arms, Estimate..	38,868 75	
Gratuity to Officers whose services were dispensed with at end of Session of 1867-8.....	1,450 00	
<i>Miscellaneous.</i>		
Contingencies of the Clerk of the Crown in Chancery.....	1,000 00	
Grant to Parliamentary Library.....	6,000 00	
Miscellaneous Printing.....	2,000 00	
Printing and Binding Statutes.....	20,000 00	
Printing, Printing-paper and Bookbinding.....	40,000 00	
Commission for making provision for the uniformity of the Laws of the Provinces.....	20,000 00	
Consolidation of Criminal Law.....	2,000 00	
St. Lawrence and Ottawa Railway, for two Special Parliamen- tary trains daily during Session of Parliament, (estimated)	2,400 00	
Total.....		258,617 93
<i>Carried forward</i>		1,150,308 93

SCHEDULE.—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought forward</i>			1,150,308	93
GEOLOGICAL SURVEY AND OBSERVATORIES.				
<i>Observatories.</i>				
Observatory, Quebec.....	2,400	00		
Do Toronto.....	4,800	00		
Do Kingston.....	500	00		
Do Montreal.....	500	00		
Do Halifax.....	750	00		
Do New Brunswick.....	750	00		
Total.....			9,700	00
ARTS, AGRICULTURE AND STATISTICS.				
Salaries and contingent expenses of Statistics Office, Halifax..	3,810	00		
Salaries of 316 Deputy Registrars, Nova Scotia.....	1,580	00		
Collecting Statistics of Births, Marriages and Deaths.....	710	00		
Total.....			6,100	00
IMMIGRATION AND QUARANTINE.				
Salaries of Immigration Agents and Employés.....	11,710	00		
Medical Inspection, Port of Quebec.....	2,600	00		
Quarantine, Grosse-Isle.....	11,000	00		
Do St. John, N.-B.....	3,900	00		
Do Halifax, N.-S.....	4,060	00		
Contingent Expenses in Europe.....	3,000	00		
Do Canada.....	4,000	00		
Transport and aid to Immigrants.....	5,000	00		
To meet possible expenses of Immigration.....	10,000	00		
Total.....			55,270	00
MARINE HOSPITALS.				
Marine and Emigrant Hospital, Quebec.....	17,500	00		
Marine Hospitals, New Brunswick and Nova Scotia, and Maintenance of Sick and Distressed Seamen at the several Ports of the Dominion, and Shipwrecked Seamen.....	17,000	00		
Total.....			34,500	00
PENSIONS.				
Samuel Waller, late Clerk, House of Assembly.....	400	00		
L. Gagné, Messenger, do.....	72	00		
<i>Carried forward</i>	472	00	1,255,878	93

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	472 00	1,255,878 93
PENSIONS.—Continued.		
John Bright, Messenger, House of Assembly.....	80 00	
Mrs. Antrobus.....	800 00	
P. Bouchard, for wounds received.....	100 00	
NEW MILITIA PENSIONS.		
Mrs. Caroline McEachern, and 4 children.....	292 00	
Jane Lakey.....	146 00	
Rhoda Smith.....	110 00	
Janet Alderson.....	110 00	
Margaret McKenzie.....	80 00	
Mary Ann Richey, and 2 children.....	336 00	
Mary Morrison.....	80 00	
Louise Prud'homme, and 2 children.....	130 00	
Virginie Charron, and 4 children.....	150 00	
Paul M. Robins.....	146 00	
Chs. T. Bell.....	73 00	
Alex. Oliphant.....	109 50	
Chas. Lugsden.....	91 25	
Jno. White.....	109 50	
Thos. Charters.....	91 25	
Samuel McCrag.....	109 50	
Charles T. Robertson.....	110 00	
Percy G. Routh.....	400 00	
Richard S. King.....	400 00	
George A. McKenzie.....	73 00	
Edward Hilder.....	146 00	
Fergus Scholfield.....	73 00	
John Bradley.....	109 50	
Richard Penticost.....	91 25	
John Côté.....	109 50	
George Elliott.....	73 00	
James Bryan.....	109 50	
Jacob & tubbs.....	73 00	
Mary Connor.....	110 00	
Mary Hodgins, and 3 children.....	191 00	
John Martin.....	110 00	
A. E. Marchand.....	110 00	
A. W. Stevenson.....	110 00	
J. Thorburn.....	150 00	
P. T. Worthington.....	378 00	
J. H. Elliott.....	130 00	
George Prentice.....	400 00	
COMPENSATION TO PENSIONERS.		
In lieu of Land.....	9,000 00	
Total.....		16,072 75
<i>Carried forward</i>		1,271,951 68

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		1,271,951 68
MILITIA.		
ORDINARY.		
Salaries of Military Branch and District Staff.....	45,725 00	
do Brigade Majors.....	25,000 00	
do Drill Instructors.....	40,000 00	
Military Schools.....	80,000 00	
Ammunition.....	30,000 00	
Clothing.....	65,000 00	
Military Stores.....	45,000 00	
Public Armouries and care of arms, including pay of store-keepers and care-takers, store-men, and the rent, fuel and light of Public Armouries.....	50,000 00	
Drill pay and camp purposes, and all other incidental expenses connected with the Drill and Training of the Militia.....	312,000 00	
Contingencies and general service not otherwise provided for, including assistance to Rifle Associations, and Bands of Efficient Corps.....	50,000 00	
	742,725 00	
RE-VOTES.		
Clothing.....	\$40,000 00	
Drill pay and Camp purposes.....	38,000 00	
Targets.....	5,000 00	
Drill Sheds and Rifle Ranges.....	25,000 00	
	108,000 00	
EXTRAORDINARY.		
Barrack accommodation.....	\$25,000 00	
Military Survey.....	2,607 00	
To meet the expense of any damage to Arms.....	5,000 00	
Gunboats.....	15,000 00	
	47,607 00	
Total.....		898,332 00
PUBLIC WORKS AND BUILDINGS.		
DOMINION RAILWAYS.		
Intercolonial Railway.....	2,000,000 00	
Halifax, Pictou and Windsor Railway, N. S.....	139,000 00	
European and North American Railway, N. B.....	21,585 00	
CANALS.		
For works of Construction, &c.....	198,100 00	
<i>Carried forward</i>	2,358,685 00	2,170,283 68

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	2,358,685 00	2,170,283 68
PUBLIC WORKS AND BUILDINGS.—Continued.		
PUBLIC WORKS.		
Harbors, Piers, &c. (Re-vote).....	50,000 00	
Roads and Bridges.....	6,000 00	
Slides and Booms.....	15,000 00	
Surveys and Inspections.....	15,000 00	
Arbitrations and Awards.....	10,000 00	
Miscellaneous charges not otherwise provided for.....	10,000 00	
PUBLIC BUILDINGS.		
For Public Buildings generally.....	138,500 00	
For Rents, Repairs and Maintenance of Public Buildings.....	82,500 00	
RAILWAY SUBSIDIES, CHARGEABLE TO PROVINCES.		
Windsor and Annapolis Railway, Nova Scotia.....	233,000 00	
Western Extension, E. & N. A. Railway, New Brunswick....	445,000 00	
Eastern do do do.....	85,000 00	
Fredericton Branch Railway, do.....	102,500 00	
Woodstock Branch Railway, do.....	65,200 00	
Total.....		3,616,385 00
OCEAN AND RIVER STEAM AND PACKET SERVICE.		
DOMINION STEAMERS.		
Maintenance of Steamers, Quebec.....	33,000 00	
Do Steamer "Druid," Halifax.....	22,000 00	
TUG SERVICE, UPPER ST. LAWRENCE.		
Between Montreal and Kingston.....	12,000 00	
SUBSIDIES.		
Moiety payable to Inman Line, between Halifax and Cork....	39,541 00	
Steam communication between Quebec and Maritime Provinces.	15,000 00	
Steam communication between Prince Edward Island, Pictou and other Nova Scotia Ports.....	3,000 00	
Steam communication between Windsor, St. John, Digby and Annapolis.....	4,000 00	
Packet communication between Pictou and Magdalen Islands.	400 00	
Steam communication between New Brunswick and Prince Edward's Island.....	1,000 00	
Total.....		\$129,941 00
<i>Carried forward</i>		5,916,609 68

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		5,916,609 68
LIGHT-HOUSES AND COAST SERVICE.		
TRINITY HOUSE, QUEBEC.		
Salaries of Officers and Contingencies.....	\$13,170 00	
Salaries and allowances of Light-house keepers....	11,997 00	
Maintenance of Light-Houses.....	18,433 00	
Miscellaneous.....	175 00	
	43,775 00	
TRINITY HOUSE, MONTREAL.		
Salaries of Officers and Contingencies.....	\$ 4,650 00	
Do Light-House Keepers.....	4,000 00	
Maintenance and re-building of Light-houses.....	10,000 00	
Steamer Richelieu.....	3,900 00	
	22,550 00	
SALARIES AND MAINTENANCE OF LIGHT-HOUSES, NOT INCLUDED IN ESTIMATES OF TRINITY HOUSES.		
Salaries and allowances.....	\$58,430 00	
Maintenance.....	61,719 00	
	120,149 00	
Construction of New Light-houses.....		3,400 00
Sable Island Humane Establishment.....	\$6,000	
Seal do do.....	200	
	6,200 00	
Cape Race Light.....		1,000 00
Removing wreck of "Preciosa" from the channel of the St. Lawrence.....		3,000 00
RE-VOTES FOR CONSTRUCTION OF LIGHT-HOUSES.		
Quebec.....	\$1,600 00	
Nova Scotia.....	1,000 00	
New Brunswick.....	11,450 00	
	14,050 00	
Total.....		214,124 00
FISHERIES.		
Maintenance and repairs of Schooner "La Canadienne"....		10,000 00
Salaries and disbursements of Fishery Overseers and Wardens:		
Ontario.....	\$5,000 00	
Quebec.....	6,500 00	
New Brunswick.....	5,000 00	
Nova Scotia.....	5,000 00	
	21,500 00	
<i>Carried forward</i>	31,500 00	6,130,733 68

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	31,500 00	6,130,733 68
FISHERIES.—Continued.		
Fishways and Oyster Beds.....	5,000 00	
Additional for the protection of the Fisheries.....	3,200 00	
Total.....		39,700 00
CULLING TIMBER.		
Salaries and Contingent Expenses of the Cullers' Office.....		65,000 00
RAILWAY AND STEAMBOAT INSPECTION.		
Railways—Salaries and contingencies.....	1,650 00	
Steamboats— do	7,400 00	
Total.....		9,050 00
REDEMPTION OF SEIGNIORIAL RIGHTS.		
Expenses of Seigniorial Commission.....		6,000 00
INDIANS.		
New Indian annuities, Ontario.....	4,400 00	
Annual grant to Indians, Quebec.....	400 00	
Do Nova Scotia.....	2,300 00	
Do New Brunswick.....	2,200 00	
To purchase blankets for aged and infirm Indians, Ontario and Quebec	1,100 00	
Total.....		10,400 00
MISCELLANEOUS.		
Advertising and subscription to Canada Gazette.....	8,000 00	
Postages of do	1,200 00	
Miscellaneous printing.....	5,000 00	
Unforeseen expenses: Expenditure thereof to be under Order in Council, and a detailed account thereof to be laid before Parliament, during the first 15 days of the next Session ..	75,000 00	
<i>Carried forward</i>	89,200 00	6,260,883 68

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	89,200 00	6,260,883 68
MISCELLANEOUS—Continued.		
Shipping Master's Office, Quebec.....	1,200 00	
Expenses connected with ascertaining correct time at Ottawa and firing of noon-gun.....	400 00	
Total.....		90,800 00
COLLECTION OF REVENUES.		
CUSTOMS.		
Salaries and contingent expenses of the several Ports, viz:		
In province of Quebec.....	167,990 00	
Do Ontario.....	157,580 00	
Do Nova Scotia.....	52,280 00	
Do New Brunswick.....	58,550 00	
	436,400 00	
Salaries and contingent expenses of Inspectors of Ports.....	10,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy and Officers' Mess, to be apportioned by Order in Council.....	50,000 00	
Additional to meet possible requirements of the reorganization of the Service.....	20,000 00	
Total.....		516,400 00
EXCISE.		
Salaries of Outside Officers and Inspectors of Excise.....	103,973 00	
Travelling expenses, rent, fuel, stationery, postage and furni- ture, &c.....	27,100 00	
Unforeseen expenses.....	5,200 00	
Total.....		136,273 00
POST OFFICE.		
Ontario and Quebec Mail Services:		
Grand Trunk Rail.....	167,000 00	
<i>Carried forward</i>	167,000 00	7,004,356 68

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	167,000 00	7,004,356 68
COLLECTION OF REVENUES.—Continued.		
POST OFFICE.—Continued.		
Great Western Railway.....	45,000 00	
Other Railways	40,000 00	
Steamboat Service	4,000 00	
Ocean Mail Service	10,000 00	
Military and Naval Postage Refunds.....	6,000 00	
Salaries of Outside Services	95,000 00	
Ordinary Mail Service.....	215,000 00	
Miscellaneous.....	27,000 00	
	645,000 00	
Nova Scotia Mail Services.....	8,000 00	
New Brunswick do	75,000 00	
Total.....		800,000 00
PUBLIC WORKS.		
MAINTENANCE, REPAIRS AND COLLECTIONS.		
Ontario and Quebec.....	393,410 00	
Nova Scotia.....	372,00 00	
New Brunswick	140,000 00	
Collection of Slide and Boom Dues.....	11,935 00	
Total.....		917,345 00
MINOR REVENUES.....		10,000 00
STAMPS.....		7,640 00
<i>Carried forward</i>		8,739,341 68

SCHEDULE—*Continued.*

SERVICE.	Amount.	Total.
	\$ cts.	
<i>Brought forward</i>		8,739,341 68
PENITENTIARIES, &c.		
Gratuity to Warden of Kingston Penitentiary, on his resignation, as per Order of Council		5,200 00
MARINE HOSPITAL.		
Contribution in aid of Mariners and sick seamen to St. Catherines Hospital.....		500 00
PUBLIC WORKS.		
Intercolonial Railroad.....	2,500,000 00	
For opening communication with the North-west Territories, establishing Government and providing for settlement thereof.....	1,460,000 00	3,960,000 00
LIGHT HOUSE AND COAST SERVICE.		
Towards the re-construction of a Light-house at Rondeau.....	2,000 00	
Towards the construction of a Light-house at Byng Inlet, Georgian Bay.....	700 00	
Construction of Fog Whistle, Seal Islands.....	3,200 00	5,900 00
FISHERIES.		
For the promotion of artificial Fish Breeding.....		2,000 00
EMIGRATION.		
Further Estimates for expenses.....		8,000 00
COLLECTION OF CUSTOMS.		
To provide for amount omitted for the out-door service at the Port of Halifax.....		20,000 00
MISCELLANEOUS.		
For purchase of Red River Territory.....	1,460,000 00	
Special grant to Widow Perry whose husband lost his life in the performance of public duty.....	500 00	
To meet claims of Representatives of Dr. Hogan, killed on railway in Nova Scotia.....	2,775 00	
To enable Government to make good certain claims of the Town of St. Catherines, connected with advances during Fenian Raid in 1866, still in litigation.....	800 00	1,464,075 00
Total.....		14,205,016 68

SCHEDULE—*Continued.*

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1869, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
ADMINISTRATION OF JUSTICE.		
Miscellaneous Justice.....		3,000 00
PENITENTIARIES AND PRISON INSPECTION.		
Penitentiary, Kingston, maintenance, additional.....	20,000 00	
Rockwood Asylum, additional for capital and constructon.....	6,700 00	
Penitentiary, New Brunswick, including arrears before July 1, 1867, and maintenance of local prisoners.....	20,000 00	
		46,700 00
ARTS, AGRICULTURE AND STATISTICS.		
Statistical Office, Nova Scotia, additional.....		3,590 00
EMIGRATION AND QUARANTINE.		
Additional Agencies, per Order in Council of Jan. 28.....		2,700 00
PUBLIC WORKS.		
Fort Garry Road, per Order in Council of 21st September, 1868, and 9th April, 1869.....	15,739 79	
Additional Expenditure, on do.....	1,486 67	
T. Begly, per Order in Council of 12th November, 1868.....	14,000 00	
Intercolonial Railway.....	98,000 00	
		129,226 46
OCEAN AND RIVER STEAM SERVICE.		
Repairs of steamer Druid.....		3,372 00
LIGHT HOUSES AND COAST SERVICE.		
Buoys and Beacons, New Brunswick.....		1,000 00
MISCELLANEOUS.		
Towards cost of Confederation Medal.....		2,000 00
CIVIL GOVERNMENT.		
To provide for the salaries of certain Deputy Heads, and the Secretary of the Treasury Board, part of whose salaries hitherto been charged to separate services, and in lieu of such separate payments.....		3,700 00
COLLECTION OF REVENUE FROM PUBLIC WORKS.		
Maintenance Nova Scotia Railway, additional.....	30,000 00	
Do New Brunswick.....	10,000 00	
POST OFFICE.		
Additional.....	15,000 00	
		55,000 00
Balances of appropriations carried on, see Public Accounts, part II, page 67, to be revoted.		
Pictou and Truro Railway construction.....	65,000 00	
Barrack fitments, balance.....	8,000 00	
Militia service, Nova Scotia, to October.....	32,145 01	
Do New Brunswick.....	25,470 65	
		130,615 66
Total.....		380,904 12

An Act respecting certain Fee Funds in the Province of Ontario.

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

1. The fees, dues and profits received by or on account of the Clerks of the Crown and their Deputies, and the Process Clerk, in the Province of Ontario, and which under Chapter ten of the Consolidated Statutes for Upper Canada, Sections twenty-nine, forty and forty-one, were made part of the Consolidated Revenue Fund, of the late Province of Canada, shall be, and shall be held to have been from and after the first day of July, one thousand eight hundred and sixty-seven, transferred to the Province of Ontario, and all sums received after the said day, for the stamps by which, under the Act of the said late Province, twenty-seven, twenty-eight Victoria, Chapter five, the said fees, dues and profits are payable shall (after deducting expenses) be paid over to the said Province.
2. The fees payable into the General Fee Fund of the Province of Ontario, under the Consolidated Statutes for Upper Canada, Chapter fifteen, Sections thirty and fifty-nine,—Chapter sixteen, Section sixty-seven,—and Chapter nineteen, Section fifty-three, and which are collected and accounted for under the provisions of Chapter twenty of the said Consolidated Statutes, and paid by stamps under the said Act, twenty-seven, twenty-eight Victoria, Chapter five, shall be and shall be held to have been since the first day of July, one thousand eight hundred and sixty-seven, transferred to the Province of Ontario and all sums received after the said day, for the stamps by which under the said last mentioned Act, the said fees, dues and profits are payable, shall (after deducting expenses), be paid over to the said Province.

No. 121.

2nd Session, 1st Parliament, 32 Vict., 1869.

BILL.

An Act respecting certain Fee Funds in
the Province of Ontario.

Received and read, first time, Monday, 21st June,
1869.

Second reading, same day.

Hon. Sir JOHN A. MACDONALD.

OTTAWA :

PRINTED BY HUNTER, ROSE & CO

